

- a) **DOV/21/01088 – Erection of a three-storey building containing 16 self-contained flats (8 x 2 bed and 8 x 1 bed) at the front of the site and erection of 12 one-bedroom supported living units at the rear in a part one/part two-storey building with associated landscaping, cycle storage, external lighting, alterations to existing vehicle access and car parking (existing care home to be demolished) - Grove Villa, 28 Mill Road, Deal**

Reason for report – Number of contrary representations (79)

- b) **Summary of Recommendation**

Planning permission be granted, subject to conditions and S106 legal agreement

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010) (CS): CP1, CP4, CP5, CP6, DM1, DM5, DM11, DM13,

Local Land Allocations Document (2015): Policy DM27

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.

National Planning Policy Framework (NPPF) (2021): Paragraphs: 7, 8, 11, 34, 57, 60, 63, 69, 81, 93, 110, 111, 112, 119, 120, 124, 130, 174, 180, 181, 185

The Kent Design Guide (2006)

SPG 4 Kent Vehicle Parking Standards (2006)

National Design Guide & National Model Design Code (2021)

Technical Housing Standards – nationally described space standards

Planning (Listed Building and Conservation Areas) Act 1990

- d) **Relevant Planning History**

DOV/19/01412 - Change of use of two dwellings (Nos. 28 and 30 Mill Road) from C2 dwellings (supported living) to two residential dwellings (Class C3) – Granted - not implemented

04/01050 - Erection of a single storey link extension to existing care home containing five bedrooms and lounge, located at the rear of 28 Mill Road – Granted

00/00423 - Erection of single storey extensions to 28 Mill Road - Granted

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

Environment Agency - Assessed as having a low environmental risk, therefore no comments.

Historic England – Suggest seeking the views of conservation officer.

KCC LLFA – Satisfied that the principles proposal do not increase the risk of surface water flooding to or from the development. Given that sufficient space exists on site to allow the use of deep bore soakaways we will expect the use of infiltration to be given further consideration as part of any detailed design submission. Should it prove that infiltration is not possible we would expect for information on the existing connection to be evidenced as part of any future detailed design submission by an existing drainage survey, as the FRA only references a "presumed" connection. No objections subject to a detailed surface water drainage scheme being submitted at condition stage.

Ecology - There is up-to-date ecological information which adequately informs the determination of the application with regards to ecological impacts. The ecological surveys identify the potential for ecological impacts to arise as a result of the proposed development:

- Loss of a bat roost/impacts to roosting bats
- Loss of bat foraging habitat
- Loss of bird nesting habitat/impacts to nesting birds
- Loss of suitable hedgehog habitat/impacts to hedgehogs

An overview of the proposed approach to mitigation and compensation for bats is provided, which demonstrates that the favourable conservation status of bats can be maintained. As the details will be secured in an EPSML, DDC does not need to secure the detailed bat mitigation strategy by condition in this case. Integrated bat bricks are proposed as compensation for the loss of bat roost and these details should be secured by condition. Ecological enhancement measures are recommended in the reports, the implementation of these must be secured in the planning permission.

Kent Fire and Rescue - Require emergency access, as required under the Building Regulations 2010, to be established.

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.

Kent & Medway NHS – Request a financial contribution towards refurbishment, reconfiguration and/or extension of The Cedar Surgery and/or Manor Road Surgery and/or Balmoral Surgery and/or St Richards Road Surgery within Deal & Sandwich and/or towards a new general practice development.

Kent Police - Designing Out Crime - Recommend the use of the Secured By Design (SBD) initiative for this proposal. Suggest various conditions for designing out crime.

KCC Economic Development – Request financial contributions towards community learning, youth services, library book stock, waste and social care.

Southern Water – Southern Water can facilitate foul sewerage run off disposal to service the proposed development. Requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Environmental Health – No objections on contamination grounds subject to a condition to secure a contamination remediation strategy to deal with the risks identified in Ground Investigation Report. No objections regarding air quality or noise subject to minimum acoustic performance for the fenestration which would be secured under building regulations.

KCC Highways – No objections subject to conditions for a CMP, the provision and retention of parking, cycle storage and electric charging points and completion and maintenance of the proposed access.

Housing Manager – Advise a preference for affordable housing to be provided on-site in accordance with policy DM5.

Deal Town Council – Object on the grounds of mass, scale and design, the development is not in keeping with surrounding properties and not compatible with the Mill Road street scene.

