

- a) **DOV/18/00592 – Outline application for the erection of five detached dwellings with visitors' car park and turning head (with appearance, landscaping, layout and scale reserved) - Land rear of Station Road, Walmer, Deal**

Reason for report – Deferred at the Planning Committee meeting held on 22 November 2018

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policies and Guidance**

Statute

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.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

- CP1 – Settlement hierarchy.
- DM1 – Settlement boundaries.
- DM11 – Location of development and managing travel demand.
- DM13 – Parking provision.
- DM15 – Protection of the countryside.
- DM16 – Landscape character.
- DM25 – Open space.

Saved Dover District Local Plan (2002) policies

None applicable.

Dover Land Allocations Local Plan

DM27 – Providing open space.

National Planning Policy Framework (NPPF) (2019)

2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually

supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

11. Plans and decisions should apply a presumption in favour of sustainable development...

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance 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.

96. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

97. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

124. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this...

127. 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.

d) **Relevant Planning History**

On-site:

DOV/87/00707 – Provision of 6 mobile homes as temporary accommodation during comprehensive improvements to dwellings – GRANTED.

Off-site (close proximity):

DOV/14/00361 – Erection of 223 dwellings (including 66 affordable units) together with associated vehicular access, car parking, landscaping and open space (amended plans) – GRANTED.

e) **Consultee and Third Party Responses**

KCC Highways [informally] – no objection to the proposed means of access, noting the relative infrequency with which larger vehicles will access the site, and the local parking provision proposed as part of the development at its northern end.

Dover District Council Waste Services – no objection – confirms that refuse should be collected directly from each property.

Kent Fire and Rescue – no objection – confirms that the means of access is considered satisfactory.

Walmer Parish Council – objects – RESOLVED:- That the committee objects to the proposal for the following reasons:–

- i) Members agreed that the application fails to meet section 9 paragraph 108 Safe and suitable access to the site can be achieved for all users.
- ii) The committee objects to the proposal now stating that previous advertisement indicated improvement to access surfacing, which is not now proposed.

Comments from 22 November 2018

The following comments were reported to and considered by Planning Committee on 22 November 2018:

DDC Regeneration and Delivery (planning policy) – in response to information provided by the applicant regarding the open space designation and its history:

- *The Council does not claim that the area is identified as protected open space because it was formerly used as allotments*
- *A number of other open spaces identified in on the proposals map are not currently publicly accessible, as stated in DM25 these should not be developed unless there is no identified qualitative or quantitative deficiency in public open space. The point is that protected sites have the potential of becoming accessible open space.*
- *In paragraph 3.16 the applicant makes reference to ‘extensive areas of countryside and areas of open space’ within 2km of the proposed development. This does not correspond with our adopted standards, as set out in the LALP, which require accessible green space state that there should be ‘at least one accessible green space of minimum size 0.4ha should be available within 300m and at least one green space of 2ha within 15 minute walking time or 1,000km. In addition, ‘countryside’ is not the same as accessible open space. I estimate the site size as 0.7ha (no area seems to be provided within the documents), so it is more than large enough to provide an open space of the requisite size. The analysis provided does not examine quantities of amenity open space in the vicinity.*
- *There is no consideration of visual amenity in the documentation. As we discussed, the adjacent Station Road 220 house development has a layout which was very carefully considered, will create a landscape buffer to the south east. Any proposals for developing this plot should take the layout of the adjacent development site into account, even though the applicant is depending on provision of open space within that application to serve the proposed development).*

DDC Environmental Health – no objection, subject to contaminated land condition.

KCC Highways – outside of consultation protocol – requests informative relating to the extent of highways land.

Southern Water – no objection – informatives relating to sewer connection and location of development/planting in relation to sewers.

Network Rail – no objection, subject to informatives.

