

- a) DOV/18/00308 Erection of three 2 bedroom houses and associated parking. - Land rear of 54, 56 & 58 Blenheim Road, Deal CT14 7DD

Reason for report: No of objectors

- b) **Summary of Recommendation**

Grant planning permission.

- c) **Planning Policies and Guidance**

#### Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan (2002) and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

#### Core Strategy Policies

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

#### Dover District Council Local Plan 'saved' policies (DDLPP)

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

#### Dover District Land Allocations Local Plan (2015)

There are no relevant policies in this plan.

## National Planning Policy Framework 2018 (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.
- Chapter five of the NPPF confirms that the Government's objective as to significantly boost the supply of homes and requires authorities to seek to deliver a sufficient supply of homes, based on a local housing need assessment.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Chapter eleven requires that land is used effectively, having regard for: the need for different types of housing and the availability of land suitable for accommodating it; local market conditions and viability; the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an areas prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.
- Chapter twelve confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:
  - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- Chapter fourteen requires that development should be directed away from areas at the highest risk from flooding. All development in areas which are at risk from flooding should be subjected to the sequential test, which seeks to steer new development to areas with the lowest risk of flooding. Development should not be granted in areas at risk from flooding if there are reasonably available sites in areas which have a lower risk of flooding. Development should also be subjected to the exception test which requires that the development provides wider sustainability benefits to the community that outweighs flood risk and that the development will be safe over its planned lifetime.
- Chapter fifteen requires that biodiversity is protected and enhanced by promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identifying and pursuing opportunities for securing measurable net gains for biodiversity. Paragraph 177 states that “the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined”.
- Chapter sixteen requires that development conserves and enhances the historic environment. An assessment should be made as to whether the development would cause harm to the significance of a heritage asset and, if so, whether this harm would be substantial or less than substantial. Any harm must be weighed against the public benefits of the scheme. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

#### The Kent Design Guide (KDG)

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

S38(6) of the Planning and Compulsory Purchase Act 2004 - all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16 & 66

d) **Relevant Planning History**

17/01087 Erection of two detached dwellings, two self-contained flats and detached four bay garage Withdrawn

09/00674 Erection of two semi-detached dwellings Refused

08/01311 Erection of two semi-detached town houses Refused

Adjacent to the site: 16/00510 – reduction from 24 to 18 flats within Norman Tailyour House comprising refurbishment and fenestration alterations.

e) **Consultee and Third Party Responses**

Deal Town Council:

Object to over development of the site, restricted access for emergency vehicles, close proximity to Norman Tailyour House, Health and Safety concerns regarding the limited access from existing house (on Blenheim Road) onto narrow alleyway, lack of satisfactory Construction Management Plan, site notice place inaccessibly.

Officer comment: 3 site notices were placed around the site (Hope Road, Blenheim Road, & Beaconsfield Road)

Environment Agency: Due to the most recent flood data they consider that the site is now outside the flood zone and therefore have no comments to make.

Southern Water: No objection. A formal application for a connection to the public foul sewer will need to be made at the appropriate time.

Public Representations: 15 letters of objection (8 letters as a result of re-advertising the amended application).

The reasons for objection are summarised as follows:

- No.s 50 & 52 Blenheim Road are not mentioned. Would like assurance that the right of way will be maintained to the rear of these properties
- Inaccessible site notice – site notices removed
- Overdevelopment of the site
- Limited access onto a one-way street
- Cramped development
- Development too close to properties in Hope Road, Beaconsfield Road and Norman Tailyour House
- Loss of privacy and light

- Site should be used for garages
- No access for emergency vehicles
- Disregards the conservation area
- The proposal will exacerbate existing on street parking problems
- Existing tenants of no.s 54 & 56 will lose their parking
- Inadequate parking
- Noise and disturbance to neighbouring properties
- Development too close to private right of way serving Hope Road
- The workshop is still in use
- Development should be single storey only

Previous comments reiterated after re-consultation

Non-material objections

54 Blenheim Road is to be converted to an HMO – surely this needs pp  
54 & 56 Blenheim Road are in a serious state of disrepair – issues associated with these properties should be addressed before further development is considered