#### Third Party Representations:

162 public comments have been registered. 96 in support, 2 neutral and 64 objecting to the proposals. Following the submission of amended plans in June 2022 (and set out below) a further consultation period were undertaken where 15 objections, 1 letter of support and 1 neutral letter were received. Comments and material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc, are not material planning considerations and are not included below.

#### Objections:

- Revised design is still not acceptable.
- Scale and density.
- Design/scale/materials are not in keeping with Mill Road.
- Three-storey building would be at odds with neighbouring properties.
- Loss of daylight sunlight.
- Nos. 28 & 30 Mill Road could be converted into family homes rather than being demolished.
- Impact on foul sewerage system.
- The site is not designated in the Local Plan.
- Habitats regulations/Stodmarsh (*site falls outside the Stodmarsh catchment*).
- Overdevelopment of the site.
- Increased traffic and parking pressures.
- Increased impact on infrastructure.
- Insufficient on-site parking – 29 spaces for 28 households.
- Highways safety concerns regarding the vehicle access and number of parked cars on Mill Road.
- Linwood Terrace is a good example of six infill houses on Mill Road.
- On-street parking will need to be removed.
- Who will live in the supported living units and how will they be managed?
- Improvement on the first plan but side elevations are quite ugly.
- Viability reports not published (*reports made available online*).
- Not in keeping with the area.
- Overdevelopment, too many units and too large.
- Overbearing.
- Traffic is already congested.

- Loss of privacy.
- Three-storey building is out of character.
- Beach hut style is out of character.
- Public have been cold called to support the proposals.
- Highway safety and lack of parking.
- Existing buildings are not derelict.
- There will not be affordable housing.
- Deal Council have objected.
- Not against the redevelopment of the site but should be right for the area.
- Higher than Mill Road properties and houses at nos. 28 and 30 Mill Road.
- Very little outside space.
- No light assessment has been carried out.
- Pedestrian safety - children accessing the park.
- Will the Council adopt Park Side road?
- Deal has met government targets for new housing.
- Neighbouring garden ground level are lower than the application site exasperating the height of the proposed back land development.

Support:

- These new plans are a vast improvement.
- Additional housing is needed.
- Local people are struggling to get on the property ladder.
- One bedroom homes are needed in the area.
- Not a massive development.
- Will make the area look better.
- Making use of a derelict site is a good idea.
- More housing needed but only if it is given to local people.
- There is a shortage of housing in the area.
- New housing needed but there is a lack of secondary schools.
- Will improve the area.
- More affordable homes are needed.
- Using a derelict site rather than green space.
- There is a problem with homelessness in the area so more homes are needed.
- Regenerate the site rather than build on a vacant site.

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

The Site

- 1.1 The application site comprises a vacant care home site containing two detached two-storey dwellings (nos. 28 and 30) fronting onto Mill Road, a large single-storey care building behind no.30 and a two-storey detached dwelling with a large single-storey extension located at the rear of the site, behind no.28. The majority of the site is occupied by these buildings and there are large driveway/parking areas located at the front of nos. 28 and 30 Mill Road and a further parking area at the rear of no.30. There is a garden area at the rear of no.28 and a smaller garden at the rear of no.28 as well as small amenity areas adjacent the single-storey care buildings.
- 1.2 This section of Mill Road is predominantly characterised by traditional two-storey terrace, semi-detached and detached dwellings of varying ages and designs, the majority of which are located on the north side of the road with the exception of three properties which are located to the southeast of the site on the opposite side of the road. Victoria Park is located to the south of Mill Road with the Victoria Park Bowling

Club located opposite the site with Deal Gymnastics Club behind and multi-surface hardcourts (tennis/basketball/football) adjacent. The wider Victoria park is open grassland with two uniform rows of trees located along the north boundary of the park adjacent Mill Road.

- 1.3 Park Side road runs along the northeast edge of the application site and provides access to the vacant care buildings located in the rear section of the application site and a uniform row of three two-storey detached dwellings (separate from the application site). Beyond these dwellings is a further row of detached properties which are accessed from Beechwood Court leading from Beechwood Avenue. There is an unmade vehicle access track running along the southwest boundary of the site which provides access to allotments located at the rear of nos. 32-38 Mill Road.
- 1.4 To the northeast of the site (beyond Park Side) is a two-storey semi-detached pair of dwellings which are set forward of nos. 28 and 30 Mill Road. Beyond these to the north west and to the north east of the application site are the rear gardens of detached two-storey properties that front onto Beechwood Avenue. To the southwest of the site (beyond the allotment access) are another two-storey semi-detached pair of dwellings which broadly follow the same building line fronting onto Mill Road as nos.28 and 30.
- 1.5 The site is located in the urban residential area of Deal, approx. 400m from Deal train station and town centre and approx. 600m from the seafront.