Walmer Parish Council – objects –

RESOLVED: - That the committee objects to the proposal for the following reasons:-

Members are unable to agree that the proposed development meets NPPF section 4 (32) requirement, in which all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

- a) *That the proposed access/emergency access along Mayers Rd, is not fit for purpose due to parking related issues and general width of road. Members are unable to agree that the proposed development also meets NPPF section 10 (100) requirement of meeting the challenge of climate change, flooding and coastal change*
- b) *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Mayers Road is already subject to flooding concerns, especially from Court Road and Station Drive.*
- c) *Residents also shared their concerns regarding noise disturbance and excessive traffic within an already heavily congested area.*

Public comments – Objections x 8 (x 6 within consultation period); Support x 13

Objections

- Mayers Road is too busy, there is no suitable site access.
- Development will spoil view.
- Site has benefitted from ecology in the past.
- Disagrees with submitted sustainability conclusions.
- Area would no longer be quiet.
- Concern about access for refuse vehicles.
- Concern about construction vehicles.
- Problems accessing Station Road would be compounded.
- Emergency vehicle access.
- Flooding issues around Mayers Road.

Support

- Site is used as a rubbish dump and has been a waste land for years.
- Proposal is sympathetic to fabric of area.
- Development would improve outlook of area.
- Bungalows suitable for elderly.
- Parking spaces will help functioning of access roads.
- Turning head will be a benefit.
- Sees no difference from when the site was used by the council for caravans when Mayers Road houses were being upgraded.
- Applicant has liaised with local community.

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

The Site

- 1.1. The site is located outside of but adjacent to the Deal urban boundary south-west of Station Road in Walmer and north west of Mayers Road. Forming the north-west boundary of the site is the railway embankment of the Dover to Thanet line. The site comprises an elongated area of open scrub land, orientated south-west to north-east, with a concrete track that runs approximately half its

length located in the centre.

- 1.2. The site is accessed by private roadways from either Station Road or Mayers Road.
- 1.3. The site is designated open space under policy DM25 of the Core Strategy. This designation incorporates land to the south east of the site, which was formerly used as allotments, but which appears to have been sold to residents on Mayers Road, and is now being assimilated into domestic curtilages.
- 1.4. Approximate site dimensions are:
 - Depth – 125 metres (excluding access).
 - Width – 22.5 metres (excluding access).

Proposed Development

- 1.5. The application is outline in form with all matters except access reserved, for the erection of five detached dwellings. The dwellings are ostensibly, and illustratively, noted as being single storey.
- 1.6. The indicative drawings show that the dwellings would be laid out along the length of the site from north east to south west, with a single road providing access located alongside the south eastern boundary of the site. There would be a turning head at the south western end of the access road.
- 1.7. At the north eastern end of the site would be a car park with five spaces.
- 1.8. No examples of elevational details have been provided.
- 1.9. Plans will be on display.

2. Main issues

- Deferred application, 22 November 2018
- Highways and traffic impact
- Housing land supply position
- Reconsultations and description of development
- Matters covered previously
- Sustainability and conclusion

3. Assessment

Deferred application, 22 November 2018

- 3.1. At the Planning Committee meeting on 22 November 2018 members resolved to defer this application for the following reason:

“To allow for additional information to be gathered and further advice from Kent Highways in respect of the access road.”
- 3.2. Since the meeting on 22 November 2018, the applicant has provided further technical information in respect of the functioning of the access points both at Mayers Road and Station Road. This is considered below.

