

- a) **DOV/20/00531 – Erection of a three-storey building to provide 6 self-contained flats with associated car parking and formation of new vehicular access (existing double garage to be demolished) - Land between 20 and 24 Castle Avenue, Dover**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning Permission be Granted.

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.

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

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 – Deals with housing quality, mix, density and design. Much of the policy is aimed at schemes of ten dwellings or more. However, more generally, housing density should wherever possible exceed 40 dwellings per hectare and will seldom be justified at less than 30 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 between 5 and 14 homes to make a contribution towards the provision of affordable housing.
- 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.
- DM17 – Groundwater Source Protection Zones; this site lies within Zone 1, where certain activities and forms of construction are not to be permitted unless adequate safeguards against possible contamination are provided.

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 59 sets out the Government's objective of significantly boosting the supply of homes, and the importance of a sufficient amount and variety of land coming forward to meet the needs of groups with specific housing requirements.
- 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; allow for the efficient delivery of goods, and access by service and emergency vehicles; and be designed to enable charging of plug-in and ultra-low emission 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 170 says that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

The National Design Guide and Kent Design Guide (KDG)

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

d) Relevant Planning History

DOV/19/01381 – Erection of 3no. attached dwellings, conversion of existing garage/workshop to a dwelling, refuse area, cycle stores, creation of new vehicular access and associated parking – Refused for reasons of design and massing, loss of privacy, unsatisfactory access arrangements and noise from vehicles accessing the lower parking area.

e) Consultee and Third-Party Responses

Dover TC – Comments on original scheme: Object. Comments on amended scheme: Support.

KCC Highways – I refer to the amended plans submitted for the above on 5th October and note the reduction in the number of proposed flats to six.

The proposed access serves a smaller number of parking spaces than the previously refused application, however the access has been widened to allow two vehicles to pass each other and the spaces set back from the access. The gradient of the access is in accordance with current guidance. 2 metre x 2 metre pedestrian visibility splays in accordance with current guidance have been provided on each side of the access, to allow intervisibility between pedestrians crossing the access and a driver emerging from it. The amount of parking at one space per flat is in accordance with Local Plan policy DM13 and one parking space can be allocated to each flat to avoid drivers having to search for a free space. The proposals are likely to generate 2-3 two-way vehicle movements during the network peak hours, with only 1-2 movements likely during the peak 30-minute morning school drop-off period. There are no recorded personal injury crashes in this section of Castle Avenue in the 5 years to the end of 2019.

Taking all the above into account I would not recommend refusal on highway grounds subject to the following being secured by condition:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following: (a) Routeing of construction and

delivery vehicles to / from site, (b) Parking/turning areas for construction and delivery vehicles and site personnel, (c) Timing of deliveries (these will not be allowed during school drop-of/pick-up periods), (d) Provision of wheel washing facilities, (e) Temporary traffic management / signage;

- Provision of measures to prevent the discharge of surface water onto the highway;
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing;
- Use of a bound surface for the first 5 metres of the access from the edge of the highway;
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing;
- Completion of the access shown on the submitted plans and the associated vehicle crossing in the footway prior to the use of the site commencing;
- Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

I would also request that consideration be given to the provision of electric vehicle charging points.

Informatives are also requested relating to the need to obtain separate approval for works within the highway

DDC Environmental Health – No objections, but recommends conditions in relation to dealing with unforeseen contamination, and a site-specific Construction Management Plan.

The Dover Society – Objects. The changes do not fundamentally alter the development and the previous concerns still stand. Over intensification in a neighbourhood that has a particularly charming street scene characterised by large detached family dwellings. The grounds of refusal for DOV/19/01338 apply equally here, namely failure to contribute to the street scene, loss of privacy and creation of car parking difficulties. A single detached family house would be in keeping with the existing houses in the road.