#### The Proposal

- 1.6 The proposal is for the erection of a three-storey building containing 16no. self-contained flats (8 x 2 bed and 8 x 1 bed) at the front of the site and erection of 12no. one bedroom supported living units at the rear in a part one/part two storey building with associated landscaping, cycle storage, external lighting, alterations to existing vehicle access and car parking (existing care home demolished).
- 1.7 The existing buildings on the site would all be demolished. At the front of the site a three-storey flat roof building is proposed which would contain 16 flats. The building would be set back from the road with an area of landscaping proposed between the front of the building alongside 6 parking spaces and pedestrian access leading to the main entrance of the building. The three-storey building would have a contemporary appearance finished in engineering facing brick at ground level and a mix of Cedral and zinc cladding on the upper levels and the front elevation would contain projecting bays and inset balconies with glass balustrades. Solar panels are proposed on the flat roof of the building.
- 1.8 To the rear of the frontage building is a parking court with 20 parking spaces which would be accessed via the existing vehicle entrance for Park Side. The junction of Park Side and Mill Road would be widened to accommodate emergency vehicles and the width of the road would also be widened and a dedicated pedestrian path would be added to access the parking court and development at the rear of the site. Landscaping/tree planting is proposed at the rear of the main building and within the parking court.
- 1.9 The supported living units proposed at the rear of the site would follow the same design ethos as the frontage building incorporating the same palette of materials and contemporary style of design. A two-storey mews style terrace would front onto the shared central parking court with enclosed landscaped front gardens either side of the central access and leading to a communal hall providing access to four one bedroom first floor flats. The ground floor flats would be accessed at the rear via a link section

which connects and provides access to four ground floor flats located towards the rear of the site. Behind the ground floor units is a communal garden area for the supported living units and 3 parking spaces adjacent to Park Side.

### Amendments

1.10 Following negotiations the initial submission has been substantially revised to address concerns raised regarding the scale and amount of development originally proposed and to address amenity issues regarding the impact on the properties located on Beechwood Drive. The amendments are summarised below:

- Reduction in height of the frontage building by approx. 1.2m to broadly the same height as the ridge level of no.28 Mill Road and ridge level of no. 32, adjacent the site.
- The frontage building has been pushed further back from Mill Road with landscaping and parking added to the front of the site.
- The design of the frontage building has been amended to incorporate better quality materials and simplify the palette of materials.
- Three-storey town houses omitted from the rear of the site and replaced with single-storey and two-storey supported living units with approx. 30% reduction in built footprint as well as a reduction in the scale and massing.
- The design of the back land development has been amended to reflect the design style and palette of materials of the frontage building.
- Landscaping increased at the front and throughout the site.
- Solar panels added.

## **2. Main Issues**

### 2.1 Principle

- Scale, design, density and visual impact
- Residential amenity
- Highway safety and parking provision
- Ecology
- Appropriate Assessment
- Drainage
- Affordable Housing and s106 Contributions

### **Assessment**

#### Principle

2.2 The application site is located in an urban residential area and constitutes previously developed land where the principle of residential development is supported subject to an acceptable design/scale and all other material planning considerations. The tilted balance applies, due the age of the development plan policies, however, DDC can demonstrate a 5 year housing supply and delivery. Paragraph 11 of the NPPF sets out and planning permission should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF Framework taken as a whole.

#### Design, Scale, Density and Visual Amenity

2.3 The application site currently comprises 2no. two-storey detached dwellings (nos. 28 and 30 Mill Road) at the front of the site with single-storey buildings behind and a two-storey building at the rear of the site. 28 and 30 Mill Road are set back from Mill Road

and sit within a streetscape characterised by two-storey terrace, semi-detached and detached dwellings of varying but generally traditional design, which includes a relatively new development of two-storey semi-detached properties at Linwood Terrace which have shallow pitched roofs behind a raised parapet on the front façade.

