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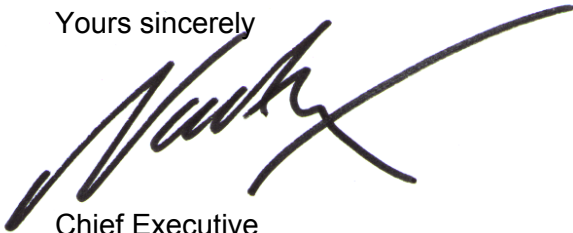
11 October 2016

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 20 October 2016 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



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
A F Richardson
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 5-13)

To confirm the attached Minutes of the meeting of the Committee held on 22 September 2016.

5 **ITEMS DEFERRED** (Page 14)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 15-18)

6 **APPLICATION NO DOV/16/00032 - DEACON LANDSCAPE MANAGEMENT, WOOTTON LANE, WOOTTON** (Pages 19-83)

Outline planning application for proposed residential development of eight dwellings with some matters reserved

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

7 **APPLICATION NO DOV/16/00931 - 135 MIDDLE STREET, DEAL** (Pages 84-89)

Erection of single storey rear extension, front and rear dormer roof extensions and installation of two rear roof lights

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

8 **APPLICATION NO DOV/16/00838 - 24 AND 24A MILL HILL, DEAL** (Pages 90-97)

Conversion of existing building from two flats to two dwelling-houses with a two-storey extension to no 24 (existing extensions to be demolished) and erection of a first-floor conservatory to no 22

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

9 **APPLICATION NO DOV/16/00721 - 10 LAMBTON ROAD, DOVER** (Pages 98-105)

Part change of use from residential to business (for dog sale and re-homing) and associated operational work

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

10 **APPLICATION NO DOV/16/00396 - LAND AT SHORT LANE, ALKHAM** (Pages 106-116)

Outline application for the erection of three bungalows with all matters

reserved

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

- 11 **APPLICATION NO DOV/15/00864 - 377 LONDON ROAD, DEAL** (Pages 117-124)

Erection of four detached dwellings with garages, creation of vehicular access and landscaping (existing garage and swimming-pool to be demolished)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 12 **ENFORCEMENT - HISTORIC REVIEW** (Pages 125-127)

To consider the attached report of the Planning Delivery Manager.

- 13 **APPEALS AND INFORMAL HEARINGS** (Pages 128-131)

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

- 14 **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 September 2016 at 6.01 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
T J Bartlett
B Gardner
D P Murphy
M J Ovenden
A F Richardson
P M Wallace

Officers: Head of Regeneration and Development
Principal Planner
Planning Delivery Manager
Principal Heritage Officer
Planning Officer
Trainee 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/15/00292 & DOV/15/00293	-----	Mr Alex Lister
DOV/15/01100 DOV/16/00442	Dr Mike Leeming Mr Mike Goddard	----- Mr Mark Salisbury

53 APOLOGIES

It was noted that an apology for absence had been received from Councillor T A Bond.

54 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M J Ovenden had been appointed as a substitute member for Councillor T A Bond.

55 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

56 MINUTES

The Minutes of the meeting held on 25 August 2016 were approved as a correct record and signed by the Chairman.

57 ITEMS DEFERRED

The Chairman advised that two of the deferred items listed were to be considered at the meeting. The third item relating to land adjacent and fronting Roseacre, East Langdon Road, Martin remained deferred.

58 APPLICATION NOS DOV/15/00292 AND DOV/15/00293 - THE RED LION, CANTERBURY ROAD, WINGHAM

The Committee viewed plans and photographs of the application site which was located at the junction of the A257 Sandwich to Canterbury and B2046 Wingham to Aylesham roads. The Head of Regeneration and Development (HRD) reminded the Committee that the application had been due to be considered by the Committee in May but had been withdrawn from the agenda due to the large number of late representations submitted by objectors. The application had then been deferred at the Committee meeting held in June, for the reasons set out in paragraph 1 of the report. Both the May and June reports were appended to the current report, together with an assessment of the marketing, as requested by the Committee, at Appendix 4. Members were advised that, since the deferral in June, the applicant had lodged appeals against non-determination with the Planning Inspectorate in respect of both applications. The applications would now be determined by the Inspectorate. However, the Committee was being asked to indicate how it would have determined the applications as this would form the basis of the Council's case to the Inspectorate.

