

a) **DOV/15/01035 - Erection of seventeen one and two bedroom apartments and maisonettes (existing building to be demolished) - MOT Centre, 46 West Street, Deal**

b) **Summary of Recommendation**

Grant Planning Permission.

c) **Planning Policy and Guidance**

Dover District Core Strategy

Policy DM5 seeks to secure the provision of 30% affordable housing on sites of fifteen or more dwellings, or in exceptional circumstances, a financial payment towards provision off-site.

Policy DM11 considers the location of development and managing travel demand. Development that would generate travel outside of rural settlement confines will not be permitted unless justified by development plan policies.

Policy DM13 sets out parking standards for dwellings and identifies that it should be a design led process.

Policy CP4 relates to housing mix, density and design on sites of 10 or more dwellings.

Policy CP6 requires infrastructure to be in place or provision for it to be provided to meet the demands generated by the development.

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 (LALP)

There is no policy within the LALP directly related to this proposal.

Material Considerations

**National Planning Policy Framework (NPPF)**

The NPPF states that at its heart is a presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development: economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

**National Planning Policy Guidance (NPPG)**

Provides guidance on matters relating to the main issues associated with development.

## **Other Documents**

- 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/15/1143 – Demolition of MOT Centre – Prior Approval Required.

### **e) Consultee and Third Party Comments**

**Environmental Health (Environmental Protection Officer)** was consulted and raised no objections to the proposal subject to the imposition of a suitable safeguarding condition that relates to contamination.

No concerns were raised with regards to air quality or with regards to noise and disturbance.

**Kent County Council Highways** were consulted and raised no objections to this proposal subject to the imposition of conditions that address the following matters:

- Provision of construction/delivery vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing;
- Provision and maintenance of the visibility splay shown on the submitted plans with no obstructions over 0.6metres above carriageway level within the splay, prior to the use of the site commencing.

**Kent County Council Flood Officer** was consulted and has placed a holding objection on the application. This is on the basis that the proposal seeks to discharge surface water into the existing foul water system. This matter is subject to ongoing discussions with both Southern Water and KCC, and is hoped to be resolved prior to the planning committee meeting. A verbal update will be provided at the meeting.

**Kent County Council (Infrastructure)** requested that contributions be made towards library book-stock. They stated that whilst they would ordinarily request other contributions on a site such as this, given the pooling restrictions in place, they did not consider it prudent to do so.

**The Environment Agency** were consulted and raised no objections to this proposal subject to the imposition of suitable safeguarding conditions that would reduce the risk of tidal flooding to any future occupants. They have raised concerns with regards to ground floor accommodation within the flatted element. This is discussed in detail within the main body of the report.

**Southern Water** were consulted and raised concerns with regards to the discharge of surface water into the foul system. As set out above, this is a matter that is

currently in the process of being resolved, and we will report this to Members at the Planning Committee meeting.

**Kent Police** were consulted and raised concerns that the applicant had not contacted them with regards to considering Secure by Design. They requested that should planning permission be granted a condition be imposed to address this matter. This point is dealt with in the main body of this report.

**Southern Gas Networks** were consulted and raised no objections to the proposal subject to informatives being added.

### **Third Party Representations**

A total of 53 representations (52 objections) have been received (including a letter from the 'Friends of North Deal'). The comments raised within these letters are summarised below:

- The proposal would represent an overdevelopment of the site;
- There is a lack of car parking provision within the application site;
- The proposal would encroach further forward than the existing building which has been used publicly for a period of time, and would obscure sight lines;
- The proposal would result in overlooking to the existing properties;
- The proposal would be out of character with the surrounding area;
- It will be dangerous for young children during construction;
- Insufficient utilities within the area; and
- There is no overriding housing need.

As stated, there was also one letter of support. The comments raised within this letter are summarised below:

- The proposal would be an improvement on the existing building; and
- The development is in the right location near to facilities.

Deal Town Council were consulted and objected to the development on the following grounds:

- The proposal is detrimental to the Conservation Area;
- The area for development is not the same as the existing building footprint;
- Concerns regarding drainage and flooding; and
- There is a lack of parking and visibility for existing residents.

