

- a) **DOV/20/00187 – Erection of two buildings incorporating sixteen flats, associated car parking and landscaping (existing garages to be demolished) - Garage block between 42 and 44 Kimberley Close, Dover**

Reason for report: The number of representations received objecting to the proposal.

b) **Summary of Recommendation**

Planning Permission be granted subject to conditions.

c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

- Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Dover is identified as the major focus for development in the District, suitable for the largest scale developments.
- CP4 – Sets out strategic considerations for housing development, including the need to reflect the local housing market and provide an appropriate housing mix. Density should wherever possible exceed 40 dwellings per hectare.
- DM1 – Development will not be permitted outside 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.
- DM5 – The Council will seek applications for residential developments of 15 or more dwellings to provide 30% of homes as affordable homes in home types that will address prioritised need.
- 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 the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in Table 1.1 of the Core Strategy.

Land Allocations Local Plan

- DM27 – Planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand.

National Planning Policy Framework (NPPF)

The most relevant parts of the NPPF are summarised below:

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

- Paragraph 11 states that development proposals that accord with an up-to-date development plan should be approved 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, permission should be granted unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development (having regard for footnote 6); or
 - ii. 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.
- Paragraph 108 states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable modes of transport can be taken up, safe and suitable access to the site can be achieved for all users, and any significant impacts on the transport network or highway safety can be mitigated to an acceptable degree.
- Paragraph 109 states that 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.
- Paragraph 110 states (amongst other things) that applications should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; and allow for the efficient delivery of goods, and access by service and emergency vehicles.
- Paragraph 117 states that decisions should promote an efficient use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Paragraph 118 states that decisions should (amongst other things) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing and available sites could be used more effectively.
- Paragraph 122 states that decisions should support development that makes efficient use of land, taking into account the need for different types of housing, local market conditions, infrastructure, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places.
- Paragraph 127 states that decisions should (amongst other things) ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities), and create places that promote health and well-being, with a high standard of amenity for existing and future users.
- Paragraph 158 says that development should be steered towards areas with the lowest risk of flooding, using the sequential test.

- Paragraph 163 says that, in determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.
- Paragraph 165: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- Paragraph 175 says that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, planning permission should be refused. Development which is likely to have an adverse effect on a SSSI or other designated habitats site should not normally be permitted. The only exception is where the benefits of the development clearly outweigh its likely impact on the features for which the site is designated.
- Paragraph 177: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- Paragraph 178: Planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The National Design Guide and Kent Design Guide (KDG)

- These Guides provide criteria and advice on providing well designed development.

Nationally Described Space Standards

- Provides guidance on floorspace and other size and layout criteria for the provision of housing.

d) Relevant Planning History

None.

e) Consultee and Third-Party Responses

Dover Town Council – Support, provided issues raised by KCC Highways are addressed.

Environment Agency – Based on the submitted information we consider that planning permission could be granted for the proposed development if planning conditions are included. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application. The requested conditions relate to the need to carry out remediation for any unforeseen contamination, and no infiltration of surface water drainage into the ground unless explicitly authorised. Foul drainage must be connected to the main sewer.

KCC Flood and Water Management – The application is supported by a Foul and Surface Water Drainage Strategy report with outline of a number of surface water drainage proposals for the site, demonstrating the feasibility of the different drainage options. The applicant however has not concluded the drainage strategy of the site due to the absence of ground investigation to determine infiltration feasibility. Notwithstanding the above, we would recommend conditions requiring the submission and approval of a detailed sustainable surface water drainage scheme to demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and

including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. If infiltration is to be used, it should be demonstrated that there is no resultant unacceptable risk to controlled waters and/or ground stability. A verification report for the SUDS should be submitted before occupation takes place.

Southern Water – Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer and requests an informative be attached to any consent.