Members were reminded that the building was Grade II*-listed and had formerly also been used as a sessions house. It contained several features of historical interest, including an octagonal crown post, a stone fireplace and an 18th-century staircase. The building had a double jetty which could be appreciated internally at ground-floor level where the original timber framing was still exposed. Extensions carried out during the 19th-century and other works had resulted in the loss of historic fabric. It was proposed to convert the building to two houses and to demolish an outbuilding, lean-to and toilet block.

The applications before Committee required careful assessment as there were a number of complex issues to consider. Firstly, if it was considered that the change of use would cause harm to the community, Members were required to consider the viability of the building as a pub and whether adequate marketing had taken place. Secondly, the Committee would need to consider whether its conversion to residential use was acceptable. Finally, whether harm would be caused to the heritage asset and Conservation Area and, if so, whether such harm would be outweighed by the public benefits of the proposal.

In terms of change of use, Officers were of the view that there was no evidence that the loss of the pub would cause harm to the community nor lead to the community's needs not being met. The assessment of the independent expert, commissioned by the Council, was that the marketing had been a genuine and adequate exercise, and that the building was no longer viable as a pub. In summary, the exercise complied with Core Strategy Policy DM24. The site was within the village confines and acceptable in terms of amenity and parking. The proposals also complied with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in relation to the National Planning Policy Framework (NPPF), it was considered that the proposals would cause less than substantial harm to the heritage asset which was outweighed by the benefits of the scheme. Officers recommended that the applications should be approved.

As an update to the report, the HRD advised that an e-mail had been received on 16 September from the Save the Red Lion campaign group (SRLCG). This had been circulated to Members and raised concerns regarding access, signage and a conflict of interest. It had also argued that the Committee could reject the applications if it were not proved beyond reasonable doubt that the building was unsustainable as a pub business. The Committee was advised that 'beyond reasonable doubt' was not a test recognised in Planning legislation, against which applications had to be assessed. It was for the owner to decide whether to grant access to his property. The SRLCG had raised concerns that there had been no 'For Sale' signs placed on the property. However, the applicant had undertaken marketing which, in the opinion of Officers and the independent reviewer, had been conducted satisfactorily and met the Council's policy requirements. In respect of the conflict of interest, neither the independent reviewer nor the Council's Solicitor considered this to be the case, the extent of the former's involvement with Punch Taverns being set out on page 2 of his report. The Council had not asked the independent reviewer to consider any matters relating to a time when Punch Taverns (who no longer had an interest in the building) owned the property. He was not an employee of Punch Taverns, but currently provided rent review advice to them on a consultancy basis. As a member of the RICS (Royal Institution of Chartered Surveyors), the reviewer's assurances regarding the conflict of interest should be accepted. A further e-mail had been received that afternoon which referred to inadequate marketing, the owner prohibiting access and the conflict of interest.

Since the report was written, the applicant had submitted barrellage figures and a letter from Sidney Philips which stated that there were no historical trading or accounts records available. Although no breakdown had been given of the £150,000 estimation of works required to refurbish the property, this estimate had been based on Sidney Phillips' experience as licensed property specialists. Sidney Phillips had now advised that these costs were likely to be higher than estimated.

Councillor P M Wallace questioned the adequacy of the marketing given that the owner had refused to allow potential buyers to view the property. He also reiterated points made at the previous meeting regarding the property's long history as a publicly accessible building and the need to protect it for future generations. He remained of the view that the loss of the pub would cause harm to the community. Councillor A F Richardson understood why Officers had reached the conclusions outlined in the report, particularly when the independent reviewer's report on marketing was taken into account. However, the fact that several potential buyers had expressed an interest in viewing the building indicated that it was potentially still viable as a pub business. The marketing had been a half-hearted, tick-box exercise which met the Council's requirements but nothing more. Whilst he accepted that the reviewer did not have a conflict of interest, it was regrettable that the Council could not have found a chartered surveyor with no links at all to Punch Taverns. He also accepted that it was the owner's right to prohibit access. However, there was no credible reason for refusing access and this raised doubts about how genuine the original marketing exercise had been. In his view, the recent expressions of interest from potential buyers were a material consideration.

