

- a) **DOV/19/00947 – Erection of 7 detached dwellings, creation of new access road with associated parking (existing dwelling to be demolished) - Tonkers, Hawksdown Road, Walmer**

Reason for report – number of contrary third-party comments (9)

- b) **Summary of Recommendation**

Grant planning permission.

- c) **Planning Policy 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)

- DM1 – Settlement boundaries.
- DM5 – Provision of affordable housing.
- DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None applicable.

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.

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.

#### Other Guidance

Addendum to the Affordable Housing SPD (2011)

d) **Relevant Planning History**

None.

e) **Consultee and Third-Party Responses**

DDC Trees – (Prior to amended scheme) recommended that layout be amended to reduce/remove conflict with trees in neighbouring gardens. (Following amended scheme) recommends condition for arboricultural method statement including requirement for details of foundations in relation to dwelling at plot 5.

KCC Highways – No objection, subject to conditions.

KCC Infrastructure – No objection, subject to following infrastructure requests:

- Primary education – Deal Parochial Primary School expansion – £19,944.
- Secondary education – Goodwin Academy/Sir Roger Manwood expansion – £24,690.
- Community learning – Deal Adult Education Centre – £153.84.
- Libraries – book stock at Deal library – £288.09.
- Social care – extra care accommodation in Dover District – £881.28.

All homes to be built as wheelchair accessible and adaptable dwellings.

Informative – fibre optic broadband to the premises – FTTP.

KCC Archaeology – No objection, subject to condition.

KCC SUDS – No comment received.

Southern Water – Application for connection to public sewer is required. SUDS maintenance scheme is required.

Affinity Water – No comment received.

Walmer Parish Council – [Following amendments] The committee positively supports the proposal.

Third Party comments – 9x objections, 1x support

Objections

- Dominance of some dwellings over neighbouring rear garden space.
- Overbearing of some dwelling layouts along length of neighbouring boundaries.
- Drainage issues in relation to location of soakaways.
- Concern about foul drainage and positioning of dwellings in relation to the topography of the site.
- Conflict with overhanging trees and potentially tree roots from neighbouring gardens.
- Concern that overshadowing would be caused.
- Suggests reduction in numbers to six, issue of density.
- Traffic.

Support

- Site has been allowed to fall into disrepair, proposed dwellings are in keeping with surrounding properties.

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

## 1.1. The Site

The site is located in Walmer on the eastern side of Hawksdown Road, at its junction with Grams Road. The site is approximately 0.55 hectares in area and the land falls from Hawksdown Road in an easterly direction.

- 1.2. The site comprises the residential dwelling Tonkers, dating from the 1950s/60s, an area of hard standing to its front (north) and a garden primarily laid to lawn, with a small orchard in the east of the site. The garden is generally bordered by trees of various species and is well enclosed.
- 1.3. Immediately neighbouring the site are the following dwellings:
  - Woodlea – cut out of the north east corner of what would have previously been part of the same plot. This house is located at a lower level than the application site surrounding it.
  - The Coach House – located east of an access drive at the eastern end of the site, set at a lower level where the land keeps falling towards the valley bottom.
  - Queendown – located immediately south of The Coach House.
  - Wingfield – located diagonal to the south east corner of the site, immediately south of Queendown.
  - Cedar Rise – located immediately south of the eastern half of the site.
  - Conifers – located immediately south of the western half of the site.
- 1.4. West of the site on the opposite side of Hawksdown Road, and set on higher land, are the following dwellings – Suria, The Laire, Tall Timber and Watchbell House.
- 1.5. North of the site, on the opposite side of Grams Road, are the following dwellings – 17, 18, 19, 20, 21 and 22 Trinity Homes, and the residential home Abbeyfield House.
- 1.6. Site dimensions, approximately, are:
  - Depth (from access) – 100 metres, 60 metres at Woodlea.
  - Width – 65 metres, 30 metres at Woodlea.