At Planning Consultation stage, we refer to the interests of other Parties with regards to Surface Water disposal principles including the Environment Agency and Lead Flood Authority. At all stages we support the Hierarchy of H3 of Building Regulations with the preference for the use of soakaways. If connection to a surface water sewer proves to be the only viable means of disposal and should we have no option but to accept such discharge, then it should be at a rate set by the Lead Flood Authority who should set such a rate of discharge by consultation with us. The responsibility is theirs, but they need our technical advice in determining the rate.

If there is an existing connection and impermeable area connected, then we would use this as a guide to determining the discharge rate. Otherwise we would aim to attenuate to green field run off rates as the SUDS manual.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No overflows from infiltration facilities will be allowed to communicate with public sewers. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Further detailed advice is offered on the design and content of SUDS.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Conditions are requested with regard to the provision of foul and surface water drainage.

Affinity Water – The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Connaught Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Natural England – Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s)

may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Advises that an Appropriate Assessment under the Habitats Regulations is required. Standing advice should be followed with regard to impact on protected species.

KCC Highways – Whilst I have no objection in principle to the proposals, I would comment further as follows:

1. The parking survey indicates that up to 4 spaces are available overnight in the existing site access road and Durban Close when the demand for residential parking is at its highest. Whilst additional parking is available in other streets, these are too far away from the site to be used in practice by residents currently using the parking within the existing site. It therefore appears difficult to suitably accommodate the demand for all 9 spaces currently used within the existing site. Bearing in mind the anticipated low demand for overnight parking within the site (only 8% or 2 spaces), consideration should be given to the other 7 spaces within the site being available overnight to existing residents.

2. I note the proposal for double yellow lines in the vicinity of the site access, however these will remove existing on-street parking spaces which appear to be in high demand overnight. I suggest the refuse collection is discussed further with the Waste Team at Dover District Council, to see if the collection can be made from Kimberley Close as is the case for the existing residential properties. This would remove the need for the double yellow lines in the access road. If this is not possible, I suggest single yellow lines are used instead to provide manoeuvring room for the refuse vehicle during the day and allowing parking to still take place overnight when demand is at its highest.

KCC Developer Contributions – Has requested the following contributions:

£262.72 towards additional equipment and resources for the additional learners at Dover Adult Education Centre;

£887.20 towards services and stock to be made available at Dover Library;

£2,350.08 towards specialist care accommodation within the Borough of Dover;

£92.72 towards improvements at Dover HWRC to increase capacity to mitigate impact.

A request for a contribution towards the Dover Youth Service has been withdrawn in the light of the characteristics of the intended occupants of this development.

In addition, has requested that all homes be built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2). A condition is requested requiring the submission and approval of a scheme for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic connections.

Designing Out Crime Officer – No objection subject to the incorporation of a number of technical measures to meet Secured By Design standards.

DDC Environmental Health Officer – Requests a “watching brief” condition with respect to potential ground contamination, and a Construction Management Plan.

DDC Waste Services Manager – All individual properties will have a launch pack. Flats depending on the amount of properties in each block will vary approx. 180 litres of refuse per flat, 55 litres of recycling for tins, glass & plastics, 55 litres for paper & card recycling

& outside food caddy, 7 litre kitchen caddy for each property, majority of bins for flats would be communal bins.

Public representations – 15 objections received raising the following issues:

- Parking is already a problem in Kimberley Close; the loss of 17 garages and 21 spaces, plus 16 new flats with minimal parking can only make things worse;
- Parking is under severe pressure especially in the evenings when people return from work; some park work vans which makes it worse;
- Access is restricted and parking takes place on paths;
- Difficulty of access for emergency vehicles;
- Insufficient parking for the new dwellings
- Overdevelopment – too much being squeezed into a small space;
- Drains are frequently blocked with debris due to lack of maintenance;
- Affordable temporary housing means there could be lots of different people coming into the area, putting the old and young at risk; this will also make the neighbourhood busy and unsafe;
- Overlooking and loss of privacy;
- Erosion of Green Belt and destruction of wildlife habitats, including nesting bats;
- Lack of open space for children;
- The parking spaces on this site are separate from the garages and have been used as overflow parking since the estate was built; alternative parking options are either not realistically available, impractical or dangerous; people have no option but to park here.