Private representations:

Original scheme (8 Flats):

31 objections received, raising the following issues:

- Over-intensive development, not in keeping with the low density, spacious feel of the road, which is characterised mainly by detached houses on well-spaced plots;
- Overbearing and dominant to neighbours; not in line with neighbouring buildings;
- 8 flats is too many; this would amount to a HMO; no need for more flats given other recent developments nearby;
- Not in keeping with the historic nature of the road;
- Low quality flats for rent would make the area less desirable;
- The site is suitable for a detached house (or maybe a pair of semis) that fit in with the quality of the area;
- Additional traffic, noise and pollution;

- Concerns over parking and road safety: parking is already at a premium in Castle Avenue; this is especially bad at the beginning and end of the school day, when there is conflict and people flout regulations and park irresponsibly; this situation is often chaotic;
- Insufficient provision of parking to serve the development will result in more competition for the available on-street space; on-street spaces will be lost; driveways are often blocked by parked vehicles;
- The access is unsafe and would endanger children attending the school opposite; visibility is limited;
- The size and location of the parking area at the front of the site is out of character; it is not comparable to that at no 20 which is set down lower and further back;
- Loss of views;
- Overlooking to neighbours and loss of privacy;
- Will appear dominant from houses in Salisbury Road, especially given the number of windows;
- Poor design; materials do not match; unaesthetic;
- Will create a cul-de-sac;
- Lack of measures to deal with surface water; this will adversely impact on properties in Salisbury Road at the rear, which are at a lower level; possible encroachment of soil; no permeable paving;
- Drainage and infrastructure are inadequate;
- Refuse bins will block the pavement;
- Concern over loss of trees and protection of tree roots; premature clearance of trees has already taken place at the rear of the site, on land whose ownership/responsibility for which is disputed;
- Harm to wildlife;
- This will set a precedent for other sites to be developed to the detriment of the quality of the town;
- Traffic gridlock at school times might constrain the growth of the school;
- Too many HMOs in Dover;
- A Members' site meeting is requested.

Amended scheme (6 flats):

25 objections received. Many of the letters received are from those who made similar comments on the original scheme; the points made then are reiterated, with many people saying that the revisions do not overcome their original objections. The following additional issues are raised:

- Even less parking is now proposed;
- The site is within sight of a National Monument;

- No visitors' parking is provided;
- Parking is already dangerous, made worse by the presence of the school

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

- 1.1 The application, as now amended, proposes the erection of a three-storey building accommodating six flats (two on each floor). When originally submitted, eight flats were proposed; the flats that have been removed would have been accommodated in an attached block at the rear of the building so, in terms of built form, the main manifestation of the amendment is to reduce the depth of the building from front to rear. As set out above, many of the representations that have been received related to the original scheme; however, most of them contain comments on matters of principle that might equally apply to the scheme as amended.
- 1.2 The site is on the southwestern side of Castle Avenue and has a width of about 18m and a depth of about 62m. It is currently a largely undeveloped plot between nos, 20 and 24; there is currently no official "no. 22".
- 1.3 There is a substantial difference in levels across the site, with the rear part being about 5.5m to 5.75m below the level of the front part. In the front corner of the site, adjacent to the boundary with 24, there is a garage/workshop building. The upper floor of this is accessed from the road across a concrete forecourt. The land drops down such that the lower floor of the garage building is at ground level at the rear. This building is proposed to be demolished. Further to the rear, the land falls again to a large (relatively) flat area occupied by a derelict hard-surfaced tennis court, accessed via steps and surrounded by a 3.6m tall chain link fence. There are several tall conifer trees on or beyond the rear boundary that form an imperfect screen to the gardens and houses beyond, in Salisbury Road, which lie at a lower level. On the rear part of the north-western side boundary (with number 20) are more evergreen trees that provide a more substantial boundary screen.
- 1.4 This side of Castle Avenue is characterised by substantial detached houses, many of which (including no 24) sit on the front sections of their sites, at or marginally below road level. No 20 (adjoining the application site on its NW side) is a notable exception, being set further back into its site and at a much lower level such that the eaves are (broadly) at road level.
- 1.5 Given this disparity between the siting of the dwellings on either side, the proposed building is to be located behind the line of no 24 and in front of that of no 20, to give a "staggered" appearance; the building itself is also in two bays, with the north-western bay (closest to no 20) set behind the south-eastern bay, thus reinforcing the staggered arrangement. The slab level of the building is shown to be broadly comparable to that of no 20, and therefore substantially below road level; this means that the lower ground floor at the front of the building will be behind a retaining wall, with steps providing access down to the entrance at this level. Each of the bays to the building has a ridged roof with a gable to the front and rear, with a linking transverse ridged roof between; when seen from the road, the ridge of the roof will be at broadly the same height as the main ridge to no 20. The building will be constructed of red stock bricks, with tile hanging to the gable elements; the roof will be brown plain tiles.
- 1.6 Each of the flats will have two bedrooms, with the bedroom accommodation at the front and living room/kitchen at the rear. The majority of window openings will face either to the front or rear, with only high-level and (secondary) kitchen windows on the flank elevations at lower ground and ground floor, and rooflights at first floor. Paved patios and gardens are provided to the rear of the lower ground floor flats,

with a communal drying area beyond. Within the main part of the communal rear garden is a communal sitting area with seats and planters, and a series of individual garden stores, one for each flat.