## **f) The Site and the Proposal**

### **1.1 The Site**

1.1.1 The site lies within the town centre of Deal, close to the station, and immediately adjacent to a Sainsbury's supermarket (and associated car park). The site formally contained a garage/MOT testing station which has subsequently been removed from the site by the new owners. This building was of a reasonable bulk, and its footprint encompassed the majority of the application site. The building was approximately 8 metres to its ridge.

1.1.2 To the north of the site lies Anchor Lane which is a narrow (made) track which serves a number of terrace properties at the end. These properties currently

face on to both the application site, and to a number of bungalows which sit immediately to the rear of the site. At the end of Anchor Lane is a one and a half storey dwelling, of brick and tile hanging construction.

- 1.1.3 A number of properties to the north of the site have their private amenity space that backs on to the application site. There are a number of trees planted along their boundary which provide privacy to these occupiers.
- 1.1.4 To the east of the application site (and across West Street) lies an open car park which is subject to a separate planning application. Surrounding this application site are terraced properties which sit within the Conservation Area. Many of these properties retain their original features, and contribute positively to their surrounds.
- 1.1.5 Likewise, as one moves northwards, the area becomes characterised by traditional terraced properties, with timber sash windows, and walls/railings along their frontage. This is a particularly attractive part of the town, which has a distinctive character and scale of building.
- 1.1.6 Heading southwards, the character quickly changes to a more commercial and open feel. There are large expanses of car parking within the locality, and the buildings are of a lesser merit than those to the north.
- 1.1.7 The application site therefore lies within a transition zone from the larger, blockier commercial buildings (of which the MOT centre was one), to the smaller and more detailed residential properties to the north.

## **1.2 The Proposed Development**

- 1.2.1 The proposed development would see the erection of a three storey block of flats that would front West Street, and the erection of two storey maisonettes to the rear.

### **Front Element**

- 1.2.2 The flatted element at the front would be constructed of brown stock brick at ground floor level, with timber effect cladding at first floor. The top floor would be set back from the façade by approximately 0.8metres and would be of a more lightweight construction (cladding and glazing).
- 1.2.3 This component would have a maximum width of 16metres (fronting West Street) and a depth of 18metres (along the Sainsbury's car park elevation).
- 1.2.4 It is proposed that a front projection be incorporated within the front elevation which would add some depth to the façade.
- 1.2.5 This element would incorporate nine flats (6 x one bedroom units and 3 x two bedroom units) which would all be served from a central core, accessed from West Street. None of these units would be provided with any external amenity space.

## **Rear Element**

- 1.2.6 The maisonette element of the proposal would be constructed of brick at ground floor with render above. The proposal would have a more traditional form, being of pitched roof construction.
- 1.2.7 This component would have a width of approximately 21.6metres (fronting Anchor Lane) and a depth of approximately 12metres. This would be set back approximately 3metres from the edge of the highway, set behind a flint boundary wall.
- 1.2.8 The front elevation of this component would include gable projections, and would also incorporate rooflights within the roof.
- 1.2.9 The rear element would consist of 8 units (4 x one bedroom units and 4 x two bedroom units split over two floors) which would all have independent accesses served from Anchor Lane.
- 1.2.10 These units would all be provided with some external outdoor space, be that either a small garden or a terraced (for the upper floor units).
- 1.2.11 Bin storage and cycle storage is proposed to be both internal and within designated units to the front of the maisonettes.

## **1.3 Main Issues**

- 1.3.1 The main issues with regards to this application are the impacts upon the character and appearance of the locality, the impact of the proposal on the existing residential properties, the provision of housing within the flood plain, and the impact upon highway safety.

## **Assessment**

### **1.4 Principle of Residential Development**

- 1.4.1 The site in question lies within the urban area, and upon previously developed land. The site has not been allocated within the Local Plan or the Core Strategy for any specific use although it does lie within an area of flood risk (flood zone 3).
- 1.4.2 As such, the principle of development is considered to be acceptable in this location, subject to all material considerations being fully addressed.