The site is an eyesore

If the new dwellings are offered for rent then they will fail to be maintained

Lack of access for delivery vehicles

Abandoned car on site frontage

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

The Site

- 1.1 The application site is approximately 0.05 hectares in size and is situated in the confines of Deal. The site has historically fallen within Flood Zone 3.
- 1.2 The site is surrounded on all sides by residential development due to its backland location. To the north of the site is Beaconsfield Road, to the east Norman Tailour House, to the south is Hope Road and to the west Blenheim Road.
- 1.3 The sites falls within the designated conservation area (Victoria Road and Wellington Road) and is characterised by housing development largely comprising two storey housing of varying ages and architectural styles. These range from Victorian terrace cottages to 1930s, and later, family houses.
- 1.4 The site is described as being derelict land, but it is noted that it has been used as an allotment, for car parking and also a workshop. The site is relatively level within and in relation to adjoining land uses. The access is off Blenheim Road, is 3m wide and is bordered by no.54 Blenheim Road to the north and no. 56 to the south. No.s 54, 56 & 58 are all within the ownership of the applicant. No.s 56 & 58 previously formed a public house. All these properties are in a state of general disrepair.
- 1.5 No.50 & 52 Blenheim Road have a pedestrian right of access to the rear of their properties and also back onto the site. The dwellings in Hope Road have a rear pedestrian access which runs adjacent to part of the southern boundary of the site.

## The Proposal

1.6 The application seeks permission for the erection of three 2 bedroom storey and a half dwellings. The application has been submitted with the following supporting documents:

- Design and Access Statement
- Flood Risk Assessment
- Photographs of the site
- Plans including sections through the site

1.7 After a number of amendments to the scheme, the scheme subject to this recommendation comprises the following:

### Houses A & B

These dwellings have been reduced in scale from 3 bedrooms. They now comprise a pair of semi-detached two bed dwellings, staggered to each other by 2metres. The mansard roof brings the height to 6.3m from ground level. The dwellings are orientated towards Blenheim Road with the rear elevation to Norman Tailyour House. Dormer windows feature on the front elevation. Small gardens are provided to each dwelling at the rear.

### House C

A detached two bedroom chalet bungalow with barn hip roof with dormer windows at the front and velux windows on the rear. This dwelling is orientated at a right angle to the proposed houses A &B, with its rear elevation backing on to the garden of no.39 Beaconsfield Road. It is approximately 5.8m in height from ground level. The primary garden area is to the rear, although there is also some side garden to this proposed dwelling.

1.8 Parking is provided within the site; there is one car parking space for each of the proposed dwellings and two spaces are retained for no.s 56 & 58. A right of way is indicated on the drawings to be retained for access to no.s 50 & 52 Blenheim Road.

## **2. Main Issues**

2.1 The main issues for determination are as follows:

- The principle of the development
- The design/Impact on the character and appearance of the locality (including conservation area)
- Residential amenity
- Highway Impact
- Drainage/flooding issues
- Other material considerations

## **3. Assessment**

### The Principle of Development

- 3.1 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. This advice is reiterated in paragraph 12 of the NPPF.
- 3.2 The site is located within the urban boundary of Deal. Under Policy CP1 of the Core Strategy, Deal is identified as a District Centre - a Secondary focus for development in the District; suitable for urban scale development. Policy DM1 has a general presumption against development outside the settlement boundaries and therefore, in turn, presumes in favour of development within. The proposal therefore accords with Policies CP1 and DM1 and is acceptable in principle.
- 3.3 Policy DM11 seeks to manage travel demand. As the site is located within the urban boundaries and has the full range of travel types available (walk, cycle, car, public transport) the principle of development in this location would be in accordance with policy.
- 3.4 At present, the Council is unable to demonstrate a deliverable five year housing land supply. It is considered that the site would be well linked to the existing built up area of Deal and would be well linked to the facilities and services of the town, including bus stops, the train station, and the town centre (Policy DM11 above). Having regard to policies CP1, DM1, DM11, the need for housing and the sustainability of the sites location it is concluded that, subject to matters of detail, the principle of residential development on the site is acceptable.

#### The Design/Heritage Impact

- 3.5 The design of the proposed dwellings has evolved in part through the challenges that the site has presented. Due to its location amidst existing residential dwellings, the precise siting, scale and height of the dwellings has been a key consideration. In 2008 and 2009 planning permission was refused on two schemes that were of substantial bulk and scale to provide a pair of semi-detached dwellings in the centre of the site. The schemes failed to respect the neighbouring uses and were wholly unacceptable on a number of grounds including impact on the character and appearance of the Conservation Area.
- 3.6 The proposed dwellings would be finished using traditional materials including slate roofs, timber windows and doors, yellow stock brick at ground floor and timber weather boarding at first floor. Examples of these materials can be found elsewhere in the Conservation Area. Gutters and down pipes would be cast iron.
- 3.7 The general character of the area is Victorian era dwellings – predominantly terraced. Views into the site are limited from the top of the access from Blenheim Road and from the rear of existing properties. Norman Tailour House can be viewed from Blenheim but will become obscured from the careful siting of the proposed dwellings.
- 3.8 Paragraph 124 of the NPPF attaches great importance to the built environment and requires design to take account of the different roles and character of different areas. As stated, this is backland development with both

traditional dwellings and the somewhat underwhelming Norman Tailyour House to the rear. It is therefore hoped that any development on this site is able to form a sensitive link between the existing adjacent buildings.