Highways and Traffic Impact

- 3.3. The applicant has provided information that details the tracking of the largest vehicles that would/might need to access the site. This includes a refuse truck, a fire appliance and a typical (larger) Sprinter sized delivery vehicle dimensions as follows –
- Refuse truck – 6.6m long, 2.14m wide, 3.95m wheel base.
 - Fire appliance – 8.68m long, 2.18m wide, 3,81m wheel base.
 - Sprinter delivery van – 7.9m long, 2.4m wide, 4m wheel base.
- 3.4. Each of the tracking diagrams show that these larger vehicles could access the site, even with on street parking by neighbouring residents in relatively close proximity.
- 3.5. The relevant consultees commented as follows:
- 3.6. **Kent Highways.** Having liaised with Kent Highways, no objections were raised to the possibility of either route being used as an access. It was considered that the relative infrequency of these vehicles using this as a means of access would not lead to a material worsening of highway safety, particularly when considering that each of these accesses is in existence already.
- 3.7. **Fire Officer.** The fire officer has also confirmed that the means of access is considered satisfactory for a fire appliance.
- 3.8. **DDC Waste Services.** DDC Waste Services has reviewed the technical information submitted by the applicant and raises no objection, subject to the ability to collect refuse directly from each property – rather than from a shared collection point. It is considered appropriate to seek details of waste collection through planning condition.
- 3.9. Following the submitted information and comments provided by relevant consultees, it is considered that the highways implications of this proposal have been sufficiently addressed. While the tight knit nature of the area and narrow roads are acknowledged, no objections have been raised and as such, the proposal is considered to be acceptable in this regard and in accordance with the requirements of NPPF paragraph 108.

Housing Land Supply Position

- 3.10. The 2017/2018 Dover District Council Annual Monitoring Report (AMR) was reported to Cabinet on 4 March 2019. The AMR concluded that the council in its role as the local planning authority (LPA) could demonstrate a five year supply of deliverable housing land. Cabinet agreed this position.
- 3.11. The consequence of being able to demonstrate a five year supply of housing land is that the policies which are most important for determining the application are considered to be in date.
- 3.12. Nevertheless, by virtue of updating its objectively assessed housing need in 2017, the LPA has acknowledged that some policies relating to housing supply, namely CP2 and CP3, are considered out of date. The result of this position is that there is some tension between an up to date housing land supply position and some out of date development plan policies, but regardless the presumption in favour of sustainable development, as defined by NPPF paragraph 11, applies.

- 3.13. In these circumstances the LPA acknowledges that less weight is attributed to policy DM1.
- 3.14. The presumption in favour of sustainable development directs that permission 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. Accordingly, this matter is concluded on below.

Reconsultations and Description of Development

- 3.15. The planning application has been reconsulted on twice since it was last reported to planning committee. DDC Waste Services initially requested that the access from Station Road (currently unmade) be surfaced in tarmac for the refuse truck to be able to use. This was initially agreed by the applicant and advertised as such, although no amended drawings were ever submitted.
- 3.16. Further consideration from the applicant queried this request, leading to it being removed from the proposal. The application was readvertised with the following description:

“Outline application for the erection of 5no. detached dwellings with visitors car park and turning head (with appearance, landscaping, layout and scale reserved) (re-advertisement, amended description - previous advertisement indicated improvement to access surfacing, which is not now proposed)”

- 3.17. For clarity, and if permitted, the applicant proposes to repair any damage caused to the access roads as a result of construction works. The applicant would then seek to fill any existing pot holes and leave the access roads in an improved condition than to begin with. Details of these works would be sought through planning condition.

Matters Covered Previously

- 3.18. The following matters were covered in the report to Planning Committee on 22 November 2018. These matters did not form the basis for the subsequent deferral of the application.
- 3.19. **Appropriate assessment.** The proposed development requires that an appropriate assessment be undertaken in relation to the potential effects of recreational pressure on the European sites at the Thanet Coast and Sandwich Bay.

