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18 July 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 27 July 2017 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a white background.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
J S Back
T J Bartlett
T A Bond
D G Cronk
B Gardner
D P Murphy
G Rapley
P M Wallace

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

4 **MINUTES** (Pages 5-10)

To confirm the attached Minutes of the meeting of the Committee held on 22 June 2017.

5 **ITEMS DEFERRED** (Page 11)

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 12-15)

6 **APPLICATION NO DOV/17/00010 - 1 LUCKETT COTTAGES, THE STREET, PRESTON** (Pages 16-25)

Erection of a detached dwelling and garage and creation of associated parking

To consider the attached report of the Head of Regeneration and Development.

7 **APPLICATION NO DOV/17/00451 - SITE AT BETTESHANGER SUSTAINABLE PARKS, BETTESHANGER ROAD, BETTESHANGER** (Pages 26-49)

Erection of a detached incubation building (Classes B1, B2 and B8) with floorspace area of 2,475 square metres, ancillary café (A3) and associated landscaping and car parking

To consider the attached report of the Head of Regeneration and Development.

8 **APPLICATION NO DOV/16/01484 - LAND OPPOSITE 8 AND 9 SEA ROAD AND REAR OF 3 CLIM DOWN, KINGSDOWN** (Pages 50-54)

Erection of a 1.8-metre high fence with 2 no. gates, central stairway and terracing (retrospective application)

To consider the attached report of the Head of Regeneration and Development.

9 **APPLICATION NO DOV/17/00388 - THE BLACK BARN, GREAT KNELL LANE, ASH** (Pages 55-66)

Erection of two detached dwellings (existing agricultural building to be demolished)

To consider the attached report of the Head of Regeneration and Development.

10 **APPLICATION NO DOV/16/00955 - SITE AT ADELAIDE FARM CAFE, SANDWICH ROAD, HACKLINGE** (Pages 67-80)

Erection of a detached building incorporating 10 flats, alterations to existing access, provision of 12 car parking spaces and associated landscaping (existing building to be demolished)

To consider the attached report of the Head of Regeneration and Development.

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

11 **APPEALS AND INFORMAL HEARINGS** (Pages 81-83)

To receive information relating to Appeals and Informal Hearings, and appoint Members as appropriate.

12 **ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE**

To raise any matters of concern in relation to decisions taken under the above procedure and reported on the Official Members' Weekly News.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Support Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 22 June 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
T J Bartlett
T A Bond
D G Cronk
B Gardner
D P Murphy
P M Wallace

Officers: Team Leader (Development Management)
Principal Planner
Planning Consultant
Planning Delivery Manager
Planning Solicitor
Democratic Support Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/17/00409	Mr Steven Donnelly	-----
DOV/17/00514	Mr Nigel Brown	-----

20 APOLOGIES

It was noted that an apology for absence had been received from Councillor G Rapley.

21 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members.

22 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

23 MINUTES

The Minutes of the meeting held on 25 May 2017 were approved as a correct record and signed by the Chairman.

24 ITEMS DEFERRED

The Chairman advised that the three items listed (Application Nos DOV/16/00530 (Site adjacent to 5 Friends Close, Deal), DOV/16/01328 (Land rear of Archers Court Road, Whitfield) and DOV/16/01026 (Land south-west at Hammill Brickworks,

Hammill Road, Woodnesborough). In respect of the last application, Members were advised that the traffic survey was underway.

25 DOV/17/00402 - LAND TO THE SOUTH OF COOKS FARMHOUSE, WESTMARSH, ASH

The Committee viewed plans and photographs of the application site. The Senior Planner advised that an additional letter of support had been received since the report was written. This confirmed that the site had formerly been part of the adjoining Blair Court.

The application site was outside the village confines and, therefore, contrary to Core Strategy Policies DM1, DM11 and DM15. The site was also within Flood Zones 2 and 3 and, as such, at significant risk from flooding. Whilst the Environment Agency had raised no objections, it was the Local Planning Authority's (LPA) responsibility to consider that the applicant had not submitted a sequential test, the purpose of which was to demonstrate that there were no alternative sites with a lesser risk of flooding. For this reason, it was proposed to add an additional reason for refusal relating to there being insufficient information submitted by the applicant in respect of the sequential test for flooding. The Committee was requested to delegate the final wording of the reason to Officers.

Councillor B W Butcher advised that he was familiar with the site which was very picturesque. He was fully supportive of the Officer's recommendation to refuse the application.

RESOLVED: That Application No DOV/17/00402 be REFUSED on the following grounds:

- (a) That the development would, if permitted, by virtue of its location, scale and accompanying engineering works, along with the loss of the already removed hedgerow and creation of the necessary visibility splays, result in an unjustified, sporadic form of development which would be visually intrusive, detrimental and harmful to the rural character and appearance of the street scene, contrary to the aims and objectives of Core Strategy Policies DM1, DM11 and DM15, and the sustainability aims and objectives of the National Planning Policy Framework, in particular paragraphs 7 and 14.
- (b) That no information has been submitted to enable the Local Planning Authority to apply the sequential test and, in the absence of such information, the application has failed to demonstrate that the development could be located in a lower risk flood area. The recommendations in the application are therefore insufficient for the sequential test to be passed. In the absence of information to the contrary, the development, if permitted, may increase risk to human health and safety from the result of flooding and, accordingly, would be contrary to the National Planning Policy Framework, in particular paragraphs 101, 102, 103 and 104.

26 DOV/17/00409 - KENDEN, STATION ROAD, MARTIN

Members viewed plans and photographs of the application site. The Planning Consultant advised that the application sought planning permission for the erection of a front porch and side extension with rear dormer to serve as accommodation for dependant relatives. As an update, the Committee was advised that Officers proposed to add another condition to prevent sitting out on the flat roof area of the extension.

The proposed extension would come close to the flank boundary and extend past the rear of the adjoining property, The Nook. Concerns had been raised about the proposed development's impact on The Nook's windows and its proximity to The Nook's boundary and hedge. However, Officers had considered these matters and had concluded that there would be no undue harm caused to the residential amenity of The Nook, nor any undue visual impact on the property.

In response to the Chairman, the Planning Consultant advised that it was likely that other works to the application property had been carried out under permitted development rights. If the current application were granted permission, it was anticipated that the applicant would have used up the permitted development allowance of the property. Whilst it was unusual to remove permitted development rights for an existing building, it could be done if there were concerns about permitted development 'creep'. The Chairman added that concerns had been raised about overdevelopment of the site, and he would wish to see any proposals for further extensions come back to the Committee.

Following concerns raised by Members about the need to retain the hedge between the properties, the Planning Consultant advised that this could be dealt with by a landscaping condition which would prescribe the retention and maintenance of the hedge. This was preferable to a boundary treatment condition as it could also include the hard surfacing at the front of the property.

RESOLVED: a) That Application No DOV/17/00409 be APPROVED subject to the following conditions:

- (i) Standard 3-year permission;
- (ii) Approval of submitted and specified drawings;
- (iii) Requirement of materials and finishes to match;
- (iv) Requirement for obscure glazing to the window in the west-facing elevation of the extension;
- (v) Requirement for the accommodation to be ancillary and for it to revert to form part of the main house when the justification for the accommodation no longer applies.
- (vi) No balcony, railings or means of enclosure of any kind shall be erected on the flat roof area of the extension hereby permitted and the flat roof shall not be used as a sitting out area. Reason: To safeguard the amenities of the occupiers of The Nook.
- vii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)

(England) Order 2015 or any revision to this Order, no further extensions to the dwelling house shall take place under SCHEDULE 2, Part 1, Class A or Class B of the Order. Reason: To prevent an overdevelopment of the site and to safeguard the amenities of the occupiers of adjacent properties.

viii) Prior to the first occupation of the extension hereby permitted, a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. This landscaping scheme shall show the retention of the existing hedge along the western flank boundary of the site to a height of no less than 2 metres. The approved scheme shall be implemented in full prior to the first occupation of the extension and retained as such thereafter. Should the hedge along the western flank boundary die, be removed or require replacement due to age or disease, a new hedge shall be planted along the western flank boundary, cultivated to grow to 2 metres in height and maintained as such thereafter. Reason: To safeguard the living conditions of the occupiers of The Nook.

(b) That powers be delegated to the Head of Regeneration 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.

27 DOV/17/00424 - 5 BEECH TREE AVENUE, SHOLDEN

The Committee was shown drawings, plans and photographs of the application site. The Planning Consultant advised that the application sought permission to erect a verandah to the rear elevation and the installation of a timber door to an existing carport. A similar application had been refused in January by the Committee due to its visual impact. However, applications for the installation of timber garage doors in several other properties on the estate had been granted planning permission by Officers under delegated powers. An application to install metal garage doors at 6 Beech Tree Avenue had been dismissed on appeal. Like Officers, the Inspector had been of the opinion that metal doors would not relate well to the existing design of the estate.

Councillor B Gardner stated that at the time of the original development, Kent County Council (KCC) Highways had stipulated that the carports should not be enclosed as this would ensure they were used for parking and not storage. The application before Committee did not differ in any way from the one that had been refused in January and, consequently, he could see no reason to approve it now. Councillor T A Bond agreed that the Committee was left in a difficult position in the absence of a ruling from the Inspector on timber garage doors. He had no objections to the verandah.

The Planning Consultant clarified that he had consulted KCC Highways after writing the report whose response had been that the carport was off a private driveway and some distance from the public road. Its enclosure was therefore unlikely to result in parking problems on the public road. The Chairman offered the view that he suspected that KCC Highways had predicted potential problems with parking on the

estate as a whole when it had given its original advice. However, it was now taking a view on the individual circumstances of each application and reaching a different conclusion.

In response to Councillor D G Cronk, the Planning Consultant advised that he was not aware whether the driveway in front of the carport was an adopted road. He emphasised that, even if the proposed garage was not used for parking, the proposal was unlikely to result in unacceptable parking on the highway.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/00424 be REFUSED on the grounds that the proposed garage door would be detrimental and harmful to the visual amenity of the street scene, contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraph 17.

28 DOV/17/00514 - LAND AT 43 DOLA AVENUE, DEAL

The Committee was shown drawings, plans and photographs of the application site. As updates to the report, the Team Leader (Development Management) advised that Deal Town Council objected to the proposal which it regarded as an overdevelopment of the site. It was also of the view that the brick wall must remain in place. A petition with 13 signatories had been received which supported the proposal. However, the petition also referred to a proposal to build two new houses. Further correspondence had been received from the applicant recounting the history of the application which had been circulated to Members. The applicant had also advised that the sycamore tree referred to in paragraph 2.28 of the report would be retained. Finally, as a correction to the report, Members were advised that the last sentence of paragraph 2.14 should read '...would not cause an unacceptable loss of light or sense of enclosure...'.

Members were reminded of the planning history of the site which was set out at section d) and paragraphs 1.1 to 1.4 of the report. This was a retrospective application, seeking a variation to the original planning permission given for 9 dwellings in 2015.

Councillor Gardner reported that he had visited the site and now had no concerns regarding overlooking from the remodelled rear dormer windows which were 1.7 metres above finished floor level and obscure-glazed. The Chairman commented that he still had difficulty with the windows in respect of their visual impact and perceived overlooking. However, on balance, they were acceptable. Councillor Bond clarified that he had called the application in to Committee as he did not feel it was fair to ask Officers to determine the application.

RESOLVED: (a) That Application No DOV/17/00514 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Details of landscaping;
- (iii) Provision and retention of car parking;
- (iv) Provision and retention of cycle parking;
- (v) Surface water drainage to be fully implemented;

- (vi) Visibility splays to be provided and retained;
- (vii) Raised table to be provided and retained;
- (viii) The first-floor windows in the north-west roof slope of units 2 to 9 inclusive shall have a cill height of 1.7 metres above finished floor level and shall be fitted with obscure glazing;
- (ix) Removal of permitted development rights for additions or alterations to the roof (including the provision or alteration of dormers or roof lights);
- (x) The boundary wall which has been erected to the north-west boundary of unit 9, adjacent to Foster Way, shall be retained.

(b) That powers be delegated to the Head of Regeneration 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.

29 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals or informal hearings.

30 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 7.07 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 27 JULY 2017

CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN DEFERRED AT PREVIOUS MEETINGS

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

1. **DOV/16/00530** **Erection of a detached dwelling – Site adjacent to 5 Friends Close, Deal (Agenda Item 12 of 23 March 2017)**

2. **DOV/16/01328** **Outline application for the erection of up to 28 dwellings (30% affordable), creation of vehicular access (to include demolition of 14 Archers Court Road) – Land rear of Archers Court Road, Whitfield (Agenda Item 8 of 20 April 2017)**

3. **DOV/16/01026** **Hybrid planning application: (i) Outline planning permission (with all matters reserved except access) for the erection of 18 dwellings, accesses/roads, parking, associated services, infrastructure, groundworks and landscaping; and (ii) Full application for the change of use of two engine sheds to office accommodation and 5 no. residential dwellings, associated parking, services, infrastructure, sub-station, landscaping, groundworks, attenuation features and earthworks – Land South West at Hammill Brickworks, Hammill Road, Woodnesborough (Agenda Item 16 of 25 May 2017)**

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

MIKE EBBS

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Support Team Supervisor, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Support Team Supervisor (Tel: 01304 872468).

It should be noted, in respect of points raised by third parties in support of or objecting to applications, that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- The matter can only be safely determined after information has been acquired directly from inspecting this site;
- There is a need to further involve the public in the decision-making process as a result of substantial local interest, based on material planning considerations, in the proposals;
- The comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy.

The reasons for holding a Committee site visit must be included in the minutes.

Background Papers

Unless otherwise stated, the background papers will be the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

IMPORTANT

The Committee should have regard to the following preamble during its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes 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'.
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

7. The Development Plan in Dover District is comprised of:

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Development Plan (2015)
Kent Minerals and Waste Local Plan 2016

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

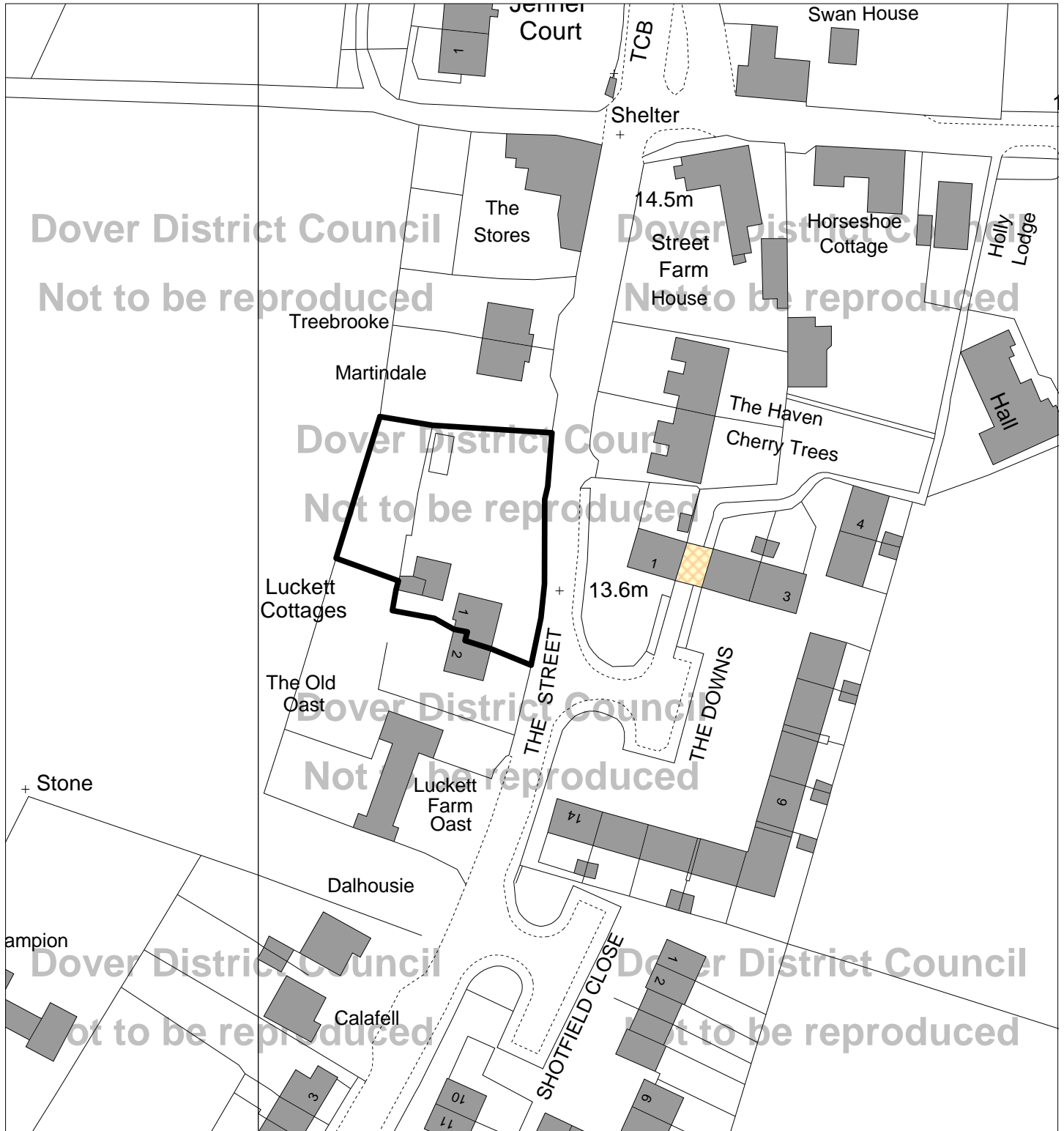
Article 14 - Prohibition of discrimination.

The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material considerations.

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
 - (a) Chairman introduces item.
 - (b) Planning Officer updates as appropriate.
 - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
 - (d) Planning Officer clarifies as appropriate.
 - (e) Committee debates the application.
 - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.



Not to scale

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Note: This plan is provided for purposes of site identification only.

Application: DOV/17/00010

1 Lockett Cottages

The Street

Preston

CT3 1DY

TR25036086



a) **DOV/17/00010 - Erection of a detached dwelling and garage and creation of associated parking - 1 Lockett Cottages, The Street, Preston**

b) **Summary of Recommendation**

Grant Planning Permission subject to conditions.

c) **Planning Policies and Guidance**

Statute

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

National Planning Policy Framework (NPPF)

Paragraph 6- recognises that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 7- outlines the three dimensions of sustainable development, which has an economic role, social and environmental role.

