

a) DOV/23/00039 – Erection of four dwellings (amendment to previous approval DOV/22/01275) - Garages at centre of Cavell Square, Deal

Reason for report – Cllr call-in

b) Summary of Recommendation

Planning permission be granted

c) Planning Policy and Guidance

Core Strategy Policies (2010): CP1, DM1, DM11

Land Allocations Local Plan (2015): n/a

Local Plan (2002) Saved policies: n/a

Draft Dover District Local Plan to 2040

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 (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. The relevant policies are: SP1, SP2, SP3, SP4, CC1, CC2, CC6, CC8, PM1, PM2, H1, TI1, TI3, NE3.

National Planning Policy Framework (NPPF) (2021): Paragraphs 7, 8, 11, 130,

National Design Guide & National Model Design Code (2021)

National Planning Practice Guidance & Kent Design Guide

SPG4 Kent Vehicle Parking Standards

d) Planning History

DOV/22/01275 Erection of 3no. detached dwellings with associated parking (existing garages to be demolished) GTD

DOV/21/01834 Erection of 27no. single storey garages (existing 33no. single storey garages to be demolished) GTD

DOV/92/00144 Demolition of garages and erection of 4 x three bed dwellings with parking (utilising existing garage access to NE). REF

e) Consultee and Third-Party Representations

Representations can be found in the online planning file, a summary is provided below:

Deal Town Council – Object due to lack of information in terms of materials that will be used on roofing and walls, also concerns on lack of green space on plans.

Kent Fire and Rescue – no objections

Southern Water – no objections

Third party Representations: 3 objections have been received and are summarised below:

- No footway and narrow access to dwellings
- Limited turning for vehicles and concern over delivery/emergency vehicle access
- Driveway and drains may collapse
- No room for bin storage
- Loss of garages, no trees proposed, no open space
- Noise and air pollution
- Worse than extant scheme as additional dwelling

Officer comment: the single garage was given approval under application 22/01481; the scheme no longer proposes to alter the roof to a pitched one; plans are to scale.

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

- 1.1 The application site falls within the urban area of Deal and contains 33 garages serving the surrounding properties. Access is taken from the north-east side of Cavell Square between property no.s 68 &70. The access is approximately 3m wide and aligned by a combination of brick wall, close board fencing, post and rail fencing and managed hedgerow. The remainder of the site is bounded by residential curtilages of which a number contain outbuildings that back on to the site.
- 1.2 Planning permission is sought for the demolition of the garage blocks and the erection of 4 single storey two bedroom bungalows arranged as semi-detached properties. A total of 5 parking spaces are shown to serve the properties and the drawings also show provision of cycle and refuse storage. The bungalows are approximately 8m wide x 10m deep.
- 1.3 The proposal remains in most part as per the extant permission for 3 detached bungalows on the site. The main difference being one additional dwelling and less parking within the site.



Figure 1. Site Location Plan

2. **Main Issues**

2.1 The main issues for consideration are:

- Principle of the development
- Impact on the character and appearance
- Impact on amenity arising from the amended scheme

Assessment

Principle of Development

2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if 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 made in accordance with the plan unless material considerations indicate otherwise. The principle of the development was established with the grant of planning permission under application 22/01275 and remains acceptable.

Impact on Character and Appearance

2.3 The bulk and form of the dwellings remain largely as per the extant permission. The key visible change is that rather than 3 x detached bungalows, the layout will comprise 2 x pairs of semi-detached bungalows; the footprint of each bungalow will be as per the extant permission, however one parking space will be lost between the plots in order to allow for the additional residential unit.

2.4 The site is well contained and will have limited impact on the street scene due to its backland nature and single storey mass. It may be possible to gain a glimpse

of roof space from Cavell Square across rear gardens. However, seen within the context of a number of single storey outbuildings at the bottom of gardens, it is not considered any harm would arise to visual amenity from the proposal.

- 2.5 It is not considered that visually the additional until will have any greater impact on the character and appearance of the area than implementing the extant permission would have.