f) 1. The Site and the Proposal

1.1 The application has been submitted by Dover District Council in its role as Housing Authority. It is therefore dealt with under Regulation 3 of the T&CP General Regulations 1992. The purpose of the proposed development is to provide “interim” housing accommodation, that is, housing intended to be occupied on a short-term basis by people who would otherwise be homeless or in other temporary accommodation such as bed and breakfast accommodation.

1.2 The site is a garage and parking area accessed via a spur road off Kimberley Close. It has a maximum length of about 50m, a width of 17m and a total area of 0.086ha. It is a basically rectangular site, but with a slight kink roughly half-way along. The access is at the southern end, with the road sloping up from Kimberley Close and running up through the centre of the site. At the northern end of the site are two blocks of flat-roofed concrete garages (17 garages in all); the remainder of the site is taken up by open parking spaces either side of the central access. The southern part of the site slopes up from south to north, but it flattens out at the northern end. To the west are the ends of the rear gardens of 34-42 Kimberley Close, the gardens sloping down towards the houses. To the north are houses in Kimberley Walk, with the side wall of a single-storey side extension to number 12 abutting the site boundary. To the east is wooded land, sloping steeply up, away from the site, with other undeveloped land beyond.

- 1.3 It is proposed to demolish the garages and erect two, two-storey buildings, each accommodating eight studio flats, four on the ground floor and four on the first floor. The buildings are virtually identical, except that building B (the southern building) would have a lean-to cycle store and laundry room attached to its northern side. Each flat will have a bedroom/living room/kitchen area and a separate shower/wc and an internal floor area of 19.8m². They will be accessed via a central entrance lobby, with the upper flats accessed by an internal stairway. The buildings will be basically rectangular (with the entrances recessed under a small canopy) and have pitched and gabled roofs, with a ridge height of around 8m and eaves height of 5.5m, although this varies slightly due to changing ground levels. Building A is at the northern end of the site, close to the boundary with 12 Kimberley Walk, but at a slight angle to the boundary to reduce the scope for overlooking into the rear garden of that property. Building B is to the south, approximately behind the rear garden of 40 Kimberley Close, and on slightly lower ground, reflecting the existing topography. They will be constructed of yellow stock brick with brown brick feature panels and grey concrete roof tiles. There will be window openings on all elevations, with first floor windows on the west elevation of building B and the west and north elevations of building A fitted with obscured glass to protect the privacy of neighbouring houses outside the site.
- 1.4 A total of nine car parking spaces will be provided, three adjacent to the entrance to the site and six between buildings A and B. Two of the spaces will be for disabled parking. Existing access to a garage in the garden of 38 Kimberley Close will be retained. A pedestrian link will be provided through the site to link up with the path in front of Kimberley Walk and the stepped pathway leading down to Kimberley Close at the north-western corner of the site. A refuse and recycling storage compound is to be provided in the south-western corner of the site, adjacent to the site entrance. Areas of grassed and landscaped communal amenity space are shown around building A and to the east of building B. A wall-mounted CCTV camera will be on building A.
- 1.5 The application is accompanied by a Design and Access Statement, Planning Statement, Transport Statement, Arboricultural Impact Assessment, Preliminary Ecological Appraisal and more detailed Bat survey, Geoenvironmental desk study, Ground Investigation report, Flood Risk Assessment, Drainage Strategy and Construction Management Plan.

2. Main Issues

2.1 The main issues are:

- The principle of developing this site for housing;
- The nature and purpose of the proposed housing;
- Impact on the character of the area and on residential amenity;
- Parking and highways considerations;
- Contamination and drainage;
- Habitats and ecology;
- Developer contributions.