- 1.7 Parking for six cars is to be provided on the front part of the site, three either side of a 6m wide central driveway, accessed from a new vehicular access off Castle Avenue. The parking area is set slightly below the level of the road, with a gradient of 1 in 8 for the first 6m and 1 in 10 thereafter. The access will be flanked by 1.5m high brick walls, splayed to provide 2m pedestrian visibility splays. Behind the wall on the NW side is a walled bin store, with low planting on both sides of the driveway before the parking spaces are reached. Behind the parking spaces are racks to accommodate 12 cycles. The existing access serving the garage that is to be demolished will be closed. No highway trees will be removed.
- 1.8 Although there has been a limited amount of redevelopment, conversion and infilling, the overwhelming character of the locality is one of substantial detached or semi-detached dwellings on sizeable plots. The majority of the houses are located towards the front of their plots, with long rear gardens. There is a school on the opposite side of the road a short distance to the northwest. The highway of Castle Avenue is relatively wide, with car parking taking place on both sides in gaps between mature trees that are sited within the carriageway.

2. Main Issues

2.1 The main issues are:

- The principle of developing this site for housing;
- Impact on the character of the area;
- Impact on residential amenity;
- Parking and highways considerations, including the safety of pedestrians and other road users;
- Habitats and ecology.

In assessing these issues, it is also necessary to consider whether the reasons for refusal of the earlier application (DOV/19/01381) have been satisfactorily overcome.

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.

The recently published consultation draft of the new Dover District Local Plan seeks to provide for 596 dwellings per annum in accordance with Government methodology. 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. NPPF paragraph 118 says that substantial weight should be given to using suitable brownfield land within settlements to meet the need for homes and other identified needs, and also promotes the development of under-used land and buildings. However, as this site is historically part of a residential garden in a built-up area, it is expressly excluded from the definition of previously developed land in NPPF Annex 2.
- 2.7 Nevertheless, this approach does not preclude development within built confines as a matter of principle, provided that the development is appropriate to its surroundings and consistent with all other planning policies (including, for example, the principles set out in NPPF paragraph 122 which says that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, including residential gardens).
- 2.8 However, there are no specific policies in the adopted development plan that directly address this sort of issue. This being the case, NPPF paragraph 11(d) provides the basis upon which this application should be decided. This applies a presumption favour of sustainable development and says that permission should be granted unless either:
- the application of NPPF policies that protect areas or assets of particular importance (that is those referred to in footnote 6 to the NPPF, such as habitats sites, AONB, SSSI) provides a clear reason for refusing the development proposed; or
 - any adverse effects of granting permission would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.
- The first of these criteria is only peripherally relevant to the current proposal, so it is the second criterion that will be the primary determining issue.
- 2.9 Applying NPPF paragraph 11(d), therefore, there would be no objection to the principle of residential development on this site, provided the development meets all other relevant criteria including those referred to in NPPF paragraph 122. 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 the surroundings, including its impact on the character of the area and existing residential amenities, parking and highway safety issues.