The Chairman reminded Members that the marketing exercise had been conducted in 2014 when there had been viewings but no offers made. The Committee had to be satisfied that the exercise had complied with Policy DM24 which Officers were advising was the case. He shared others' views about the nature of the marketing exercise. However, the fact remained that no offers had been forthcoming in the last two years, and interest expressed in recent months had come too late. It was

incumbent upon the Committee to stay true to the Council's Planning policies and, in his opinion, the applications met these.

Councillor B Gardner expressed disappointment at what had happened over the last three months. The owner had disregarded the Committee's wishes by not allowing access to the property. At the same time, the Committee had received no evidence of any offers being made by the community or direct from third parties. Although objectors had referred in correspondence to potential buyers and offers, nothing concrete had been submitted. Whilst he did not personally wish to see the pub go, the law was on the side of the applicant.

Councillor M J Ovenden stressed that if permission were granted, Officers must ensure that there was no further loss to the historic fabric of the building. Councillor B W Butcher agreed that safeguards were required to ensure that the original fabric of the building was protected. Whilst he would prefer to see the building continue as a pub, the owner had the right to do with it as he wished. Moreover, the Committee had a responsibility to consider the applications in accordance with Planning legislation.

The HRD reminded Members that Policy DM24 prescribed that planning permission should only be granted if the loss of the pub would not harm the economic and social viability of the community that it served. Only if harm would be caused should the adequacy of marketing be considered.

The Principal Heritage Officer clarified that listed building consent was only required for physical alterations and not for a change of use. Substantial harm would equate to the loss of historic fabric, something which was not proposed here. In fact, the works were likely to benefit the building as partitioning around the 18th-century staircase was to be removed and the line of an original wall reinstated at ground-floor level. The new party wall would be located between timbers and therefore involved the least intervention possible. Whilst there would be an impact on the planform of the building, it would remain legible. Officers considered the works acceptable and that there would be less than substantial harm caused to the building.

Councillor Gardner added that conversion to a residential dwelling after the building had been accessible to the community for 700 years could be considered as a loss. Councillor Wallace questioned that the building was no longer viable as a pub business. The Legal Officer reminded the Committee that it had to take a dispassionate view and focus on whether the applications were compliant with the relevant policies. The application had been deferred by the Committee at the last meeting and a report commissioned at its request. It would therefore need to give clear reasons for disagreeing with the findings of the report.

It was moved by Councillor P M Wallace and duly seconded that the Committee should indicate that the applications would have been REFUSED on the following grounds: (i) Loss of inside of building/heritage asset to the community given its 700-year history as a public house and sessions house; (ii) The proposals would cause substantial harm to the heritage asset; (iii) The proposed development was not the best use of a listed building as a community asset; and (iv) The marketing undertaken by the applicant had not been a genuine exercise and did not comply with Policy DM24.

There being an equality of votes, the Chairman used his casting vote and the motion for refusal was LOST.

It was moved by Councillor B W Butcher and duly seconded that the Committee should indicate that the applications would have been APPROVED as per the recommendations set out at paragraph 13 of the report.

There being an equality of votes, the Chairman used his casting vote and the motion for approval was CARRIED.

RESOLVED: (a) That the Planning Committee indicates that it would have resolved to grant Planning Permission and Listed Building Consent had it determined Application Nos DOV/15/00292 and DOV/15/00293, subject to the following conditions:

DOV/15/00292 (Planning Permission):

- i) Commencement within 3 years;
- ii) Carried out in accordance with the approved drawings;
- iii) Materials to be submitted;
- iv) Details of cycle and refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority, and put in place before the first occupation of the dwellings commences and maintained for such purposes thereafter;
- v) Sample panel of brickwork to show bonding, type and style of pointing for the proposed boundary wall;
- vi) Any conditions requested by Kent County Council Highways;
- vii) Archaeological watching brief.