- 2.4 The proposal would represent the only three-storey contemporary flatted development within this section of Mill Road. In this regard, the applicant did engage in pre-application discussions with the Council regarding the principle of a flat roof contemporary design fronting onto Mill Road. The proposed design and materials have been improved and the height of the building has been reduced following those negotiations.
- 2.5 The flat roof contemporary design would not necessarily be in keeping with the existing two-storey more traditional dwellings in Mill Road, however paragraph 130 of the NPPF states change should not be prevented where it says '*decisions should ensure that development are sympathetic to local character, including the local built environment, whilst not preventing or discouraging appropriate innovation or change (such as increased densities supported at paragraph 124 of the NPPF when seeking the most efficient use of land)*'. In addition, paragraph 130 also requires development to add to the overall quality of the area and be visually attractive as a result of good architecture and effective landscaping.
- 2.6 In this instance, the amount of development is considered to constitute an appropriate and efficient use of the vacant brownfield site. It is considered to be an appropriate way to achieve an increase in density at this site, through the introduction of a flatted development along the Mill Road frontage with more subordinate small scale back land development behind to reflect the change in context to the rear of the site.
- 2.7 The design of the building is considered to be of a high standard following the amended materials to include zinc cladding and the simplification of the cladding materials/colour scheme on the front and rear elevations. The principal elevations would be well articulated with a zinc standing seem projecting bays, inset balconies and a mix of zinc standing seem and horizontal Cedral cladding for the recessed elevations above an engineered facing brick at ground floor level. The final choice of materials and details can be controlled through the use of conditions.
- 2.8 The main building has been reduced in height by approx. 1.2m to reflect the ridge level of the neighbouring semi-detached properties. This is evidenced in the supporting documents and would be a similar height as the ridge level of nos. 32 and 34 Mill Road. In addition, the main building has been pushed further back into the site away from the road and would be located approx. 10m behind the front building line of 24 Mill Lane. The reduction in height and set back from the road would reduce the visual impact within the Mill Road streetscape and has also allowed additional landscape planting at the front of the site which would help integrate the development into the streetscene and soften the visual impact of the development.
- 2.9 One of the main visual differences between the proposed development and existing Mill Road properties (other than being three-storeys high as opposed to two-storey) would be the flat roof design which would contrast to the predominantly pitched and hipped roof designs of the existing dwellings adjacent the site. However, the width of the site is conducive to a flatted development to ensure the efficient use of the vacant brownfield site in accordance with the NPPF, where a pitched roof traditional design would not be as successful, given the overall width of the building and could risk appearing as a pastiche and outdated form of development. In addition, the main form of the building benefits from an element of space on either side due to the location of the vehicle access for the allotments and Park Side and it is therefore considered, on

balance, that the application site is capable of accommodating a three-storey building without appearing overly prominent or dominant within the streetscene. The open aspect of Victoria Park also adds to the sense of spaciousness adjacent to the site.

- 2.10 Objections have been raised regarding the modular construction and also the appearance of the flank elevations. Whilst the flank elevations are articulated differently to the principal elevation, due to the set back from the road the flank elevations would not be readily visible and would not have a significant visual impact within the Mill Road streetscene. With regard to the modular construction, this form of development is becoming more common and can achieve high sustainability standards. Further, the modular construction does not prevent the use of good quality materials and well-articulated elevations. In addition, solar panels have been sensitively integrated into the development and further enhance the sustainability credentials of the scheme in accordance with the aims and objectives of the NPPF.
- 2.11 Turning to the back land element of the scheme, this has been significantly reduced following the submission of amended plans. The two and three-storey 'beach hut style' town houses have been replaced by a much more modest and subordinate form of development that would be lower than the frontage building and is now considered to be an appropriate form of development. In addition, the back land units would follow the same design ethos and use the same palette of materials as the frontage building to form a uniform and cohesive development across the whole site. In addition, the back land units would be set in an appropriate distance from the site boundaries with new landscaping/tree planting/amenity land adjacent and would be comfortably accommodated on the site without appearing as a cramped form of development.
- 2.12 Overall the three-storey building and proposed landscaping at the front of the site is considered to constitute a good standard of design that would add to the overall quality of the area in accordance with the NPPF and National Design Guides. Further, following the submission of amended plans reducing the height and siting the main building further back from the road, on balance, it is considered that the proposal would sit comfortably within the existing streetscene and would not appear overly prominent. It should be noted that the palette of proposed materials will, however, need to be adjusted from those identified in the submitted documents to blend the scheme into the surrounding context and existing built form.
- 2.13 Nos. 2 to 14 Mill Road comprise a terrace row of Grade II listed dwellinghouses located to the east of the site and the Victoria Road & Wellington Road Conservation Area is located on the opposite side of the railway track further to the east of the site. Given the separation distances involved, proposed set back from Mill Road and location of the railway line, it is considered that the proposed development would preserve the setting of these heritage assets.