Assessment

Principle

2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the

development plan; for the purpose of any determination to be made under the Planning Acts, the determination must be in accordance with the plan unless material considerations indicate otherwise.

- 2.3 Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. The site lies within the defined urban confines of Dover, which is identified under policy CP1 as being the major focus for development in the district, suitable for the largest scale developments.
- 2.4 Policy DM1 and the settlement confines referred to within the policy were devised, in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy, with the purpose of delivering 505 dwellings per annum. In accordance with the Government's standardised methodology for calculating the need for housing, the Council must now deliver 629 dwellings per annum. However, the application site is within the defined settlement confines and, as such, Policy DM1 supports development in this general location. Consequently, it is considered that DM1 reflects the NPPF (which supports locating development in urban areas) and, as a matter of judgement, it is considered that policy DM1 is not out-of-date (insofar as this application is concerned) and, as a result, should continue to carry significant weight.
- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The site falls within the settlement confines and so development here is supported by DM11. This support is consistent with the NPPF which seeks to focus development in locations which are or can be made sustainable, where there is access to a range of modes of transport (including walking and cycling) and where development will support existing facilities and services, and social integration. Insofar as this application is concerned, it is therefore considered that DM11 is not out-of-date and should continue to attract significant weight.
- 2.6 Having regard to the compliance with Policy DM1 and DM11, new residential development within this area is acceptable in principle. The site currently has built structures (the garage blocks) and much of the rest of the site is hard-surfaced, such that it may be regarded as Previously Developed Land for the purposes of applying NPPF policy, including paragraphs 117 and 118. Paragraph 118 gives substantial weight to the use of brownfield land to provide housing and promotes the development of under-utilised land to help meet identified needs. The development would have a density of 186 dwellings per hectare, easily meeting the expectations of CP4. The determining issues for this application therefore rest on consideration of the impact of the proposed development in its specific context and the impact on surroundings, including its impact on the character of the area and existing residential amenities, the impact of the loss of the existing garages and parking spaces, technical and environmental issues, and a consideration of its general compatibility with the requirements of the NPPF.

The Nature and Purpose of the Proposed Housing

- 2.7 Policy CP4 sets out broad criteria for the provision of housing. The supporting text highlights the importance of meeting the needs of the full range of housing requirements. This is broadly consistent with the objectives set out in NPPF paragraphs 59 and 61 which talk about meeting the needs of groups with specific housing requirements, including providing housing with a range of size, type and tenure. The Planning Statement submitted with this application points out that

DDC has a duty to provide people who are homeless or threatened with homelessness with advice and appropriate assistance.

- 2.8 The Strategic Housing Market Assessment in 2017 identified that there were 285 households either homeless or in need of temporary accommodation. Information submitted with the current application explains that the number of households in temporary accommodation is slowly and steadily rising. This is partly due to a lack of move-on accommodation both in the private and social housing sector. As at mid-December (2019) there were 158 households in all forms of temporary housing. This includes 18 in bed and breakfast, 90 in nightly paid accommodation, 8 in a hostel, 3 in private sector leased accommodation, and 39 in the Council's own stock. Of the 158, there are 56 single people and 5 couples, representing 39% of the total number. In support of the application, the Housing Development Manager says:

"There is a need and demand for affordable housing of all types across the District. However, there is a particular, identified shortage of housing for single people. Dover District Council is committed to reducing the use of temporary accommodation for all residents of the District. This development of 16 flats will contribute towards this commitment and address the housing needs of single people by providing good quality, affordable, interim accommodation until residents can move on into permanent housing. The properties will be owned and managed by Dover District Council."

