

- a) **DOV/15/00123 – Erection of ten semi-detached dwellings and creation of vehicular access and parking spaces (existing bungalow and garage to be demolished) - Land at 191 and Forge Bungalow, London Road, Temple Ewell, Dover**

**Reason for report:** Number of contrary views.

b) **Summary of Recommendation**

Planning Permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- 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 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.
- 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 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.

- 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.
- 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; recognise the intrinsic character and beauty of the countryside; contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework; encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; 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.
- Chapter twelve requires that development has regard for its impact on the significance of heritage assets and their settings.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

DOV/05/00198 - Outline planning application for the erection of 24 residential flats (following demolition of existing buildings) - Refused

DOV/06/00734 - Outline application for the erection of 24 residential flats following demolition of existing buildings (siting and means of access to be agreed at this stage) - Refused and Dismissed at Appeal

e) **Consultee and Third Party Responses**

As originally submitted

Kent Police – Raise concern that the development has not been designed in such a way to prevent crime. In particular, the following concerns are raised: the paths to the rears of properties could allow undetected access; the steps will cause a likelihood of anti-social behaviour and criminal damage; the scheme lacks natural surveillance of areas; a redesign could produce a safer, securer development; the applicant is encouraged to engage with the Crime prevention and Design Officer.

Environment Agency – No objection, however, comments have been made. The proposal does not present a high risk in terms of contamination or groundwater. However, the former use may have led to contamination which should be investigated and remediated as appropriate. Any contaminated waste from the site should be dealt with appropriately.

DDC Environmental Health – it is recommended that, should planning permission be granted, conditions should be attached requiring further assessment of the site for contamination, as recommended by the contaminated land report submitted with the application.

Kent County Council Highways and Transportation – No objection to the principle of the development; however, the following amendments are suggested:

1. The access off London Road should (sic) be widened to the full extent of the aisle between the parking spaces, to provide adequate maneuvering room and allow two cars to pass each other in the access.
2. The access off Watersend should be widened to the full extent of the aisle between the parking spaces, to provide adequate maneuvering room.
3. The aisle between parking spaces 1/4 and 14/15 should be extended 1m beyond the end parking bays to provide adequate maneuvering room.
4. End parking spaces adjacent to soft landscaping should be increased to 2.7m in width. For spaces 1, 4, 7 and 8 this widening should not encroach into the visibility splay for the access.

However, a highway objection could not be sustained in the absence of these amendments.

Kent County Council Archaeology – Recommend that a condition requiring a programme of archaeological works be attached to any grant of permission

Temple Ewell Parish Council – Object:

"The parish council unanimously agrees that this application for ten semi-detached dwelling is an overdevelopment of the site. Plot number ten on the plans sits only a few feet away from the boundary of property 18 Templar Road, and due to a steep drop on the other side of the boundary wall, the resident is concerned that its stability may be affected. Her property will be overlooked and her privacy will be invaded. The village already has considerable issues with parking and the parish councillors are concerned that the allocated parking will not be adequate. They propose that Plot Number 10 be removed. This will not only address the parking concerns but also the privacy invasion and boundary wall stability of neighbouring properties (Templar Road)."

DDC Principal Ecologist – Due to the sites proximity to and relationship with the Lydden and Temple Ewell Downs SAC, the application has been screened within the meaning of Reg. 61 of the Habitats Regulations 2010. The walking of dogs has been highlighted in the past as a potential 'likely significant impact'. However, in this instance, it has been calculated that the development would result in a 0.6% increase in the dog population in Temple Ewell, which is not considered to be significant.