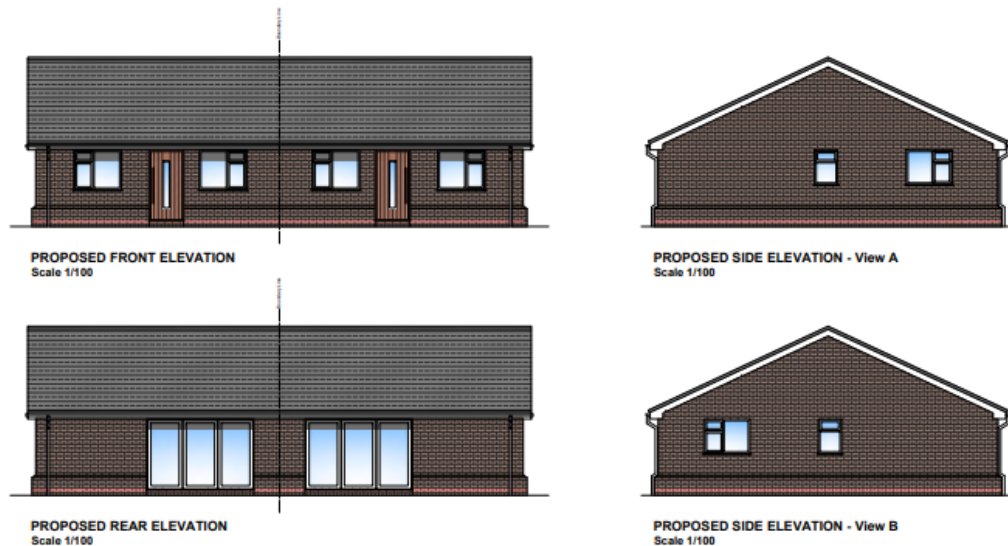


Figure 2. Elevations

Impact on Residential Amenity

- 2.6 There will be a slight intensification from the revised proposal in the sense that one additional home will be provided when considered against the extant permission. Whilst this means the potential for greater vehicle movements to the site, any increase would be limited. There would also loss of one parking space, which may reduce movements.
- 2.7 The rear elevations of the four dwellings back onto the rear gardens of no.s 54 - 46 Cavell Square; three of these properties have outbuildings against the boundary with the application site. The dwellings are two storey semi-detached with garden depths varying between 17-20 metres. The rear gardens shown for the proposed bungalows are approximately 7m thereby providing ample separation distance (the same distance as per the extant proposal).
- 2.8 Due to the central nature of the application site within Cavell Square, there is also substantial separation from the front and side of the proposed dwellings to those properties on the southern side of the site. Again, a number of the existing dwellings have rear garden outbuildings on the boundary. The distances between existing and proposed dwellings together with the single storey height of the proposed dwellings provides an acceptable impact with regard to residential amenity.

- 2.9 Provision has been made within the site for the four dwellings to store their refuse bins. Clearly on collection day, the bins will need to be taken to the back edge of the public footpath in order to be emptied. Whilst objections have been received regarding the issue of bins on the footpath, this is a very common situation that occurs throughout the district on collection day.
- 2.10 The site already provides parking potentially for 33 cars or use by 33 householders to access their garages on a frequent, uncontrolled basis for storage and it is not therefore considered that an increase of 1 residential unit above the extant permission would have a detrimental impact on residential amenity.