- 3.9 Previous concerns in 2008/2009 related to the sheer scale of the residential development and the view that this would cause harm to the character of the area as would be visible from within the Conservation Area. The proposed scheme is significantly lower in height.
- 3.10 The scheme has still been subject to revision since the more recent 2017 application that was withdrawn. The 2017 scheme filled the majority of the site and would have been intense overdevelopment. The new dwellings have been reduced in scale and carefully sited to respect the existing adjacent dwellings. Plot B has been sited so as to improve the existing view from Blenheim Road. The design of all the dwellings has seen a reduction in their overall height through the introduction of mansard roofs or a barn hip (in the case of plot C).
- 3.11 Due to the reduction in height, this has resulted in a more compromised first floor in all the dwellings, which is not ideal. The volume of unrestricted floor space has been reduced therefore as there will be areas with limited head height– to address this dwellings A & B have been amended to 2 bed. The amended design has helped minimise the bulk of the dwellings when viewed from all angles. It is therefore considered that the bulk, scale and mass of the dwellings do not reflect the previous concerns from 2008/2009 regarding the impact on the Conservation Area. Such concerns have, therefore, been overcome.
- 3.12 The Design and Access Statement also assesses the potential Heritage impact of the proposal. Consideration has therefore been given to the level of harm, if any, that would be caused to the significance of the heritage asset (CA). The impact of the development when assessed under paragraph 196 of the NPPF is therefore considered not to cause harm.
- 3.13 Having discussed the site with the Principal Heritage Officer no concerns are raised from this development with regard heritage issues. 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.
- 3.14 It is therefore concluded that having paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, the impact on the heritage asset is considered to be neutral.

#### Residential Amenity

- 3.15 As stated earlier in this report, this site has been subject to a number of variants of schemes for residential use. Having assessed the most recent amendments the impact on existing residents is assessed below.

3.16 Norman Tailyour House is a category 2 sheltered housing development purpose built scheme for older people usually with communal facilities and a scheme manager) built in 1980, the accommodation is predominantly bedsit flats (24 in number) with shared bathrooms. However, planning permission 16/00510 granted consent to reduce the accommodation from 24 to 18 flats providing each flat with its own bathroom facilities. The application also secured a number of other enhancements. Of the most relevance to this application are the proposed Juliette balconies serving two living rooms on the western elevation. Whilst the scheme has not yet been implemented, it is understood that the works will be taking place imminently.

3.17 In terms of impact on the residents of Norman Tailyour House it is noted that the existing openings on the western elevation will essentially remain but may be adapted to accommodate full length windows and/or ground floor French doors. The applicant has provided sections which illustrate that the proposed dwellings will sit approximately 2m lower than the roof height of this western wing of Norman Tailyour House. In terms of the siting of the proposed dwellings,

- Plot A is 10m from the western wing and there are no openings on this part of the façade. There are no first floor windows that overlook the site.
- Plot B is just under 10m from the western wing where there is a communal hallway served by a window and part of a dining window/proposed full length with Juliette balcony at first floor level. The occupiers of the dining area of this one bed flat will have angled views from this window across the site. There are no first floor windows in Plot B that overlook the site.
- Plot C has its blank side elevation onto this western wing. The occupiers of the flat have a dining window/proposed full length with Juliette balcony at first floor level. Due to the lesser height of plot C and the reduced bulk from the barn hip there will still be some level of natural light afforded to the dining area.

3.18 On balance it is considered that the impact of the proposed dwellings on the existing Norman Tailyour House is acceptable. With regard to the reverse impact i.e Norman Tailyour on the proposed dwellings, of the 3 plots, plot B is slightly more compromised in the sense of the dining window at the rear of the garden; however as this is a proposed dwelling the future owner/occupier can choose not to take up residence should this be a concern.