Public Representations – One letter of objection has been received, raising the following concerns:

- Loss of light and overlooking to neighbouring properties
- Lack of consultation
- Trees on the site have been felled

- The proposals should be constructed using the same bricks as the properties on Watersend
- There is too much parking to the lower part of the site, but insufficient car parking overall
- A construction management plan will be needed
- Harm to the character and appearance of the area
- Overdevelopment

In addition, three neutral comments (neither objecting nor supporting) have been received, raising the following points:

- Loss of light and overlooking to neighbours
- Excessive car parking at the lower level of the site and too little at the upper level
- Congestion on the highway
- Trees have already been felled at the site
- The houses in Watersend have a consistent character and palette of materials
- Any financial contributions received should be spent in Temple Ewell
- A construction management plan should be provided
- The type and density of the development is more acceptable than the flats previously proposed
- The site should be decontaminated

Finally, one letter of support has been received, making the following comments:

- The proposed development is more desirable than the commercial/industrial use
- The development is more appropriate than the previous application

*Representations received following amendments received on 25<sup>th</sup> August 2015*

Temple Ewell Parish Council – Two comments received.

*Comment received 1<sup>st</sup> October 2015 as follows:*

“The Parish Council has now considered the revised plans and is pleased to note that development at the lower level (plot 10) has been moved away from the boundary with number 18 Templar Road. They are however disappointed that this improvement has come at the expense of proposed over intensive development, at the upper level. The Parish Council is strongly of the opinion that 7 houses fronting London Road in blocks of 3 and 4 would be too much, and would give the appearance of an urban street scene rather than a village development. These properties cannot be compared with those nearby in Templar Road, which are tiny cottages and totally in keeping with the village environment. In our opinion the three pairs of properties as previously proposed are far preferable. By proposing seven at this level the parking provision has also been reduced which will no doubt lead to undesirable parking on London Road. As a further thought the Parish Council wondered whether plot 10 of the development could be turned through 90 degrees and re-sited where parking spaces 11/12/13 are at the moment, to move it even further away from 18 Templar Road and obviate its overbearing effect on that property”.

*Comment received 8<sup>th</sup> December as follows:*

“The Parish council is writing to the Planning Committee in connection with the above planning application, as the Parish Council are concerned about parking on the upper level of the development. As you will have noticed the Parish Council has recently taken steps to prevent parking on the verge at the opposite side of London Road and feel that if parking on this development is limited by the introduction of a 7<sup>th</sup> dwelling, and removal of some parking spaces, parking on the road is bound to following, causing a danger to

passing traffic and pedestrians. For this reason the Parish Council are strongly of the opinion that development at the upper level should be restricted to six properties with as much on-site parking as possible”.

Environment Agency – No further comments to make.

Kent Police – Raise concern that the development has not been designed in such a way to prevent crime. The stairway between units 4 and 5 could attract anti-social behaviour. The rear gardens of units 1 to 6 are exposed. The permeability of the site makes in vulnerable to crime.

Kent County Council Highways and Transportation – Comment as follows:

1. The revised proposals now have 7 dwellings fronting London Road with only 8 car parking spaces in close proximity. This may lead to on-street parking in London Road as the remainder of the off-street spaces for these dwellings are some distance away. Ideally there would be 2 spaces per dwelling in close proximity; however the previous layout with 6 dwellings and 10 parking spaces would be acceptable.

2. The access off London Road should be a vehicle crossing (as the existing) and widened to the full extent of the aisle between the parking spaces, to provide adequate maneuvering room and allow two cars to pass each other in the access.

DDC Principal Infrastructure and Delivery Officer – There is a need arising from the development to provide additional capacity for children’s play space of 0.0016ha, which equates to a contribution of £5,173.

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

- Potential overlooking
- Harm to the character and appearance
- Environmental concerns
- The development would increase traffic, access and parking issues in the area
- Noise and disturbance during construction
- The pavement outside the site is too narrow
- Loss of existing business
- Details of foul sewerage disposal should be requested

In addition, two neutral comments (neither objecting nor supporting) have been received, raising the following points:

- KCC Highways should be consulted
- At present vehicles obstruct the highway
- The existing highway is not appropriately sign posted
- Residents of the dwellings to the lower part of the site would need to walk on a shared surface
- Harm to pedestrian safety

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

1.1 The site lies within the settlement confines of Temple Ewell, which forms part of the build-up area of Dover. Dover is considered to be a Secondary Regional Centre, as defined by Core Strategy Policy CP1, where the major focus for development within the District will be. This part of Temple Ewell comprises two 'fingers' of development, one of which runs roughly east to west adjacent to the River Dour, and comprises the historic core of Temple Ewell, and the second of

which runs roughly north south, and comprises predominantly late C20th development on and around Temple Side and Target Firs. The east to west finger of development tracks along the southern side of London Road.