- 2.9 This establishes the need for accommodation of the type proposed here, which is specifically aimed at single people; this proposed development is not intended to accommodate families with children. The development would provide purpose-built, high quality accommodation that is affordable to the intended occupants. It also provides the opportunity to provide targeted accommodation that is under the direct control of the Housing Authority and has the potential to be more cost-effective than some of the alternatives currently employed, including bed and breakfast accommodation.
- 2.10 Each flat has a GFIA of 19.8m², which is below the nationally described standard for a one-bedroom, one-person flat with shower room (37m²). The Council has not formally adopted the national standard, so the weight to be afforded to this is limited; nevertheless it is appropriate to regard it as a "good" standard to aim at. In this instance, it is acknowledged that the flats are intended as temporary accommodation whilst alternative more permanent housing solutions are found for the intended occupants. In discussions with the Housing Manager, it has been suggested that the maximum length of individual tenancies is likely to be around nine months to a year; in many instances it could be significantly shorter than this. The size of the units is somewhat less than would normally be aspired to for permanent use and occupation. It is noted that a communal laundry room is to be provided, meaning that residents would not have to find space for laundry facilities within individual units. Nevertheless, the units provide a reasonable standard of accommodation and significantly better than many of the alternatives currently available to this client group, particularly given that they would be purpose-built and in a communal environment specifically designed to meet the identified need. In recognition of all these factors, it is considered appropriate to grant planning permission subject to a condition that occupation of any of the units by individual tenants should not exceed 12 months. This is partly to safeguard the interests of individual tenants, but would also help to ensure that the accommodation continues to fulfil the identified need by freeing the units up for new tenants from time to time.

- 2.11 All the accommodation meets the definition of affordable housing; policy DM5 is therefore met.

Impact on the Character of the Area and Residential Amenity

- 2.12 NPPF paragraph 117 promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Para 122 supports development that makes efficient use of land, taking into account (amongst other things) the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed, attractive and healthy places. Para 127 says that developments should add to the overall quality of the area, be visually attractive and sympathetic to local character.
- 2.13 Kimberley Close and Kimberley Walk are part of an entirely residential locality and, together with the immediate surroundings, are characterised almost exclusively by two-storey housing, mainly semi-detached or in short terraces. Pitched roofs and gable ends predominate. The proposed buildings would reflect the general form of the immediate surroundings and fit in well within this context, with the recessed element between the gables helping to give articulation to the façade and mitigate the bulk of the buildings. They are on higher ground than the houses in Kimberley Close to the west, but building A will be on a similar ground level to those in Kimberley Walk. Relatively marginal differences in style, height and roof pitch will not jar or look out of place, given that this development will clearly be of a different era than the rest of the neighbourhood. High quality, traditional, external materials are to be used which will also help the buildings to blend in with their surroundings. In all, an appropriate balance has been struck between the efficient use of the site and the need to reflect the character of the area. Indeed, the current use of the site and some of the activities that currently take place could be said to be a detracting element in visual terms, and this will be removed. Although at 186dph the density might appear high, it should be remembered that these are relatively compact, one-person units, and the density will not be immediately apparent from the built form.
- 2.14 In terms of residential amenity, the main issues to consider are the impact on the amenity of existing residents through any loss of privacy, overlooking, loss of daylight and sunlight, loss of outlook, or additional noise and disturbance. NPPF paragraph 127 advocates the achievement of a high standard of amenity for existing and future users.
- 2.15 Building A is at an angle and between about 1m and 4m from the flank boundary with 12 Kimberley Walk. That property has no flank windows and a garage sits between the house and the boundary. The rear corner of the new building will be roughly level with the rear wall of no. 12. The first floor windows on the rear part of the building facing the boundary will have obscured glass; although this does not apply to those on the forward part of this elevation, these windows would only overlook the front garden of the neighbour, which is open to public views already. The west elevation of building A is about 20m away from the rear of the houses fronting Kimberley Close; first floor windows on this elevation would also be obscure glazed. The same applies to the first floor windows on the west elevation of building B, which is between 22m and 24m from the rear of the Kimberley Close houses. The applicant has confirmed that the boundary treatment at the end of the Kimberley Close gardens will be made good where the garages are removed; details of this can be required by condition. Taking all these factors into account, there should be no unacceptable loss of amenity to surrounding residents;

although the new buildings sit on higher land than the houses to the west, the distances involved and the relative heights of the buildings will be sufficient to ensure that there is no overbearing impact.