Character of the Area

- 2.10 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. Paragraph 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. Paragraph 127 says that developments should add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and be sympathetic to local character and history, while not preventing or discouraging appropriate change (such as increased densities).
- 2.11 The prevailing character of Castle Avenue and the surrounding roads is of low density development with buildings, mainly of conventional design, sitting on individual plots. Those on the south side of the road are relatively well-spaced; those on the north side are generally closer together but this does not detract from the overall feeling of spaciousness, which is bolstered by the tree-lined nature of the road itself. Although the existing properties vary in style and age, there is an element of coherence that is revealed, to varying degrees, through the proportions of the buildings themselves, the arrangement and proportions of window openings, roof form and pitch and the choice of external materials. Although the area is not designated as a Conservation Area there is a clear and recognisable character, one which the general thrust of the NPPF recognises merits protection. In this context it is worth noting that the previous application on this site (DOV/19/01381) was refused partly because the building then proposed reflected few of the characteristics mentioned particularly (for example) in its proportions and roof form.
- 2.12 Notwithstanding that it is designed to accommodate apartments, in terms of its architectural features the building now proposed is notably more successful in picking up on the elements that contribute to the character of the area.
- 2.13 The front of the building is located about 15.5m back from the site frontage, roughly midway between the forwardmost parts of the two neighbours. It is sited on the lower part of the site, with the ground floor slab at a similar level to that of no 20. Although it is a three-storey building, the gables facing the road will only be about 0.6m higher than the main ridge of the roof to no 20, and the transverse linking roof will be at more or less the same height as that of no 20. The use of gables reflects the form of other properties nearby and, although the pitch of the roof is steeper than that of the immediate neighbours, this is not uncharacteristic of the area generally and is unlikely to be noticeable in the broader street scene. The proportions and alignment of the windows on the front elevation reflect those of the early/mid twentieth century properties nearby, including the immediate neighbour at no 24. Although the windows on the rear elevation are differently orientated, this is also not out of character in the context of the rear of other properties. The proposed palette of external material is broadly acceptable, given the mixture of materials already apparent in the locality; samples of materials can be required by condition. Experience shows that some finer details, such as the depth of window reveals and features such as cills, can be critical in helping a new building to integrate successfully; it is also recommended that a condition be imposed to address this. The building is centrally located on its plot, a respectful distance from

the boundaries and from the houses either side. In terms of the height, positioning, proportions and general appearance of the building, it will make a positive contribution to the street scene that integrates well with its surroundings.

- 2.14 Some concern has been expressed over the extent and design of the parking area at the front of the site. Technical issues regarding the layout are discussed separately below, but in terms of its impact on the street scene and character of the area there are a number of factors to consider. The frontages along this side of the road are generally formed by relatively tall fences, walls or hedges that limit the views into the front garden areas; (this is not so true on the opposite side of the road, where the gardens slope up away from the road). Views into the front gardens can be obtained through the access openings, some of which are framed by taller pillars that lend an air of formality. That general approach will be repeated in the current proposal. Although in many instances views into the private garden areas are limited by the width of the openings, that is not always the case and there are several examples of wider openings, some of which reveal quite extensive forecourts and hardstandings. Although the proposed parking area providing for six cars is relatively large, due to the detailed layout and use of screening walls and planting at the front of the site, this should not unduly impact on the overall character of the street. The existing access at the south-eastern end of the road frontage will be closed and enclosed by the new boundary wall, partially offsetting the visual impact of the new access. The street trees will be kept, to retain the sylvan character. It is also fair to say that although the carriageway of Castle Way itself is relatively wide, it is dominated, visually, by parked vehicles.
- 2.15 The other issue that has caused considerable concern locally, in terms of impact on the character of the area, is that this proposal is for flats, rather than conventional family housing, and also the number of flats. The visual impact has already been described; seen purely in terms of the built form, there is no intrinsic reason why a building accommodating flats should not be capable of successfully integrating with these surroundings. There is a broader issue, though, relating to less tangible matters such as the social character of the area.
- 2.16 Members will be well aware of the general policy imperative to make the best, most efficient use of available land, so long as this is sympathetic to the surroundings, as reflected in the NPPF paragraphs referred to above. Although, superficially, the locality may appear to show uniformity in terms of the nature of occupancy, the actual pattern is not so simple; for example, there are several larger properties that appear to have been converted into smaller units of accommodation, including the immediate neighbor at no 24 which, it is understood, comprises three flats. Wider analysis reveals that, of the 51 numbered addresses in Castle Avenue, 14 contain flats (making up around 50 residential units) and 37 are what might be described as “conventional” detached or semi-detached houses.
- 2.17 Taking all these factors into account, there is no legitimate reason to resist this proposal simply in the basis of it providing flattened accommodation rather than conventional houses.

Impact on Residential Amenity

- 2.18 In addition to ensuring that developments are visually attractive and sympathetic to local character, NPPF paragraph 127 says that planning decisions should create places that have a high standard of amenity for existing and future users. The principal issues to be considered are whether there would be any harmful effects on the amenities of neighbouring properties though a loss of privacy, loss of outlook, deprivation of daylight or sunlight, creation of noise and disturbance, or

overbearing impacts. In addition to the houses either side, it is also appropriate to consider the impact on properties in Salisbury Road, to the rear of the site.