- 1.2 The area is predominantly residential with some small scale, complementary, services such as a Church, a village hall, a public house and a post office/shop. This part of Temple Ewell has a mixed character. The historic part of the settlement, which is designated as the Temple Ewell Conservation Area, lies to the east and south of the site and comprises mainly modest terraced dwellings, together with some small semi-detached and detached dwellings. This area has a strong character of close knit, street fronting, buildings of differing designs and built using a mixed palette of materials, including yellow/buff bricks, red bricks, flint, weatherboarding and early pebbledash. The ratio between the width of the lanes and the modest buildings, built against the edge of these lanes, produces a semi-rural quality. To the west of the site are the more recent developments of Watersend and Riverside. These developments depart from the historic pattern of development, providing larger detached properties which are set back from the road behind generous front gardens. Each of the two developments has a uniform design and palette of materials.
- 1.3 The topography of the area is dictated by the River Dour, with the land to the north and south, rising steadily. The site itself, which is to the far north of the settlement, occupies a relatively high position, although the land continues to rise beyond London Road to the north. The elevation of the site is, approximately, matched by that of the Church to the south of the river.
- 1.4 The site itself comprises an existing vehicle servicing garage and car sales use which fronts London Road and a bungalow which could be said to address Watersend. The commercial development on London Road includes a part two storey, part three storey building to the east of the site, which provides commercial space at its lower levels with a one bedroom flat above, together with an area for car parking and car sales to the west of the site. The bungalow provides three bedrooms and is served by a car parking area and a vehicular access onto Watersend. The land is relatively flat towards its north and south; however, the section of land to the middle of the site, between these flat areas, falls steeply from north to south.
- 1.5 This application is for the residential redevelopment of the existing site to provide ten dwellings. Seven of these properties would address London Road and would comprise terraces of four dwellings and three dwellings respectively. The remaining three dwellings would be accessed from Watersend and comprise a pair of semi-detached dwellings and one detached dwelling. In each case the buildings would be set back behind open car parking courts, providing eight spaces to the northern, London Road side of the site and twelve to the southern, Watersend side. A pedestrian alleyway would link the two halves of the development.
- 1.6 Units 1 to 7 are each two storeys to their front elevations and three storeys to their rears, being constructed against the change in land levels. Units 8 to 10 are wholly two storeys in height, being located on flat ground.

## **2 Main Issues**

2.1 The main issues are:

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

- The impacts of the development on the living conditions of neighbouring properties
- The impact on the highway network
- Financial viability

### Assessment

#### Principle of Development

- 2.2 The site lies within the confines of Dover (Temple Ewell), where the major focus of development within the District will be aimed. Within this location, the principle of residential development is acceptable, subject to other material considerations.
- 2.3 Furthermore, as the District cannot demonstrate a five year housing land supply and having regard for paragraphs 14 and 49 of the NPPF, significant weight should be given to the provision of housing whilst permission should be granted unless the development is unsustainable or specific policies in the NPPF direct that permission should be refused. The assessment of sustainability is a comprehensive exercise, having regard to the three dimensions of sustainable development and paragraphs 18 to 219 of the NPPF.