DOV/15/00293 (Listed Building Consent):

- i) Commencement within 3 years;
- ii) Carried out in accordance with approved drawings;
- iii) The works shall not be carried out otherwise than in accordance with detailed drawings;
- iv) Such drawings to be submitted to and approved by the Local Planning Authority in writing to show details of any mechanical ventilation, flues, soil, vent or other pipes and joinery details for new window;
- v) No cleaning of internal and external timbers;
- vi) The Sessions Book will remain *in situ* and shall not be removed or relocated without formal approval from the Local Planning Authority.

- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning permission/listed building consent conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

59 APPLICATION NO DOV/15/01100 - LAND TO THE SOUTH OF HAWARDEN PLACE, CANTERBURY ROAD, WINGHAM

Members viewed plans and photographs of the application site. The Committee was reminded by the Principal Planner that it had deferred the application at its meeting held on 25 August in order for a site visit to be held to assess how the design of the proposed development would affect and impact upon heritage assets. An update report was before Members.

Members were advised that the application proposed the erection of 15 Class C2 retirement units, together with an extension to an existing barn to provide communal space and guest accommodation. It was confirmed that the units would contribute towards the Council's 5-year housing land supply deficit which was welcomed, as was the provision of accommodation for older people. The site lay within the village confines and had a largely natural appearance. Whilst part of the site was protected open space under Policy DM25 of the Council's Core Strategy, it was proposed to retain this for use by residents. It was proposed that vehicles would use the existing access, and Kent County Council Highways was content with the proposed sightlines. One of the reasons given for refusal was the lack of pedestrian access, an objection raised by KCC Highways. However, Officers considered that this aspect of refusal could easily be overcome.

The scheme comprised predominantly two-storey buildings which would be weather-boarded and reminiscent of Kent oast-house buildings. There would be a small number of three-storey buildings located in the lower part of the site which stepped up in level towards School Lane. The frontage to School Lane was currently partially screened by a number of mature trees. However, the plans submitted indicated that these would be removed and only a hedge would be retained. Given the proximity of the proposed dwellings to this boundary, it was likely that there would, in time, be pressure from residents for them to be cut back or removed due to loss of light if they were retained. The scheme included proposals for planting, habitat creation and allotments for residents.

The Principal Heritage Officer advised that the site visit panel had been tasked with considering the impact of the proposals on nearby heritage assets. There were a number of Grade I and Grade II-listed buildings in the vicinity. Wingham village was a typical medieval market town with a tight urban grain and buildings situated cheek by jowl. Wingham Court, a Grade II*-listed building, and its immediate environs were different, reflecting its historic use as a collegiate site, with high status buildings in generous grounds. It was a secluded site which was not publicly accessible, and was characterised by the use of materials such as red brick, Kent peg tiles and steeply pitched roofs.

The Committee was advised that the applicant had submitted images which sought to convey the impact of the development on the wider area, particularly views from Adisham Road. Two letters of objection had been received prior to the last Committee meeting raising issues such as road safety, intensity of development, historical importance of the site, conflict with existing traffic, hazardous nature of the access and the inappropriateness of three-storey buildings. Two further letters of

objection had been handed over at the site visit raising concerns regarding over-development, removal of trees, recent traffic incidents, road safety, impact on wildlife and urbanisation.

Two letters of support had also been received, stating that there was no evidence of a breach to the School Lane wall, that views of the church would not be impeded and that the modern design would sit comfortably within its surroundings. They also questioned the reason for refusal relating to pedestrian access, arguing that there was a network of footpaths giving pedestrian access to Wingham. Incognito, the company that would provide services at the development, had also submitted a letter. A letter from the applicant's agent had been circulated to Members.