- 2.19 The “staggered” location of the building in relation to nos 20 and 24 has already been mentioned. In terms of no 20, the front corner of the closest part of the building will be about 7m forward of the closest affected window on the front elevation of that house, and the rear corner of the building will be about a quarter of the way along the side elevation, meaning that the main part of no 20 extends about 6.5m further back. The flank-to-flank distance between the new building and the house at no 20 (where they overlap) is about 11.8m. In terms of no 24 (which clearly sits at a much higher level), the rear corner of the proposed building will be about 6.5m further back than the rear windows, and the front corner will be 8m set back from the front corner of no 24. The flank-to-flank distance where there is overlap is 11m. The submitted drawings indicate that the building will not breach 45-degree lines drawn from the closest windows on the principal elevations (front and rear) of these neighbouring houses. No 20 has two small ground floor windows on its flank elevation; these appear to either be secondary windows, or windows that serve non-habitable rooms. There are several windows on the flank elevation of no 24 (which is occupied as flats), but these are mainly at a higher level and further from the boundary.
- 2.20 Given these relationships, there is unlikely to be an unacceptable loss of outlook or loss of daylight to the living accommodation of the neighbours. One of the concerns with the previously refused scheme (and with the current scheme as originally submitted and before it was amended) was to do with potential loss of privacy, especially to the private garden areas of the neighbours. In terms of the impact on no 20, this was exacerbated by the number of windows on the rear elevation, their height, and the fact that at that time the rear elevation would have been further back, a short distance beyond the rear elevation of no 20 itself. The current scheme still has windows on all three floors on the rear elevation, and these will serve rooms identified as living rooms. However, given that these windows will be about 6.5m further forward than the rear main wall of number 20, there is no longer the potential for views into the private garden area immediately to the rear of that house; any views into the rest of the rear garden will be limited by the flank wall of no 20 itself and the substantial boundary vegetation. The flank windows on the proposed building are secondary windows to the kitchen areas, or serve bathrooms, and can be obscure glazed. Similarly, any overbearing impact is mitigated by the degree of setback and the fact that the proposed building is no taller than no 20. In terms of overbearing impact, there was previously concern over the potential impact on the rear garden of no 24, due to the length of the rear projection of the building as previously proposed; this has now been reduced and the impact is mitigated to an acceptable extent.
- 2.21 There are also objections from residents in Salisbury Road regarding a dominating effect and potential loss of privacy to their properties. The rear garden serving the proposed flats will be in excess of 30m long and the “back to back” distance to the closest house in Salisbury Road will be in excess of 60m. This is a substantial separation, notwithstanding that the new building sits on higher ground and is three storeys tall. There is partial screening along the rear boundary, formed by some straggly conifers. The application drawings note that these are intended to be reduced in height by 50%. This has also attracted objections; the neighbours also draw attention to recent tree works at the rear of no 24, however the applicant has confirmed that that property is in separate ownership. Notwithstanding these factors, taking account of the separation distances and the opportunity to provide enhanced screening if deemed appropriate, I do not consider that the proposed

development would have an unacceptably adverse impact on the privacy of the properties at the rear in Salisbury Road.

Parking, Highways and Road Safety Issues

- 2.22 Policy DM13 advocates a design-led approach to the provision of car parking, based upon the characteristics of the site, the locality, the nature of the proposed development and design objectives. Provision for residential parking should be informed by the guidance in the Table that accompanies the policy, and which is based upon KCC IGN3. For one and two-bedroomed flats in urban areas, the recommended provision is one space per unit; this requirement is met. This level of provision also allows for the spaces to be allocated, one to each unit, which reduces the opportunity for people having to “search” for a space.
- 2.23 The extent of the parking area is reduced from the previously refused scheme (19/01381 proposed eight spaces in two separate groups, one at a significantly lower level on the site). The scope for potential noise and disturbance from parking activities is significantly reduced, both by the more compact layout and by the removal of the need for vehicles to move between two different levels.
- 2.24 There were other concerns of a more technical nature over the layout previously proposed; these related to visibility and manoeuvring within the parking area, the gradient of the approach and so on. To a certain extent, those concerns reflected some of the objections raised by local residents; many of these objections have also been raised in connection with the current proposal.
- 2.25 The detailed comments of Kent Highways are set out in full in the Consultee Responses section of this report; this provides a comprehensive technical appraisal of the proposed layout, written in the knowledge of the concerns that arose over the previous scheme, including those that have been raised again now through public consultation. There are no sustainable highways reasons for refusal, based on the technical assessment that has been provided. There are clearly local concerns over the parking situation in the vicinity, the amount traffic using Castle Avenue (including that arising from the nearby schools), and the perceived impact this has on road safety, particularly for pedestrians. However, these are all existing factors which it would be unreasonable to expect any new development proposals to “resolve”; given that the current scheme provides the required level of parking, and that the layout is acceptable in other technical respects, the advice provided by Kent Highways is clear and soundly-based.