## Proposed Development

- 1.7 The proposed development comprises the demolition of the existing property, Tonkers, and the erection of seven dwellings laid out around a central access road. The access road would involve the widening of the existing residential access, and it would run east from that point.
- 1.8 Existing trees are in the main proposed to be retained, and in turn these help to form the wider site boundary. Each dwelling would have a double garage, as well as space for parking outside. Gardens are broadly of an equal size across the development.
- 1.9 The design of dwellings incorporates traditional forms with pitched roofs and traditional materials. All dwellings incorporate two storeys, either with rooms in the roof, or with a complete first floor.

## 2. Main Issues

- 2.1. The main issues to consider are:

- Principle of development
- Design and visual amenity
- Residential amenity
- Highways and traffic impact
- Ecology and appropriate assessment
- Trees
- Planning obligations – affordable housing and infrastructure
- Other matters

### **3. Assessment**

#### **3.1. Principle of Development**

The site is located within the wider Deal urban boundary. The development is acceptable, subject to material considerations.

#### **3.2. Design and Visual Amenity**

The elongated shape of the site has informed the proposed layout. There is a single access road with turning area that runs from the existing access point on Hawksdown Road south east through the centre of the site, with dwellings proposed either side of this.

3.3. For a site of 0.55 hectares, a typical density calculation at 30 dwellings per hectare would result in the provision of 16 or 17 dwellings gross. However, this does not account for the site context or the prevailing density of dwellings in the area. Discussed further below, the proposed development is considered to make efficient use of the site while still maintaining an acceptable relationship with neighbouring dwellings (in spatial terms) and still being able to be accommodated comfortably within the street scene.

3.4. In terms of how the site will be perceived from the highway, boundary planting is proposed in large parts to be retained, or strengthened, which while acknowledging the development within the site, will allow for a large part of the existing character to be maintained.

3.5. In terms of how the development would feel from within, there is a large proportion of the site that has been given over to a combination of the access road and parking areas, which has the potential to create a generally loose internal layout, with front boundaries not overly defined. However, with the considered use of materials for hard and soft landscaping, as well as planting proposals being taken into account, this matter would not be so prominent once the development has matured.

3.6. The design of dwellings and use of materials, is well considered, with a generally attractive aesthetic proposed, offering a contemporary Kentish vernacular. Typically, the reference is to pitched roofs, catslides and chalet layouts, but with a clean finish.

3.7. The proportion of proposed garden space, particularly that shown as green space, is welcomed and adds to the design character of the proposal, which is considered to be of a good standard.

3.8. The design proposals are considered to be acceptable.

3.9. Residential Amenity

The applicant has worked with local residents to amend the scheme, in order to address residential amenity concerns.

3.10. Particular concerns were raised about the originally submitted proposal in relation to the interaction of the proposed dwelling at plot 4 and the rear (southern) boundary of the neighbour at Woodlea. Woodlea is set at a lower level than the immediate site surrounding it, such that in many places its first floor accords with ground level inside the site where immediately adjacent. The applicant has redesigned this part of the site so that the orientation of the buildings has been turned, facing the gable end to the dividing boundary and lessening any sense of overbearing. Upstairs windows facing immediately towards Woodlea have been designed out and where there is a bedroom roof light facing toward Woodlea, the cill height has been set at 1.7 metres above internal finished floor level.

3.11. In relation to the relocated dwelling at plot 4, consideration was given to the potential for overlooking towards Queendown and The Coach House to the east, however, separation distances here are considered adequate so that no undue harm to amenity would arise.

3.12. At plot 3, the windows facing toward Woodlea have a minimum cill height of 1.65 metres, which is below the normal 1.7 metres standard to avoid overlooking, however, these windows are above a void space adjacent to a galleried walkway, so it is considered in this case that the potential for loss of privacy resulting from these windows is limited. Due to the difference in land heights, any views towards Woodlea from these windows are likely only to be over its rooftop.

3.13. In all other locations, windows have been located either, so they do not face toward neighbours, or so that any windows that do face toward neighbours are at ground floor level.