#### Character and Appearance

- 2.4 The site lies adjacent to the Temple Ewell Conservation Area and, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. Regard must also be had for whether the development secures a high quality design, integrating the development into the natural, built and historic environment and establishing a strong sense of place. The impacts on heritage assets will be addressed within the Heritage section of this report, although the findings in that section will rely to a degree on the assessments within this section.
- 2.5 The development towards the north of the site would be viewed in the context of the more historic development in the area, whilst the development to the south would be viewed, primarily, in the context of Watersend with the more historic development in the area forming the backdrop of views.
- 2.6 To the upper part of the site, addressing London Road, it is proposed to erect one terrace of four dwellings and one terrace of three dwellings. These properties would be set back from the footpath by between 9.5m and 11m. This part of the development would be seen in the context of historic core of the village and the development along London Road. The development within the historic core typically abuts the road, including No.189 London Road which is adjacent to the site, the set back of dwellings from London Road varies along its length. Whilst it is considered that a direct road frontage would provide a more positive relationship with the historic core, it is not considered that this set back would cause significant visual harm, particularly as the layout of the existing site is similar with the building set back from the road behind space for the parking and turning of cars. Although this layout is nonetheless disappointing, this relationship allows for the provision of off-street car parking which, as will be discussed later in this report, is important in this location.
- 2.7 The buildings towards London Road would be two storeys in height when viewed from London Road and three storeys in height to their rears, taking account of the reduction in land levels. The existing building on the site, although significantly smaller than the seven proposed dwellings, has a similar form, being part 2 storeys

and part 3 storeys. From London Road, the two storey appearance of the properties would sit comfortably with the height and massing of No.189 London Road, which provides the most prominent context for the development. The short terraces proposed would also relate well with the dense character of development within the historic core.

- 2.8 The rear elevations of these properties would be taller 3 storeys buildings. Glimpse views of the rear elevations would be possible from the surrounding area, in particular Templar Road. These views would be taken either through gaps between buildings or over the roofs of bungalows, at distances of between 45m and 75m. Less restricted, but longer, views of the site are possible from Brookside and Church Hill, around 115m to the south. In each of these views, the development would be seen in the context of other 3 storey, or partially 3 storey, buildings, including No.189 London Road, No.'s 152-160 (even) London Road and properties on Watersend. It is therefore considered that, given the context of the site, the scale and massing of the buildings would not be unacceptably harmful to the character of the area.
- 2.9 The dwellings to the southern section of the site, comprising a pair of semi-detached dwellings and one detached dwelling, would be visible from, and seen in the context of, Watersend. It is not considered that these properties would be unduly visible from Templar Road or further to the south. Watersend has a strong identity, being a planned development of large houses set back from the road by between 7 and 15m behind front gardens and driveways. Whilst visible from Watersend, the larger units proposed to the south of the site would be sufficiently distant from these properties that it would not be necessary, or desirable, to mimic them. However, the scale and form of the proposed buildings to this part of the site changes to form a visual link between the denser terraced dwellings to the north and the large, detached dwellings in Watersend. These dwellings would be wholly 2 storeys in height, reflecting the predominant height of buildings closer to the River Dour and the buildings to the south within Watersend.
- 2.10 Whilst the scale of the buildings would be comparable in scale to many of the properties within the historic core of the village, they would be seen in the context of the substantial buildings in Watersend. It is not considered that it would be appropriate to replicate the dwellings in Watersend, due to the sites relationship with the historic core (and Conservation Area) of the village, however it is appropriate that the scale of the buildings mediates the two scales of development, forming a transition, responding to its context and sitting comfortably with each. In this instance, it is considered that the development achieves such a transition.
- 2.11 The form of the buildings would sit comfortably with the traditional pitched roof dwellings within the area. Following several amendments through the course of the application, the design of the scheme has been amended. The resultant design is considered to be of a high quality, creating a regular rhythm to the facades which responds to the fenestrations within the village. Architectural features, such as brick plinths, reconstituted stone window cills and brick header detailing have been incorporated. It is considered that these simple yet effective details, which are found in buildings within the village, would ensure that the development would positively respond to the surrounding area. The materials to be used would also reference those found within the area. Overall, it is considered that detailed design and use of materials positively respond to the character and appearance of the area and would significantly enhance the sites contribution to the setting of the Conservation Area, compared with the existing commercial use of the site.
- 2.12 The development includes two relatively large car parking areas, which would be formed from brindle coloured permeable block paving, with the charcoal coloured



permeable paving demarcating the parking spaces. Whilst these areas are quite large, the applicant has provided a landscaping plan, which includes thirteen trees together with other planting which would soften the appearance of the site. The mixed material palette proposed for the hardstanding areas would also add interest to these areas, fitting with the semi-rural/village character of the area.