3.19 To the north of the site is located Beaconsfield Road. Plot C will back onto the garden of no. 39. No.39 is a traditional two storey dwelling with an 'L' shaped configuration. The rear garden therefore varies from 10 to 15m in length. Together with the rear garden proposed for plot C there would be a distance of between 15m to 20 depending where the measurement is taken. To account for the proximity between the rear of these dwellings, Plot C would take the form of a storey and a half dwelling with only velux roof lights at the rear in addition to ground floor openings.

- 3.20 The western side elevation of plot C straddles the boundary between the rear of no.s 50 & 52 Blenheim Road. The roof hips away from the rear boundary of these dwellings and there are no windows proposed on this elevation. The eaves are 4m in height before the roof angles away. It is considered that on balance there is sufficient distance (12m to the nearest point) such that the building will not appear oppressive to the existing Victorian terraces. The existing right of way is shown to be retained by bollards on the plans.
- 3.21 Plots A & B face onto the rear of the applicants properties no. 56 & 58. It is proposed to maintain very small pockets of amenity to each of these dwellings. There will be 3 parking spaces between the dwellings. This again is a compact arrangement but the NPPF supports maximising the use of brownfield sites where possible.
- 3.22 The gardens in Hope Road vary in length but are in excess of 10m. There is a path which leads to the rear of these properties and separates the site from these gardens. Plot A would maintain 1m from the boundary with this path which will increase the separation distance. There is a proposed obscure glazed fixed shut bathroom window on the first floor elevation of this dwelling. An extractor fan would be required as an alternative means of ventilation.
- 3.23 The proposed development of this site has required much thought to achieve a design and layout that would work without being wholly unacceptable to existing residents. It is a balanced application whereby some aspects are not ideal, yet it is not considered they cause such harm to warrant a different recommendation. Whilst previous applications were deemed to be too harmful to existing and proposed residents, it is considered that this scheme is a compromise that, with the benefits of making good use of a brownfield site and providing small scale housing, could be acceptable.

#### Flood Risk/drainage

- 3.24 The site has previously been identified as being within Flood Zone 3 on the Environment Agency's flood map and as such the application has been accompanied by a Flood Risk Assessment. In response to this application the EA has stated that the site now falls outside this area, however the application has considered flooding through the submission of its FRA.
- 3.25 In accordance with the NPPF and the NPPG, it is necessary for development in areas identified to flood 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 3 with a 1 in 200 year or greater annual probability of sea flooding.
- 3.26 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.

- 3.27 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.
- 3.28 The two key components of the exception test relate to sustainability benefits and the outcome of a specific FRA. Due to the recent comments from the EA and in light of the information provided, even were the area still within an area liable to flooding, there would be no objections to this proposal on the grounds of flooding.

The Conservation of Habitats and Species Regulations 2017, Regulation 63:  
Appropriate Assessment

- 3.29 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 3.30 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 3.31 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 3.32 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 3.33 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 3.34 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The

mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

### Highways

- 3.35 The proposed development falls outside of the KCC highways consultation protocol.
- 3.36 There is an existing vehicular access onto Blenheim Road. Objections from third parties have been made on the grounds that the use of the access is unacceptable due to its constrained width. In the unfortunate event of one of the properties being on fire the emergency services would need to run the hose from the top of the access. Given the limited distance that properties would be from Blenheim Road, such an arrangement is not unusual and would be acceptable.
- 3.37 The likely volume of traffic generation from the dwellings would not be likely to cause a severe impact on the highway network. The development would provide one car parking space per dwelling, together with spaces for no.s 56 & 58 Blenheim Road. In this location two bedroom dwellings will be expected, subject to a design-led approach, to be provided with one space per dwelling. The development therefore accords with table 1.1 and therefore policy DM13 of the Core Strategy. Accordingly, there is no objection to the proposal on highway grounds.

### Planning Balance/Conclusion

- 3.38 It is considered that there is a finely balanced decision to be taken after much negotiation on how to deal with this site. It is not considered that any further scale of development could be accommodated on the site, nor deviation from the siting of what is proposed. In design terms, the scheme is positive and it would help secure a use for the site that would contribute to the housing need. However, it is also recognised that there are compromises in terms of the compactness of the accommodation. On balance, and given the need for dwellings in the district, it is recommended that permission be granted.

### (g) Recommendation

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; (vii) Provision of bin stores; (viii) Provision of cycle stores; (ix) Drainage details to be submitted (surface water & sewage disposal); (x) parking conditions; (xii) Obscure glazing/top hung windows where appropriate (xiii) Removal of pd rights for extensions & boundary treatment

Case Officer

Amanda Marks