Paragraph 14- states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 50 stipulates the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive communities.

Paragraph 56 emphasises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policy and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local character or distinctiveness.

Paragraph 61 states that whilst the visual appearance and architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations.

Paragraph 63 states that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Equally permission should be refused for development of poor design in accordance with paragraph 64.

Paragraph 66 states that applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

Paragraphs 131-134 of NPPF seek to reinforce the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 by setting out guidance on assessing the impacts of development on designated heritage assets. This is amplified in the National Planning Practice Guidance.

Historic England, The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3 (2015)

Dover Core Strategy (2010)

Policy CP1 The location and scale of development in the District must comply with the Settlement Hierarchy.

Policy DM1 Development will not be permitted on land outside the urban boundaries and rural settlement confines shown on the proposals map unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

Policy DM13 Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

Policy DM15 Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.

Policy DM16 Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan (LALP)

No relevant policies

Supplementary Planning documents and guidance

The Kent Design Guide sets out design principles of development.
Preston Village Design Statement

d) Relevant Planning History

DOV/15/00722: Erection of three terraced dwellings, associated car parking and parking for 2 Lockett Cottages (existing carport for 2 Lockett Cottages to be demolished) – refused.

This application was refused for the following reason:

1. The proposed development, if permitted, due to its design, appearance and siting, would result in a poorly related and uncharacteristic form of development, which has failed to take account of the historic context of the site, would not contribute to an improvement of the character of the area and which would be located in part beyond the Preston settlement boundary, the reason for which has not been justified, as well as resulting in a loss of amenity space; thereby causing an unacceptable level of harm to the setting of a listed building, where that harm would not be outweighed by any public benefits, and would be harmful to the quality and appearance of the setting of the countryside and the street scene, contrary to the aims and objectives of the Kent Farmsteads Guidance, the Preston Village Design Statement, policy DM1 of the Dover Core Strategy and the NPPF in particular at paragraphs 14, 17, 56, 64, 128 and 134.

e) Statutory Consultee and Third Party Comments

Preston Parish Council were consulted and objected to the proposal on the following grounds:

- 1) The design of the proposed dwelling does not sit comfortably within the street scene and fails to respect the setting of the adjacent listed buildings.
- 2) The proposal fails to respect the design requirements of the Village Design Statement.
- 3) With consents granted in recent years there is now an oversupply of larger houses within the village which could adversely affect future demographics.
- 4) The Parish Council would prefer to see affordable, smaller units to satisfy demand identified in the Parish Plan and Village Design Statement.

The Parish Council then sought to clarify point 4 in a future submission:

By way of clarification, the statement regarding affordable housing should not be taken to mean that the PC would support such a development on this site.

KCC Highways were consulted and made the following comments:

- 1) Visibility splays of 43 metres x 2.4 metres x 43 metres are required, but appear to be achievable.
- 2) A minimum of 2 independently accessible parking spaces are required for the proposed four-bedroom dwelling. In addition, garages are not counted as providing car parking spaces in this scenario. The current parking arrangements should therefore be amended to reflect this.

Senior Heritage Officer: No objections to the proposal. The proposal follows the guidance provided at pre-application. The impact on the setting of the listed building is considered to be less than substantial as noted in the NPPF: whilst the openness around the listed building is reduced as a result of the proposed works, the detailed design and siting of the proposed dwelling and the retention of the soft boundary to the frontage of the site helps to ameliorate the harm.

Neighbour Representations

In total 24 neighbour representation have been received; these letters have been received from 13 different residents, some of whom have responded to the amended plans as well as the initial submission. The main concerns within these letters of objection are summarised below:

- There is insufficient car parking within the site and surrounding area;
- The sole purpose of the dwelling is to make money for the developer;
- The proposal would have a negative impact upon the setting of the neighbouring listed building;
- The proposal would have an adverse impact upon residential amenity;
- There is already significant development within the village and this proposal would worsen that situation;
- The proposal should be a smaller, more affordable unit;
- The proposal would adversely impact the character of the village;
- The proposal would adversely impact upon the lives of existing residents;
- The impact of the proposal on the drainage ditch has not been fully considered.

f) The Site and The Proposal

The Site

1. The application site is located within the village of Preston, close by to the village shop and the primary school. Part of the site lies within the village confines, with the rear falling outside of the confines – although it is noted that no built form is proposed outside of this defined boundary.
2. To the south of the application site lies two listed cottages known as ‘Lockett Cottages.’ These grade II buildings are described within the Historic England website as being:

‘House, now cottage pair. C17. Red brick in English bond, return elevations rough cast, with plain tiled roof. Lobby entry plan. Two storeys on plinth with plat band and roof hipped to left with stacks to end right and clustered to left. Three 3-light wooden casements with small light to left, and three 2-light wooden casements on ground floor. Door of 4 panels to left. Catslide outshot to rear.’

3. These two cottages stand slightly further forward than the properties that currently lie on either side of them, although they both have attractive, and well landscaped front gardens.
4. To the north of the application site lies a mid-twentieth century pair of semi-detached chalet bungalows known as ‘Martingale’ and ‘Treebrooke’. These properties are provided with large open off-street parking provision set behind a layby within the highway. Both properties have an integral garage. ‘Martingale’ has a small conservatory on the rear and southern side, which would face onto the proposed dwelling.
5. To the west of the application site are open fields with relatively far reaching views out into the wider countryside.

6. To the east of the site (across the highway) is a pair of semi-detached bungalows (white painted) which are set back a considerable distance from the highway. These have off-street parking set behind a low boundary wall.

The Proposal

7. This is a full application that seeks planning permission for a two-storey detached dwelling, with detached garage. The proposed dwelling would have four bedrooms, and associated living accommodation. The detached garage would have a catslide roof with log store on one side.
8. Amendments were sought from the original submission which has seen a more appropriate design, which included the alteration of the roof slope, the inclusion of more detailing and the provision of a chimney. These amendments were sought in order to address concerns with the original submission.

Main Issues

9. The main issues are:
 - The principle of the development
 - The impact on the character and appearance of the area
 - The impact upon listed buildings
 - The impact on neighbouring properties
 - The impact on the highway network
 - Other Matters

Assessment

Principle of Development

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
11. The NPPF states that any development that accords with an up-to-date development plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and for decision making this means approving development that accords with the Development Plan.
12. Preston is identified as a tier five settlement (Village) within the Dover Core Strategy which allows for development that would reinforce its role as a provider of services to essentially its home community.
13. The proposed residential development would have economic and social benefits in accordance with the NPPF presumption in favour of sustainable development.
14. In summary, the site falls within the village confines of Preston and therefore the principle of new housing development is acceptable and accordance with CS policy DM1 and sustainability objectives of the NPPF subject to all other material considerations being assessed/met.

Impact on the Character of the Area

15. The NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of an area. Paragraph 17 states

that the need to always secure high-quality design should underpin decision-taking. Paragraph 56 refers to good design being a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

16. The proposed dwelling would be sited between existing two-storey properties which and would be of a scale and form that would not appear as incongruous within the immediate vicinity.
17. At pre-application stage it was advised that the hedge to the front of the site should be retained, and the applicant has shown that this can now be kept as part of this proposal. It is considered that this is of significant benefit, not only in terms of the impact upon the village but also the setting of the listed building.
18. It is considered that the building is well designed, and would respond positively to the existing, and relatively high standard of building stock with the locality. The provision of brick detailing and car slide roof, would help to articulate the building, and would ensure that its scale would appear in keeping. The use of materials would need to be carefully considered should permission be granted, with the use of high quality bricks, tiles, and the use of timber fenestration to respect the historic setting within which it would sit.
19. It is therefore considered that the proposal would accord with the requirements of the NPPF in that it would be well designed and would not detract from the character and appearance of the locality.

Heritage Impacts

20. Paragraph 131 of the NPPF requires that in determining planning applications, local planning authorities should take account of the desirability of sustainable and enhancing the significance of heritage assets and putting them to viable uses, consistent with their conservation, as well as the desirability of new development making a positive contribution to local character and distinctiveness.
21. Paragraph 132 of the NPPF outlines *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”*.
22. The previous application within this site was (in part) refused on the basis of the detrimental impact upon the setting of the adjacent listed building ‘Lucketts Cottages.’ This previous application saw a much larger development of three dwellings, which were also poorly designed, and failed to respond to the existing character and appearance of the village.
23. Pre-application advice was subsequently held with the Council who advised that a smaller development within the site may be acceptable – with a single dwelling the most fitting design response. The applicant subsequently submitted this application, and has also amended its design prior to determination.
24. Lucketts Cottages is located within a generous open site. It is set back from the roadside and when travelling southwards along The Street is read in relation with the neighbouring oast house (now separate ownership and converted to

residential). The space subject to the proposal, as shown on mid Nineteenth Century maps, was originally the open farmyard and included buildings such as a large barn. However, later maps show a change in the distribution and use of buildings with the erection of the oast house, demolition of the barn and conversion of the farmhouse into two cottages. This latter change included the re-drawing of the boundary to contain the cottage gardens to a more discrete size, excluding the site subject to this proposal.

25. The proposed dwelling would be set back from the road and slightly behind the front line of the listed building. It would be located adjacent to the boundary with the modern development to the north, maintaining a soft edge to the street frontage and retaining a significant gap between it and the listed building. Due to siting, the visual relationship of Lucketts Cottage and the oast house will be unaffected by the proposed development. The open setting will be reduced but due to the reasons noted the harm caused to the setting of the listed building will be low. It is now considered that the proposal would be of a scale and form that would not appear as incongruous within the locality, and would not be overbearing on the listed building or compete for dominance with the listed building. The building has been designed in a traditional style using materials common to the area and as found on the listed building. It has been designed in such a way as to bring through the strong horizontal emphasis of the cottages, and also seeks to respond to the height of these dwellings – thus not proving overbearing. It is considered important to condition the materials in order to ensure a high quality of design should permission be granted – with the inclusion of timber fenestration, and the use of high quality brick. Samples will be required prior to the commencement of works on site.
26. Paragraph 134 of the NPPF requires that where the impact on the heritage asset is considered to be of less than substantial harm that this should be weighed against the public benefits of the proposal. Whilst concern has been raised in consultation responses with regards to the loss of the garden space to the side of the listed cottage, it is considered that the sub-division of this plot would result in less than substantial harm to the setting of the listed building and that this harm is minor due to the reasons set out above and would be outweighed by the modest provision of residential development within a sustainable location (within village confines), in accordance with the governments objective to increase the supply of housing.

Impact on Residential Amenity

27. Concern has been raised by neighbouring occupiers with regards to the impact upon residential amenity, particularly in terms of overlooking.
28. It is considered that a combination of the separation distances between existing and proposed properties together with the orientation of the proposed dwelling would ensure that the development would not cause any significant overlooking to the existing properties. The rear windows of the dwelling would face back towards the open countryside, and would not directly overlook any existing property.
29. The separation distances between the properties would also be sufficient to ensure that the proposed dwelling would not result in any significant loss of light, loss of outlook, or the creation of a sense of enclosure to the existing properties.

30. Whilst this proposal would result in an element of additional noise and disturbance from general day to day living, given this is within the village centre it is not considered to be unacceptable or out of character.
31. It is therefore considered that the proposal would comply with the requirements of paragraph 17 of the NPPF, with no significant detrimental impact upon the amenities of the neighbouring occupiers.

Highways

32. The proposed dwelling would seek to utilise an existing access which would then fork off to provide a private access road for the new dwelling.
33. Given that this is an existing access, it is not considered that there are any highway safety issues with it being utilised – particularly given that there is only one additional dwelling proposed.
34. Whilst Kent County Council highways have requested that additional car parking provision be made within the site – this is on the basis that garage spaces should not be counted as car parking. In this instance, the pre-application advice to the applicant was clear that garaging would be acceptable, and because this is a detached garage with additional side storage, there is a reasonable likelihood that this would be used for car parking.
35. It is considered that should additional hardstanding be provided then there would be the loss of vegetation which would detract from the character and appearance of the locality. Given the sensitive nature of this site, it is considered that the benefits of providing this additional space are not outweighed by the harm of more hardstanding and less vegetation, and as such not amendments were sought.
36. Neighbouring occupiers have also raised concerns with regards to car parking, however, it is not considered that this would give rise to any highway safety concerns.
37. On balance, it is therefore considered that this proposal is acceptable in highway safety terms, and the slight under-provision of car parking is not considered to be sufficient to justify the refusal of planning permission.

Other Matters

38. Concern has been raised with regards to the drainage within the locality. This application seeks the erection of one additional dwelling, which would utilise the existing main drain for foul, and a soakaway for surface water. It is not considered that this would be likely to cause any harm to the existing infrastructure, but nevertheless a condition is suggested to ensure that the correct details are provided.
39. There is not considered to be any impact in terms of ecology within the site. The hedge to the front of the site is now proposed to be retained, which is of benefit both visually and in terms of biodiversity.
40. Concern has been raised with regards to the level of development that has recently taken place within or close to the village. It is noted that the large development to the north of the village, which is now under construction has

significantly bolstered the housing supply within the immediate vicinity but this is not a reason to resist further development. This application site is within the centre of the village, and considered sustainable. It would not be a significant uplift in housing numbers, being a single dwelling and as such overall housing provision is not considered to be a ground for refusal.

Conclusion

41. This full planning application has been subject to significant negotiations, both prior to the submission of the application and also during the life of the application. Whilst concerns have been raised by neighbouring occupiers, in particular with regards to the impact upon the neighbouring listed buildings, it is considered that the proposal does have due regard to their setting, and does follow the advice provided at pre-application stage.
42. The impact upon the setting of the listed building has been considered in light of paragraphs 131-134 of the NPPF and it is considered that there would be less than substantial harm to their setting and that this limited harm is outweighed by the benefits of bringing forward the site for residential development in compliance with rural settlement policy.
43. It is considered that the proposal is well designed and would respond positively to the existing pattern and grain of development within the locality, as well as responding to the existing amenities that neighbouring occupiers currently enjoy.
44. It is therefore considered that this proposal is acceptable and accords with the policies within the development plan and it is therefore recommended that Members give this application favourable consideration subject to the imposition of suitable safeguarding conditions, as set out below.

g) Recommendation

- I PERMISSION BE GIVEN SUBJECT TO (i) 3 year time period for implementation (ii) In accordance with approved plans (iii) Samples of materials (iv) Large scale details of roof overhangs/eaves, window and door recesses/reveals and wastewater/soil pipes (v) Provision and retention of parking (vi) Construction Management Plan (vii) Archaeological field evaluation (viii) Removal of PD rights – window openings, extensions and outbuildings (ix) Foul water/sewerage disposal details (x) Landscaping Scheme (xi) Retention of existing trees/hedgerows (xii) Details of construction vehicle loading/unloading (xiii) Wheel washing facilities (xiv) No surface water discharge to highway (xv) No meter cupboards on front elevation of dwelling.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary wording of conditions in line with the recommendations and as resolved by the Planning Committee

Case Officer

Chris Hawkins



Not to scale

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Note: This plan is provided for purposes of site identification only.

Application: DOV/17/00451

Site at Betteshanger Sustainable Parks

Betteshanger Road

Betteshanger

CT14 0EN

TR33735313



- a) **DOV/17/00451 – Erection of a detached incubation building (Classes B1, B2 and B8) floorspace area 2,475sqm with ancillary cafe (A3) and associated landscaping and car parking - Site at Betteshanger Sustainable Parks, Betteshanger Road, Betteshanger, Deal**

Reason for report: The number of third party representations

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

The Development Plan for the purposes of s38 (6) of the Planning and Compulsory Purchase Act (2004) comprises the DDC Core Strategy 2010; the Saved Policies from the Dover District Local Plan 2002, the Land Allocations Local Plan adopted 2015 and the Kent Minerals and Waste Local Plan 2017. Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

- In addition to the policies of the development plan, there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with emerging local planning documents and other local guidance.

A summary of relevant planning policy is set out below:

Core Strategy (CS) Policies – Adopted 2010

- Policy CP2 (Provision of Jobs & Homes) states that land will be identified for 'around' 200,000 sqm across the District between 2006 and 2026. The supporting text to this policy at paragraph 3.16 equates this level of provision to the potential of creating some 6,500 jobs by the end of the plan period. Table 3.1 identifies that unimplemented planning permissions across the district amounted to 155,000 sq m of employment floorspace.
- Policy CP5 (Sustainable Construction Standards) states that new non-residential development over 1000sqm gross floorspace should meet BREEAM 'very good' standard (or any future national equivalent).
- Policy CP6 (Infrastructure) - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- Policy CP7 (Green Infrastructure) Planning permission for development that would harm the network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects. Proposals that would introduce additional pressure on the existing and proposed Green Infrastructure Network will only be permitted if they incorporate quantitative and qualitative measures, as appropriate, sufficient to address that pressure. In addition, the Council will work with its partners to develop the Green Infrastructure Framework and implement proposed network improvements.

- In order to help operate the settlement hierarchy through the development management process Policy, DM1 (Settlement Boundaries) proposes settlement boundaries for planning purposes and sets out how these will be used to help judge the acceptability of individual development proposals. The application site lies outside the settlement boundary where Policy DM1 does not permit development unless *“justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.”*
- Policy DM2 (Protection of Employment Land & Buildings) Land allocated for employment land will not be granted planning permission for alternative uses unless it has been subsequently allocated for that alternative use in a Development Plan Document. Policy DM3 directs new commercial development in the rural area to the designated Rural Service Centres or Local Centres in the settlement hierarchy.
- Policy DM11 (Location of Development & Travel Demand). Planning applications for development that would increase travel demand should be supported by a systematic assessment. Development that would generate travel demand outside settlement confines will not be supported unless otherwise justified by other development plan policies.
- Policy DM12 (Road Hierarchy) states that the access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Developments that would involve the construction of a new access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of accidents or traffic delays – unless appropriate mitigation can be provided.
- Policy DM13 (Parking Provision) Determining parking solutions should be a design-led process based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- Policy DM15 (Protection of the Countryside) is a policy which restricts development in the countryside; Criteria iii and iv are exceptions where the need can be justified or whether it is accepted that there are no alternative sites subject also to the proposal being of an acceptable scale and not adversely affecting the appearance and character of the countryside.
- Policy DM16 (Landscape Character) Development that would harm the character of the landscape, as identified through the process of landscape character assessment, will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- DM17 (Groundwater Source Protection) specifies categories of development that will not be permitted within Groundwater Source Protection Zones 1 & 2.