Highways and Parking

- 2.16 Nine parking space are to be provided to serve the 16 units. Policy DM13 says that parking provision should be a design-led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. The accompanying table, to be used as a starting point for the assessment of provision, indicates that the maximum provision for one-bed flats is one space per unit. Paragraph 1.45 of the Core Strategy notes that generally, the Council will always seek to provide the minimum amount of vehicle parking provision that is consistent with design objectives and would not impair the functioning of a proposed development or of the highway network; the footnotes to the table also highlight instances where a reduced provision may be considered acceptable. The Transport Statement submitted with the application includes an assessment of car ownership amongst the potential client group; only five out of the 61 singles/couples households identified as being in need of this type of accommodation (December 2019) have use of a car, which is around 8%. On that basis, the scheme would only generate a need for two parking spaces; however the proposed level is around one space per two units, which appears to be appropriate in all the circumstances.
- 2.17 Of more significance in this instance is the impact of the loss of the existing parking facilities provided by this site, and used by existing residents of the surrounding roads. Members will note that this is the issue that has given rise to the greatest level of concern through public consultation. The Transport Statement reports on a survey undertaken of the level of parking on the site, and the availability of on-street parking elsewhere in the locality. This found that nine vehicles currently use the parking spaces within the site; the garages themselves were assumed not to be used for this purpose. It also found that there was adequate spare capacity to accommodate this amount of parking in nearby streets, should it be displaced by the proposed development. However, it was noted that some of that spare capacity was up to 250m away from the site.
- 2.18 KCC Highways raises no objection to the proposed development in principle, but comment that it would appear to be difficult to adequately accommodate the displaced parking, given how far away some of the alternative opportunities are, and has suggested that some of the (apparent) overcapacity within the development itself could be used to accommodate the displaced parking. Without further analysis, it would be difficult to know who is actually currently using the site for parking; however, I note that some respondents refer to the fact that they already walk some distance (up to 300m) in order to use these spaces, suggesting that not all the “need” is necessarily arising from residents in the immediately adjoining roads. KCC’s comments also need to be interpreted with this in mind.
- 2.19 In response to these issues, the Housing Development Manager has commented:
- “The Council lets the garages on tenancies which permit the use of the garages for parking cars. Garage tenants are not permitted to use the hardstanding areas outside the garages themselves for parking. The tenants of the garages have been contacted and arrangements have been made for them to transfer to garages elsewhere, and all the garage tenants are in agreement with this. Some residents do use the hardstanding area outside the garages for parking vehicles, but this is without agreement from the Council. The objections on the grounds of parking*

have been received from people who do not have garage tenancies. The garages themselves are not fully let, there are vacancies and no waiting list for them."

- 2.20 It would therefore appear that the on-site parking is taking place without the explicit consent of the Council, as landowner. Examination of the planning history has not revealed any planning conditions that require the garages or parking spaces to be provided to serve the wider residential development or retained in perpetuity. I also understand that the applicant is not keen to make a formal commitment to making any spare spaces within the proposed development available for more general use, partly because the level of any "spare" capacity is likely to fluctuate from time to time. That is essentially a management issue for the Council as the Housing Authority.
- 2.21 Another factor to be taken into account is how refuse freighters will access the site. KCC has suggested that refuse collection could take place with the vehicle waiting in the carriageway; DDC Waste Services dislikes such arrangements because of the number of bins to be emptied and the potential for blocking the road and causing annoyance to residents. Although the site access can accommodate the freighter, this requires junction protection in the form of yellow lines to make it work. It was originally suggested that double yellow lines be provided, resulting in the loss of two on-street parking spaces at all times. However, this has now been amended to single yellow lines, meaning that parking could not take place during the day (when refuse collections are likely to take place) but this road space would be available for parking overnight (when demand for parking is greatest). This is a pragmatic solution which would, to some degree, help to redress the balance in terms of displaced parking.