- 2.13 Concern has been raised that the application form states that there are no trees or hedges on the application site, whilst it is alleged that a number of conifer trees were felled after the application was submitted. It is apparent that a row of tall conifers was present to the southern part of the western boundary of the site; however, these did not provide a valuable contribution to the character of the area and were not protected. As such, notwithstanding the need to ensure that any development of the site provides appropriate landscaping, as detailed above, it is not considered that it would be reasonable to require that replacement trees are planted. As previously stated, thirteen trees are proposed as part of the redevelopment.
- 2.14 Overall, whilst it would be preferable, in design terms, to have buildings abutting London Road, it is considered that the layout proposed achieves an appropriate compromise and allows car parking outside of properties. The detailed design of the dwellings is considered to be of a high quality. Furthermore, the development would also replace existing buildings on the site which are considered to detract from the character of the area and the conservation area. For these reasons, the development is acceptable in design terms.

#### Heritage Assets

- 2.15 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.' 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. 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.
- 2.16 The nearest listed buildings to the site, the Church of St Peter and St Paul, which is Grade II\* Listed, and associated headstones, which are separately Grade II Listed, are set across the shallow valley of the River Dour approximately 150m to the south of the site. The land between the site and the listed buildings is largely developed, forming the heart of the village. Having regard for the separation between the site and the listed buildings, the views between the two, and the existing context of the listed buildings, it is not considered that the development would harm these listed buildings or their settings. No other listed buildings, or their settings, would be harmed by the development.
- 2.17 Whilst the Planning (Listed Buildings and Conservation Areas) Act 1990 does not require that special attention be paid to the desirability of preserving or enhancing setting of a Conservation Area (Section 72(1)), the Conservation Area is a designated heritage asset, as defined by the NPPF. As such, regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and their settings. Where harm is identified (either

substantial or less than substantial) consideration must be had for whether this harm is outweighed by public benefits.

- 2.18 The visual impact of the development on the character of the area has already been assessed and will not be repeated here. However, having regard for those conclusions, it is not considered that the proposal would cause harm to the setting of the Conservation Area, as a designated heritage asset, having a neutral impact.
- 2.19 As stated, the site lies approximately 150m north of the medieval church of St Peter and St Paul and is adjacent to the historic settlement of Temple Ewell. The site is also adjacent to the line of the Roman Road which linked Dover to Canterbury. Due to this location, the area is rich in archaeological remains, including Iron Age, Roman and Anglo Saxon remains. Within the close vicinity of the site Anglo Saxon Barrows and struck flints have been found, whilst WWII defences, historic farmsteads and a George V Pillar Post Box can be seen above ground.
- 2.20 Whilst a proportion of the site comprises made-ground, the proposal includes the erection of new buildings and excavations. As such, it is considered that there is a reasonable likelihood that the development will impact upon heritage assets of archaeological interest and, as such, it is recommended that, should permission be granted, a condition requiring a programme of archaeological work takes place to ensure that any archaeological finds are properly examined and recorded.

#### Impact on Residential Amenity

- 2.21 The plot is surrounded to its east, south and west by neighbouring properties. The developments impacts on the residential amenities of these properties must be considered.
- 2.22 No.'s 1 to 5 Watersend would be set at least 21m from the side elevation of the nearest property, Plot 7, with No.1 being the closest. Having regard for this relationship and the relative heights of buildings, it is not considered that any unacceptable loss of light, sense of enclosure or overlooking would occur.
- 2.23 No.189 London Road directly abuts the site to its eastern boundary. This property is set forward of the position of Plots 1 and 2. The position of Plots 1 and 2, together with their depth and height is similar to that of the existing building on the site, albeit Plot 1 would be slightly closer to the common boundary. Having regard for the positions of the existing and proposed buildings, it is not considered that the development would cause any significant additional loss of light or sense of enclosure to No.189. Two side facing windows are proposed within Plot 1 at upper ground and first floor levels, which would face towards No.189. Whilst these windows have the potential to cause a degree of overlooking, both of these windows would serve bathrooms and would be provided with obscure glazing. Furthermore, the existing building contains side facing windows, an external staircase and a door at first floor level and, as such, it is considered that the proposed development would not increase overlooking to this property.
- 2.24 No.'s 2 to 12 Templar Road are set approximately 18m to the east of Plot 1 and a minimum of 25m to the east of plots 7 to 10. Plot 1 would be set a similar distance from these dwellings as the existing building on the site. The existing building contains a balcony to its rear elevation, allowing a degree of overlooking. Having considered the separation distances to these properties, the location of windows and the relationship the existing property has with No.'s 2 to 12 Templar Road, it is not considered that any additional loss of light, sense of enclosure or overlooking would be caused by the development. Plots 7 to 10 would be relatively close to the

