

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 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