Contamination and Drainage

- 2.22 Since the application was originally submitted, a Ground Investigation Report, Drainage Strategy and Flood Risk Assessment have all been provided. Some of the consultation responses from technical consultees were made prior to this additional information being available. The applicant has also confirmed that foul drainage will be connected to the main sewer.
- 2.23 There is considered to be a low risk of contamination within the site arising from existing and former uses and as there will be no formal play areas or areas cultivated for food, EHO is content with a condition to deal with unforeseen contamination, should it become apparent. The site is within Flood Risk Zone 1, and the risk of flooding from all sources is identified as very low or negligible. The implementation of the proposed Drainage Strategy would ensure that the development does not pose a risk of flooding elsewhere. As noted by KCC Flood and Water Management, the Drainage Strategy identifies opportunities for the use of SUDS, but has not concluded the extent to which this might be feasible, in the absence of infiltration data. Whilst the use of SUDS is the recommended approach (in line with both local and national policy), all the relevant consultees are content that an acceptable technical solution to the disposal of surface water is achievable, subject to appropriate conditions that recognise the existence of a range of options. It is therefore appropriate to deal with these details through planning conditions.

Ecology and Habitats

- 2.24 The Preliminary Ecological appraisal identified that the site had a low ecological value but the garages to be demolished were identified as having the potential to be bat roosting sites. A detailed bat survey has subsequently been carried out. No roosting bats were recorded in the building and a relatively low level of bat

activity was recorded around the site as a whole. It is concluded that roosting bats are unlikely to be directly impacted by the proposals and no further assessment or specific mitigation measures are required. Mitigation to avoid disturbance through external lighting will be undertaken, and it is also recommended that other mitigation be provided in the form of bird boxes and reptile hibernacula.

- 2.25 Natural England comments on the SPA Mitigation Strategy, but points out that an Appropriate Assessment should be carried out; this is set out below.

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

- 2.26 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.
- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.31 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.

Developer Contributions

- 2.32 Using the prescribed scale, the contribution required towards the SPA Mitigation Strategy is £306.41. In addition to that, KCC has requested contributions towards adult education, libraries, social care and waste and recycling facilities. These all

appear reasonable, apart from that requested for the enhancement of capacity at household waste and recycling sites. Further work is currently being carried out to put together a strategy for enhancement of these sites County-wide and, until that has been satisfactorily concluded, there is no certainty over the level of justification for the requested contribution.