Habitats and Ecology

- 2.26 The front part of the site, at the upper level, has become severely overgrown and although there are some shrubs and small trees, none of these appears to be worthy of individual protection. The lower part of the site is largely taken up by the surfaced tennis court. Across the rear of the site, near the boundary, is a belt of relatively tall conifers that appear to be in poor condition and do not appear to have been actively managed, although thinning seems to have taken place. They form an imperfect screen between this site and the gardens of the Salisbury Road houses; it is proposed to reduce these in height, which will not significantly affect their effectiveness as a screen. Towards the rear of the side boundary with no 20 there is a more substantial screen of conifers, but these appear to be mainly overhanging from the adjacent site and are, in any event, well removed from the proposed built development. Although there will be some loss of existing vegetation as a result of this development (mainly at the front of the site), this is not a substantial reason to object to the development overall.

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

- 2.27 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.
- 2.28 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.
- 2.29 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.
- 2.30 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.
- 2.31 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.
- 2.32 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.

Other Issues

- 2.33 There has been some concern, notably from residents of Salisbury Road, about the adequacy of surface water drainage on the site, and the possibility of water flowing from this site downhill towards the Salisbury road properties and eroding the bank between them. The application form says that surface water is to be disposed of by soakaway. A large proportion of the lower part of the site is currently covered in hardstanding (the tennis court) and this is to be removed; although it is not clear to what extent this is permeable, it is reasonable to conclude that this removal can only improve any issue that may currently exist with regard to the surface water regime. Nevertheless, given the likely significant changes that this might bring, together with the significant difference in levels across the site, it is appropriate to require that the details of surface water drainage required by

condition should adopt sustainable drainage principles and include appropriate measures to regulate how this is disposed of.

- 2.34 Concern has also been expressed about the number of refuse bins that will be required and the potential for these to be left to block the footway on collection day. A dedicated refuse bin storage area, within a walled enclosure, is identified adjacent to the entrance to the site; subject to detailed consideration of layout and design, this might provide for communal bins that could be accessed directly on collection day; submission of such details can be required by condition.

3. Conclusion and Sustainability

- 3.1 This is an application for development on an infill site within the urban area that is clearly capable of accommodating residential development. Although there is a body of opinion that would favour a limited number of conventional houses, rather than the proposed flats, the tests that need to be applied are whether the proposal fits in appropriately with the character of the area in terms of its visual impact, amenity considerations, highway issues and so on. The form, proportions and detailed architectural design of the building pick up on many of the features that characterise the built form in the vicinity. A building of this size and in this location would not look out of place in the overall street scene. The building has been carefully sited with consideration for its impact on the amenity of immediate neighbours in mind, and in its amended form is satisfactory in these respects. The concerns levelled at the previously refused scheme, in terms of appearance and amenity impact, have been satisfactorily overcome. An appropriate amount of on-site parking is provided and the technical shortcomings of the previous scheme with regard to the layout of the parking and access have been addressed. All other issues can be appropriately dealt with through conditions. This is an opportunity to make effective use of available land in accordance with the NPPF guidance relating to the provision of housing and there are no adverse effects of granting permission that would significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission be granted.

g) Recommendation

- I. GRANT PLANNING PERMISSION subject to conditions to cover the following matters:
 1. Standard commencement condition
 2. List of approved plans
 3. Submission of samples of external materials
 4. Submission of landscaping scheme and details of boundary treatment
 5. Provision of car parking
 6. Provision of new access, vehicular crossing and sight lines, before occupation
 7. Existing access to be closed
 8. Building to be constructed at the agreed slab level
 9. Provision of cycle parking
 10. Submission of details of refuse bin storage
 11. Submission of a detailed scheme for the disposal of surface water drainage, including SUDS (pre-commencement condition)
 12. Submission of, and adherence to, Construction Management Plan (pre-commencement condition)
 13. Provision of obscured glazing to flank windows
 14. Surfacing of access and no water to discharge to highway
 15. Provision of ducting and cabling to enable installation of electric vehicle charging points
 16. Provision of pedestrian vision splays

17. Dealing with unforeseen contamination
 18. Requirement to submit details of window openings, including depth of reveals and cill construction and materials.
- 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.

Case Officer

Neil Hewett