The Principal Planner summarised that the development was within the confines and, as such, was acceptable in principle. It would contribute to the Council's 5-year housing land supply deficit and provide much needed housing for older people. A number of issues were considered acceptable, including living conditions, highways, flooding, surface water disposal, ecology impact and developer contributions. However, the Committee was advised that, although the development would bring about social and economic benefits, it was considered that these would not outweigh the harm caused to the significance of heritage assets. The proposals would therefore conflict with the National Planning and Policy Framework (NPPF) and refusal was recommended. On this point, the Principal Planner read out a slightly amended reason for refusal to that included at I (i) of the report.

Councillor Gardner stated that the site visit panel had met the day before to look at how the design (including layout) would affect and impact upon heritage assets. Twenty members of the public, as well as the agent and applicant, had been present and had stated their views. After a full inspection of the site, the panel had concluded that the design and choice of materials of the proposed development would detract from nearby listed buildings and the Conservation Area. The panel had also had strong reservations regarding the layout of the proposed development, particularly the three-storey element and its positioning on one of the highest parts of the site, in close proximity to School Lane.

Councillor Gardner added that the buildings surrounding the site were predominantly red brick with Kent peg tiles. Although there was some weatherboarding already present on nearby buildings, the proposals sought to introduce a large amount which would appear incongruous. Imitation oast-house structures would also be out of character with the area. In addition, he was concerned at the loss of a number of old and well established trees fronting School Lane. He proposed that the application be refused for the reasons set out in the report, with an additional reason to cover the loss of trees. Councillor Butcher agreed with the points raised, adding that highway safety was also a concern. Councillor Ovenden welcomed the development in that it proposed high quality housing for older people. However, the design was not acceptable in its current form. The Chairman concurred, commenting that he believed the number of dwellings proposed was achievable, but a different approach to the design was required in order to achieve a development that was suitable for the site and its proximity to listed buildings.

RESOLVED: That Application No DOV/15/01100 be REFUSED on the following grounds: (i) The proposed development, by virtue of its scale, mass, layout, design and materials and the loss of tree cover, would, if permitted, result in a dominant, incongruous, unsympathetic and

poorly related form of development, out of keeping with the prevailing form of surrounding development, and would therefore be harmful to the character and appearance of the surrounding area, the setting of listed buildings, and the character and appearance of the Witham Conservation Area, contrary to Government guidance contained within National Planning Policy Framework paragraphs 8, 14, 60, 64, 131, 132 and 134 and the provisions of Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and (ii) The development as proposed would fail to maximise walking, cycling and the use of public transport, contrary to paragraphs 49 of the National Planning Policy Framework and Policy DM11 of the Dover District Core Strategy.

60 APPLICATION NO DOV/16/00442 - THE THREE TUNS, THE STREET, STAPLE

The Committee was shown photographs, plans and a video clip of the application site. The Planning Delivery Manager (PDM) reported that amended plans had been circulated to Members, addressing concerns raised in the report. The application proposed the conversion of a Grade II-listed, 17th-century public house and the erection of 9 dwellings on a plot of land which lay partly within the village confines; the pub building and garden area being within the confines and the remainder being outside. Having consulted the Parish Council to establish what could be provided on the site for the benefit of the community, the applicant had agreed to provide a small car park. No further representations had been received since the report was issued.

The amended plans proposed an increase in tree cover and landscaping. The height of the two two-bedroomed houses would also be reduced, but the footprint of the public house conversion would remain the same. The last landlord had owned the pub from 2007 until late 2015 when the business – trading as a Bed and Breakfast – had gone into receivership. The pub had been marketed with Christies for a period of seventeen months, attracting sixteen viewings and three offers. The marketing exercise had been reviewed by an independent assessor who had found the exercise and asking price to be acceptable and therefore in compliance with Core Strategy Policy DM24. Officers considered that the building was no longer viable as a pub, and recommended that the change of use should be approved.

The Chairman questioned whether the amended plans, which included a reduction from two-storey to one-storey, constituted a substantial change and therefore required further public consultation. The PDM advised that he did not consider the changes to be material. Following further discussions with the Legal Officer, Officers advised that they considered that the changes did raise an issue of materiality and that, as such, they should be subject to further advertising/consultation. This view took into account the proximity of the proposed dwellings to a listed building. Furthermore, given that the revised plans had not been assessed by the Principal Heritage Officer, it was recommended that the application should be deferred to permit assessment.