western boundaries of properties on Templar Road, set 7m away from the boundary and would therefore create some overlooking to the rear gardens of neighbouring properties. However, the rear gardens to these properties are relatively long and, as such, whilst some overlooking would be caused to the gardens of those properties, it is not considered that this overlooking would be unacceptable. Given the separation distance of around 19m from Plot 9 to No.'s 14 and 16 Templar Road, together with the orientation of the proposed property, it is not considered that the living conditions of those properties would be materially harmed.

- 2.25 The north western corner of No.18 Templar Road would be set around 10.5m from the side elevation of Plot 10. The application site is around 1.5m higher than the level of No.18 and its garden. At its closest point the proposed building would be approximately 5m to eaves height and 8.3m to ridge height. This elevation would include one ground floor window serving a WC. The existing building on the site is set slightly further away from No.18, at a distance of around 11m. At its closest to the boundary with No.18, the existing single storey building rises to a ridge of around 4.7m above ground level, with eaves of around 2.5m. The proposal has been amended through the course of the application to locate Plot 10 further away from No.18. Whilst the proposed building would be slightly closer to No.18 and taller, it is not considered that Plot 10 would be highly visible from No.18, with the change in land levels and boundary treatment of No.18 blocking views of the proposed building. Due to this, it is not considered that the development would cause an unacceptable loss of light, sense of enclosure or overlooking to No.18. Equally, it is not considered that the living conditions of No.20 would be unacceptably harmed, being set 16m to the south of the corner of Plot 10.

#### Impact on the Highway

- 2.26 Policy DM12 of the Core Strategy requires that developments provide suitable access arrangements, whilst policy DM13, being informed by Table 1.1, requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality the nature of the proposed development and design objectives.
- 2.27 The proposal seeks to utilise the existing access into the site, albeit improving the sight lines through the removal of the existing railings which are on top of the existing dwarf wall. This access would only allow one vehicle to enter or exit the site at any one time. Ideally the access would be of sufficient width to allow vehicles to enter and exit the site concurrently, however, this access would only serve eight car parking spaces and, as such, the likelihood of a vehicle having to wait on the highway whilst a car exits the site is small. The existing use of the site as a vehicle repair and sales garage would generate its own movements to and from the site and, similarly, does not permit concurrent access and egress, whilst visibility from the access would be improved. As such, it is not considered that the development would cause severe harm to the transport network and would not warrant refusal on this basis.
- 2.28 The proposal would incorporate both pedestrian visibility splays of 2m by 2m and vehicle visibility splays of 43m by 2.4m by 43m. It is considered that these visibility splays are appropriate, having regard for the likely use of the footpath by pedestrians and the speed of vehicles along this part of London Road.
- 2.29 The development proposes the provision of 20 car parking spaces, 8 of which would be adjacent to London Road and the remaining 12 would be adjacent to Watersend. The parking layout identifies two of these spaces as being for visitors.

It is considered that the development comfortably falls within the definition of a suburban edge/village/rural location.