### **1.5 Five-Year Housing Land Supply**

- 1.5.1 Whilst the Council are unable to demonstrate a five year supply of housing land it is not considered that in this instance, this would represent any overriding requirement to grant planning permission in this location. There has historically been a presumption in favour of developing brownfield land in sustainable locations, and for this reason the lack of a five year housing land supply does not tip the balance in favour (or indeed otherwise).
- 1.5.2 The Council has quite correctly identified that some of their housing trajectory (213 units) can be met through windfall sites (of which this is one) but given

that the number of units is relatively small, it is not considered that this should be given significant weight in the determination of this application.

## **1.6 Townscape Character**

- 1.6.1 The application site is located adjacent to a large supermarket building 'Sainsbury's' which is a functional building of little architectural merit. This building, together with the large areas of car parking create a relatively utilitarian character, which juxtaposes a more traditional street pattern of terraced houses. The application site sits between the two differing areas, with the building (that has recently been demolished) linking the large scale of the supermarket with the small dwellings.
- 1.6.2 The design of this proposal has been significantly amended since the initial submission, which sought to introduce a more traditional design, with a mansard roof. This design approach was considered to be of insufficient quality to be approved, and as such the design has been amended accordingly.
- 1.6.3 The proposal is now of a more contemporary form, with two storeys of brick construction, and a lightweight third storey, which is set back from all exposed elevations fronting onto the public domain.
- 1.6.4 Whilst this form of building is not replicated within the immediate vicinity, it is considered to be of a scale and form that would respond positively to the character and appearance of the locality. This is very much a transition site between the commercial centre of Deal and the more residential area, and so to my mind the site can accommodate a good level of development subject to the standard of design being sufficient.
- 1.6.5 Significant negotiations have taken place to ensure that there is a good level of fenestration within all elevations, that would provide a strong vertical emphasis to the building that take its reference from the more traditional, Victorian terraces nearby.
- 1.6.6 The use of suitable materials has also been given a strong consideration, with the applicant encouraged to use a high quality stock brick, and boarding (or a relatively dark/subdued hue) that would reduce the prominence of the building, and also ensure that longer term it would retain its character (given this is a well-used highway, it is likely to generate significant dirt and dust).
- 1.6.7 The set back within the top floor is also considered to be important, as this further reduces the bulk of the building, particularly as one approaches the building. Given the relationship of the building with the highway, this reduction in bulk is particularly important, and as such, precise details of the set-back will be requested via condition should planning permission be granted.
- 1.6.8 Concern has been raised with regards to the fact that the building has been brought forward from the footprint of the existing building. I have no concerns in this regard as I consider that this reduces the possibility for the front gardens to accumulate rubbish and dirt.
- 1.6.9 All visible elevations of this property would be well articulated, and would include a good level of fenestration. Initially there were no side windows on

the proposal (fronting the Sainsbury's car park) but these have now been included. This is considered to represent good design, and will also provide additional surveillance over this area.

- 1.6.10 The maisonettes to the rear would be more traditional in their form, and would be at a lesser scale that would respond to the character and appearance of the nearby terraced properties. The inclusion of gable projections, and the use of a suitable palette of materials would ensure that this element of the proposal would be acceptable, and would assimilate into the area appropriately.
- 1.6.11 This part of the development would be set back from the main highway which again further reduces their impact, particularly when viewed from West Street.
- 1.6.12 The inclusion of a flint wall to the front is welcomed, and is considered to acknowledge a more traditional material that is seen within the locality.
- 1.6.13 Given the above, it is therefore considered that the proposal would not adversely impact upon the character and appearance of the locality, and would respect the setting of the Conservation Area to which it adjoins. No objection is therefore raised on the basis of the design, and impact upon the wider area.