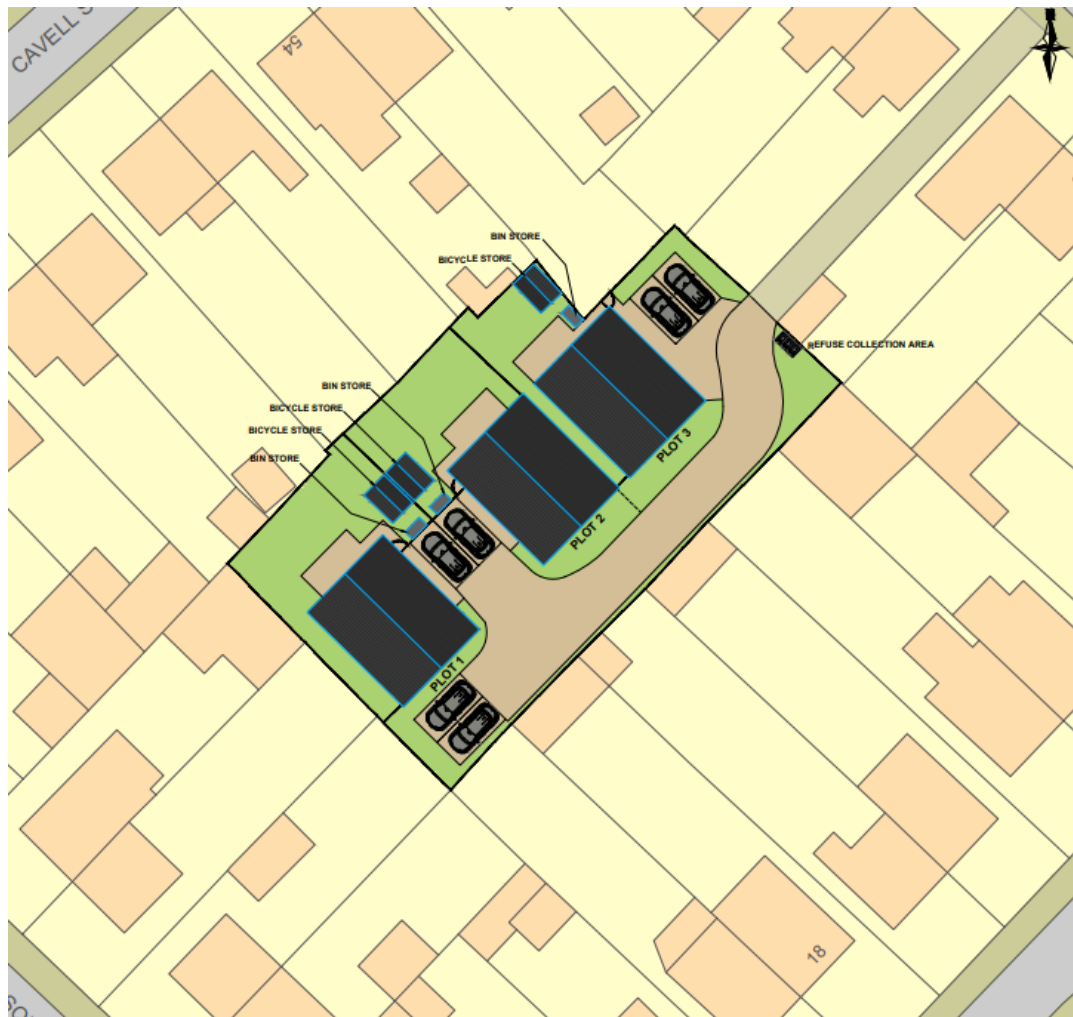


Figure 3. Approved block plan 22/01275



Figure 4. Proposed block plan 23/00039

Highways and Parking

- 2.11 The site is served by a narrow vehicular access to 33 garages. Whilst the garages appear in a poor condition, there is the potential for 33 cars to be accessing these on a daily basis. Balancing the existing use against the proposed use to serve four 2 bed bungalows, it is considered that the proposal would be a less intensive use of the site and a betterment for the two dwellings either side of the access.
- 2.12 The main difference between the extant permission and the proposed is the loss of one parking space within the site. The previous scheme allowed for 2 spaces per dwelling. However, when considering that the dwellings are 2 bed in size, the requirement is for 1 space per dwelling plus visitor parking where possible. The proposed parking arrangements, visibility splays and access from the public highways are considered only to be a minor variation to the approved scheme and therefore no objection is raised.
- 2.13 The planning history is noted from 1992 and a refusal for four, 3 bed dwellings in part on highway grounds. However, the current proposal has been assessed against up-to-date planning policy and guidance.
- 2.14 The proposal would result in the loss of off-street parking spaces, however it is apparent from a site visit that the garages are under-used for parking and that there is uncontrolled on-street parking in the locality. It is not considered that the

proposal would give rise to severe harm to highway safety and therefore no objection is raised to loss of parking.

Ecology

- 2.15 Under planning application 22/01275 the draft local plan was not at such an advanced stage and policy NE3 carried no weight; accordingly no contribution was sought with respect to the likely significant effects on European Sites and the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. However, having had regard to draft Policy NE3 and the stage that the local plan is now at, a contribution towards the protection of the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy is now sought for each single dwelling within a 9km radius. In this instance if planning permission is granted the applicant would be required to enter into a S106 legal agreement to provide the following:

	Bedroom tariff	Monitoring fee	Legal fee	total
Two bed dwelling	£537 x 4	£236	£250	£2634

3. Conclusion

- 3.1 There is minimal material difference between the layout of application 22/01275 and the current application. The scheme for 4 bungalows would not give rise to a greater impact on residential amenity, visual amenity or result in severe harm to the highway network.
- 3.2 The NPPF indicates that, where adopted policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the NPPF as a whole. The proposed scheme seeks to maximise the use of the land by increasing the number of proposed units by one. As assessed in this report the proposal does create any adverse impacts such that planning permission should be refused.

g) Recommendation

I PLANNING PERMISSION BE GRANTED, subject to conditions:

- (1) time condition
- (2) list of approved plans
- (3) samples of materials
- (4) boundary treatments
- (5) landscaping within communal area
- (6) removal of permitted development rights for Schedule 2, Part 1, Classes A, B and C
- (7) implementation of cycle storage/refuse storage

II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Amanda Marks

The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).