3.14. In residential amenity terms, the development is considered to be acceptable.

3.15. Highways and Traffic Impact

The proposed site access would involve a widening of the existing site access. The Kent Highways officer has commented that this access would have adequate visibility and that the small number of trips generated by this proposal would be unlikely to have a severe impact on the highway network.

3.16. Adequate parking is also proposed.

3.17. The proposed development is considered acceptable in regard to the functioning of the highway.

3.18. Ecology and Appropriate Assessment

The site comprises a residential garden primarily laid to lawn. There is low potential for this proposal to have an adverse impact on ecology, however, following the principles of net biodiversity gain, a biodiversity enhancement scheme will be conditioned on any grant of permission.

- 3.19. The proposal is considered acceptable in terms of its ecology impacts on site.
- 3.20. The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment
- 3.21. 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.
- 3.22. 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.
- 3.23. 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.
- 3.24. 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.
- 3.25. 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.
- 3.26. 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 the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 3.27. Trees
- Concern was raised by the neighbour at Cedar Rise regarding the impact of the originally submitted proposal on the large cypress trees located in that property – both in terms of the conflict of overhanging branches and on their root protection areas.
- 3.28. The DDC tree officer visited the site and recommended amendments to the layout. The applicants amended the layout such that dwellings 4 and 5 were set away from the overhanging branches, and such that the root protection area of the eastern cypress tree was avoided. Where tree branches overhang the site, significantly so in some cases, the applicant is legally able to cut these back. Were permission granted, a condition is proposed to submit for approval details of any

proposed tree works in this regard to ensure the ongoing health of the tree.

3.29. The applicants have subsequently amended the scheme to move dwelling 5 away from the root area of the western cypress tree. Nevertheless, there is the potential of some remaining conflict, so the tree officer has recommended that this can also be addressed by condition, also having regard to foundation design at this point.

3.30. Tree considerations are therefore considered to be acceptably addressed.

3.31. Planning Obligations – Affordable Housing and Infrastructure

Due to the site area for the proposed development exceeding 0.5 hectares, albeit with the proposal not being equal to 10 dwellings net, a requirement for affordable housing is incurred under policy DM5 of the Core Strategy. There has been some discussion of whether the application of DM5 in this circumstance is the correct procedure, given the definition of major development as contained in The Town and Country Planning (Development Management Procedure) (England) Order 2015 as compared to the guidance in the NPPF 2019 and the planning practice guidance, nevertheless, the applicant agrees to the requirement of the policy.

3.32. Policy DM5 provides, for developments between 5 and 14 dwellings, the option to meet the requirement of the policy through a financial contribution. The Addendum to the Affordable Housing SPD further defines how the financial contribution is calculated. The applicable calculation is 5% of the gross development value (GDV) i.e. total sales values. From a brief interrogation of asking prices in and around Hawksdown Road, dwellings of a comparable size can be seen on the market for around £625,000.

3.33. A further consideration that must be taken into account is the vacant building credit, which would deduct the floor space of the existing dwelling Tonkers, from the proposed floor space of all the new dwellings taken together and apply this as a fraction of the calculation undertaken through the Addendum to the Affordable Housing SPD. National planning practice guidance illustrates the process as follows:

*The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.*

3.34. Given that Tonkers has not been abandoned and was purchased for the purpose of redevelopment, it is considered that it would meet the definition of a vacant building. No information is currently available regarding respective floor spaces of the existing building, or the proposed buildings, however, this will be updated verbally during the committee meeting. Notwithstanding this, the recommendation requests that the matter is delegated to the Head of Planning, Regeneration and Development, to be determined, and agreed/negotiated, by way of an evidence based submission from the applicants.

3.35. Infrastructure Requirements

Kent County Council has requested the following contributions:

- Primary education – Deal Parochial Primary School expansion – £19,944.
- Secondary education – Dover Grammar School for Girls expansion – £24,690.