Dover District Local Plan (DDLPL) Saved Policies – Adopted 2002

- Saved Policy AS1 specifically relates to the former Betteshanger Colliery pithead for Class B1/B2 and B8 employment use subject to:
 - Evaluation of contamination;
 - The living conditions of nearby residents being safeguarded;

- The proposed buildings being acceptable in landscape terms;
 - Acceptable in highway and site access terms;
 - Pedestrian and cycle links are made to the Deal urban area;
 - Nature conservation and archaeological interests are safeguarded.
- It is relevant that the application site lies adjacent to but not within the allocated site as set out in the Proposals Map but was consented for employment use under the later outline/hybrid permission.

Land Allocations Local Plan (LALP) – Adopted 2015

- Betteshanger Colliery Pithead is specifically referenced at Page 68 of this document which states; “The development of Betteshanger Colliery Pithead for B1, B2 and B8 employment use is covered by Saved Local Plan Policy AS1”.

Kent Minerals and Waste Plan 2017

Policy DM 7 Safeguarding Mineral Resources

- Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:
1. the mineral is not of economic value or does not exist; or
 2. that extraction of the mineral would not be viable or practicable; or
 3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or
 4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or
 5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or
 6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or
 7. it constitutes development on a site allocated in the adopted development plan
- Further guidance on the application of this policy will be included in a Supplementary Planning Document.

National Planning Policy Framework (NPPF) & National Planning Policy Guidance (NPPG)

- The NPPF is a material consideration. The foreword to the NPPF recognises that “Development means growth” and that “*Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.*” The foreword goes on to emphasise that “*planning is about helping to make this happen*”.
- Three dimensions to sustainable development are highlighted at paragraph 7 of the NPPF, comprising economic, social and environmental components.

Paragraph 8 of the NPPF makes clear that *“These roles should not be undertaken in isolation, because they are mutually dependent”*.

- This holistic approach to development is further emphasised at Paragraph 9 of the Framework, which emphasises the importance of development in improving the *“conditions in which people live, work, travel and take leisure”*, all factors of which are of particular relevance to this proposal.
- Chapter 1 of the Framework focuses on the need to build a strong, competitive economy and that the planning system should do everything it can to support sustainable economic growth. The economic dimension is recognised as an important element of delivering sustainable development and that Local Authorities should plan proactively to meet these development needs. The Framework makes clear that investment in business should not be overburdened by the combined requirements of planning policy expectations. This is relevant in this case given that, at least geographically, the site is not an urban edge site favoured by policy. Paragraph 21 emphasises that *“Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. This is recognised in the current application.*
- Paragraph 37 states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities. Deal is acknowledged to have high levels of out-commuting and the delivery of employment opportunities from the serviced Betteshanger was a building block of the 2002 plan and 2010 Core Strategy. This is an important context.
- At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). This paragraph notes that where the development plan policies are absent, silent or out of date, planning permission should be granted *“unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”* (Emphasis added).
- The NPPF also sets out the economic dimension of the planning system to support sustainable growth, encouraging proactive planning to support a competitive and prosperous economy.
- Paragraphs 109 and 118 of the NPPF acknowledge that the role of the planning system as a means of protecting the natural and local environment from adverse impacts arising from development, and affords considerable weight to the protection of valued landscapes and sensitive areas. However, the Framework further establishes the role of planning as not necessarily a means of *preserving* the natural environment, but a means of contributing to its conservation, and where possible further enhancement. Proposals which therefore seek primarily to enhance and equally minimise the impacts to biodiversity will be viewed favourably. On the contrary, unless the adverse ecological and environmental impacts of a proposed development can be mitigated or at a minimum, compensated for, then planning permission should be refused.
- In considering wider environmental impacts, the NPPF also encourages high-quality design, and seeks to minimise the impacts of noise and light pollution and other adverse impacts, which may arise as a result of new development

(paragraphs 123 and 125). Whilst “*unreasonable restrictions*” should not be placed upon development, safeguarding measures should seek to “*mitigate and reduce to a minimum*” these adverse impacts to ensure that acceptable levels of amenity are maintained. The importance attached to high-quality design, and its contribution to the improvement of space and place, is established further within the NPPF, at paragraphs 56 to 61 specifically. They identify the need for design which facilitates the creation of “*safe and accessible*” environments, and help to “*establish a strong sense of place*”, respective of the local surroundings. Whilst designs should be sympathetic to the locality, it is not the position of the NPPF to “*impose architectural styles*” or “*stifle innovation*”, and “*unnecessary prescription*” of detail should be avoided.

- The general spatial priorities set out in the adopted local plan are repeated in the NPPF in respect of optimising the use of sites in sustainable locations and focusing development where public transport linkages are good, and there is a balance of land uses, thereby minimising the need for car movements (paragraphs 34, 35 and 37). Planning permission should be refused on highway grounds only where “*the residual cumulative transport impacts are severe*” (para 32). Travel Plans are also encouraged for developments which generate significant amounts of movement, as a way of implementing sustainable travel (paragraph 36).

Other Material Considerations

Economic Development Needs Assessment [EDNA] (Approved by Cabinet, 1st March 2017)

d) Relevant Planning History

Whilst there is a lengthy history of the site associated with the colliery and more recently the country park, the most relevant to this proposal is a hybrid application (i.e. part outline, part detailed) under LPA Ref DOV/02/00905 which was approved by the local authority on the 17th August 2004. The site related to the hybrid application comprised the wider 120ha former Betteshanger Colliery (Pithead) site, split into the eastern tip site and western colliery site. It included the erection of class B1, B2 and B8 business, industrial and warehousing units within the western colliery site, creation of a community and a country park, erection of a visitor centre, construction of recreational cycling facilities and sculpture park to the east, and construction of water treatment facilities, access roundabout, associated roads and car parking facilities throughout.

The quantum of Class B1, B2 and B8 floorspace set out in the application totalled 22,300 sq. m of which the application site made a proportional contribution toward. At this time, the masterplan envisaged 9 zones of development with an office zone totalling some 12,077 sq.m of up to three storey buildings and two industrial zones of up to two storeys totalling 10,219 sq. m. The application site is identified in the masterplan (Zone 2) for a building of B1 or B2. The indicative height of the building is two storeys although it is relevant that for an adjoining site opposite Almond House a three-storey height parameter is outlined.

Implementation of Phase 1, including the roundabout and community park / visitor centre has subsequently been undertaken, with the visitor centre currently under construction. It is relevant that a number of conditions relating to archaeology, soil conditions, nature conservation, drainage strategic landscaping and access for the whole of the site were discharged to part implement the permission. However, the

permission for Phase 2, applicable to the current application site and the allocated employment area (Policy AS1), has since been accepted as having lapsed. As part of this outline/hybrid permission, a Masterplan Report was approved, (Condition 31). The intention was for this masterplan to inform the submission of later reserved matters applications. The findings of the masterplan framework report at this time, with respect to the application site are therefore addressed under the main issues of this report.

A Screening Opinion to determine whether an Environmental Statement was required was submitted by the applicant. In a decision reference DOV/17/00355, it was confirmed that no ES would be required.

e) Consultee and Third-Party Responses

Statutory and third-party consultees were consulted upon the application and a second round of consultation was carried out with key consultees following the receipt of additional technical information. 9 individual responses were received from local residents. The main responses are outlined below

Southern Water

Southern Water raise no objection subject to safeguarding conditions being imposed and the need for future maintenance of the SUDS system. As a rainwater harvesting system is proposed, it is requested that any planning consent is conditional upon the approval of the details of the rainwater harvesting system, prior to commencement of the development and upon the approval of a maintenance regime for the system, prior to occupation of the development.

Environment Agency

Raise no objection to the proposal, subject to full contamination conditions, including remediation strategies, verification reports and, and prohibition of any piling / penetrative works without the written consent of the LPA.

Environmental Health

In response to the additional Geotechnical Report submitted by the applicant, the Environmental Health Team raise no objection subject to the imposition of a planning condition requiring further gas monitoring to ascertain whether any gas protection measures within the building fabric are required. Original conditions attached to the earlier outline permission relating to the need for a watching brief and verification report are also recommended. The possibility of the leaching of controlled water in to the groundwater system has been highlighted and this is a matter addressed in the Environment Agency's consultation response.

Natural England

Natural England originally sought additional points of clarification because of the proximity of the application site to the Thanet Coast and Sandwich Bay Ramsar site, and the Sandwich Bay to Hacklinge Marshes SSSI site. To sufficiently mitigate any adverse impacts, Natural England advised that the following were secured via a planning condition:

Foul water sewerage should be connected to a public main, but if not possible, it must be demonstrated that alternative solutions would not negatively impact upon water quality of the nearby Ramsar and SSSI sites.

Prevention measures to prevent pollution from hydrocarbon run off from roads, car parks and hardstanding within the development, which could enter any watercourses connected to the nearby Ramsar and SSSI sites.

As SUDS are proposed, it must be demonstrated that water quality and water levels within the nearby Ramsar and SSSI sites will not be adversely impacted.

Following this response, the applicant was requested to provide further information. Following the receipt of the additional report Natural England has confirmed that “based on the additional information submitted Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection”.

Kent County Council Flood Authority

Following the submission of a Surface Water Drainage Strategy, comments from KCC as Flood Authority were requested. It was established that soakaways would not be workable and the applicant proposed a combination of SUDS measures including rainwater harvesting, filter drains and permeable paving with underground tanked storage which KCC have confirmed is acceptable. Measures will be put in place to control water quality. A key issue has been a disagreement about the controlled flow of stored surface water to a pond and wetland within the applicants control to the south of the application site. KCC has required that a flow should not exceed 2 litres per second and the consultants have modelled this flow and agree it is achievable. This will be secured by way of condition and on this basis KCC Drainage Officer raise no objection to the proposal.

Kent County Council Highways

In response to the submission of additional information and clarification of points as requested, Kent County Council Highways do not object to the proposal. Subject to the suggested conditions, it is considered that the proposals are unlikely to have a severe impact upon the highway that would warrant a refusal on highway grounds. Additionally, some of the generated trips to/from Deal and Sandwich will also have been already accounted for and assessed as part of the approved residential developments in those areas in the recent past.

Whilst the proposal is likely to generated approximately 78 vehicle trips in the morning network peak hour, and 55 in the PM peak hour, it is noted that a proportion of these trips are likely to already exist on the highway network arising from the existing vehicle movements of future employees at the site.

It is also acknowledged that, whilst relative to the masterplan for the entire western site, future provision of bus stops and minor diversions of existing bus routes are feasible requirements which will be triggered in due course with potential further development. Although a future scenario, once implemented, they could provide hourly bus services between the site and Deal/Sandwich/Canterbury.

Taking all of the above into account the proposals are unlikely to have a severe impact on the highway that would warrant a refusal on highway grounds. The following should be secured by condition:

- 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.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities 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 and maintenance of the vehicular, pedestrian and cycle accesses shown on the submitted plans prior to the use of the site commencing.
- Retention and maintenance of the existing pedestrian route between the site and Circular Road, including removal of the existing fence on the footway between Betteshanger Road and Circular Road.
- Provision of signage to deter use of the Broad Lane access/egress.
- Provision and implementation of a Travel Plan in accordance with details to be submitted to and approved by the Local Planning Authority, to include the following:
 - (a) Discounts for public transport use;
 - (b) Discounts for cycle purchase, servicing and accessories,
 - (c) Best endeavours to enable the diversion of the proposed 81 hourly bus service into Circular Road.

Construction Management Plan to include the following:

- (a) Routing of construction-related vehicles to/from the A258;
- (b) Parking and turning for delivery vehicles and site personnel,
- (c) Wheel washing facilities.

The applicant should note that future planning applications will need to consider the cumulative impact of the masterplan development site on the highway network and improved public transport access to mitigate the same.

Dover District Councils Ecological Advisor

The Ecological Impact Assessment is thorough and a summary including recommendations is provided. As long as those recommendations (and their detail as in the report text) are fulfilled as a condition, there is no objection on ecological grounds.

It has been noted as part of a wider landscape character assessment of the north of Deal, that the proposed development will be visible from paths within Betteshanger Country Park. The proposed building will break the skyline. Within the context of the nearby Almond House, the housing on Betteshanger Circle, the presence of a new building need not have an adverse visual impact, but the height of the proposal is of concern in that it could result in a new and non-vernacular building type dominating the local landscape. The proposed loss of green space for car parking to the south of Almond House is also a concern and the recommendation for associated landscaping in the ecological impact assessment should be taken forward as mitigation.

Minerals and Waste Planning (Planning Advisory Group)

As the site lies within a mineral safeguarding area where geological records suggest 'Brickearth' is likely to be present in the area, consideration must be had for

safeguarding requirements. Policy DM7 of the Kent Minerals and Waste Plan safeguards minerals unless there are reasons for exemption which can include the low quality of the minerals in the ground or that it can be demonstrated that it would be uneconomic to mine, or lastly the site already benefits from a development plan allocation or an extant permission.

Currently the planning application makes no references to mineral safeguarding or the relevant policies within the KMWLP and no supporting information has been provided within the planning application documentation as to how the exemptions of Policy DM7 have been met. In the absence of such information, the County Council, as Minerals and Waste Planning Authority, objects to the application. Subject to the receipt of further information to demonstrate how mineral safeguarding is to be addressed, KCC will be happy to review this position.

Kent County Council Public Rights of Way

A public footpath PROW EE367 passes adjacent to the proposed site. KCC's PROW raises no objection to the proposal. However, a general informative is suggested regarding the maintenance of the PROW, specifically ensuring that no hedges or shrubs are planted within 1.5m of the PROW's edge, and that no disturbance of the surface of the path, or erection of furniture which would obstruct its use either during or after development, should occur.

KCC Archaeology

KCC Archaeology advise that at that time of the original SEEDA application, watching brief was detailed as mitigation for the preparation works, which included platform creation. This was a safeguard imposed as a condition to record any remains of the old colliery that may be encountered. It is noted that the proposed application site may lie within an area that would not have been excavated by SEEDA, and therefore the same potential for artefacts remains. It is therefore advised that a condition for a watching brief be attached to any permission for this development proposal. The following clause would be appropriate:

AR4 *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Northbourne Parish Council

Raise concern that the application states that the site will be connected to the main sewer, contrary to the advice from Southern Water that no such public sewers exist within the nearby area to serve the development. Clarification as to the means of drainage connection to the mains has been submitted by the applicant and this is addressed in the main assessment section of the report.

In response to the advertisement of the planning application a total number of 9 representations have been received by local residents focusing mainly on the following issues:

- The proposed building is too tall

- It is not in keeping with the rural landscape or hamlet
- It would lead to the over-supply of office and work-space
- Queries raised over the ration of 250 workspaces to 100 car parking spaces
- The proposal would lead to an increase in traffic on an already busy road network
- General comments relating to the dislike of the building's design, seen as "intrusive", "ugly" and "box-like." The proposal should be more in keeping with the buildings already within the wider area.
- As part of a Country Park, the proposal will result in loss of ecology and open space.

Other comments:

- Disabled access provision is limited – the disabled toilet and parking is noted, but other facilities such as hoists and showers are needed to facilitate the needs and mobility of disabled users of the prospective units;
- Concerns for the limited availability of public transport access to service the site;
- Queries were raised over the increased need for road maintenance;
- Consultation with the local community has not taken place (NB since this time a Local Exhibition providing further information on the submission although this was attended by 4 residents);
- Concern raised over the viability of the office spaces;
- The Discovery Park complex would be a more suitable location;
- There is not an identified need within the community for workspace units;
- Concern raised over the delayed opening of the Visitors Centre at Betteshanger Country Park and the cumulative effects of its opening with the proposed incubation building;
- There is no evidence of buildings on the application site before;
- The proposed café could add unnecessary competition for local cafes and recently established wellness centres in Deal;
- As a hamlet, Betteshanger was identified as unsuitable for large-scale development;
- Concerns raised over the increased pressure on the sewerage infrastructure.

Head of Inward Investment (DDC)

The redevelopment of Betteshanger Colliery, being one of three collieries in Dover District comprising part of the former Kent Coalfield, has been a long-term ambition for both Dover District Council and other agencies alike.

The former Redevelopment Agency, The South-East England Regeneration Agency (SEEDA), was charged with responsibility for bringing forward proposals for the site following the closure of the Colliery. A redevelopment scheme was subsequently taken forward by SEEDA. This scheme incorporated a new access roundabout on to the A258, site spine roads and serviced plots on the site of the Colliery buildings on the west side of the A258 along with a Country Park on the former tip site on the east side of the A258. Substantial consultation took place with the local community, key stakeholders, agencies and the like, with the major consideration being related to HGV traffic on unsuitable roads; hence the reason for new access onto the A258.

Despite the provision of an effectively serviced industrial and commercial offer at Betteshanger, little interest was received by SEEDA in relation to the business park, with the site standing dormant for a number of years save for a number of uses

taking place the last remaining building known as Almond House. Following the winding-up of SEEDA, the site was transferred to the Homes and Communities Agency (HCA).

As part of a district wide search by Hadlow College for new facilities in East Kent, DDC highlighted the opportunity at Betteshanger. Following extensive negotiation with the HCA, the Betteshanger site – including both the Business Park and the Country Park – was transferred to Hadlow College under the backdrop of a performance based agreement between the parties. This process has been supported throughout by DDC, with Betteshanger featuring prominently in the Council's Corporate Plan which is the Council's main strategic document, providing a framework for the delivery of services. The Corporate Plan is a clear statement of the Council's vision and priorities and provides the context for other strategies and plans that DDC produce.

The Corporate Plan has the following Vision: "Securing a prosperous future for the district, which will be a place where people want to live, work, invest and visit", with a Priority One focus of a "Thriving Economy".

Under the objective of delivering a Thriving Economy, the Corporate Plan indicates that "Our Plan is boldly pro-growth and pro-business. Economic growth is essential if we are to tackle important issues in our district such as unemployment, low skills, inequality, and improve health and wellbeing, and the quality of life for our residents"

Working closely with Hadlow, significant investment has been secured over recent years which has seen major progress on the redevelopment and regeneration of the Country Park with progress clearly evidenced on site. While this is to be commended, more needs to be done to achieve progress on the Business Park. While the national focus has seen priority attention directed to the Enterprise Zone Programme, it is important that opportunities are now taken to progress Betteshanger Business Park in such a way that it provides both direct benefits locally but also adds support to the nearby EZ at Discovery Park.