#### Highway Safety and Parking Provision

- 2.14 The existing site comprises a vacant care home and the trip generation and parking demand associated with the former site would have mainly been associated with staff and visitors and would have been relatively low. The parking would have been accommodated on the large on-site driveway/forecourt parking areas located at the front of nos. 28 and 30 Mill Road and at the rear of no.30.
- 2.15 The application is supported by a Transport Statement, including an addendum following the submission of amended plans. The development proposes 29 car parking spaces including a disabled/wide space for accessible parking. The parking spaces would be unallocated, however the supporting transport statement states that it is envisaged that the 6 parking spaces proposed at the front of the site would be for

visitors and the three spaces at the rear for the staff for the supported living units with 20 shared parking spaces in the central courtyard area.

- 2.16 The proposals comprise 16no. private flats (8 x 2 bed and 8 x 1 bed) and 12no. one bedroom supported living unit. Policy DM13 requires 1 on-site parking space per 1 & 2 bedroom private flat which is a total of 16 parking spaces for this site. There is no specific parking guidance for supported living units in policy DM13, however the applicant has calculated the parking demand following discussions with KCC Highways with a provision of 3 parking spaces for staff and approx. 6 parking spaces for the supported living units, which provides 4 visitor parking spaces within the site.
- 2.17 KCC highways have reviewed the Transport Statement addendum and proposed parking layout and have advised that the number of parking spaces is acceptable for the amount/type of development proposed and have also advised that further visitor parking spaces would be available on Mill Road and Beechwood Road if required. Overall, the 29 proposed parking spaces are considered to be acceptable and would not result in any highway safety objections or a significant increase in on-street parking demand.
- 2.18 The 6 parking space at the front of the site would have direct access onto Mill Road without any on-site turning areas which is a similar arrangement as the existing forecourt parking and other residential properties along Mill Road. As such no highway safety objections are raised regarding these 6 spaces as confirmed by KCC Highways.
- 2.19 The central forecourt parking area and three staff parking spaces would be accessed via Park Side. Park Side would be widened to 4.8m and the junction/access at to Mill Road would also be widened to allow larger vehicles to safely enter the site and manoeuvre as demonstrated on the tracking plans included in the Transport Statement. The tracking plans indicates that emergency vehicles/fire tenders and larger delivery vans can access and turn within the site in the central parking court, which KCC Highways have confirmed is acceptable and constitutes a safe access arrangement. The vehicle tracking plan allows for vehicles being parked on the east side of Mill Road, opposite the Parkside access, so none of the existing Mill Road parking spaces need to be removed which has been raised as a concern by local residents. KCC highways have also confirmed the visibility at the Park Side/Mill Road junction is safe and acceptable. In addition, a new dedicated pedestrian footpath is proposed along Park Side to provide safe pedestrian access to the central courtyard area and the units at the rear of the site. In terms of refuse collection the applicant has confirmed that a site management company will move bins to a suitable location within close proximity to Mill Road for weekly collection and further details can be secured by condition.
- 2.20 The proposed development would result in additional trip generation compared to the previous care home use. However, the site is located within an urban residential area and the additional vehicle trips are not considered to be significant in the context of the site and location. In addition, the site is located in a sustainable location in proximity to Deal town centre, train station, bus routes and the seafront. In the context of paragraph 111 of the NPPF the proposed development would not result in any unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be serve. KCC Highways have not raised any objections to the proposals.