RESOLVED: That Application No DOV/16/00442 be DEFERRED to allow the amended plans to be the subject of re-advertisement and public consultation.

61 PLANNING ENFORCEMENT

The PDM introduced the report which outlined the number of Planning enforcement cases outstanding and actions taken between April and August 2016.

Councillor Gardner welcomed the report but queried what had happened to the 600 cases which Members had been advised were outstanding in 2014. He recognised that some would have been resolved or written off but the reduction to only 61 cases was worrying. The PDM advised that the figures represented high-level enforcement cases and did not cover every ongoing case. For example, cases where ongoing negotiations were taking place to resolve breaches were not included in the statistics. Cases were also excluded if it was considered it was not in the public interest to pursue them or which, for various reasons, had to be abandoned. As Members were aware, there had been a significant backlog of cases which had been reviewed and restructured.

The Chairman commented that he favoured a short report comparing year-on-year figures and outlining what actions had been taken. He did not see the value in revisiting historic cases. Councillor Richardson agreed that regular reports of this nature should be provided, but argued that a one-off report covering historic cases might be helpful. Councillor J S Back added that he would like to see the Enforcement team taking a more robust stance when breaches had occurred.

In respect of training, the HRD advised that Officers were in the process of arranging Planning enforcement training for Members. However, before finalising the training programme, the outcome of the Scrutiny Committee meeting on 12 October was awaited as this topic was due to be considered, and the Committee's recommendations could affect the nature of the training provided.

- RESOLVED: (a) That the report be noted.
- (b) That an initial, in-depth report covering historic cases be provided to the Committee, followed by regular reports providing year-on-year statistics and outlining actions taken.

62 APPEALS AND INFORMAL HEARINGS

The HRD updated the Committee on the Farthingloe development. As the Committee was aware, the Campaign to Protect Rural England (CPRE) had gone to the High Court to have the Council's decision to grant planning permission for Farthingloe judicially reviewed. Whilst the Council had successfully defended its decision, the CPRE had been given permission to go to the Court of Appeal on one ground of appeal. The judgement had gone in favour of the CPRE, with the judge ruling that the reasons given by the Council for its decision were inadequate in relation to the NPPF. The Council was considering whether to apply to the Court of Appeal to have the ruling quashed. Further discussions would need to be held with the applicant regarding the planning application.

The Committee noted the update.

63 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 8.40 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 20 OCTOBER 2016

**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/16/00442** **Erection of nine dwellings, change of use and conversion of the existing public house into a single residential dwelling, creation of vehicular access, parking area and associated works - The Three Tuns, The Street, Staple (Agenda item 8 of 22 September 2016)**

2. **DOV/16/00576** **Outline application for the erection of two detached dwellings, alterations to the existing access and car parking – Land adjacent and fronting Roseacre, East Langdon Road, Martin (Agenda Item 13 of 21 July 2016)**

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.