The current application, for the erection of a three storey B1, B2 and B8 business incubation building with ancillary cafe (A3), associated landscaping and car parking which has been prepared, has been developed from an inward investment perspective with Hadlow. It is supported by an application for European funding through a current approved European Structural and Investment Fund Round 2 submission. This is a competitive and time critical opportunity, particularly as the current Brexit debate is placing greater pressures on future programmes, which needs to be realised as a priority.

As an aside, it is also relevant to note that Locate in Kent acknowledge the growing need for serviced accommodation and the importance of delivering more commercial development.

Crucially, this acknowledges the growing need for serviced accommodation and the importance of delivering more commercial development.

In conclusion, I therefore strongly support the current application for the following reasons which, if approved, will:

- Provide a major step forward for the redevelopment of the Betteshanger Business Park;
- Secure competitively bid for ESIF investment funding;

- Help realise the Council's Corporate objectives specifically for Betteshanger;
- Provide supporting opportunities to the nearby flagship Enterprise Zone at Discovery Park; and
- Also help to achieve the wider aspirations of the National Planning Policy Framework through ensuring that Betteshanger can contribute economically, socially and environmentally in the widest sense.

f) The Site and the Proposal

- 1.1 The application site comprises a small land parcel of 0.99 ha located in the western, former pit head portion of a total landholding that extends approximately 120ha, including the Fowlmead Country Park to the north of the A258 (Sandwich to Deal) main road.
- 1.2 The land parcel lies either side of a main internal spine road, Betteshanger Road, close to the existing building of Almond House, and includes the existing car park to these offices. This portion of the site lies in one of the most elevated positions within the total landholding.
- 1.3 The site is adjoined to the east side by a range of buildings that are in employment use. Beyond Almond House, residential properties front a highway known as Circular Road which is arranged in a circular layout.
- 1.4 The site is situated close to the edge of Deal, some 2.7km from the town centre and 4.4km to the south east of Sandwich town centre.
- 1.5 The proposal comprises;
- The erection of a three-storey building to provide a gross internal floor-area of c.2,475 sq.m of mixed Use Class B1, B2 and B8 floorspace and ancillary café (A3).
 - The building is proposed for use as a "Enterprise Incubation Hub", to provide start-up incubation, office and manufacturing space to support a wide variety of health-based enterprises and SMEs.
 - The proposed building would measure 32.25m to ridge height, with a footprint of 960 sq.m (80m x 12m).
 - Materials include black timber cladding, black and orange terracotta tiling, grey/silver steel frames and clear/orange tinted glass, with PV roof-panels also proposed.
 - The configuration of the building also includes a 'split-core' design to allow for easy sub-division to allow for the requirements of future tenants.
 - At ground-floor level, it is proposed that a reception area, 'touch-down' benches for informal meetings, meeting rooms, WC and kitchen facilities, lockers, shower facilities and 6 x flexible B2 use manufacturing units are provided.
 - At first and second-floor levels, it is envisaged that a mix of open plan, 4-6 people and 10-14 people office spaces, meeting rooms, WC and kitchen facilities are also provided.
 - The proposal will include the provision of 85 car parking spaces, inclusive of 4 disabled spaces, located North and South of Betteshanger Road, with a large proportion utilising an expanded car-park to that existing to the South of Almond House. 6 motorcycle spaces and 28 cycle spaces with store are also proposed.
 - Existing pedestrian footpaths and cycle paths to the North and South of Betteshanger Road will also allow pedestrian and cyclist access to the site.
 - Signage to aid the direction of traffic and ease vehicle trips away from the Broad Lane/A258 junction is also to be implemented following highway input and consultation with the local community.

- The building will incorporate high-quality and sustainable natural cross-ventilation systems, with PV panels on the roof also proposed. This is intended to enable the building to operate with an 'A' level EPC rating, and a 'Very Good' to potentially 'Excellent' BREEAM rating, in exceedance of typical Building Regulation Standards.

2 Main Issues

- 2.1 The main issues raised by this application are considered to be;
- The principle of development and the relevance of the previous planning permission and employment allocation that affects the former Betteshanger Colliery site;
 - The scale and specifically the height of the building and its impact on the character and appearance of the locality and the adjoining Almond House building;
 - The impact of the development on the living conditions of adjoining residential occupiers;
 - The effect of the proposal on the wider highway network and specifically the London Road/Manor Road roundabout at Deal and the ability of the proposal because it relates to only a small part of a wider allocation to realistically stimulate enhanced public transport linkages in isolation. Levels of parking provision that are offered are also an important consideration;
 - The economic benefits of the proposal are also an important consideration (particularly because of the availability of public funding) and the number of jobs that the proposal can create is also an important balancing consideration;
 - The safeguarding of the potential for minerals to be extracted from the ground prior to the commencement of development;
 - Other matters including the impact on wildlife and biodiversity, water quality and safeguarding surface water flow, and foul drainage.

3 Assessment

Principle

- 3.1 The site lies outside the saved Dover Local Plan (adopted 2002) Policy AS1 Action Area which designates an allocated area to the south of the application site for employment uses. A hybrid planning permission DOV/02/0905 (which was approved in 2004) for the total landholding, has lapsed, despite a number of components of the permission having been implemented. The Fowlmead Country Park opened in May 2007 and the main road infrastructure (including strategic landscaping and drainage) serving the pit head area was also constructed at around this time. Many overlapping conditions relating to the whole of the site (relating to ground investigations, ecology and archaeological surveys etc) were discharged at this time.
- 3.2 The hybrid planning permission (LPA Ref DOV/02/00905) relating to the total Betteshanger allocation did approve land beyond the Policy AS1 allocated area as part of a comprehensive land use approach to the whole colliery site. This past approval, although now technically lapsed, remains a material consideration and it is relevant that the application site was identified as a location for an employment building as part of the approved masterplan.
- 3.3 Condition 31 of the above hybrid permission stipulated that reserved matters should accord with the principles of the Master Plan Report (prepared by Rummey Design Associates) which identified the former pithead site for up to 22,400 m² of

employment space. The construction of the road infrastructure, provision of the strategic landscaping and the configuration of the estate road itself now effectively implemented under this hybrid permission, has created a self-contained development parcel which the proposed employment building is shown to be sited on.

- 3.4 The recent EDNA Report of consultants NLP on behalf of Dover District Council supports employment provision in the district and recognises the need for regeneration. The level of employment provision allowed for by the hybrid permission is, itself, identified in the employment land supply (set out at Page 200 of the Land Allocation Local Plan adopted in 2015). Having regard to the brownfield status and history of use as a colliery and the more recent outline/hybrid approval, it is considered that the principle of employment development is acceptable, despite the development proposals in the strictest terms needing to take account of more restrictive spatial policies in the development plan that would normally be applied to the countryside such as Policy DM1/DM15 and DM3 of the adopted Core Strategy.
- 3.5 The wider context for the former colliery site at Betteshanger has to be taken into account in the assessment of its geographical location and sustainable location. This brownfield site was identified as a regeneration area and has been identified as an employment node serving the district in both the 2002 Local Plan and 2010 Core Strategy.
- 3.6 The site visually and functionally forms part of the pit head site and consent has been previously been granted for employment use at the application site. The constructed estates roads have since created an obvious infill pocket for employment development.
- 3.7 In summary, the proposal is consistent with the long term economic objectives of the district. Significant infrastructure has already been put in place to accelerate employment interest to serve the employment objectives of this key site for the district and for these reasons, the principle of employment uses on this portion of the site on balance is considered to be justified in this location for a mix of Class B1/B2 and B8 uses.

Location and Height of the Development

- 3.8 The shape of this land parcel is linear and narrow in depth and is sandwiched between a number of existing buildings (including Intercrop) to the west, the main estate road to the east and the elevated Almond House which is sited above a rising bank at the southern boundary of the site.
- 3.9 The building operationally works more efficiently by providing two cores within the building. The siting orientation of the proposed building also maximises solar gain with its east-west axis and minimises excavation by generally working with the existing site contours. The proposal is for a single linear building measuring 80m x 12m with car parking to the front and western side with surrounding landscaping. For these reasons, the proposal is considered to represent a logical design layout response to the site constraints in terms of its footprint.
- 3.10 The applicant requires a floorspace of 2,500sqm for the incubator unit and because of the footprint of the building, this will require a building of 3-storey height. This is higher than the two-storey parameter identified by the 2004 masterplan for this part of the wider employment site. Notwithstanding this, the masterplan did indicate that buildings of up to 3 storeys could be sited in the foreground of Almond House close to the application site.

- 3.11 There are a number of public footpaths in the locality, and the applicant has prepared two supporting landscape reports and additional presentational material illustrating how the building would appear in the landscape. The proposed building whilst seen against the backdrop of existing buildings is of a greater massing than the buildings to the north and whilst lower than the ridge of Almond House to the south, will have an impact on the current setting and character of the area because of the eaves height and length of the proposed building. The measured ridge height of Almond House is shown at 35.1m. The height of the proposed incubator building is shown as 32.25m to ridge and 30.41m to eaves and despite being a full three storeys, is set down in the landscape relative to Almond House.
- 3.12 The landscape impact of the proposal is considered further in the conclusions to this report.

Impact on the Living Environment of Adjoining Residential Occupiers

- 3.13 The applications site adjacent (to the south and east) to a large area of allocated employment land that has not been built out and is owned by the applicant. The proposed land use is consistent with these uses (Classes B1/B2 and B8) as identified by the allocation.
- 3.14 To the north of the application site lies the existing agri/employment buildings known as Intercrop and the proposal is also consistent with these nearest uses on this side.
- 3.15 The village of Betteshanger, served mainly off Circular Road, lies to the south west of the application. Residents are partially screened by Almond House which is an office building which is also elevated in relation to the application site and separated from the nearest residential property in Circular Road by 76 metres.
- 3.16 Representations from neighbours have raised a number of issues including the design and height of the building and traffic generated by the proposal (for other issues raised please refer to the consultation section of the report). The applicant has stated that the height and siting of the building is necessary to achieve the funding required for the development. The applicant has produced additional photomontages to demonstrate how the building will be viewed in the landscape and whilst it is accepted that in certain views from Betteshanger the building will be visible, it will not cause material harm to residential amenity or landscape character and this impact must be balanced against the economic benefits of bringing forward jobs through a further round of public funding after past efforts of marketing of the adjoining serviced employment site have been unsuccessful.
- 3.17 In conclusion, the design of the building is considered to be of a high quality and this will be strengthened by the use of good quality materials. The three floors of the building will increase the perceived massing but on balance the overall height will be seen from vantage points in the context of the landscape and adjacent development and adequately assimilated. The distance of separation to the nearest residential properties the policy allocation and historic use of the site and wider area are such that the impact of the proposal on the living conditions of adjacent occupiers is not so significant as to warrant the refusal of the application.
- 3.18 During the construction process, issues of noise and dust will be controlled by the imposition of a condition that will require a Construction Management Plan in the event that the proposed scheme is considered acceptable in planning terms.

Mineral Safeguarding

- 3.19 The Kent Minerals and Waste Local Plan (July 2016) contains Policy DM7 which seeks to safeguard minerals where geological mapping suggests they potentially might exist. In this case, the mineral is potential brickearth. The policy seeks to ensure that minerals, if found, are extracted before later development commences. Policy DM7 acknowledges that the safeguarding policy can be set aside for reasons including a) if planning permission has already been granted or the site is allocated or b) samples show that the mineral quantity is very poor or c) it can be demonstrated that it would be uneconomic to extract the mineral or d) the need for the development overrides the need to safeguard the mineral. KCC object to the application on the grounds that insufficient information to address the mineral safeguards of policy DM7 has been submitted with the application.
- 3.20 The KWMP was adopted in July 2016 and therefore this was not a requirement of the earlier hybrid application, and as the site lies immediately adjacent to the allocation, neither of these exceptions apply. The applicants submitted further geotechnical information and consider that because of the ground conditions, the comparatively small area of site to which the scheme relates and excavation already carried out with the former colliery use, there is a low probability that the quality or quantity of brickearth would be realistically viable to mine. However, on the basis of the current evidence available, this cannot be conclusively established and KCC maintain their objection.
- 3.21 In this case, specific mineral testing has not been undertaken but as part of a geotechnical survey trial pit logs from the ground investigation. These results show the majority of the eastern part of the site has a thickness of approximately 2m of Made Ground overlying a thin layer of Head Deposits of up to approximately 0.6m which in turn overlies Chalk. In this area of the site the Head Deposits predominantly comprise sand and gravel which the applicant does not consider to be suitable for use as brickearth and given the thickness of overburden as well, would not be economical for viable extraction. The western part of the site generally has between 1.7m and 2.5m thickness of Head Deposits which may be considered more appropriate as brickearth, this part of the site is only around 0.15ha in area and therefore a potential volume of Head Deposits of only around 3000 cubic metres could be excavated. The applicant does not deem this to be economical quantum of minerals to justify extraction given the machinery needed to mobilise to excavate such a small amount of potential brickearth.
- 3.22 Notwithstanding the above, in view of the length of time that this serviced employment site has failed to attract investors in build out and job creation and the availability of public funding to bring forward and create employment, that on balance the need for the development outweigh the potential mineral value.
- 3.23 At the time of writing, KCC maintains a holding objection whilst further justification from the applicant is considered. The applicant is willing to undertake a further investigation for brickearth if permission is forthcoming and if present in viable quantities would extract the material before the commencement. Given the economic benefits of the development, the imposition of a planning condition to require intrusive extraction surveys for minerals to be undertaken, prior to the commencement of development, is considered an acceptable way forward.
- 3.24 The applicant will accept a condition is imposed that would safeguard the potential for minerals as follows:

Prior to the commencement of development, the applicant will undertake an intrusive extraction surveys for minerals and the findings shall be submitted and agreed with the LPA/KCC. Should high quality minerals be present, a method of extraction that must be economically viable shall be agreed with the LPA/KCC and the programme for extraction of all agreed minerals completed before the development of the approved incubation buildings hereby approved, is commenced.

Impact on the Highway Network

- 3.25 The hybrid permission, whilst no longer a fall-back position, did grant permission for an employment development of over 22,400 sq m of mixed B1/B2 and B8 space that included the application site. The 2004 permission did permit most of the internal road and drainage infrastructure and the roundabout at the entrance to Fowlmead Country Park. Since the time of the road construction, none of the permitted serviced employment land has come forward. Whilst other residential development at the fringe of Deal has been granted since this road infrastructure was constructed, potential traffic generation from the employment site would have been taken into account in the accompanying Transport Assessments to consider the wider highway impact particularly with regard to the London Road/Manor Road roundabout. In view of this context, the earlier permission and the road infrastructure that it has already brought forward alongside the Fowlmead Country Park are material to the consideration of this application.
- 3.26 The saved Local Plan (Policy As1) allocates 22,000 sq m of employment floorspace from the wider colliery site. This is a firm allocation in the development plan which does justify significant employment based highway movements quantum from the colliery site. The current application is for 2,475 sq m of employment space which is some 11% of the allocated total (22,000 sq m) for the rest of the colliery site. Given the headroom, 89% of the total allocated amount that would remain in the highway network should this scheme be consented, it is concluded that a highway capacity objection concerning the additional impact on the London Road/Manor Road roundabout could not be sustained. The applicants will be advised that if cumulatively the quantum of employment land on the remainder of the allocated area exceeds the 22,000sqm (when the application site is included), then additional highway modelling relating to the wider capacity and specifically London Road/Manor Road will be required.
- 3.27 It is important that alternatives to car use are promoted through land use decision making. Locationally the site is a legacy of the colliery and is some distance from central Deal. However, it remains one of the major planned employment nodes serving the district which frustratingly has not been built out. The proposal itself is also a relatively small-scale application in isolation (stimulated by grant funding) and can realistically offer little in terms of substantive changes to bus provision. The applicants have engaged with the bus operators Stagecoach to discuss possible bus routing changes but Stagecoach themselves are re-evaluating provision at the current time and as a result no firm proposals are realistically deliverable.
- 3.28 It is relevant that cycleway provision and footpath connectivity across the applicant's wider landholding were delivered by the hybrid application. The applicant has offered travel plan provisions including a car sharing incentivisation and voucher reward schemes. A Travel Plan condition is recommended.
- 3.29 The submission includes 85 car parking spaces and 4 disabled spaces along with the provision of 28 cycle spaces. This level of provision exceeds that of the earlier hybrid permission. This is allocated to the West of the site, and separately on the South side of Betteshanger Road within the existing car park of Almond House where 28

cycle spaces are also proposed, with covered storage to the East of the site. Overall, it is considered that adequate vehicle and cycle parking is provided together with suitable access and turning for delivery vehicles, and this is supported by KCC Highways.

- 3.30 It is important in this context to consider the history of the colliery and background to why the site has been allocated as an employment node for the district and why the earlier hybrid outline application (which has been part implemented) is of relevance in weighing up the site's geographical credibility. Whilst not an edge of settlement site, the background and level of public investment in road, drainage and landscape infrastructure to redevelop this brownfield site justify why it can still be considered a sustainable location.
- 3.31 Taking the above factors into account, it is concluded that the proposals are unlikely to have a severe impact on the highway that would warrant refusal on highway grounds and is supported by KCC Highways. Furthermore, sustainable access to this established employment site can be optimised through the operation of an effective travel plan.

Other Matters

Design

- 3.32 The approved Masterplan Report accompanying the original 2002 application acknowledged the need for the redevelopment of the site to provide "modern buildings" in order to fulfil "modern needs", and as such, more traditional architectural styling and conventional colliery building forms were considered inappropriate for the development. For these reasons, the contemporary styling of the proposed development meets this design criteria.
- 3.33 In terms of materials, the proposed building comprises a mixture of exposed metallic silver-coloured metal frames, black and orange terracotta tiling, translucent tinted and opaque orange glass panels, clear glass windows and PV roofing panels. The use of exposed steel frames was identified within the approved Masterplan Report, and the use of PV panels makes effective use of the building's south-eastern orientation. The proposed use of the black terracotta reveals reduces the visual impact of the building upon approach and from longer-distance views and will be controlled by planning condition.
- 3.34 It is considered that the proposal is a well-designed building using attractive/quality materials. Overall in pure design terms the building is a well-proportioned linear building 12m in width by 80m in length.