- 2.33 Policy DM27 requires residential developments of five units or more to provide an appropriate amount of open space or, where this cannot reasonably be provided on site, to make a contribution to appropriate facilities elsewhere. The required types of open space fall into a number of categories.
- 2.34 Although the current proposal does include some accessible green space, this is below the standard that would normally be required. Nevertheless, the background evidence for the emerging Local Plan indicates that there is not a shortfall for this type of open space within the locality, therefore no further contribution is deemed necessary. Similarly, as the scheme is aimed at single-occupancy adults, it is not appropriate to seek contributions towards the provision of children's equipped play space.
- 2.35 With regard to outdoor sports pitches, applying the adopted DM27 requirement of 1.17ha of natural grass playing pitches per 1,000 against the anticipated number of new residents generates an overall outdoor sports facility requirement of 0.0187ha. On-site provision would be impractical on a site of this size. An appropriate off-site contribution is therefore necessary for this site to be considered policy compliant. Appropriate offsite contributions are calculated by working out the proportion of a complete facility required to meet the additional need. Improving the quality of pitches is a simple way of increasing capacity at a site; as such, priority should be to improve the quality of pitches at secure sites that are currently overplayed. If all overplayed pitches were improved by one qualitative increment (poor to standard or standard to good) this would be sufficient to eliminate overplay. The three adult football pitches at Danes Recreation Ground are currently identified as overplayed and improving pitch quality here has been identified as a priority within the emerging Local Plan evidence. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The 0.0187ha natural grass playing pitch need generated by the proposed development equates to 2.67% of a natural turf senior pitch which equates to a proportionate offsite contribution of £2,674.29.
- 2.36 It is also appropriate to seek a monitoring fee for administering developer contributions of £236 per trigger event.
- 2.37 The total amount of developer contributions therefore comes to £6,716.70. Ordinarily, such sums would be collected as part of a Section 106 Agreement. However, since the Council is applicant in this case, it cannot have a formal Legal Agreement with itself. In line with the approach adopted in other similar situations, the most pragmatic way forward would be by way of internal transfers under the various budget headings. Such an approach is considered to be acceptable given that both the Council and KCC should be regarded as responsible authorities who will spend the funds for their allocated purpose. Should members agree that the development is acceptable, any permission would not be issued until confirmation of the internal transfers having taken place.

Other Issues

2.38 The quantum and physical layout of the refuse and recycling facilities has been updated since the application was originally submitted and now meets the criteria set out by the Waste Services Manager.

3. Conclusion

3.1 This is an application for the redevelopment of Previously Developed Land within the urban confines to meet an identified housing need. It complies with policies CP1, CP4, DM1, DM5 and DM11. These are considered to be the most important development plan policies with regard to consideration of this application, and they are broadly compatible with the NPPF and up to date, so far as this development proposal is concerned. The scheme also meets the requirements of NPPF paragraphs 117, 118, 122 and 127. The built form will integrate well with the surrounding locality and there will be no unacceptable impact on the amenity of existing residents. Although it will displace some existing parking used by local residents, there is no ongoing requirement for this to be retained and opportunities exist for the displaced parking to be accommodated elsewhere nearby. With regard to NPPF paragraphs 108 and 109, any impacts on highway safety can be mitigated to an acceptable degree and the residual cumulative impacts on the highway network would not be severe. All other technical and environmental requirements can be met.

3.2 NPPF paragraph 11 requires that proposals that are in accordance with an up-to-date development plan should be approved. Even if the development plan is silent on some important issues (or the policies are not entirely up to date), paragraph 11(d) says 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. This is all said in the context of supporting sustainable development, which has three objectives – economic, environmental and social. This proposal would bring benefits in respect of all three of those objectives, and there are no adverse impacts that would significantly and demonstrably outweigh those benefits.

g) Recommendation

I Subject to confirmation of the receipt of all development contributions as set out in the report above, **GRANT PLANNING PERMISSION** subject to conditions to cover the following matters:

- 1) Standard commencement condition
- 2) List of approved plans
- 3) Submission of details of external materials
- 4) Submission of landscaping scheme, including boundary treatment on garden boundaries with Kimberley close where garages are to be removed
- 5) Provision of car parking
- 6) Provision of cycle parking
- 7) Provision of refuse facilities
- 8) Yellow lines/junction protection
- 9) Obscured glazing
- 10) Occupancy limitation
- 11) Unforeseen contamination
- 12) Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
- 13) Verification of installation and effectiveness of drainage scheme
- 14) Limitation on infiltration of water to the ground, other than as explicitly approved
- 15) Provision of bird and bat boxes

- 16) External lighting to be designed having regard to bats
 - 17) Construction Management Plan
 - 18) Provision of infrastructure to facilitate broadband
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.

Informatives

- 1) Need for consent to connect to sewer (SW)
- 2) Other sewers running through site (SW)
- 3) Advice on biodiversity measures to be incorporated into the landscaping scheme.
- 4) Incorporation of technical design measures regarding Secured by Design

Case Officer

Neil Hewett