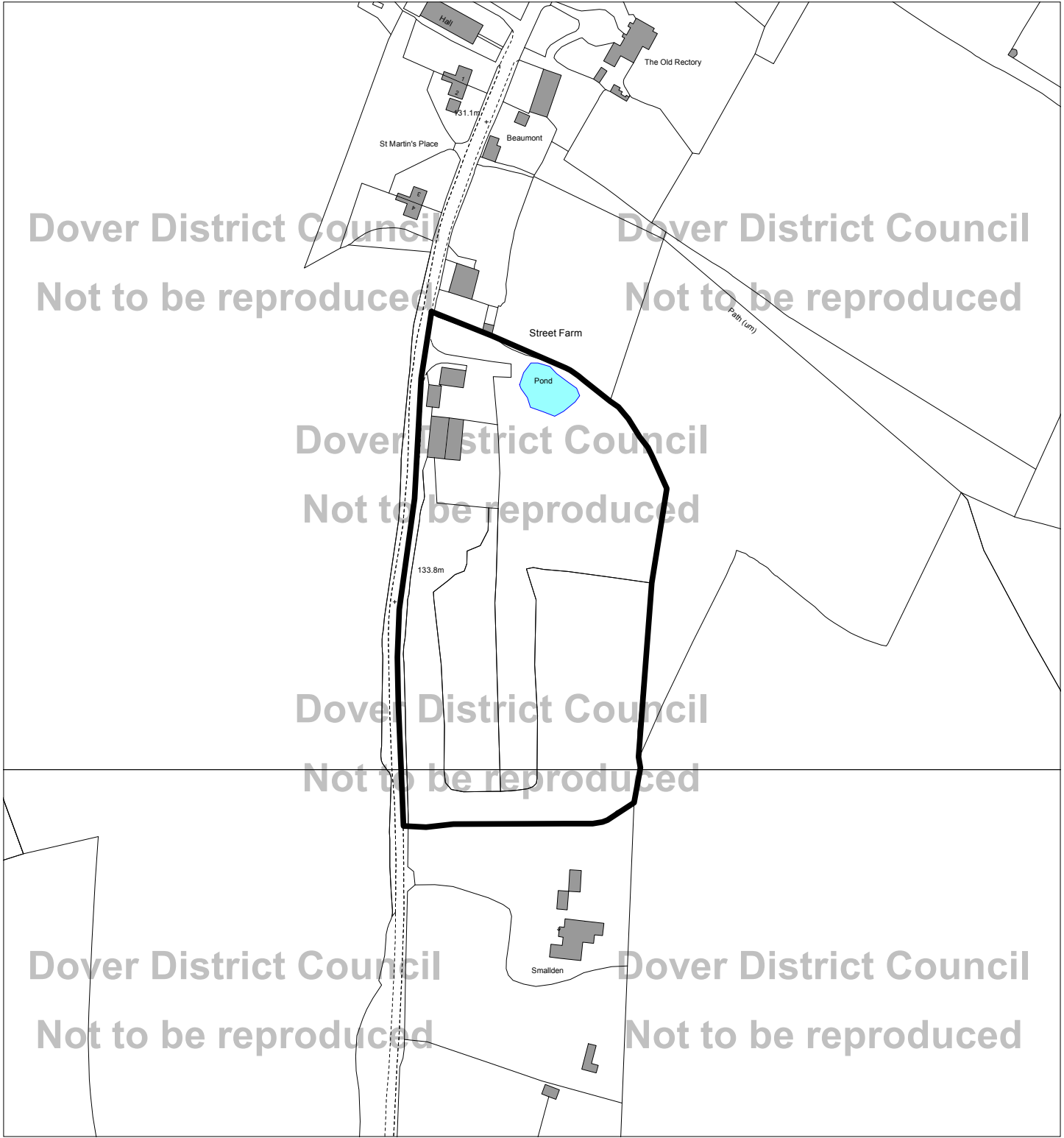
Article 14 - Prohibition of discrimination.

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/16/00032

Deacon Landscape Management
Wootton Lane
Wootton
CT4 6RP

TR22274607



- a) **DOV/16/00032 - Outline planning application for proposed residential development of 8 dwellings with some matters reserved at Deacon Landscape Management, Wootton Lane, Wootton**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be granted.

- c) **Statutory Requirements, 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 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty upon Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.
- Section 85(1) of the Countryside and Rights of Way Act 2000 requires that the Local Planning Authority has regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty in exercising its planning function.

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of services.
- CP6 - Development that generates a demand for infrastructure will only be permitted if the necessary infrastructure is either already 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.
- DM2 – Permission for change of use or redevelopment of land and buildings currently or last in use for employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use.
- DM5 – Developments of between 5 and 14 homes will be expected to make a contribution towards the provision of affordable housing. This may comprise either on-site affordable housing provision or a broadly equivalent financial contribution, or a combination of both. The exact amount of affordable housing, or financial contribution, to delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.