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

- 3.20. 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.
- 3.21. 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 an

adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

- 3.22. Following consultation with Natural England, the identified pathway for such an adverse 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.
- 3.23. 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.
- 3.24. Given the limited scale of the development proposed by this application, a contribution towards the Council's 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.
- 3.25. Having had regard to the proposed mitigation measures, it is considered that the proposal would not have an 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 any harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 3.26. **Open space.** The application site is located on designated open space, as covered by policy DM25 of the 2010 Core Strategy, which states:
- 3.27. Policy DM25 of the Core Strategy states:

Proposals for development that would result in the loss of open space will not be permitted unless:

- i. there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space; or
 - ii. where there is such a deficiency the site is incapable of contributing to making it good; or
 - iii. where there is such a deficiency the site is capable of contributing to making it good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access, can be made available; or
 - iv. in the case of a school site the development is for educational purposes; or
 - v. in the case of small-scale development it is ancillary to the enjoyment of the open space; and
 - vi. in all cases except point 2, the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.
- 3.28. The basis for policy DM25, as acknowledged in the Core Strategy, is to protect the spaces that have been identified from alternative uses, with a view that these identified spaces would form a small, high quality network.
 - 3.29. The documentation submitted with the planning application contends that the site

was identified as open space in connection with the former allotments located to the south east. Following this line, the applicant has provided evidence that shows the site has not been used for this purpose from some time after the 1960s until the present day, including a period in the 1980s when it was occupied by caravans while repair works were undertaken to local dwellings. It is important to recognise, however, that the LPA does not necessarily link the designation of the site with the allotments.

3.30. The site has been in private ownership for 40 years and that there is no identified proposal for how it is intended to form part of a high quality network.

3.31. The NPPF states that planning policies should be based on robust and up-to-date assessments of the need for open space, including opportunities for new provision. Policy DM25 was adopted in 2010, with the latest audit prior to that date taking place in 2004 (the original designation was made based on an audit undertaken in the mid-1990s, which supported the Dover District Local Plan 2002). More recently, the Parks and Amenity Open Space Strategy from 2013, which provides the basis for policy DM27 adopted in 2015, has focused on accessible open space. The case put forward by the applicant is that this site, having been in private ownership for 40 years, has never technically in that time been accessible, regardless of how members of the public might have used it.

3.32. In its role as LPA, the onus is on Dover District Council to justify a deficiency that necessitates the need for this site to retain its designation as open space. Whatever the rationale might have been for the designation of this site, this would appear to be impaired by the assimilation of the allotment space into the rear gardens of the dwellings on Mayers Road, and by the permission granted under DOV/14/00361 for 223 dwellings on land allocation LA14 – Land between 51 and 77 Station Road, Walmer. That site, now beginning the first stages of construction, will provide an extensive area, located in very close proximity to the south-west of the application site, of natural and semi-natural green space, as well as providing a locally equipped area of play (LEAP) within the site.

3.33. No deficiency has been shown to exist, and certainly not one justified by a robust and recent assessment. Were there a deficiency identified, it is considered, notwithstanding the Regeneration and Delivery comments which are considered to be more applicable on a strategic basis, that for the reasons as discussed this site is incapable of addressing such a deficiency. Accordingly, the ongoing justification for this private land to be retained as designated open space would appear not to be as robust as the time of its original designation. Notwithstanding the tension with policy DM25, it is highly questionable (at best) that the site is capable of making good a deficiency in open space provision. Consequently, the weight attributed to any conflict with DM25 is considered to be limited.

3.34. Policy DM27 seeks the provision of open space for developments of five dwellings or above. The policy states that:

If it is impractical to provide a new area of open space in the form of an on-site contribution or there are existing facilities within the access distances contained in Table 1.2 and the capacity of those facilities can be expanded to meet the additional demand, then the District Council will consider accepting a commuted payment for the purpose of funding quantitative or qualitative improvement to an existing publicly accessible open space. Commuted sums will cover the cost of providing and maintaining the improvements.

3.35. It is considered impractical to provide on-site open space, given the size of the

site, the details of the proposal, and for the reasons as discussed above regarding the realities of retaining the open space designation. Accordingly, the policy would seek provision of a commuted sum for qualitative improvements off-site. The options for directing such a payment are, however, limited. The scheme permitted under DOV/14/00361 is in the early stages of development and any funding directed to that proposal would in effect be put into the control of a private enterprise, which is not a preferred approach. Where typically such a sum might be directed to a local scheme, there are no such local schemes proposed within the 600 metre walking distance. Accordingly, it is not considered that such a payment could successfully be pursued.