Sustainable Construction

- 3.35 A pre-assessment has been undertaken producing a 'Very Good' rating with an aspiration for an 'Excellent' rating which meets Policy CP5 of the adopted Core Strategy. The Environmental Health Officer has requested that 10% of parking spaces are served by electric vehicle charging points and this is also included as a condition to this effect is included within the recommendation.

Archaeology

- 3.36 The site is not within a Regionally Important Geological Site (RIGS) although it lies in close proximity. It is noted by KCC Archaeology however, that as per the original

hybrid application, there is potential for artefacts related to the old colliery site to exist within the site. As the application site is unlikely to have formed part of the area originally investigated, as a safeguard to protect any remains, an archaeological watching brief will be secured by condition as recommended during consultation.

Landscaping

- 3.37 The proposal will replace part of the approved strategic landscape framework that was implemented in line with the hybrid outline consent LPA Ref DOV/02/00905. Proposed landscaping at the “nose” of the land parcel at the northern end of the site will help to assimilate the building within its surrounds. Landscaping is also proposed on the banks and boundaries of the site at the southern end including a buffer adjacent to the car parking area proposed in the foreground to Almond House. Details of the landscaping structure details of which will be secured by condition meet the requirements of Core Strategy Policy DM16.
- 3.38 A border of planting is proposed towards the northern boundary of the site, as well more sporadically around the site perimeter, and more intensively to the East. This will help to screen the proposed development and further contain the site, whilst also screening the residential development of Circular Road and existing industrial units to the north. All existing trees on-site have been identified as Category C. As replacement trees and additional planting are being provided as part of the proposal, it is considered the removal of a small overall number of trees to accommodate the proposed employment building is acceptable.

Ecology

- 3.39 Natural England and DDC’s Principal Ecologist have no objections to the proposal subject to safeguarding conditions as the ecological findings contained in the consultant’s report concluded that the site supported very low-levels of ecological activity and no protected species were identified on or nearby the site at the time of the survey.
- 3.40 Whilst no potential for roosting bats was identified, the existing boundary vegetation and hedgerow showed potential for foraging and commuting bats. As recommended within the report, therefore, retention and enhancement of vegetation boundaries is advised, and any necessary removal of vegetation should be replaced with native species. In light of the potential for foraging bats, and the potential for roosting bats in the nearby property of Almond House to the West, precautions to limit light spill from the proposed building are recommended and a Building Management System connected to automatic blinds to control light spillage towards sunset / nightfall is recommended.
- 3.41 The site is also nearby to the Thanet Coast and Sandwich Bay Ramsar site and SPA and the Sandwich Bay SAC. It is also located near to the Sandwich Bay to Hacklinge Marshes SSSI designated site of national importance. However, due to the non-residential nature of the proposal, it is not considered that the proposal will contribute to increase recreational impacts and associated disturbance of the natural environments. Subject to pollution controls to limit pollution of water supplies potentially connected to the designated sites, as suggested by the EA and Natural England, it is considered that the impact of the proposal upon the designated sites would be minimal.

Heritage Issues

- 3.42 Almond House has a strong industrial connection with the history of the site as a colliery and occupies a prominent position within the overall site. The proposed employment building is separated by a) a proposed car-parking area, b) the roadway and c) a difference in levels with the separating bank grading down by 3 metres to the site level of the proposed incubator building. The height and massing of the proposal relative to Almond House has been addressed in the supporting landscape reports and the photomontage material highlights the reduced ridge height of the proposed building compared with that of Almond House. It is noteworthy that the approved masterplan identified buildings of potentially up to 3 storeys in height in the direct foreground of Almond House. On balance given the economic benefits of the proposal and the parameters accepted through the earlier masterplan, it is concluded that the proposal will have an acceptable impact on Almond House which will remain elevated and the provision of car parking in the foreground to this building is acceptable given that the land is allocated for employment use and the provisions for this portion of the site in the original approved masterplan.

Drainage

- 3.43 In response to the comments of the Parish Council the applicant has confirmed that Hadlow College took ownership of the former colliery site from the Homes and Communities Agency in 2013 and has been responsible for the management and maintenance of the sewage plant (the Plant) since this time. The Plant is managed through a maintenance contract which oversees all elements of its day-to-day management.
- 3.44 A Membrane Bioreactor (MBR) plan was installed by the South East England Development Agency in the early 2000's, replacing the former onsite Plant, as the Betteshanger site is too far from a main sewage connection for it to be economically viable to connect. The MBR Plant was put in place as it was deemed at the time to be the best system to treat the effluent to the very stringent water quality standards set on this discharge permit by the Environment Agency.
- 3.45 Since taking ownership of the site, the College has undertaken an options review of the Plant due to the very high costs associated with its ongoing management and maintenance. The viability of a mains connection was once again ruled out as economically unviable due to the distance to the nearest mains in Sholden. Following this review the MBR Plant was decommissioned and a new Plant was installed which is both easier to maintain and will continue to meet the water quality standards as set by the Environment Agency. The new Plant became fully operational early this year (2017). The system has been designed with sufficient capacity to meet the current needs of the Betteshanger circle, Almond House and the requirements of the future incubation building. Should further capacity be required in future in line with the ongoing development of the Betteshanger Business Park, the plant capacity could be increased at this time.
- 3.46 The proposed new building will connect to the foul sewage system after the point of connection of the Betteshanger residential properties and Almond House, and will be treated by the Plant. Given the capacity of the tank and lower point of connection of the proposed employment building this provision is considered to be acceptable.
- 3.47 A surface water drainage strategy has been prepared to support the proposal. Following discussion with KCC's Drainage Team it was agreed that soakaways were not appropriate. The agreed solution was to provide surface water storage on site and then flow would be discharged at the equivalent of Greenfield run off rates to an existing attenuation pond within the applicants control. Subject to the future

management of the surface water system this is considered an acceptable means of addressing surface water flow and water quality is also controlled by this strategy.

4. Conclusion

- 4.1 There are three dimensions to sustainable development which are highlighted at paragraph 7 of the NPPF and comprising economic, social and environmental components. The need to protect and enhance the built environment is therefore one component of the holistic assessment of sustainable development and this represents a balancing of considerations against the positive economic and social benefits of the scheme. Paragraph 8 of the NPPF makes clear that “These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards and well-designed buildings and places can improve the lives of people and communities. It is a central principle of the NPPF that precious land use resources that are either vacant or underused (particularly those that are well related to settlements) should be used more efficiently and that it is incumbent upon planners to review this type of opportunity and find creative solutions so that the potential of the land asset is utilised. The NPPF emphasises the need for LPAs to take into account the particular circumstances of each application. For instance, paragraph 10 acknowledges that “Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas”.
- 4.2 In this case the individual circumstances and background to the submission is relevant. The application site forms part of a hybrid consented area which included the provision of a roundabout, the country park, road infrastructure, drainage and landscaping that has been fully constructed. Parts of the original hybrid (outline) permission have lapsed including the provision of some 22,000 sq m of employment floorspace. It is relevant that the original outline approval included a masterplan that identified the location of a number of employment areas. The application site is brownfield and part of the former colliery and adjacent to a wider area that is allocated where a long-established masterplan identifying the site for employment development has been in place since 2004. For these reasons, the principle of employment development despite the fact that it is not included within the surrounding employment allocation is considered acceptable.
- 4.3 The report has shown that the proposed linear shape is a logical design response to the shape of the site. It has been shown that a condition will ensure that any potential brickearth beneath the site can be excavated before the commencement of development if proven to be viable.
- 4.4 Ecological interests have been shown to be safeguarded together with drainage, water quality, the policy requirements met with respect to sustainable construction and archaeology.
- 4.5 The living conditions of the residential occupiers at Betteshanger in the vicinity of Circular Road are considered to be adequately safeguarded by the proposal as is the setting of the nearby Almond House which is elevated in relation to the ridge height of the proposed building.
- 4.6 Through the Travel Plan, (to be secured by conclusion), initiatives to encourage modal shift will be put in place. Wider cycleway connections and walkways and road infrastructure has already been put in place by the part implemented hybrid approval.

- 4.7 This proposal equates to only 11% of the overall quantum of employment development that the wider site is allocated for 22,00 sq m. For this reason, it would be unreasonable for the LPA to sustain an objection on highway capacity grounds as a higher level of development has previously been committed. This needs to be cleared by Kent Highway Services.
- 4.8 Because of the three-storey height of the proposed building it will be visible from surrounding vantage points and whilst the height will be greater than the adjoining Intercrop buildings to the north, it will sit below the height of Almond House which occupies an elevated land level. Additional supporting landscape evidence has been produced together with additional visual material to evaluate the prominence of the building within the landscape. Whilst the proposal is viewed against the backdrop of surrounding buildings and residential properties occupying more elevated positions and is a relatively small pocket of land that displays perimeter landscaping and is set within a rolling topography, the massing of the building will have a noticeable impact on the local landscape. This landscape impact must be balanced against the economic and social benefits of the proposal. Landscape consultants for the applicant suggest that mitigation planting is likely screen any views of the proposed building in 5-7 years.
- 4.9 In this case, the proposal makes use of available European funding (it is relevant that the incubation building is subject of an ESIF application supported by SELEP and being managed by the DCLG) and it is hoped this investment will “pump prime” interest from other employment uses. Following the construction of major road infrastructure within the site this land has been marketed as serviced employment land without success. It is recognised that the serviced employment land has not delivered occupied floorspace and buildings and that European funding is available to overcome current viability issues which will serve to improve the prospects of the wider employment site taking off and promoting investor confidence. The Enterprise Incubation Hub will offer a range of preventive health care uses which are linked to education and training. The submission offers to provide for hard to reach groups and promotes entrepreneurship training linked to educational establishments like Hadlow, West Kent and Ashford College. It is noted that the supporting planning submission refers to 74 jobs and 60 indirect jobs created during the construction stage and the job creation target for the operating building is 250 jobs is strongly supported by both the Head of Inward Investment and Locate in Kent.
- 4.10 The incubation hub will offer low rent, business start-up that is flexible. The objective is that the building will become established on site and create demand to move on to larger space. This is recognised as an important economic objective and if successful, will help to deliver other employment buildings on serviced sites within the allocated and previously consented area. The economic and social justification for this proposal given the availability of public funding is strong.
- 4.11 In summary, the proposal will be visible because of its massing and three storey height, but the design and siting of the units is acceptable. Overall, and on balance, it is considered that the visual environmental harm is significantly outweighed by the economic and social benefits of the submission. For these reasons, it is recommended that permission be granted.

g) **Recommendation**

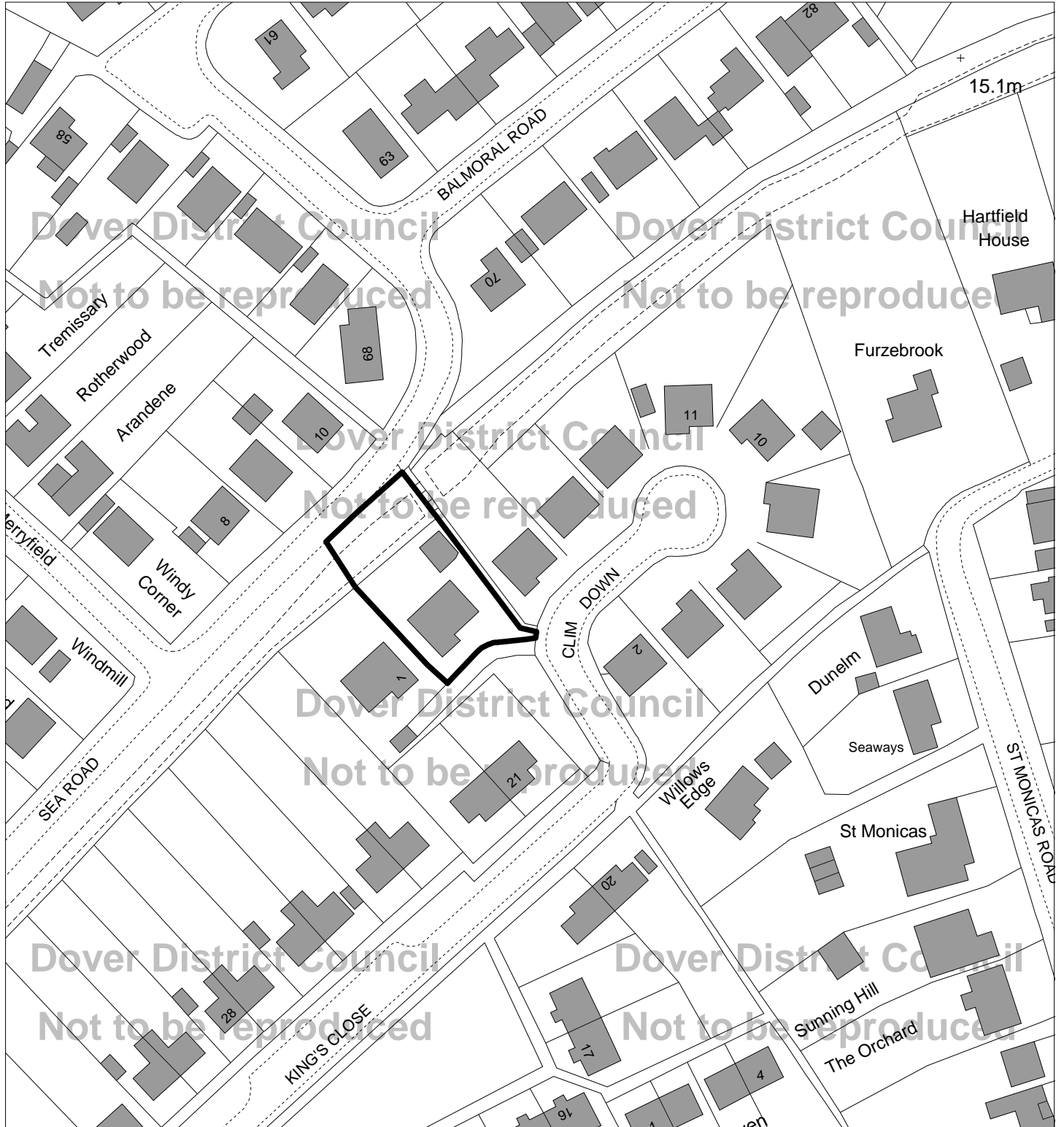
I GRANT PLANNING PERMISSION subject to:

1. Standard 3-year time limit for commencement;
2. Schedule of amended plans;
3. Use Class B1/B2 and B8;
4. Floor area limit 2,475sqm;
5. Hours of operation;
- 6.

Intrusive mineral extraction survey; 7. Site levels and sections (may be affected by extraction); 8. Construction Management Plan to be submitted prior to commencement of use; 9. Safeguard against contamination; 10 No infiltration of surface water drainage into ground unless otherwise approved in writing with the LPA; 11. Details of external lighting, including hours of illumination (which shall identify compliance with 'Bats & Lighting in the UK (BCT, 2009) in accordance with recommendations of the submitted Ecological Assessment; 12. Details of external finishes and materials; 13.Landscaping (planting plan, timetable and maintenance plan). 14. Scheme of tree protection; 15. Details of nesting bird mitigation, prior to clearance of site and/or commencement of development; 16. Operation of construction/clearance machinery/tools shall prevented outside the hours specified; 17 Contamination watching brief; 18. Safe storage of chemicals; 19 BREEAM 'very good' standard; 20. Detailed Travel Plan; 21. No external storage or display of goods, equipment or waste; 22. Noise Safeguards; 23. Provision of electric charging points; 24.Landscaping details (including detailed planting plan, hard surfacing, means of enclosure, planting timetable and landscape management plan) with specific details of the implementation and long-term management of the tree shelter belt along the southern boundary. 25. Conditions requested by the EA. 26. Conditions requested by Kent Highways; 27. Conditions requested by the ecological officer.

- II The applicant is advised that if cumulatively, the quantum of employment land on the remainder of the allocated area exceeds the 22,000sqm (when the application site is included), then additional highway modelling relating to the wider capacity and specifically London Road/Manor Road will be required.
- III Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and informatives, in line with the issues set out within the recommendation above and as resolved by Planning Committee at I above, and to GRANT PLANNING PERMISSION in accordance with these terms.

Case Officer
Alister Hume



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Application: DOV/16/01484

Land opposite 8 & 9 Sea Road

and r/o, 3 Clim Down

Kingsdown

CT14 8EX

TR37564862



- a) **DOV/16/01484 – Erection of a 1.8-metre high fence with 2 no. gates, central stairway and terracing (retrospective application) – Land opposite 8 and 9 Sea Road and rear of 3 Clim Down, Kingsdown**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- DM1 – Development will not be permitted outside of 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.

National Planning Policy Framework (NPPF)

- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

- d) **Relevant Planning History**

87/00317 – redesign of 11 houses

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

KCC Highways and Transportation

The fence is set back from the edge of the carriageway and does not obstruct visibility for pedestrians crossing the road from the adjacent Public Right of way, so there is no objection.

KCC Public Rights of Way

No comments received

Principal Ecologist

No comments

Ringwould with Kingsdown Parish Council - No objection.

Public Representations - Six letters of objection have been received, raising the following points:

- A very ugly fence spoiling a wooded side of Sea Road.

- Loss of mature trees and hedgerow causing overlooking into our property.
- Loss of wildlife habitat
- Erection of fence next to public footpath causes highway safety concerns particularly to children who regularly use the footpath.

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

1.1 The application site is located within the settlement confines of Kingsdown and forms part of a small housing estate known as Clim Down. The site itself comprises of a modern detached single family dwelling that has its principal elevation facing Clim Down. The land level of the rear garden falls away steeply to Sea Road. Running along the eastern side boundary of this property is a public right of way that pedestrians use for access from Clim Down to Sea Road.

1.2 The proposed development is retrospective and is described as involving the erection of a 1.8 metre high fence with two gates. Since the planning application was submitted a wooden stairway has been created in the middle of the rear garden to give ease of access. Furthermore terracing has been introduced at the top of the rear garden that the applicant's agent believes is essential to secure the bank.