## **1.7 Accessibility and Highways**

- 1.7.1 The application has been fully assessed by Kent County Council Highways. Whilst no off-street parking provision is proposed, the site is a sustainable town centre location and there are parking controls in place on the highways surrounding the site. There is also a good level of off-street parking nearby (including within the adjacent car park). As such, no objection is raised to this proposal on highway safety grounds.
- 1.7.2 The County Council do request however, that due to the constrained nature of the site, the delivery of materials will need to be carefully considered and a condition is suggested that would ensure the provision of vehicle loading/unloading on site (where possible), the provision of suitable cycle parking, and the provision and maintenance of suitable visibility splays.
- 1.7.3 I am in agreement that suitable cycle storage and visibility splays should be provided and maintained, but I am of the view that the details of the delivery of materials is not necessary, given there are existing parking controls within the locality that would overcome these matters.
- 1.7.4 For these reasons, I consider there to be no grounds to seek to refuse the application on highway safety or accessibility grounds.

## **1.8 Head of Terms**

- 1.8.1 The County Council have identified a number of contributions that they would require as a result of this development. In order to fully assess these requests they must be considered in light of 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:

- (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.

- 1.8.2 The Council's policy for developments of this nature is to require 30% of all units to be provided for the provision of affordable housing. Policy DM5 of the Core Strategy sets out that any development of 15 or more units would trigger this requirement, and given that this is for 17 units there would be a necessity to provide 5 units of the overall number. This is considered to meet the tests set out above.
- 1.8.3 The County Council have requested that contributions of £816.27 be made for the provision of additional book-stock that would mitigate the impact of this proposal. The necessity for this requirement has been evidenced, and as such I consider that this meets the tests set out above. As such, I consider it appropriate to request this contribution.
- 1.8.4 The County have stated that whilst they would ordinarily request contributions from a development such as this, given the pooling restrictions in place, they would be better served to obtain any contributions from other schemes that would be more likely to have a profound impact upon school provision within the locality.
- 1.8.5 If members are mindful of accepting the recommendation to grant permission, it would only be issued subject to the satisfactory completion of the signed legal agreement which would then bind the current and future owners of the land.

## **1.9 Flood Risk and Water Management**

- 1.9.1 The application has been accompanied by a Flood Risk Assessment that has been fully analysed by the Environment Agency. This sets out a number of conditions that they would wish to see imposed. They have however raised concerns with regards to the provision of sleeping accommodation within the ground floor, although they raise no objections to it.
- 1.9.2 The site is included within Flood Zone 3a on the Environment Agency's flood map and therefore has a 1 in 100 year or greater annual probability of river flooding, or a 1 in 200 year or greater annual probability of sea flooding. In this case it is the latter and to put it into context, a large part of the deal urban area falls within that same zone. Primarily for that reason, new flood defence works were recently completed in June 2014 also the Deal sea frontage. Together with rock revetment at Sandown Castle, and new wave wall and new beach, coastal flood defence works now provide a 1 in 300 year standard of protection against coastal flooding and wave overtopping.
- 1.9.3 Because of the site's location, a full Flood Risk Assessment (FRA) was submitted. In accordance with national policy advice in the NPPF and National Practice Guidance, it is necessary for development in such areas to pass both the sequential and the exception test. The purpose of the former is

to guide development to less vulnerable areas. However, as referred to above, that is difficult in the case of Deal given that most of the urban area lies within Flood Zone 3 and there are no obvious other sites within the town centre which pose less risk. The 3 allocated sites within the LALP are now committed and the remaining allocation relies heavily on windfall sites such as the current proposal, coming forward. Given its sustainability advantages and other site specific advantages as noted above, it is considered to be acceptable from a site sequential point of view.

- 1.9.4 With regard to the exception test, the two key components are the wider sustainability benefits and the outcome of the specific flood risk assessment. The former has been dealt with above. The FRA notes that all sleeping accommodation will be at first floor level and that the finished floor levels will be 150mm above existing ground levels which would be sufficient for both actual risk events and residual risk events such as the new sea defences failing. The calculations were based on a numerical hydrodynamic flood model and have been accepted by the Environment Agency. However as a further precautionary measure, the Agency would prefer to see thresholds set at 600mm above ground level due to the risk of some overland flow.
- 1.9.5 The conditions that have been requested would require that the internal floor level of building be raised to 600mm above the possible flood level, and this would ensure that there would be no water ingress into the building. Whilst the concern with regards to sleeping accommodation within the ground floor is understood, given there would be no water entering the building I am satisfied that this would not be to the detriment of the future resident's safety.
- 1.9.6 The applicants are currently liaising with Southern Water, who they state have 'verbally agreed' to allow for the surface water to be discharged into the foul water system, despite Southern Water's initial concerns. It is anticipated that this will be confirmed in writing very shortly, and that an update can be provided to Members prior to, or at the Planning Committee meeting to address this concern.