- 2.30 Whilst four of the dwellings (Plots 1 to 4) as shown as having two bedrooms, it is considered that these could provide three bedrooms, incorporating reasonably sized studies and consequently comprises ten three bed dwellings. On this basis, Table 1.1 suggests the provision of 20 car parking spaces, plus 2 visitor spaces (0.2 spaces per dwelling). The proposal therefore falls short of the provision suggested by Table 1.1 by two spaces, although it is noted that the car parking would be provided on a communal basis which would provide a degree of flexibility. Policy DM13 states that whilst car parking provision should be informed by Table 1.1, the provision of car parking should be a design led process.
- 2.31 I am conscious that several representations have been received which raise concern that the development would not provide sufficient car parking. I am also aware that the road adjacent to the site can become parked up. There is evidence that vehicles regularly parked over the grass verge to the northern side of London Road; however, this verge has, during the course of the application, been landscaped to reduce inappropriate car parking. Whilst the lack of car parking within the area has been given weight, it is considered that the scheme would be unlikely to significantly exacerbate the existing situation. As has been outlined in the Character and Appearance section of this report, the site is relatively prominent and is seen in the context of the Conservation Area. As such, providing further hard standings for the parking of cars, or additional car parking to the London Road frontage, would cause harm to the setting of the Conservation Area.
- 2.32 This is a finely balanced assessment, weighing up an under provision of car parking against an improved relationship with the character and appearance of the area. However, on balance, it is not considered that the modest under provision of car parking spaces would result in severe residual cumulative impacts on the transport network and, as such, it would not warrant refusal on this basis, in accordance with paragraph 32 of the NPPF.

#### Contamination

- 2.33 The site lies over a principal aquifer and close to the River Dour whilst the site is currently used as a vehicle repair garage. Previously, the site was used as a petrol filling station and, historically, the site is understood to have been used as a forge/blacksmiths. The site is known to contain four buried fuel tanks, which contained petroleum, diesel, kerosene and paraffin. These tanks were permanently decommissioned in 1998. An above ground oil tank, with bunding, is also present on the site.
- 2.34 Having regard for the previous and current uses of the site, it is considered that there is a reasonable likelihood that contamination may exist, which has the potential to cause harm to human health, ground water and the environment.
- 2.35 The applicant has submitted a Preliminary Risk Assessment (PRA) and a Generic Human Health Risk Assessment (GHHRA), which provide a desk based assessment of the likely risks from the site, a walkover of the site and intrusive investigations, comprising seven boreholes spread across the site.
- 2.36 The PRA established that, given the uses of the site, there was a moderate to high risk of contamination (organic and inorganic). Intrusive ground investigations comprised eight samples from seven boreholes. Three of the eight samples recorded 'elevated concentrations of the PAH compound dibenzo(a,h) anthracene' and were considered to have the potential to pose a risk to human health. Further

investigation of the areas around the tanks was considered necessary, once the accurate locations of the tanks were known. The report also considered that detailed information regarding the groundwater regime beneath the site would be required in order to demonstrate the appropriateness of soakaways. Finally, the report recommended that personal protective equipment and health and hygiene practices would be needed to safeguard construction workers.

- 2.37 The Environment Agency has advised that the proposal does not constitute a high risk to groundwater and contaminated land and, as such, have not provided detailed advice. However, they have advised that the development should be carried out in a manner which addresses risks to controlled water from contamination on site. Furthermore, they advise that waste materials on site should be treated sensitively, having regard for other legislation.
- 2.38 Whilst, based on the findings of the submitted reports it is not considered that contamination would prohibit the development of the site, should permission be granted, it is considered that a series of conditions should be attached to require further investigation and mitigation, in accordance with CLR11 "Model Procedures for the Management of Contaminated Land" published by the Environment Agency. A condition requiring the removal of all asbestos has also been recommended.

#### Crime Prevention

- 2.39 Kent Police has raised concerns that the proposed development does not incorporate measures to design out crime. Concern has also been raised that the steps could be used in an anti-social manner. Whilst regard has been had for these concerns, in this instance it is considered that the pedestrian permeability of the site is positive and would increase the usability of the car parking areas and increase the likelihood of bicycles being stored in rear gardens. On balance, the benefit of the permeability of the site outweighs the harm. Separately, it is not considered that the site would benefit from a reasonable degree of natural surveillance. Whilst natural surveillance of the alleyway and steps would be minimal, both accesses to the site would have a good level of natural surveillance, whilst rear gardens would be overlooked by adjoining properties. It is therefore concluded that the development reaches an appropriate balance between providing natural surveillance and avoiding undesirable overlooking.