2. **Main Issues**

2.1 The main issues are:

- Visual impact upon character and appearance of the surrounding streetscene
- The impact upon neighbouring amenities
- The impact on highway safety
- Ecology
- Expediency to enforce

Assessment

Visual impact

2.2 The site previously comprised of a small overgrown woodland area. The applicant has had the vegetation all removed and introduced new close boarded fencing and an internal stairway that appears stark in relation to the overall streetscene. Since the submission of this application dark stained paint has been applied to the part of the new fencing adjacent to Sea Road which has greatly softened its appearance. If the rest of the fencing and wooden stairway were also to be dark stained it would help further lessen its visual impact. The terracing of the steep embankment of the rear garden with concrete reinforcing walls is also clearly visible from the public domain and appears stark. It is considered this terracing could be appropriately covered with a dark material so that it too appears more self-effacing. A further visual improvement is proposed by the applicant who intends to carry out extensive soft planting to the rear garden. With the benefit of time to allow the new planting to mature, the appearance of the site will look similar to the rear garden of the neighbouring property at 5 Clim Down situated on the other side of the public right of way. It is therefore considered that the use of suitable planning conditions can be used to ensure that the combination of soft

planting, dark stained paint to the rest of the fencing and stairway and dressing of the concrete terracing will ensure that this development is visually in keeping with the overall streetscene.

Impact on Residential Amenity

- 2.3 The introduction of terracing and a stairway greatly improve the applicant's accessibility to this extremely steep rear garden area. Given the location of the site and the separation distances to other properties, it is not considered that the living conditions of any occupiers of the nearest properties in Sea Road would be harmed by the development.

Highway Safety

- 2.4 The siting of the fence adjacent to Sea Road has raised concerns about pedestrians crossing the road from the adjacent Public Right of Way. The Highways Authority has however confirmed that given it is set back some half a metre from the edge of the carriageway it does not obstruct visibility.

Ecology

- 2.5 The wildlife habitat provided by the overgrown vegetation was relatively small and is located in a suburban location. As such the loss of the vegetation has raised no concerns for the Council's Principal Ecologist. The trees were not subject to any form of protection. This site is not a designated Conservation Area and there are no Tree Preservation Orders or restrictive planning conditions.

Expediency to Enforce

- 2.6 Central Government rules generally permit the erection of fencing without the need for planning permission. This permitted development is however subject to it not exceeding one metre in height when adjacent to a highway used by vehicular traffic and two metres elsewhere. As such the only part of the fencing subject to control is that part adjacent to Sea Road. If the fencing adjacent to Sea Road were to be set back say 1.5 metres from the back edge of the carriageway then arguably all of the fencing would be permitted development not requiring planning permission. The applicant was given the opportunity to set the fence back where it is adjacent to sea Road but instead wishes to pursue with this planning application.

Overall Conclusions

- 2.7 This development involves making better use of a rear garden area with these various measures to improve access. It is not harmful to the amenities of occupiers of neighbouring properties and there is no highway safety or ecology concerns raised by Consultees. Whilst a retrospective planning application has been submitted the only element subject to control is the stretch of new fencing adjacent to Sea Road, the stairway and some of the terracing. The development does currently look stark within the overall streetscene because not all the fencing and stairway has been dark stained and the terracing could be covered. The carrying out of extensive soft landscaping once matured will give this site a similar appearance to the neighbouring rear garden at 5 Clim Down. The unauthorised development will therefore in time be visually in keeping with other residential properties in the nearby vicinity.

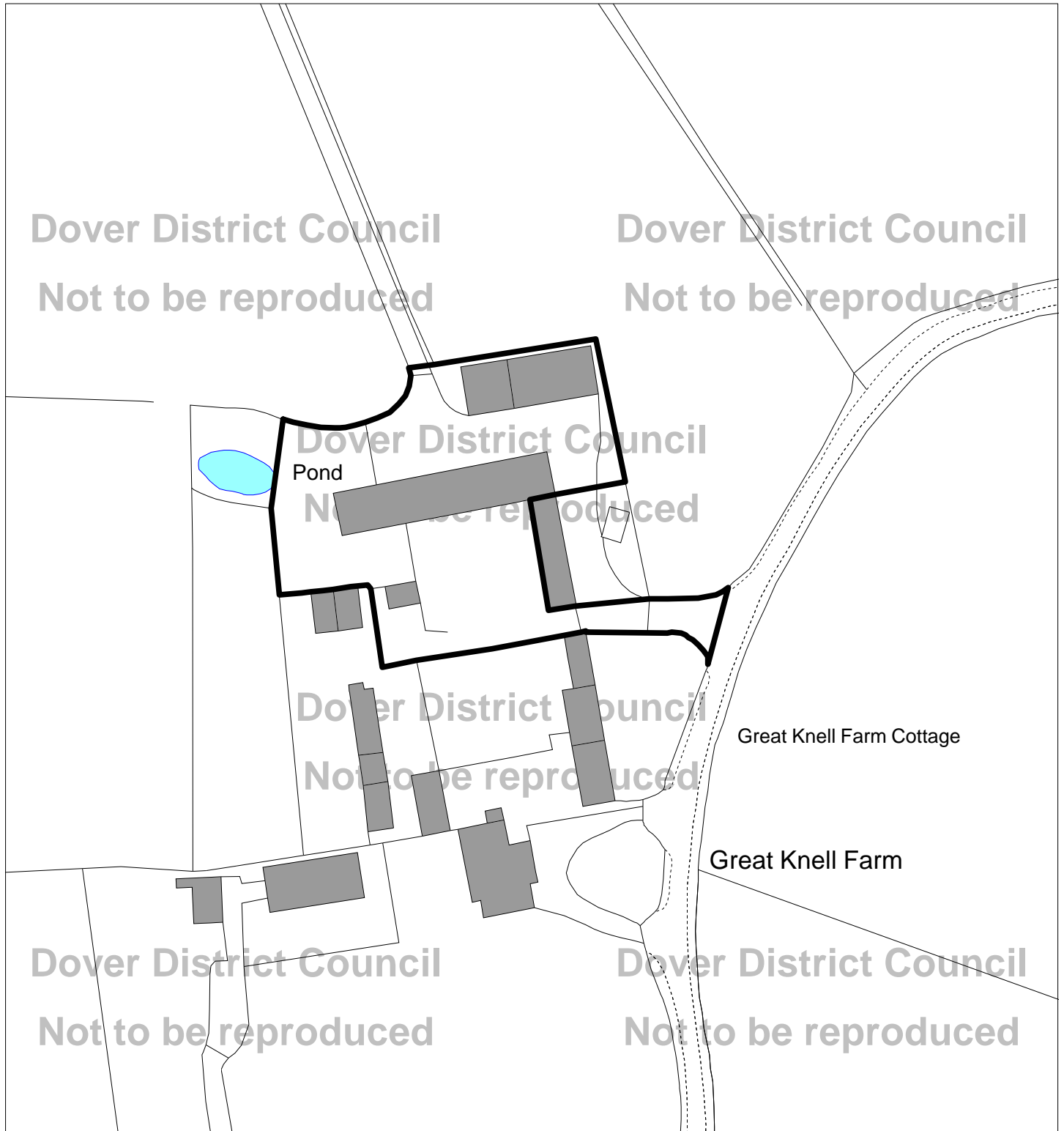
g)

Recommendation

- I PERMISSION BE GRANTED subject to the following conditions:-
 - (1) Details of soft landscaping
 - (2) Stain the new fencing using brown or black paint.
 - (3) Dressing of concrete terracing

- II Powers to be delegated to the Head of Regeneration 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
Jim McEwen



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Application: DOV/17/00388

Black Barn

Great Knell Farm

Knell Lane, Ash

CT3 2ED

TR28496025



- a) **DOV/17/00388 – Erection of two detached dwellings (existing agricultural building to be demolished) – The Black Barn, Great Knell Lane, Ash**

Reason for report: The application has been 'called in' by a Councillor

- b) **Summary of Recommendation**

Planning permission be refused

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of 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.
- DM4 – Beyond the settlement confines, the re-use or conversion of structurally sound, permanent buildings will be granted: for commercial uses; for community uses; or for private residential use in buildings that are adjacent to the confines. In all cases the building to be converted must be of a suitable character and scale for the use proposed, contribute to the local character and be acceptable in all other respects.
- 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 an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

Land Allocations Local Plan

None relevant

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserve heritage assets and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter three of the NPPF seeks to support a prosperous rural economy.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Of particular note, is paragraph 55 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided, unless they would: provide essential rural worker housing; provide the optimum viable use of a heritage asset or would secure the future of a heritage asset; re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or be of an exceptional quality or innovative design. Such a design should be: truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/04/1001 – Conversion and refurbishment of existing buildings to provide workshop units, holiday accommodation and single dwelling – Refused – Appeal Dismissed, for the following summarised reasons;

There is a clear objection in principle to the use of residential in this area. It would have an unacceptable impact on the free and safe flow of traffic on Knell Lane. It would promote an unsustainable form of travel in the countryside

DOV/12/00104 - Retrospective planning application for the erection of a building for use as ancillary residential storage, following the demolition of an agricultural building – Refused, for the following reason:

The site lies within a rural area well outside the confines of any village or urban area and the proposal would result in a building intended for residential purposes which would lead to undesirable development in the countryside, introducing an uncharacteristic and intrusive form of development, unrelated to demonstrable need and without justification that might otherwise allow the development. Accordingly, the development is contrary to Dover District Core Strategy policy DM1 and the sustainable development aims and objectives of the National Planning Policy Framework.

DOV/14/01055 – Prior Approval for the change of use from an agricultural building into two residential dwellings – Prior approval is not required (Change of use can occur under permitted development).

DOV/14/01059 – Prior Approval for the change of use of an agricultural building to a residential dwelling – Prior approval is not required (Change of use can occur under permitted development).

e) **Consultee and Third Party Responses**

Principal Ecologist: Has confirmed that the Bat survey completed in October 2014 is still reliable and the recommendations in the report should be implemented.

Environmental Health: No objection subject to conditions relating to land contamination, hours of construction and no burning of waste materials.

Ash Parish Council : No objection; permitted development for conversion to two residential units is in place and as this application would keep to the original footprint that the two units would retain the look and external design to the original building and that the design would seek to incorporate some of the material from that building, the consideration was there would be greater over-all benefit than detriment.

Southern Water: No objection but advises the applicant to consult with the Environment Agency and Building Control Officers.

Third Party: One letter of objection received the comments are summarised as follows;

- Two new dwellings on the site of an old agricultural barn would be totally out of keeping with the rest of the buildings in the immediate surroundings.
- It is totally different to put up two new houses constructed of new materials.
- It would be sacrilege to see an Old Kent Barn circa 1880 (see design and access statement) demolished in order for a new building to be built.

- These old agricultural buildings are part of our rural heritage and must be kept, if at all possible in their original design and construction, even if converted into residential accommodation.
- The application is an easy way to achieve a very economically viable scheme.
- A more measured approach in the conversion of the old barn would be far more satisfactory and feasible.

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

- 1.1 The application site lies outside any settlement boundaries and is within the open countryside. It has a site area of approx. 0.4ha and lies some 1.25km to the north of the A257 Ash By Pass, from which it is reached by a single track unclassified road (Molland Lane). To its south are long established dwellings (Great Knell Farm House and Great Knell Cottage). The Cottage is owned and occupied by the applicant (owner of the farm). The site is otherwise surrounded by farm land.
- 1.2 The site accommodates a range of farm buildings of varied sizes essentially arranged on three sides of a rectangle. Access is gained via a gated drive from Molland Lane and there is effectively vehicle access around the periphery of the buildings. Access from the applicant's dwelling is also possible.
- 1.3 The buildings are disused and the farmyard is not in operation.
- 1.4 The buildings are not listed or of any particular architectural merit, being similar in scale, construction and condition to many older agricultural buildings in the rural area, they have an affinity with the rural unspoilt character of the area and are not out of context in this locality.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on neighbouring properties
- The impact on the highway network

Assessment

Principle

- 2.2 The site lies outside of the settlement boundaries, where Policy DM1 applies. Having regard to the wording of this policy, the erection of dwellings in this location would be contrary to Policy DM1, as the development is not supported by other development plan policies, does not functionally require a rural location and would not be ancillary to existing development or uses.
- 2.3 Following publication of the Authority Monitoring Report 2015/2016 (March 2017), the Council is able to demonstrate a five year housing land supply. Specifically, the report confirms that the Council has a 6.02 year supply of housing land. As such, the Council's housing policies are up-to-date and carry full weight.

- 2.4 Paragraphs 11 and 12 of the NPPF, expanding upon Section 70(2) of the Town and Country Planning Act, confirm that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, whilst development that conflicts with an up to date plan should be refused unless other material considerations indicate otherwise. The pre-amble to Policy DM1 states that any development which “would be a departure from this policy (sic) would require unusual and compelling justification for permission to be given”. Whilst the principle of the new dwellings is contrary to the development plan, regard will be had to whether there are any material considerations which indicate that permission should be exceptionally granted in this instance.
- 2.5 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides any “unusual and compelling justification” to depart from the development plan. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Sustainability is defined in the NPPF, at paragraph six, as paragraphs 18 to 219 of the NPPF taken as a whole. However, the assessment of sustainability can also be separated into three dimensions: economic, social and environmental. As confirmed above, the Council can demonstrate a five year housing land supply and it is in this context that the NPPF must be read.
- 2.6 Of particular relevance is paragraph 55 of the NPPF. This paragraph states that isolated dwellings in the countryside should be avoided, although it also provides examples of unusual circumstances where new dwellings in the countryside may be supported. It is therefore first necessary to consider whether this site is isolated, in relation to facilities and services and, in particular, the extent to which the development would support existing facilities and services in rural settlements. This consideration also links to paragraph 29 of the NPPF, which requires that development provides people with a real choice about how they travel (albeit, opportunities will vary from urban to rural areas).
- 2.7 The nearest defined settlement, Ash, is located 1.5km to the south. The route to Ash (1.5km by road) does not include footpaths or street lighting along the vast majority of its length. Given the distance and the attractiveness of the route for walking or cycling, it is considered that it is highly unlikely occupants of the development would travel to Ash by means other than a car. Consequently, the site is isolated from facilities and services.
- 2.8 Now that it has been established that the site is in an isolated location, it is necessary to consider whether the application meets any of the exceptional circumstances identified by paragraph 55 of the NPPF. These circumstances include:
- where there is the essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or

- where the development would be of exceptional quality or innovative design; reflect the highest standards of architecture; significantly enhance its immediate setting and be sensitive to the defining characteristics of the area.
- 2.9 The first criterion is not relevant to the determination of the current application. The second and third criteria are also not relevant to the circumstances here, relating to new build dwellings.
- 2.10 The final criterion relates to the development being of an exceptional quality or innovative nature. Such design should itself meet four criteria, requiring the design to:
- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - Reflect the highest standards in architecture;
 - Significantly enhance its immediate setting; and
 - Be sensitive to the defining characteristics of the local area.
- 2.11 These four criteria must be jointly achieved. No substantive case has been made in respect of the fourth criterion. The applicant has confirmed that some sustainable features will be incorporated into the build. However, these features are well established technologies, the sum of which falls significantly below the threshold of 'truly outstanding or innovative' envisaged by paragraph 55. Consequently, it is not considered that the development meets the high threshold of being of exceptional quality or exceptionally innovative. As such, the new build element of the application does not meet any of the special circumstances specified by paragraph 55 to substantiate granting permission for a new isolated home (in this case, homes) in the countryside.
- 2.12 The site is considered to be previously developed land and the preference is that previously developed or brownfield land is developed before non-previously developed land. This adds some weight in favour of the development, but is marginal when set against the conflict with the Development Plan and remoteness of the site.
- 2.13 Turning to the environmental role, the development would cause some harm to the countryside character as a consequence of the inevitable domestication of the location, arising in part from: The appearance of the buildings necessary to facilitate residential use, such as domestic sized window openings; generous sized gardens to each unit; and the emergence of domestic paraphernalia. The development would mitigate the potential impacts on protected species (bats). The development would re-use a previously developed site and would provide some features which would help to minimise energy consumption (PV, Air source heat pumps and exceeding the Building Control energy efficiency standards). However, the location of the site would necessitate journeys to access day-to-day facilities and services.
- 2.14 The development would be located within the countryside in an isolated location. Whilst the development would provide benefits, it is not considered that these benefits, either alone or in combination, are of sufficient weight to justify the application as a departure from the development plan, which requires "unusual and compelling" justification.
- 2.15 Whilst the NPPF has been considered holistically to reach this conclusion, in particular, it is considered that the development is contrary to NPPF

paragraphs 29, which seeks to facilitate sustainable modes of transport, and 55, which seeks to direct housing in rural areas to locations at settlements and restricts isolated residential development in the countryside.

Character, Appearance and Heritage

- 2.16 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.17 The location and general outline of the dwellings are not dissimilar to the existing barn. The main difference is the reduced width and ridge height of the buildings – with the scale reduced to be more akin to a two storey residential dwelling. The proposed plans indicate that the roof would be finished in natural slate, the elevations would be horizontal timber boarding, rain water goods would be cast iron and timber joinery. This material palette is considered appropriate to the location and if permission was forthcoming would be acceptable.
- 2.18 The siting of the two dwellings would help to maintain the characteristics of the historic farm yard setting. In 2004 the Conservation Officer noted that the buildings were generally in a very poor state of repair, of no particular historic or architectural merit and did not enhance the landscape. The buildings are not considered to be heritage assets.
- 2.19 The introduction of two dwellings at this location would introduce a significant amount of domestic paraphernalia, such as garden sheds, washing lines, trampolines etc, which would lead to a suburbanising effect on the character of the countryside if the current level of vegetation on the boundaries of the site is not maintained.
- 2.20 The plans indicate that two small buildings on site would be demolished; the demolition of these buildings would help to enhance the appearance of the site. If permission is granted a condition should be imposed requiring demolition prior to first occupation.

Impact on Residential Amenity

- 2.21 The nearest residential dwelling is the applicants property 'Great Knell Farm Cottage'. It is sufficient distance away from the proposed dwellings for harm not to occur to amenities.
- 2.22 Another agricultural building sited to the south west of the proposed dwellings has a Prior Approval permission to be converted to a single dwelling. Due to the separation distance and the siting of the buildings it is unlikely for any significant harm to residential amenities to arise.

Impact on the Local Highway Network

- 2.23 Within this rural location Table 1.1 of the Core Strategy advises that three bedroomed dwellings should be provided with a minimum of two car parking spaces each, with an additional two communal spaces provided for visitors; although, it must be noted that this table is for guidance only, whilst Policy

DM13 states that parking provision should be a design led process. The proposed dwellings would be provided with this requirement.