## **2.0 Residential Amenity**

- 2.1.1 The proposed development would result in the replacement of a commercial use, and all of the associated noise and disturbance that this would bring, with a residential use. Given the relatively tight nature of the site however, careful consideration needs to be given to both the existing residents, as well as future occupants of the building.
- 2.1.2 Due to the orientation of the existing buildings within Anchor Lane, (which front onto it) and the fact that some of the properties have private amenity space that lies in front of the application site, careful consideration had to be given to the impact of the proposal in terms of whether it would appear as overbearing, or whether there would be any direct overlooking. There is an existing row of trees and shrubs that provide a good level of screening as one first moved into Anchor Lane, and these fall within the ownership of the existing residents (and as such there is no pressure to remove these as a result of the development). This screen will prevent any significant overlooking of the private amenity space of these dwellings, and as such, the proposal would not give rise to any unacceptable impact upon the existing residents in this regard.

- 2.1.3 The separation of the properties from the proposed development would be as per the existing building and whilst this would be slightly higher it would not be of a scale that would appear as overbearing, or would result in the creation of a sense of enclosure. No objection is raised on this basis.
- 2.1.4 The rear of the site would see the scale of the buildings drop down, and to be set back from the access road. This would ensure that the relationship with the properties opposite would be acceptable, and would not give rise to direct overlooking, or the creation of a sense of enclosure.

## **2.2 Other Matters**

- 2.2.1 There are no outstanding ecological concerns with this application given the previous use of the site, and the fact that it was wholly developed. No mitigation has therefore been requested in terms of either quantitative or qualitative enhancements.
- 2.2.2 Due to the previous use of the site, and the provision of asbestos within the building the Council's Environmental Health Officer has requested that detailed planning conditions be imposed to ensure that the site is 'cleaned up' prior to any development taking place on site.

## **2.3 Planning Balance**

- 2.3.1 As with any planning application, there are a number of considerations that need to be fully balanced in the determination process. Clearly, in favour of this application is its sustainable location, within the town centre, and close to services and infrastructure that reduce the reliance upon the private car. The site is also brown field, and the proposal would make very efficient use of the land. It is however, a particularly densely developed site.
- 2.3.2 The application has been amended in order to provide a more sensitive design response to the character of the area. The design is now considered to be of a standard that warrants approval, subject to suitable conditions that would control the quality of the materials, and fenestration used. Whilst it is noted that a number of objectors have raised concerns that the development is not 'in keeping' with the Conservation Area, there is no requirement for new development to be of a pastiche form.
- 2.3.3 No parking provision is to be made for future residents of these units, and although numerous concerns have been raised by existing residents about the existing parking problems within the area, given the sustainable location, and the level of nearby car parking, I see no reason to object on this basis. Kent County Council concur with this view.
- 2.3.4 All other material matters have been fully considered within the report above.
- 2.3.5 For the reasons given above, it is considered that on balance this application is now 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 that provides the heads of terms, and the imposition of suitable safeguarding conditions that relate to the matters set out below.

**g) Recommendation**

- I Subject to the completion of a S106 Agreement to secure the following heads of terms: (i) The provision of 30% affordable housing within the development; and (ii) Contributions of £816.27 towards library book-stock; PERMISSION BE GRANTED subject to the following conditions: (i) Standard time limit for commencement; (ii) The development to be carried out in accordance with the approved plans; (iii) Agreement of the materials (which shall include stock brick). (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) Drainage details to be submitted; (xiii) EA Conditions (re: flood risk); (xiv) Highways conditions.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Chris Hawkins