- Community learning – Deal Adult Education Centre – £153.84.
  - Libraries – book stock at Deal library – £288.09.
  - Social care – extra care accommodation in Dover District – £881.28.
- 3.36. The Dover District Council principal infrastructure officer has requested the following with regard to open space provision:
- Outdoor sports provision – £3254.27 – towards an enhanced maintenance regime at Deal and Betteshanger Rugby Club.
  - Children’s equipped play space – £4967.19 – towards the enhancement of the strategic play space at Marke Wood Rec. in Walmer.
- 3.37. The applicant has agreed to meet all infrastructure requests.
- 3.38. The Thanet Coast and Sandwich Bay mitigation strategy does not apply on schemes below 15 dwellings. Therefore, no payment is sought in this regard.
- 3.39. The total infrastructure costs, excluding affordable housing, equate to **£51,179**, which the applicant has agreed to pay. The affordable housing requirement, as noted, would be subject to further interrogation.
- 3.40. Subject to the payment of the identified planning obligations, the scheme is considered acceptable.
- 3.41. Other Matters
- 3.42. Drainage. Some concern has been raised about the proximity of soakaways to the proposed dwellings. Soakaways appear to have been shown at a distance of 5 metres from the dwellings, whereas the requirement for chalk soil is 10 metres. The KCC SUDS team did not reply to the consultation, however, it is considered prudent to attach a condition for such details to be submitted for formal approval.
- 3.43. Archaeology. The county archaeologist has recommended that a planning condition be used on any grant of permission to secure a programme of archaeological work in accordance with a written specification and timetable. Accordingly, the proposed development is considered to be acceptable in respect of any archaeological implications that it may have.

#### **4. Conclusion (and sustainability)**

- 4.1 The planning system undertakes three roles in regard to sustainable development – economic, social and environmental. While the scheme is considered acceptable in principle and all other material regards, consideration in light of these roles is nevertheless considered a prudent approach to decision making.
- 4.2 Economic. The proposed development would have some time limited benefits in terms of the construction contract. It would also potentially enable new residents in the area who may contribute to the local economy. The scheme is therefore considered to have economic benefits.
- 4.3 Social. The proposal potentially would bring new families to the area that could benefit and play a part in the local community and support local facilities. The scheme also represents a net gain of six dwellings to the area. Issues in regard to any impact on residential amenity are considered to have been addressed by the proposal. The development is therefore considered to have noticeable social benefits.

- 4.4 Environmental. The development of an existing residential site, with a good standard of design, as opposed to developing undeveloped land, is considered to represent a primary benefit of this proposal. The proposal makes efficient use of land and is within a recognised settlement. The proposal has been amended to take account of its immediate environment. The scheme is considered to have strong environmental benefits.
- 4.5 Overall, the proposal is considered to be beneficial and as such, the recommendation, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 11 of the NPPF, is to grant permission.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to a legal agreement, including resolution of an affordable housing financial payment; and conditions, including the following:
- (1) Time limit
  - (2) Plans
  - (3) Materials
  - (4) Hard and soft landscaping, means of enclosure, gates
  - (5) Site sections
  - (6) Details of earthworks and regrading
  - (7) Arboricultural method statement, including details of foundations at plot 5
  - (8) Provision of visibility splays prior to use of site commencing
  - (9) Pedestrian visibility splays
  - (10) Widening of vehicle crossover prior to works commencing
  - (11) Access gradient
  - (12) Bound surface
  - (13) Parking, garaging and turning areas
  - (14) Bicycle parking
  - (15) Surface water drainage scheme
  - (16) No surface water onto highway
  - (17) Refuse and recycling bins
  - (18) PD restrictions – A (alterations and extensions), B (extensions to the roof), E (outbuildings), F (hard surfaces)
  - (19) Archaeology
  - (20) Biodiversity enhancement scheme
  - (21) Construction management plan
- II. That powers be delegated to the Head of Planning, Regeneration and Development to resolve the details of the affordable housing financial payment, and 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