#### Residential Amenity

- 2.21 Amended plans have been submitted to reduce the scale and amount of development to overcome issues regarding the impact on neighbouring residential properties, in particular the properties located on Beechwood Drive which back onto Park Side.
- 2.22 In this regard, the back land element of the scheme has been completely redesigned and now comprises a much smaller scale of development comprising two-storey and single-storey units that would safeguard the amenity of neighbouring residential properties in terms of outlook, light and privacy. The two-storey supported living units would face towards the central parking court and there would be no first floor windows facing directly towards neighbouring properties. In addition, these units would be located approx. 25-30m distance from the rear elevations of the properties on Beechwood Drive and approx. 8.5m from their rear boundary. As a result of the reduced scale and separation distances involved, the development would not appear unacceptably overbearing or result in an unacceptable loss of light or outlook from these neighbouring properties. In addition, the single-storey element of the supported living units would be located approximately 10m from the flank elevation of the nearest property in Park Side and would not result in any unacceptable amenity impacts as a result. Further, the back land element would be located adjacent to the allotments and the vehicle access serving the allotments. Due to the separation distances involved it would not be likely to result in unacceptable amenity impacts to the Mill Road properties located to the south of the site.
- 2.23 The frontage building has been amended to reduce the height and has been pushed further back from the Mill Road frontage. Park Side and the vehicle access for the allotments would be located on either side of the building, which would provide some separation for the two neighbouring properties on Mill Road; nos. 22 and 32. No openings are proposed in the flank elevations of the flat building and the inset balconies would ensure there would be no direct views towards the adjacent residential properties.
- 2.24 The three-storey block of flats would be set back towards the rear elevation of no. 22 Mill Road. Views of the building would be afforded from the rear windows of no.22 and from the rear garden. However, the views from the rear windows would be oblique and the proposed development would be located approx. 8.5m from the side garden boundary of no.22. Considering the separation distances involved and location of Park Side, which is between the proposed building and residential curtilage of no.22, it is considered that the proposed development would not appear unacceptably overbearing or result in an unacceptable loss of outlook. In addition, no.22 is located to the north of the site and the proposed development would not result in an unacceptable loss of daylight/sunlight as a result.
- 2.25 The three-storey development would be located slightly closer to the residential curtilage of no. 32 Mill Road at approx. 6m, with the vehicle access for the allotments located in between. The three-storey proposal would be located adjacent to the flank elevation of no.32, which contains secondary and small non-habitable room windows only and would therefore not result in any unacceptable amenity impacts. The proposed building would project approx. 2.5m beyond the front building line of no.32 and considering the separation distances involved would not be likely to result in any unacceptable amenity impacts. In addition, the proposal would project approx. 2.7m beyond the rear elevation of no.32 and it is noted that the garden area of no.32 is on a slightly lower ground level than the application site. However, considering the separation distances involved and minimal rearward projection the proposal would not appear unacceptably overbearing or result in an unacceptable loss of outlook/light to the rear windows or garden area of no.32.

- 2.26 Overall, it is considered that the amended scheme would not be likely to result in any unacceptable amenity impacts that would warrant refusal of the application and the application complies with paragraph 130 of the NPPF.
- 2.27 The internal room sizes and overall floor area for the proposed flats would be in accordance with the national described space standards. All of the flats in the frontage building would have private balconies or courtyards and the rear supported living units would have an appropriately sized communal garden and four of the units would have courtyard gardens. The proposals would therefore provide a good standard of living accommodation for the future occupants.

#### Ecology

- 2.28 The application site is located in an urban area and comprises previously developed land and is largely covered by buildings and hardstanding with the exception of the gardens at the rear of nos.28 & 30 Mill Road and the small sections of amenity land adjacent the single storey buildings. The main ecological impact identified in ecology/bat surveys is the loss of a single bat roost from the roof space of 30 Mill Road, which would be demolished. The Council's Ecology Officer has reviewed the ecology reports and bat surveys and has confirmed that the proposed approach to mitigation and compensation for bats outlined in the supporting reports is acceptable and demonstrates that the favourable conservation status of bats can be secured by installing integrated bat bricks to compensate for the loss of the bat roost and the specific details can be secured by condition. Due to the presence of bats within the area it would also be appropriate to secure bat sensitive lighting by condition. The demolition of 28 Mill Road and impact/loss of the bat roost would be subject to a separate European Protected Species Mitigation License (EPSML) which would need to be submitted to Natural England. On this basis, the application would accord with paragraphs 174 and 180 of the NPPF.
- 2.29 Suitable vegetation for birds and hedgehogs on the existing site is limited, however, the tree/shrubs and grassed areas do provide some suitable habitat as outlined in the ecology reports. Suitable mitigation measures can be secured by condition to ensure all vegetation/site clearance is undertaken outside the bird nesting season and/or under the supervision of an ecologist. In addition, suitable mitigation such as bird boxes/bricks and hedgehog-gaps in close-board fencing/boundary treatment can be secured by condition. Overall, the layout proposes a net increase in green areas and includes new tree planting, shrubs and landscaping which would constitute an ecological enhancement and can be secured by a detailed landscaping plan condition in line with current guidance and paragraphs of the NPPF.

