

**a) DOV/16/00530 - Erection of a detached dwelling - Site adjacent to 5 Friends Close, Deal**

Reason for Report – Members resolved to defer the application at the Planning Committee meeting on the 23 March 2017. Initially, the application was referred to Planning Committee due to the number of contrary views that had been received with regard to this application.

**b) Summary of Recommendation**

Approval

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

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

Dover District Core Strategy

- Policy CP1: Settlement Hierarchy
- Policy CP4: Housing Quality, Mix, Density and Design
- Policy CP5: Sustainable Construction Standards
- Policy DM1: Settlement Boundaries
- Policy DM13: Parking Provision

Dover District Local Plan 2002 (saved policies)

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.

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.

- Section 6: Delivering a wide choice of high quality homes;
- Section 7: Requiring Good design ;
- Section 10: Meeting the challenge of climate change, flooding and coastal change.

National Planning Policy Guidance (NPPG)

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

#### Other Documents

The Kent Design Guide sets out design principles of development.

#### **d) Relevant Planning History**

DOV/04/00261      Site at Northwall Road, deal: Erection of 19 no. new 2 storey dwellings plus all associated works – GRANTED.

DOV/04/00261/C      Site at 89 Northwall Road, Deal: Amendments to approved planning permission DOV/04/00261 – changes to roof levels and children's play area and additional parking – GRANTED

This application was heard at the Planning Committee meeting on the 23 March 2017 where a report was prepared for Members with a recommendation for approval, with the applicant offering the submission of a Unilateral Undertaking that would see the completion of all highway works within the development completed within three months of the occupation of the dwelling in question.

At this meeting, Members resolved to defer the application for the following reasons:

'That, notwithstanding the Officer's recommendation, Application No DOV/16/00530 be DEFERRED for further information from the applicant on the following: i) Surface water and foul drainage and relocation of attenuation tanks; and ii) The availability of open space nearby, evidence of which will aid Committee members in considering whether the loss of designated open space is justified.'

#### **e) Assessment**

1. All material considerations were set out within the previous report, which is set out within Appendix 1 to this report. This report therefore seeks to address the two issues raised above, and also to update Members upon the latest position with regards to the road, and how its completion will be secured.

#### Drainage

2. Concern was raised at the meeting that the existing drainage tanks would need to be relocated as a result of this proposal. The applicant has submitted amended plans which show the location of the storage attenuation tanks. These are set under the car parking area and also to the rear of the proposed dwelling. These would not therefore be impacted upon by any foundations of the proposed dwellings.
3. The plans have been submitted to Kent County Council Highways Authority who have agreed that they are acceptable in terms of the impact upon the highways.
4. The storage proposed would be sufficient to meet the existing requirements of the development, as well as the new dwelling that is before Members for consideration. As such, the proposal would not bring about any additional flood risk within the

locality. The location of the drainage tanks has not changed significantly and thus comments from the EA, LLFA and SW are not required. That being said, given the drainage tanks need to be relocated, a condition will be imposed requiring details of the provision and relocation of drainage tanks to be submitted to the local planning authority, and agreed in writing, prior to the commencement of development.

5. The Environment Agency previously objected to the original application for 19 dwellings (DOV/04/00261) as the scheme did not incorporate appropriate flood risk measures. However, revised plans were submitted which were subsequently considered to be acceptable further to planning committees resolution to grant planning permission.
6. Southern Water raised no objection to the previous application (DOV/04/00261) provided that condition was imposed required details of the disposal of foul and surface water. The Council ensured that this was secured by condition.
7. The Environment Agency were consulted on the current proposal for a single dwelling, and raised no objection to the application subject to conditions which relate to the internal floor levels of the building. Southern water were not consulted on the application, however they will be consulted when details on the revised location of the drainage tanks are submitted.
8. Given that the drainage tanks need to be relocated, a condition will be imposed requiring details of the provision and relocation of drainage tanks to be submitted to the local planning authority, and agreed in writing, prior to the commencement of development.
9. It is therefore considered that there are no grounds to object to the proposal on the basis of flood mitigation/impact. It is considered that there are adequate measures in place to serve the development.

#### Open Space

10. In terms of the level of open space provision within the locality of the site, the site is located some 200metres from the North Deal Recreation Ground, which includes equipped play area, MUGA, and large areas of managed open space suitable for sports and recreation. This open space can be accessed by pedestrians from Northwall Road and is therefore considered to be easily accessible from Friends Close.
11. As one moves into the town the large Victoria Park, with associated leisure facilities is available for public use. Again, this is provided with a good level of equipped play, as well as sports provision. Victoria Park is identified within the Council's own Parks and Amenity Open Space Strategy (October 2013) as being of strategic importance, which identifies these as being where the Council will focus their efforts for improvements.
12. The Council's own strategy seeks for the provision of local play space within 600m and strategic play space within 1,000m of development – and as set out above, this proposal would meet with this criteria.
13. It is also noted that within the District of Dover, the strategy is for significant investment in these larger more strategic areas of open space, rather than the smaller sites such as this one. The reason being is that there is considered to be greater, wider public benefit from enhancing larger sites that attract greater numbers

of people – both in terms of the quality of life they enjoy, and also financially for the authority.

14. For these reasons, the loss of the relatively small amount of open space is not considered to be unacceptable. No objection is therefore raised on this basis.

#### Highways

15. As Members will recall, there was significant local interest in this application, although primarily due to criticism that the road surface was not completed following on from the previous development being occupied.
16. Whilst it was made clear that this in itself was not grounds to refuse this planning application, which was required to be determined on its own merits, the Council nevertheless sought to provide some comfort to the existing residents that this would be completed.
17. The applicant has been engaging with Kent County Council to resolve the matter of adoption of the highway – and thus the completion of the road surface etc. There is now agreement that a Bond can be entered into, with the applicant having already made the first instalment to Kent County Council Highways to recommence the Section 38 agreement.
18. Kent County Council have stated that they will provide the Road Bond subject to planning approval, which means that should the permission be granted, the works to the highway will be undertaken.
19. Again, this is not a material consideration in the determination of the application, but given the level of public interest in this matter, it was nevertheless considered prudent to inform Members as part of the application process.

#### Conclusion

20. It is therefore concluded that the application has now addressed Members' concerns both in terms of the drainage provision, and the impact upon the open space provision within the locality.
21. It is therefore recommended that Members give this application favourable consideration, and grant delegated power to grant planning permission, as per the recommendation on the papers (as appended to this report) and for any additional conditions or legal agreement that the Head of Planning and Development considers necessary.
22. It is recommended that an additional condition be imposed, which requires details of the relocation and provision of drainage tanks to be submitted to the local planning authority and approved in writing prior to the commencement of development.

#### Recommendation

Grant planning permission subject to conditions:

- I Grant planning permission subject to conditions, set to include, in summary; i) commencement within 3 years; ii) carried out in accordance with the approved drawings; iii) details of materials to be submitted iv) details of cycle and refuse storage; v) any conditions requested by KCC; vi) any conditions requested by KCC

Archaeology vii) any conditions requested by the Environment Agency; viii) details of the relocation and provision of drainage tanks.

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

Case Officer

Chris Hawkins