3.36. As such, it is considered that the loss of the designation on this site is justified, and regrettably, that seeking and distributing a commuted sum in this case is impractical.

3.37. **Street scene, visual and rural amenity.** The site is located behind both Station Road and Mayers Road. It is accessed by private roadways, which mean that it is not prominent within the street scene. The site is approximately 37 metres from the highway at Station Road and 69 metres from the highway at Mayers Road. Accordingly, in terms of the street scene, it is not considered that any harm from the proposal is likely to arise, even accounting for the application currently being outline in form with no details of elevations.

3.38. In terms of the wider amenity around the site, in terms of the development plan, it is technically located within the countryside. However, the situation on the ground, whereby the north-west boundary of the site is formed by the raised railway embankment, means that there would be no impact in terms of long range views.

3.39. Seen from the south-west, the existing arable field, which is subject to planning permission to be developed as open space in connection with application DOV/14/00361, conceivably could provide a link through to the application site if it remained undeveloped, however, there is intervening land which remains in private ownership and is not designated for this purpose, so the likelihood of this is slim. Were the site to gain permission for housing, the existing backdrop of development, i.e. the rear of the dwellings on Station Road, would mean that it would not appear out of place.

3.40. In effect, the site is considered to displays characteristics more closely reminiscent of the urban area, rather than the countryside.

3.41. Policy DM15 – Protection of the countryside, states:

Development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is:

- i. In accordance with allocations made in Development Plan Documents, or
- ii. justified by the needs of agriculture; or
- iii. justified by a need to sustain the rural economy or a rural community;
- iv. it cannot be accommodated elsewhere; and
- v. it does not result in the loss of ecological habitats.

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

3.42. The preliminary text to policy DM15 of the Core Strategy, defines land which is not considered to be countryside. This includes formal open space. Therefore,

policy DM15 is not considered to apply in terms of the loss of countryside, and for the reasons as assessed above, the proposed development would not be considered to adversely affect the character or appearance of the countryside. The proposed development is therefore considered to comply with policy DM15.

3.43. Policy DM16 – Landscape character, states:

Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:

- i. It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
- ii. It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

3.44. Similarly to the assessment undertaken against policy DM15, the proposed development, for the reasons explained above, is not considered to harm the character of the landscape. Accordingly, the criteria under DM16 are not considered to apply to this proposal, and the application is considered to comply with policy DM16.

3.45. Therefore, in terms of the effect on the street scene, visual and rural amenity, the amount and type of development proposed could be successfully accommodated in the application site.

3.46. **Residential amenity.** Based on the submitted indicative drawings, the front (south-east) facing elevations would be approximately the following distances away from the rear of the dwellings on Mayers Road:

- Rear boundary of allotments (now being incorporated into rear gardens) – 6 metres.
- Rear boundary of Mayers Road gardens as defined on Ordnance Survey (OS) maps – 45 metres.
- Rear elevations of dwellings on Mayers Road – 58 metres.

3.47. If the de facto use of the allotments as rear gardens is accepted, the dwellings would be in close proximity to the rear boundaries of these gardens. However, this is not known to be a definitive use and in any case, the rear garden boundaries as shown on OS maps are 45 metres to the south east, with rear elevations further still. These provide an indication of where the private rear amenity areas of these properties are and this is considered to be at a suitable distance that no harm might arise from overlooking.

3.48. The indicative side elevation of the dwelling at plot 1 is 16 metres from the rear garden boundaries of the dwellings on Station Road and 36 metres from the rear elevations. This is considered to be acceptable given that the gardens are therefore approximately 20 metres in length and given that in any case no elevational details have been provided. Were permission granted, such details could more accurately be considered as part of the reserved matters and designed to protect residential amenity as necessary.