#### Habitats Regulations (2017) Regulation 63: Appropriate Assessment

- 2.30 The site is located within the area where the development is likely to have a significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the district, to have an adverse effect on the integrity of the protected SPA and Ramsar sites.
- 2.31 Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.32 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or

reducing the harmful effects of housing development on the sites. For proposed housing developments in excess of 14 dwellings the SPA requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including monitoring and wardening.

- 2.33 Having regard to the proposed mitigation measures and the level of contribution currently acquired from larger developments, it is considered that the proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 2.34 In accordance with the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy Thanet Coast SPA Contribution of **£595** is required to mitigate the additional impacts of the proposed development. This contribution will be secured through the s106.

#### Drainage

- 2.35 The site is previously developed land and is largely occupied by buildings and hardstanding. The proposed development would result in a reduction in the current surface water drainage discharge flow rates and KCC LLFA have confirmed the proposals would not increase the risk of surface water flooding from the site. KCC have however raised some concerns regarding the proposed method of surface water drainage and have advised that infiltration (the preferred method for SuDs) is likely to be achievable on the site due to chalk bedrock. KCC have therefore requested further surface water drainage investigations to be undertaken to ensure the most appropriate drainage method is achieved and these details can be secured by condition. Notwithstanding the acceptability of infiltration at this site, KCC LLFA do not raise any objections as surface water flows would not increase and there are other options for surface water drainage via a connection to the existing system should infiltration not be achievable. A number of detailed surface water drainage conditions are recommended to ensure surface water is appropriately controlled.
- 2.36 Foul sewerage would be discharged to the existing sewerage system and Southern Water has confirmed they can facilitate foul sewerage run off disposal to service the proposed development which will require a formal application to Southern Water. In view of being sited within Deal, and the known concerns regarding capacity of the foul drainage network a condition to ensure capacity is available as previously advised in the Deal area has been included in the recommendation. This safeguards against capacity concerns in the Deal foul drainage network.

#### Affordable Housing, Planning Obligations, S106

##### Affordable Housing

- 2.37 Core Strategy policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable house, or financial contribution, to be delivered from a scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.38 The applicant has submitted a viability report which concludes that the development would not be viable with the provision of any on-site or off-site affordable housing contributions. The applicant's viability report has been independently reviewed by viability consultants appointed by DDC and is considered to constitute an accurate

assessment of the existing site values and development costs and is therefore accepted. However, to address any future economic changes it is recommended that a review mechanism is included in the S106 which would allow a review of the development costs and profit on completion and, if this shows that the development has generated sufficient profit, then the developer will be liable to make an off-site commuted sum contribution towards affordable housing.

- 2.39 In addition, the amended proposals include the provision of 12 supported living units which are considered to make a positive contribution to the housing stock in the borough and the Council has been in contact with a local provider who are looking to acquire units for supported living which indicates there is a demand for these types of units in the borough. The exact details regarding the future occupants of the supported living units have not been provided, however this proposed C2 use can be secured by condition and within the S106 to ensure they are secured on-site.
- 2.40 The viability report concludes that an estimated £25,000 contribution can be achieved to cover legal costs and monitoring which would allow for the below contributions to be secured.
- 2.41 Other s106 contributions: These were requested from KCC and the NHS for the following:
- Community learning – **£459.76** – towards resources and equipment for the additional learners at Deal Adult Education Centre.
  - Youth service – **£1,048.00** – towards additional resources for the Dover Youth Service to enable outreach services in the vicinity of the development.
  - Libraries – **£1,552.60** – towards the service and stock at Deal library.
  - Social care – **£4,112.64** – towards specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities and Changing Places in Dover.
  - Waste – **£1,525.16** – towards new works at Dover Household Waste Recycling Centre to increase capacity.
  - NHS - **£15,840** – towards refurbishment, reconfiguration and/or extension of The Cedar Surgery and/or Manor Road Surgery and/or Balmoral Surgery and/or St Richards Road Surgery within Deal & Sandwich and/or towards a new general practice premises development

The above planning obligation requests of **£24,538** have been received and agreed by the applicant. In respect of planning obligations, the application is considered to be acceptable.