- 2.24 Kent County Council Guidance SPG4, which is referenced within Policy DM13, recommends that dwellings provide one cycle parking space per bedroom for residential development. It is considered that the site contains ample space for the provision of cycle parking facilities, with both dwellings having, a private garden. Consequently, it is considered that it would be reasonable to attach a condition to any grant of permission to require details of the provision of secure, covered cycle parking spaces.
- 2.25 It is no longer protocol to involve KCC Highway Services in applications such as these, however KCC commented on application DOV/14/01055, which also proposed two dwellings, and confirmed no objection. Comparing the unrestricted agricultural use with residential dwellings on the same site, it could easily be concluded that there is no material traffic impact arising from the change of use. Moreover, the removal of slow moving agricultural vehicles could be seen as a significant benefit on the existing access. There would be no material increase in traffic using the access and it has been used safely for many years without any accidents. However, the new use of the site would result in trips going further to access amenities (which agricultural vehicles would not have done), as paragraph 2.7 concludes above the site is not within a sustainable location and would be contrary to policy DM11.

Ecology

- 2.26 The site was originally surveyed for protected species in 2014 and an updated assessment has been provided for this application. It concludes that the protected species potential is for bats and birds.
- 2.27 It is considered that the methodology and findings of the ecological report are acceptable. Brown long eared bats are still roosting in the Black Barn, as they were in 2014. However it is recommended that the exact roost status will need to be determined by further survey work. Pipistrelle bat droppings were also found in the barn this indicates roosting or feeding in the bar.
- 2.28 The reports advises that further actions are required; a follow up bat emergence survey, pro-active vegetation management strategy and a nesting bird watch brief is required during all future development related works.
- 2.29 A bat mitigation plan has been submitted for consideration. This advises that a European Protected Species Mitigation Licence (EPS) will be required from Natural England. The mitigation scheme will compensate bats during the stated works, the aim will be to provide a net gain in the number of roosting sites available for the bats, but critically provide like-for-like mitigation. A dedicated bat roof void (5m x 5m x 2.8m) will be provide in the adjacent barn together with the installation of 4 x bat boxes on mature trees adjacent to the existing building. Members should note that the barn which would accommodate the bats is within the applicants ownership but has not been included within the redline of the site, it has been outlined in blue and therefore it is still possible to impose a condition. The Council's Principal Ecology officer has been consulted and has confirmed that he is satisfied with the report and the recommendations.

Contamination

- 2.30 Environmental Health have suggested that a condition should be imposed to require a contaminated land watching brief, this is in light of the previous commercial uses and the proposed sensitive residential use.

Drainage

- 2.31 Southern water have been consulted and have raised no objections. They have advised that the applicant contacts the Environment Agency directly regarding the use of a sewerage treatment plant which disposes of effluent to sub soil irrigation.
- 2.32 They also advise that if a sewer is found on the site an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.
- 2.33 If permission is given this should be an informative on the decision notice.

Other Material Considerations

- 2.34 Planning permission was refused and subsequently dismissed at appeal (reference DOV/04/1001) in August 2005 for the conversion and refurbishment of existing buildings to provide workshop units, holiday accommodation and a single dwelling at the site. As part of this proposal the Inspector noted the clear objection to the residential element of the proposal. As the buildings proposed for residential use would have needed to have been rebuilt, the development was contrary to policy where there was a very strong presumption against residential units. The former Granary would also have required major reconstruction and this was contrary to policy.
- 2.35 It is clear that two new dwellings in this location is contrary to policy and there are no material circumstances to justify granting permission.
- 2.36 It should be noted that a Prior Approval permission under Class MB (DOV/14/01055) remains extant to convert the Black Barn to two residential units with three bedrooms. The amount of residential floor space permitted is similar to what is being proposed, however due to the vast scale of the building and restrictions in the Permitted Development regulations, the amount of useable floor space is limited to the ground floor. Thus the main volume of the Black Barn would remain unutilised.
- 2.37 The applicant has advised that they have marketed the building with the Prior Approval permission and have received no offers. (the application has not been supported by a marketing statement), the planning statement advises that the site has been on the open market from 23rd March – 7th June 2016 and that the feed back confirms that self-builders would prefer to introduce energy efficient measures and create a more energy efficient dwelling as opposed to conversions. In effect the applicant is advising that the Prior Approval permission is not economically viable to implement. It is therefore reasonable to conclude that the permission DOV/14/1055 is not a fall back position.
- 2.38 The applicant has drawn officers attention to two cases in nearby authorities, where it has been held that a Prior Approval permission has formed a fall back position. These cases have been reviewed and concluded that there are

material differences between each case and do not set a precedent. Members are advised that the details of both cases can be found on file.

Overall Conclusions

- 2.39 The principle of constructing two new dwellings in this isolated, countryside location is contrary to the development plan (in particular policies CP1 and DM1) and the NPPF and is considered to be an unsustainable form of development.
- 2.40 In order to set aside the overriding policy objection, the Core Strategy states that there must be “an unusual and compelling justification for permission to be given.”
- 2.41 Reference has been made in this report to two recent ‘prior approval’ submissions which in effect enable the existing building to be converted to two dwellings under permitted development. Critical to their relevance as a material planning consideration in this case is whether these prior approval schemes would be likely to constitute a ‘fall-back’ position. In other words, are they capable of being implemented? If so, then the local authority would be obliged to weigh this likelihood against the merits of the current proposal. The case officer met with the agent and the applicant and it was verbally advised that the conversion was not economically viable to developers. The agent speculated that this is because of the vast scale of the barn and the limitations in the floor area (applied by the permitted development order). The analysis in this report however is that the balance of the evidence suggests these conversions are not capable of being brought forward. In the circumstances, it must be concluded that at present there is no credible ‘fall-back’ position that could weigh against the policy harm/position identified.
- 2.42 It’s appreciated that the prior approval process enables residential development to take place in locations which might otherwise be contrary to established national and local planning policy. There is nothing in planning policy/guidance however that suggests, because of these prior approval provisions that the Development Plan policy shouldn’t continue to be the starting point for determining planning applications. On the contrary, the Development Plan remains the basis on which decisions should be made. The availability of the prior approval provisions can be a material planning consideration in assessing how much weight to give to policy in any one particular circumstance, but they should only have a material impact on decision making where there is a reasonable prospect that these provisions would deliver a comparable scale/type of development. In this case, there is no current likelihood that such a comparable scheme could be delivered.
- 2.43 The Committee will appreciate that in order to deliver consistency and certainty in the operation of the Development Management service, an appropriate level of rigour must be applied to ensure Development Management policies are fairly operated. Given the relatively wide spread opportunity for rural buildings to now benefit from ‘prior approval’ for residential uses, it will be appreciated that where planning applications for new build residential come forward, in lieu of the use of these prior approval rights, that a proper understanding of the ‘fall-back’ must form an essential part of the planning assessment.
- 2.44 Whilst the development is acceptable in other material respects (materials, parking etc) and would provide some minimal benefits, it is not considered that

these outweigh the fundamental policy objection relating to the erection of new dwellings in the countryside contrary to Core Strategy Policies CP1, and DM1. It is therefore recommended that this application is refused permission.

g)

Recommendation

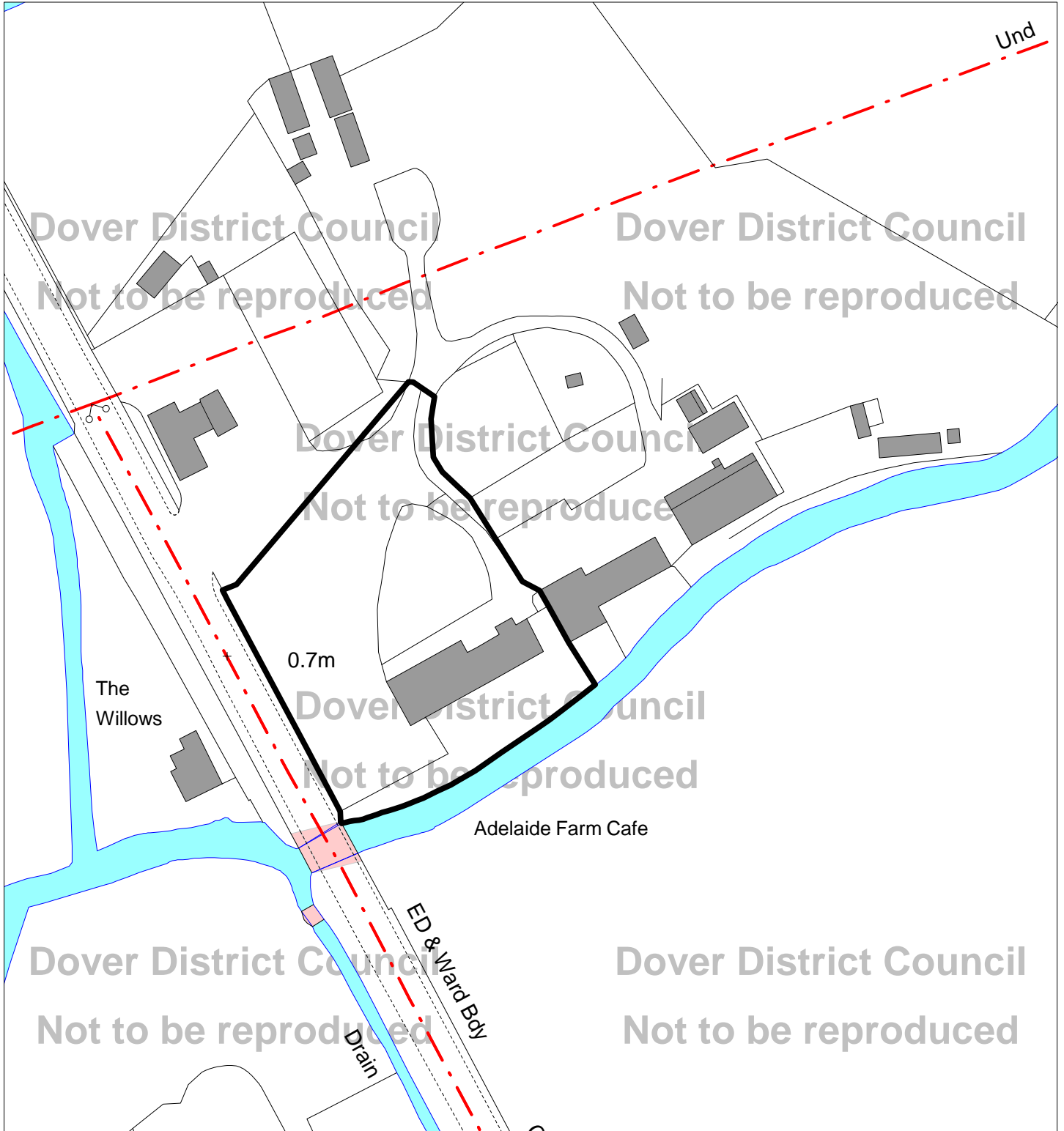
I PERMISSION BE REFUSED for the following reasons:

(i) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. If permitted, the construction of two dwellings, by virtue of their location, would represent an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1, and DM15 and the National Planning Policy Framework paragraphs 17, 29, 55, 56, 58, 61 and 64.(ii) The proposal would lead to the generation of additional use of private car and, accordingly, would be contrary to policy DM11 Dover District Core Strategy and contrary to the sustainability objectives set out in chapter 4 of the NPPF.

(iii) No evidence has been provided to suggest that any material planning considerations exist, such as a viable 'fall-back' position, that would warrant the setting aside of the Policy presumption against the erection of new residential development in this location.

Case Officer
Rachel Humber

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Application: DOV/16/00955

Site at Adelaide Farm Cafe

Sandwich Road

Hacklinge

CT14 0AT

TR34245417



- a) **DOV/16/00955 – Erection of a detached building incorporating 10 flats, alterations to existing access, provision of 12 car parking spaces and associated landscaping (existing building to be demolished) - Site at Adelaide Farm Cafe, Sandwich Road, Hacklinge, Northbourne**

Reason for report – number of contrary views.

- b) **Summary of Recommendation**

Refuse permission.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies and standards which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

DM1 – Settlement boundaries.

DM11 – Location of development and managing travel demand.

DM13 – Parking provision.

DM15 – Protection of the countryside.

DM16 – Landscape character.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

None.

National Planning Policy Framework (NPPF)(2012)

7. There are three dimensions to sustainable development...

- an economic role...
- a social role...
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

17. Core planning principles...

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere... Local plans should...

- [apply] the Sequential Test;
- if necessary, [apply] the Exception Test;
- using opportunities offered by new development to reduce the causes and impacts of flooding...

101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding... A sequential approach should be used in areas known to be at risk from any form of flooding.

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

- ... Both elements of the test will have to be passed for development to be allocated or permitted.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible...
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats...

- the following wildlife sites should be given the same protection as European sites:
 - listed or proposed Ramsar sites...

Other Considerations

Flood zone 3.

Adjacent to Thanet Coast and Sandwich Bay Ramsar site, and Sandwich Bay to Hacklinge Marshes SSSI.

d) **Relevant Planning History**

None.

e) **Consultee and Third Party Responses**

DDC Heritage – considered, no comment.

DDC Ecology – considered, no objection to ecology report. Comments that Natural England defers to the Environment Agency regarding water voles.

DDC Environmental Health – no objection – subject to land contamination condition.

DDC Strategic Housing – no contribution required.

KCC Highways – no objection – subject to standard highways conditions, closure of existing access, and provision and maintenance of visibility strip.

KCC Local Lead Flood Authority (LLFA) – holding objection – Based on a desk based assessment of BGS data, the site appears to be underlain by superficial Tidal Flat deposits and Upper Chalk Formation. Groundwater is anticipated to be at a depth of less than 3m. It is indicated within the submission that “drainage will as existing discharging rain water into the South Stream.” No other information has been submitted to describe the proposed drainage strategy for the site.

Irrespective of the existing situation, demolition and reconstruction with a proposal for 10 units, constitutes major development and must be in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards. This means that information should be submitted to demonstrate that flood risk is not exacerbated on site or off-site.

It should also be noted that the site falls within the jurisdiction of the River Stour Internal Drainage Board (IDB); any works whatsoever that may have the potential to affect any adjacent watercourse (or the network’s ability to convey water) will require their formal prior written permission.

It would be expected that on-site generated surface water will need to be attenuated and discharge to the South Stream controlled to an agreed rate. The IDB should be consulted to confirm the appropriate discharge rate to the South Stream.

We request that a holding objection is registered until further information is provided which demonstrates how surface water will be managed so as to not exacerbate flood risk on site or off-site

Natural England – no objection – based on agreed foul and surface water drainage.

Environment Agency – objection – Groundwater and Contaminated Land

We object to the planning application, as submitted, because the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 109 of the National Planning Policy Framework.

Reasons

Our approach to groundwater protection is set out in Groundwater Protection: Principles and Practice. In implementing the position statements in this guidance we will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and controlled waters are at high risk. In this case the principles in relation to foul sewage provision and surface water management apply. Groundwater is particularly sensitive in this location because the proposed development site:

- is within 20 metres of a surface water with base-flow from groundwater
- is located upon a Principal aquifer overlain by a Secondary aquifer
- The site is within an Nitrate Vulnerability Zone

To ensure development is sustainable, applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has indicated that foul provision will be to mains sewer, but Southern Water have indicated there is no mains provision locally. In addition the groundwater will be at shallow depth here so a private package treatment plant and infiltration would not be acceptable. Furthermore, standard surface water soakaways are unlikely to function effectively.

The applicant has therefore failed to provide adequate information to show drainage can be achieved safely from this scale of development. The proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality.

Overcoming our objection

In accordance with our Groundwater Protection: Principles and Practice we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed. We would require full details of any proposed foul and surface drainage proposals that can safely achieved at this site.

Flood Risk

We have reviewed the information submitted and in the absence of an acceptable Flood Risk Assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

Reasons

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

The submitted FRA is deficient for the following reasons:

1. The FRA submitted has been re-used from a previous planning application for a change of use of a nearby barn. The current application is for a major new development comprising 10 flats, so a bespoke FRA should be submitted to allow the Local Planning Authority to make an informed decision.
2. The FRA submitted appears to be based on ground levels taken from an Ordnance Survey map from 1957. More recent data shows the ground level is significantly lower than the 1.54m AOD stated in the application.

3. The FRA states the site lies within Flood Zone 3, but no further detail is provided as to the specific risk of flooding to this site. Detailed tidal modelling shows the flood level in the 1 in 200 yr undefended climate change scenario for the year 2115 is 2.78m AOD. No consideration as to how people will be kept safe from this risk has been identified.
4. No specific finished floor levels have been provided. We require that finished floor levels for living accommodation must be set to 300mm above the design flood level, and sleeping accommodation must be set to 600mm above the design flood level.

Overcoming our objection

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

Additional Information

Flood Risk Activity Permit

This site lies directly alongside the South Stream, which is designated as a main river. Any work in, under, over or within 8m of the banks of a main river or the toe of a flood defence requires a Flood Risk Activity Permit (FRAP). As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents now fall under the Environmental Permitting (England and Wales) Regulations 2016. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

We do not consider the scoping survey carried out in December and anecdotal evidence from personal communications as sufficient evidence for the absence of water voles from the site. If any excavation within 6m of the water's edge is proposed, we would expect an application for a Flood Risk Activity Permit to be accompanied by results of sufficient water vole survey, carried out between March and October by a competent surveyor. The survey should have been carried out no more than 1 survey season prior to submission of the application.

Flood Proofing

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures could include barriers on ground floor doors, windows and access points, locating electrical services at a high level so that plugs are situated above possible flood levels, and arranging your property so that it will sustain the least amount of damage in the event of a flood.

Please note: If the LPA is minded to grant permission contrary to our advice, it will be necessary to re-consult us to ensure that biodiversity within an 8m buffer zone around the South Stream and any other environmental issues are appropriately addressed by planning conditions.

River Stour IDB – observations – Please note that this site is directly alongside the South Stream, which is designated as Main River and therefore under the Environment Agency's jurisdiction. In accordance with the Land Drainage Act and EA Byelaws any proposed works which might affect this watercourse, including any works within 8 metres of it, will require the EA's prior written consent (Flood Risk Activity Permit).