#### Contributions

- 2.40 Core Strategy Policy DM5 requires that for schemes of 5 to 14 dwellings an on-site provision of affordable housing or an equivalent financial contribution (or a combination of both) will be required.
- 2.41 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would also be expected to provide Open Space on site, or a contribution towards off- site provision, to meet the Open Space demand which would be generated by the development. In this instance, the development would create a need for 0.0016ha of children's play space, a reasonable contribution for which would equate to £5,173.
- 2.42 The applicants have submitted a financial viability assessment which seeks to demonstrate that the development is unable to provide contributions for affordable housing and the provision of a contribution towards Open Space. 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 Savills to carry out the assessment.

- 2.43 The report by Savills, which is attached at Appendix 1 of this report (with the applicants permission), appraises the Gross Development Value (GDV) of the development and the costs associated with developing the site, to establish whether the development would be viable, should contributions be sought.
- 2.44 It is important to emphasise that arriving at an accurate picture on viability is not a precise science. The outcome of any appraisal relies on inputting a range of cost and value assumptions, variations of which, even by modest degrees, can result in material changes to conclusions. The approach adopted is to independently assess and interrogate the applicant's assumptions and arrive at an agreed position.
- 2.45 Savills have undertaken their own assessment of the end value of the development (GDV) and the costs of delivering the scheme, which includes construction costs, acquisition and disposal fees, the cost of finance, reasonable developer profit and residual land value. Savills have then compared the values arrived at with those of the applicant.
- 2.46 Whilst there are differences in the approach and values arrived at between the applicants viability report and Savills viability report (as set out at page 5 of the Savills report), the result in both instances is that the development would be unviable were contributions to be sought, and substantially less than the 20% developer profit which is usually required for a viable scheme. Having regard for the wording of Policy DM5, together with the Council Supplementary Planning Document "Delivering Affordable Housing Through the Planning System" and its Addendum, it is not considered that the development would be viable were contributions to be sought.
- 2.47 The development falls under the threshold of 15 dwellings where mitigation for the recreational pressure placed upon the Thanet Coast and Sandwich Bay SPA and Ramsar site will be required, in accordance with the 'Habitats Directive' and the 'Habitats Regulations', as required by paragraphs 1.21 to 1.24 of Annex 1 of the Land Allocations Local Plan.

#### Overall Conclusions

- 2.48 The site lies within the settlement boundaries and the residential development of the site therefore accords with Policy DM1 of the Core Strategy. Furthermore, Dover District Council cannot demonstrate a five year housing land supply, which provides significant weight in favour of the application, which would provide an additional ten dwellings in a sustainable location.
- 2.49 This is a very balanced case. However, it is considered that the amended proposal strikes an appropriate compromise between providing sufficient car parking in the right locations and preserving the character of the area. Whilst the application does not provide affordable housing or developer contributions, the applicant has submitted reasonable justification for this in the form of a viability assessment. Furthermore, the development would remediate contamination on the site. For these reasons, and on balance, it is recommended that planning permission be granted.

#### g) Recommendation

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

(i) approved plans, (ii) samples of materials to be used, (iii) landscaping, (iv) provision and retention of car parking, (v) provision and retention of cycle parking, (vi) provision and retention of access, (vii) construction management plan, (viii) provision and retention of visibility splays, (ix) windows to be set in reveals, (x) archaeology, (xi) removal of permitted development rights relating to extensions, enlargements, alterations (including windows) and outbuildings, (xii) windows to the eastern elevation of plot 1 at ground and first floor level to be obscure glazed and non-opening, (xiii) assessment and mitigation of contaminated land, (xiv) removal of asbestos, (xv) provision of refuse storage.

- 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