3.49. The private access roads would see traffic movements associated with the five dwellings, including the residents themselves, visitors and deliveries, however, it is considered that such movements could be accommodated without resulting in undue harm in terms of disturbance caused. Although the proposed development is of a different type, it should be acknowledged that the allotment use which appears to have ceased/be reducing to the south east of the site would have

attracted car movements at different times of the day and potentially to a similar level.

- 3.50. It is considered that the scale of development proposed, combined with the distances between the likely locations of the dwellings and existing residents, means that any potential issues arising in terms of residential amenity could ultimately be addressed through design measures in a future reserved matters application. Accordingly, the development proposal is considered to be acceptable in residential amenity terms.
- 3.51. **Surface water flooding.** Concern has been raised in relation to surface water flooding at the site. It is considered reasonable to impose a condition seeking the submission of surface water drainage details alongside any reserved matters application.

4. Sustainability and Conclusion

- 4.1 The three roles that planning must undertake in delivering sustainable development are its economic role, its social role and its environmental role. In accordance with the presumption in favour of sustainable development, consideration against these three aspects, in light of the complex policy environment, is considered to be a pragmatic way of assessing the proposal.

Economic

- 4.2 The proposed development would deliver time limited benefits in terms of local construction work. It would also potentially deliver a small ongoing benefit in terms of new residents to the area, assuming that they have not moved within the district. There would be no adverse economic effects.

Social

- 4.3 The proposed development has the potential to deliver a small benefit in social terms, with new residents to the area. It would also represent a small benefit in terms of five additional dwellings to the Dover housing supply. There are unlikely to be any adverse social effects associated with the loss of this site, which unlike the area of designated open space to the south east, has not functioned as allotments within recent memory, and it is highly unlikely that the site could perform such a function in the future.

Environmental

- 4.4 The proposed development would result in the loss of designated open space, however, due to the historical context and the location of the site, screened by the railway line to the north west and complemented by a significant forthcoming provision of open space to the south west, this is not considered to be harmful. In spatial terms, it is considered that there is a justifiable rationale for the development of this site, which would reduce the need to identify land for five dwellings elsewhere in the district. There are shown to be no protected wildlife species present, which accords with the overall impression of the site in its current condition. The submitted ecology report recommends that although there are no protected species on site, there is the opportunity for biodiversity enhancements, which would represent an environmental benefit. It is considered that the loss of open land can be seen as a small negative effect, however, this is considered to be balanced by the benefit that the development proposal could bring i.e. environmental enhancements, the offset need to deliver five dwellings

elsewhere in the district, and the sustainable location of the site in immediate proximity to sustainable transport links, and close to local facilities.

- 4.5 It is therefore considered, on balance, that any negative effects of the proposal are justified, and outweighed by the potential benefits, as described above. The recommendation in this case remains to grant permission.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions, including: (1) Reserved matters (layout, appearance, scale, landscaping) (2) RM application time limit (3) Commencement time limit (4) Samples (5) Landscaping hard and soft, including means of enclosure (6) Highways – vehicle parking and turning facilities (7) Highways – completion of site access (8) Highways – cycle parking (9) Highways – completion of roads, footways, footpaths, verges, junctions, street lighting sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture in accordance with approved details by time to be agreed (timetable to be submitted) (10) Highways – completion of works between adopted highway and dwelling before occupation of dwelling – footways and/or footpaths; carriageways, turning facilities, highway drainage, visibility splays, street lighting, street name signs and highway structures (if any) (11) Highways – driver visibility splays (12) Highways – pedestrian visibility splays (13) Highways – no surface water on to public highway (14) Highways – bound surface (15) External lighting (16) Refuse storage and waste collection strategy (17) Domestic sprinklers (18) Site levels (19) Biodiversity enhancement (20) Surface water drainage scheme (21) Construction management plan (22) Details of proposed works to existing access laneways, including survey of pre-development condition and works to repair and improve the surface of these laneways.
- II. That powers 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 the Planning Committee.

Case Officer

Darren Bridgett