- 2.42 Policy DM27 requires open space contributions for developments of 5 or more units. The contribution figures for the different elements of open space provision are:
- Accessible Green Space: £2076.46 towards Victoria Park site
  - Outdoor sports facilities £7740.89 (£3,870.44) towards Mill Road site
  - Children's Equipped Play space £7478.08 (£3,739.04) towards Mill Road site
  - The Sandwich Bay SPA Mitigation contribution of **£866.76**
- 2.43 These requests are still being discussed and considered by the applicant and would form part of the discussions in respect of the s106. However, in view of the shelter housing accommodation being provided (12 units) reducing the outdoor sports facilities and children's equipped play space by half would be appropriate and reasonable. Nevertheless, the accessible green space contribution should be sought in full for the

proposed development. The other parts of the open space contributions could also form part of a claw back clause in terms of the s106 if the total value of the development is uplifted and therefore would allow contributions greater than £25,000.

- 2.44 In total, planning obligation requests including the SPA mitigation contribution and accessible green space contribution are **£27,481,22** have been received and this totals £35,090 with all contributions included. In respect of planning obligations, the application is considered to be acceptable and further contributions could be secured following further discussions with the applicant in respect of the s106.

### **3. Conclusion**

- 3.1 The site is located in a sustainable residential area and the proposal would be in accordance with policy DM1, DM11 and DM13. In addition, the proposed development would constitute an efficient use of a vacant brownfield site at an acceptable density in accordance with Section 11 of the NPPF and would make a contribution to the Councils five year housing supply.
- 3.2 The initial scheme has been significantly amended to reduce the scale and amount of development, particularly at the rear of the site and to reduce the height and enhance the appearance of the flats fronting Mill Road. The three-storey flat roof building at the front of the site would not be wholly in keeping with the more traditional two-storey dwellings in Mill Road. However, the principal elevation of the building is considered to be a high standard of design and would be visually attractive and add to the overall quality of the area in accordance with paragraph 130 of the NPPF. In addition, the height of the building has been reduced and would be a similar height as the ridge level of the adjacent two-storey property. The building has been pushed further back on the site and a good amount of landscaping is proposed at the front which would soften the visual impact and help integrate the development into the Mill Road streetscene. The back land element would be visually subordinate to the frontage building and would not appear unacceptably prominent within the streetscene and the similar palette of materials would create a homogenous design standard across the site.
- 3.3 No highways safety objections are raised and the proposed development would not generate a significant increase in vehicle trips within the urban residential area. In addition, the proposed parking provision is considered to be acceptable for this location and there would be no significant increase in demand for on-street parking spaces as a result. No neighbour amenity, drainage or ecology objections area raised subject to conditions set below.
- 3.4 Overall, the proposal is considered to be acceptable and would comply with policy DM1, DM11, DM13 of the CS and the aims and objectives of the NPPF. Taking into account paragraph 11 of the NPPF and the planning balance, the benefits of the development outweigh any adverse impacts and when taking into account the whole Framework should be approved. The application is therefore recommended for approval, subject to conditions and a S106 agreement to secure the above contributions and an affordable housing and open space contributions review mechanism.

### **g) Recommendation**

- I. Planning permission be GRANTED, subject to a s106 legal agreement to secure the relevant contributions and conditions including the following:

1. Time limit
  2. Approved plans
  3. Materials samples
  4. Window / balcony details – recesses
  5. Detailed landscaping scheme
  6. Boundary treatment details – including hedgehog gaps
  7. Bat sensitive lighting scheme
  8. Biodiversity enhancements including bird/bat bricks & protection of hedgehogs
  9. Retention of parking spaces
  10. Electric charging points
  11. Cycle parking and Bin storage retention
  12. Details of a bin storage collection point
  13. Construction Management Plan
  14. Provision and maintenance of access and visibility splays as per plans
  15. Detailed sustainable surface water drainage scheme prior to the commencement
  16. Submission of drainage infiltration information to protect groundwater resources
  17. Submission of a SuDs drainage Verification Report
  18. Contamination remediation strategy and verification
  19. Deal foul drainage safeguarding condition
  20. Scheme to demonstrate secured by design principles
- II. That powers be delegated to the Head of Planning and Development to settle the details of the relevant s106 legal agreement and the necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Jolly