The applicant has acknowledged that the site is within Flood Zone 3 (high risk) but has provided very little information to support a flood risk assessment (I note KCC's Sustainable Drainage Team Leader's holding objection). The applicant appears to have set floor levels based on local ordnance survey bench marks. You will no doubt

be aware that past mining activity has resulted in significant land subsidence, so the applicant should check the accuracy of this information. Details of flood risk, including the risk of ground-floor sleeping accommodation and site evacuation arrangements, should be developed in accordance with EA guidance.

It is stated on the application form that the site measures 300 square metres, which is the size of the proposed building, whereas the site actually measures around 3000 square metres. It is also stated on the application form that surface water will be disposed of by soakaways, but in the FRA that “drainage will as existing discharging rain water into the South Stream.” The applicant should be requested to develop details of proposed surface water drainage, including pollution control measures, in direct consultation with the Environment Agency (as the EA’s consent is required for the final discharge and the adjacent watercourse is pumped by Hacklinge Pumping Station, an EA asset).

Southern Water – there is a public water main within the vicinity of the site – the exact position must be determined by the applicant before the layout of the site is finalised.

“There is no public foul sewer in the area to serve this development. The applicant is advised to examine alternative means of foul sewage disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness.”

Crime prevention design advisor – no objection – subject to comments about boundary treatment, security of ground floor windows and referral to the Kent Design Initiative for crime prevention and community safety purposes.

Sholden Parish Council – no objection – suggests addition of windows in gable end facing A258.

Public comments – 7x support.

Support

- Brownfield development.
- Provides needed rental accommodation in area.
- Landscaping will be a benefit to visual amenity.
- Will make a dangerous stretch of road safer.
- Café no longer a viable concern.
- On bus route, easy access to trains.
- Proposed building will be energy efficient.
- Opportunity for people to downsize.

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

The Site

- 1.1. The site is located on the eastern side of the A258 Sandwich Road in Hacklinge. It comprises a building formed of multiple sections, which is currently used as a café. A building has existed in this location since the early 1900s. In front of the building (west) is an area formed of loose stone and some hard standing, which is used as car parking for the café.

- 1.2. The wider setting of the site to its north and east is flat and open marshland, stretching approximately 3.2km to the sea. Some screening is provided by a mix of deciduous and evergreen plants and trees.
- 1.3. Adjacent to the north of the site is a car wash. Adjacent south of the site is the South Stream and immediately beyond that is the Thanet Coast and Sandwich Bay Ramsar site and Sandwich Bay to Hacklinge Marshes Site of Special Scientific Interest (SSSI). On the stream bank is some vegetation consisting of a grassed area and trees, some of which overhang the stream.
- 1.4. West of the A258 is a dwelling and south along the A258 is The Coach and Horses pub and centre of the Hacklinge hamlet. East of the site is Adelaide farm house.
- 1.5. Dimensions of the site are:
 - Width – 64 metres.
 - Depth – 53 metres.
 - Café set back from highway – 24.5 metres.

Proposal

- 1.6 The proposal is to demolish the existing building containing the café and erect a single, two storey building, on a south west/north east axis, containing 10 flats. 12 parking spaces would be provided as well as amenity space surrounding the building, to its north and south. The car park would be surfaced in shingle.
- 1.7 The building would be comprised of a single block, with a pitched roof, composite weatherboarding and a composite grey tiled roof. Five flats would be located on the ground floor and five flats would be located on the first floor. One of the gable ends would face the highway.
- 1.8 A boardwalk is proposed to be constructed north and south of the building, providing access.
- 1.9 Dimensions of the building are:
 - Width – 29.2 metres.
 - Depth – 10 metres.
 - Ridge height – 8.7 metres.
 - Eaves height – 4.7 metres.
 - Set back from highway – 17.5 metres.

2 Main Issues

- 2.1 The main issues to consider are:
 - Principle
 - Street scene, design and countryside impact
 - Residential amenity
 - Flooding and drainage
 - Ecology
 - Highways

3 Assessment

3.1 Principle

The site is located far outside of the settlement boundaries. The nearest boundaries are at Worth, 1.2 miles to the north (in a straight line), and Sholden (Deal urban boundary) 1.15 miles to the south east (in a straight line).

- 3.2 Policy CP1 defines Hacklinge as a hamlet. The policy states that hamlets are, “not suitable for further development unless it functionally requires a rural location”. Policy DM1, which defines the settlement boundaries, states that, “development will not be permitted... outside the... rural settlement confines... unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses”.
- 3.3 It is considered that the proposed development does not meet the criteria of either policy CP1 or policy DM1, with no other justification provided by development plan policies elsewhere in the Core Strategy or Land Allocations Local Plan. Paragraph 55 of the NPPF stipulates the special circumstances under which new isolated residential development can be permitted in the countryside. The current proposal does not satisfy any of these circumstances. Residential development in this location, as proposed, is therefore considered to be unacceptable in principle.

Street Scene, Design and Countryside Impact

- 3.4 The site is located on an area of primarily flat and open marshland. It is open to long range views particularly from the north and east. Some screening is provided by existing buildings and vegetation, however, it is considered that the proposed scale, form and finish of the building means that the development would be of a significant mass.
- 3.5 It is considered that the siting, scale, form and finish of the building would result in a freestanding and monolithic addition to the locality, which is not clearly informed by its context. The location of a freestanding residential block at this location and sited in relatively close proximity to the highway would appear out of context and obtrusive as seen within the street scene.
- 3.6 Individual elements of the proposal may be acceptable in alternative locations, however, with all elements taken in combination, the proposal is considered to represent poor design, in line with paragraph 64 of the NPPF. The proposal is considered unacceptable in design terms.
- 3.7 Policy DM15 of the Core Strategy concerns the protection of the countryside. Development that would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if: it is in accordance with allocations made in the local plan; justified by the needs of agriculture; or justified by a need to sustain the rural economy or a rural community. The proposal is not on allocated land nor is it an agricultural development. No information has been presented that suggests this proposal will help to sustain the rural economy or a rural community. Accordingly, the proposal is considered contrary to policy DM15.
- 3.8 Policy DM16 of the Core Strategy concerns landscape character. Development that is considered to harm the character of the landscape will only be permitted if it is in accordance with allocations made in the local plan and incorporate necessary mitigation; or it can be sited to avoid/reduce harm and incorporate mitigation measures which reduce impacts to an acceptable level. The proposal

is not in accordance with allocations in the local plan, so the question becomes one of siting. The siting of the proposal in combination with its design details is considered to be a key aspect in what makes the proposal unacceptable in more general design terms. The proposal is therefore considered also to be unacceptable assessed against the criteria of DM16.

3.9 Residential Amenity

The site is relatively isolated from existing residential development except the farm house behind (east) it. In terms of the functioning of the site, any overlooking or overshadowing, the proposal is unlikely to cause undue harm to the amenity of existing residents.

3.10 Flooding and Drainage

The site is located in flood zone 3, and accordingly a site specific flood risk assessment is required, as well as the undertaking of the sequential test and if passed, the exceptions test also.

3.11 Having reviewed the submitted information, the Environment Agency has objected to the scheme on two grounds.

3.12 One: "... the risks to groundwater from the development are unacceptable. The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis in line with paragraph 109 of the National Planning Policy Framework".

3.13 Two: "We have reviewed the information submitted and in the absence of an acceptable Flood Risk Assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted".

3.14 Kent County Council as the local lead flood authority has placed a holding objection on the scheme, relating to the discharge of surface water to the South Stream. The applicant has provided conflicting information suggesting both that the surface water would be discharged to the South Stream and that the water would be disposed of by soakaways. Further information would be required which would demonstrate "... how surface water will be managed so as to not exacerbate flood risk on site or off site". The River Stour Internal Drainage Board (IDB) has reiterated the KCC comments.

3.15 The Environment Agency comments and the KCC comments are posted on the council website. These comments include information on overcoming the objections, however, the applicant has not responded to these. Given that the development proposal is considered not to be acceptable in principle, further information was not specifically requested from the applicant.

3.16 In relation to the sequential test and the exceptions test, paragraph 102 of the NPPF explicitly states:

"Both elements of the test will have to be passed for development to be allocated or permitted."

3.17 The applicant has not submitted sufficient information which indicates if the sequential test can be passed, or if the exceptions test can be passed. As such,

were the applicant to reapply, such information would be required in order to justify development within flood zone 3.

Ecology

- 3.18 The site is located adjacent to the Thanet Coast and Sandwich Bay Ramsar site, as well as the Sandwich Bay to Hacklinge Marshes SSSI. However, Natural England has not raised an objection in this respect, subject to foul water and sewage being discharged into a public sewer, and surface water being directed to soakaways.
- 3.19 The submitted information conflicts in this respect, suggesting that the surface water would both be discharged to the South Stream and to soakaways. In addition, Southern Water have indicated that there are no public foul sewers in the area to serve the development, contrary to the applicant's submitted intention for foul sewerage disposal.
- 3.20 The submitted ecological report notes that there is no potential for water voles, however, the Environment Agency, which takes the lead in regard to water voles, has commented that the scoping survey is not considered to be sufficient evidence in this regard, noting that any excavation within 6 metres of the water edge would need to be accompanied by a water vole survey. At its closest point, the edge of the boardwalk is 10 metres from the edge of the South Stream, however, this does not necessarily confirm where excavation works would take place.
- 3.21 Typically, the interrelation of ecology concerns and proposed drainage measures would need to be clarified, particularly in regard to the KCC LLFA comments in relation to the height of the water table (which might preclude the use of soakaways and may have a significant bearing on the means of foul sewerage disposal) and the Natural England comments in relation to whether there may be impacts on the SSSI. Were the applicant to reapply at a later stage this issue would need to be adequately addressed, however, given that proposal is unacceptable in principle and given that there are significant objections against the scheme, the further clarification has not been sought.
- 3.22 In addition, the DDC ecology officer has commented that the ecology report is otherwise adequate.

Highways

- 3.23 The highways officer has not objected to the scheme, subject to the use of standard conditions, as well as securing the visibility splay and permanently closing the existing access.
- 3.24 The scheme provides 12 parking spaces, two for each flat and 0.2 per flat for visitors (equating to an extra two spaces). This is in accordance with the standards set out in policy DM13.
- 3.25 Policy DM11 directs that development outside of settlement boundaries which would generate travel will not be permitted. While mindful of the fact that the existing use does have associated travel movements, its nature is likely to be different to that of the proposed use, which would be more sustained and spread across a 24 hour period. No consideration of this aspect has been undertaken, therefore it is considered that the proposal is contrary to policy DM11.

- 3.26 The proposal is considered to be acceptable on highways technical grounds, i.e. layout, visibility etc. However, it is contrary to policy DM11 and is therefore unacceptable on that basis.

Conclusion and Sustainability Overview

- 3.27 There are three dimensions to sustainable: economic, social and environmental. Planning therefore needs to perform roles in respect of these, and consider each development proposal on that basis.
- 3.28 **Economic** – the proposed development represents the loss of an existing business use, which is negative. This is balanced by the proposed development, which would provide for a degree of economic benefit in its construction and could bring more people to the area. However, given that Hacklinge is a hamlet with limited economic activity/facilities, the economic support arising from new residents is considered itself to be limited. The development is considered to be neutral in economic terms.
- 3.29 **Social** – the proposed development represents the loss of a communal facility, which is negative. This is balanced by the potential arrival of new residents that could help to maintain and play a part in the local community. The development is considered to be neutral in social terms.
- 3.30 **Environmental** – the proposed scheme is unacceptable in principle, it is located far outside of settlement boundaries and is in a countryside location, adjacent to a Ramsar site and SSSI. The design of the proposal would have an unacceptable impact on the street scene and local character appearing as an obtrusive and monolithic form. In addition, the Environment Agency and the KCC LLFA team have both objected to the scheme, based on risks to groundwater, an insufficient accompanying FRA and insufficient details relating to the drainage of surface water. No information has been provided which indicates if the proposed development passes the sequential test or the exceptions test. Any environmental benefits arising from the site are considered to be significantly outweighed by the adverse effects of the proposal.
- 3.31 In sustainability terms, the proposed development is considered to be neutral in economic and social terms. In environmental terms it is considered to be negative. Overall, the proposed development is considered to be unsustainable.

g) Recommendation

- I. Planning permission be REFUSED for the following reasons: (1) The proposal, if permitted, by virtue of its location outside of settlement boundaries in a countryside location, would represent an unjustified, unsustainable form of development well beyond any urban boundary or settlement confines, and would give rise to travel movements outside of settlement confines, contrary to policies CP1, DM1 and DM11 of the Core Strategy, and the aims and objectives of the NPPF at paragraphs 12, 14 and 55 in particular. (2) The proposed building, by virtue of its location, siting, mass, orientation and finish, would if permitted, give rise to an incongruous and obtrusive form of development, which would result in harm to the quality and visual amenity of the street scene and local landscape, and would represent poor design, contrary to policies DM15 and DM16 of the Core Strategy, and the aims and objectives of the NPPF at paragraphs 17, 56 and 64 in particular. (3) The proposed development, if permitted, would give rise to an unacceptable risk of contamination to groundwater in a sensitive location, and the submitted documentation relating to foul sewerage and surface water

drainage does not adequately demonstrate that these contamination risks can be satisfactorily managed, contrary to the aims and objectives of the NPPF at paragraphs 109 and 118. (4) In the absence of adequate information relating to foul sewage disposal and surface water drainage, it is not possible to determine, in the interests of ecology and biodiversity, that the proposed development would not result in harm to neighbouring ecosystems, namely those of the Thanet Coast and Sandwich Bay Ramsar site, and the Sandwich Bay to Hacklinge Marshes SSSI, contrary to policy DM15 of the Core Strategy and paragraphs 109 and 118 of the NPPF in particular. (5) The submitted documentation relating to flood risk, including the flood risk assessment and the planning statement, does not adequately undertake the necessary sequential test, which is required by virtue of the site being located in flood zone 3, meaning that Dover District Council is unable to assess if more suitable development sites exist in areas which are at less risk from flooding in accordance with paragraph 102 of the NPPF which states explicitly that the sequential test will have to be passed for development to be permitted. The proposal is contrary to the aims and objectives of the NPPF at paragraphs 101, 102 and 103 in particular. (6) The submitted flood risk assessment (FRA) is not considered to comply with the requirements of the Technical Guidance to the NPPF, for the following reasons: It relates to a previous application for the change of use of a nearby barn, an incomparable proposal; Site ground levels are lower than those stated in the FRA; No consideration of the implications for personal safety, of the site being located in flood zone 3; No details of finished floor levels. The FRA therefore does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development, contrary to the requirements of the NPPF at paragraphs 100, 102 and 103 in particular.

- II. Powers to be delegated to the Head of Regeneration and Development to settle the precise reasons for refusal and/or planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett

PLANNING COMMITTEE – 27 JULY 2017

PLANNING APPEALS

1. There were 13 appeals determined between April and June 2017. Four appeals were against a decision by the Planning Committee and the remainder against delegated decisions.

A breakdown is in point 3 below

2. Members have been issued with the full decisions. This report introduces a table at **Appendix A**, broken down between those that were dismissed or upheld and identifying the main issues that the Inspectorate considered. This is to identify whether there are any patterns in the Inspectorate’s decision making and to further inform our own approach.

3. The current annual target is that a maximum of 15% of appeals are upheld. The overall performance is 61% - significantly over target.

Quarter	Committee Appeals	Number Upheld	Number Dismissed	% Upheld
1	4	2	2	50
2				
3				
4				

Quarter	Delegated Appeals	Number Upheld	Number Dismissed	% Upheld
1	9	2	7	78
2				
3				
4				

Year to date	All appeals	Number Upheld	Number Dismissed	% upheld
Q1	13	8	5	61.54
Q2				
Q3				
Q4				

The Government's assessment on appeal performance is not based on number of appeals upheld as a proportion of those submitted, but by the number of appeals allowed as a percentage of the number of applications decided.

The target is 10%.

The next assessment date is October 2017 and looks back over the previous 2 years.

Oct15 2015 - Jun30 2017	Major Applications Decided	Appeals Upheld	% Upheld
	87	1	1.15
	Non-Major Apps Decided		
	1712	28	1.64

On these statistics, the Council is well within the Government's target.

4. Learning Points

The breakdown of the appeal decisions identifies that for this quarter, the issues underlying the allowing of the appeals are not related to key policies covering matters of principle e.g. the use of rural/urban settlement confines to control/direct development. Rather, the cases where we are not being supported by the Inspectorate appear to turn on more site specific/detailed issues relating to our assessment of matters such as the impact of a proposal on the amenities of a neighbour and/or the appearance of a development within the locality.

A recent review of the Planning service undertaken by the Planning Advisory Service (A Govt. funded organisation) reviewed our appeals performance over a longer period. Their recommendation was to "review all applications which are likely to be recommended for refusal at an early stage and stress test them against a likely decision on appeal" This is currently being discussed by the Dept's Management team.

In addition, the review of the Core Strategy will be an opportunity to discuss policy direction to support future decision making.

Dave Robinson

Attachments - Appendix A - Breakdown of all appeal cases 2017/18

Appendix A

Quarter 1

2017

Main Issues

Case	Major(Y/N)	Address	Original Dec Date	Dele Com	Dismissed/Upheld	Against officer Rec	Policy	Impact on Neighbours	Character and appearance of area	Impact on Listed building	Other
16/00057	N	Stoneheap Road	25/04/2016	C	D	N					
15/00864	Y	London Rd	27/10/2016	C	D	Y			Y		
16/00998	N	Dola Avenue	18/08/2016	D	D			Y	Y		
16/001066	N	Victoria Road	29/11/2016	D	D				Y		
16/00915	N	Queensdown Rd	07/12/2016	C	U	N			Y		
16/01461	N	Beach Mews	30/03/2017	C	U	Y		Y	Y		
15/00992	N	Dover Road	25/05/2016	D	U				Y	Y	
15/0245	Enforcement	Coombe Valley	04/07/2016	D	U						
16/01147	N	East Cliff	01/12/2016	D	U			Y			
16/01240	N	Castle St	06/01/2017	D	U					Y	
16/1241	Listed Build	Castle St	06/01/2017	D	U					Y	
16/01281	N	The Street	27/01/2017	D	U			Y	Y		
16/01401	N	Cypress Drive	27/01/2017	D	U						