- 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 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

Land Allocations Local Plan

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

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF sets out the dimensions of sustainable development, defining the economic, social and environmental roles. Paragraph 8 goes on to explain that these roles should not be undertaken in isolation, because they are mutually dependent.
- Paragraph 14 requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.
- Paragraph 17 sets out the 12 core principles of the NPPF which, amongst other things, seeks to:
 - i. proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - ii. secure high quality design and a good standard of amenity for all existing and future residents;
 - iii. recognise the intrinsic character and beauty of the countryside;
 - iv. contribute to conserving and enhancing the natural environment and reducing pollution.
 - v. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
 - vi. encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and
 - vii. actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 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.

- 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 seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires that the planning system enhances the natural and local environment by protecting and enhancing valued landscapes.
- Paragraph 115 requires that great weight is given to conserving landscape and scenic beauty including Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- Chapter twelve requires that development has regard for its impact on the significance of heritage assets and their settings.

The Kent Design Guide (KDG)

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

The Kent Downs AONB Management Plan

- The Management Plan sets out policies for the management of the AONB, to conserve and enhance the natural beauty of the AONB.

d) Relevant Planning History

DOV/95/00347 - Change of use of land and buildings from agriculture to use by Deacon Landscape Management together with the removal of the existing pole barn and the erection of a smaller replacement building
Decision: Approved subject to conditions
Decided: 16th August 1995

Condition 2 on the permission states *"the uses of the premises shall be confined to the use hereby permitted"*, although it noted that the uses class is not specifically defined within the condition or description of development. Condition 3 states that the permission is restricted solely to Deacon Landscapes.

WOO/13/00113 – An alleged breach of planning, concerning use of the site contrary to the permission, was received on 25th July 2013. Specifically the complainant alleges that the site is accommodating manufacturing activity, rather than a landscaping business. The enforcement case remains open.

DOV/13/00368 - Removal of condition 3 relating to the removal of the named occupant of planning permission DOV/95/00347
Decision: Approved subject to conditions
Decided: 10th July 2013

Condition 1 of the permission required that the *"site shall be used only for purposes in connection with the landscaping business falling within Class B1(a) and B8"*. Conditions 2 - 5 put restriction on the type of activities that could be undertaken on the site, for amenity protection purposes. Conditions 6 – 8 related to highways and access arrangements.

e) Consultee and Third Party Responses

KCC Highways and Transportation – The proposals are unlikely to generate an increase in vehicular movements compared to the existing use. This notwithstanding the site is not in a particularly sustainable location and practically all trips would be made by private vehicles. Sufficient parking is proposed on the site. To this end there are no highways objections to the proposals subject to several conditions in respect of the detail.

DDC Principal Ecologist –

The site is within the AONB and therefore of high sensitivity. The application appears to have addressed this issue and the site is well screened from the wider countryside. In principle, subject to the landscape strategy being conditioned, there are no objections on landscape grounds.

It is noted that dormice occur on the site and that habitat confirmed as supporting dormice will be removed. Whilst the mitigation proposed is considered acceptable it is noted that a license under the Habitat Regulations will be required to undertake these works, and that proper justification will be required.

Reptile mitigation looks satisfactory but should be controlled by condition.

DDC Heritage – No objection the proposed development would not have a detrimental impact upon the character, appearance and significance of the Conservation Area.

DDC Trees – No objection to the proposed removal of the trees, all of low quality and are shielded by more substantial specimens on the boundary.

DDC Environmental Health – The contamination assessments submitted in support of the application are satisfactory. They recommend limited remedial works and appropriate conditions should be attached to secure these. However the presence of Himalayan Balsam has also been identified, but not included in the remediation proposals. A condition should be attached requiring a remediation scheme for the knotweed.

Southern Water – The applicants are advised to consult the Environment Agency concerning proposed foul drainage arrangements. Details of the SUDS should be secured by condition.

Public Representations – 46 letters of support have been received, including from 'Locate Kent, and DDC Head of Inward Investment. All letters of support suggest that the application proposals facilitate the relocation, and subsequent expansion, of a successful local business, thereby directly supporting local economic growth and job creation.

13 letters of objection has been received, raising the following concerns:

- Application site is outside settlement 'envelope' and thereby contrary to the development plan.
- Inappropriate 'expansion' given scale of the village.
- Unsustainable location for additional housing.
- Development would have an unacceptable impact upon the AONB.
- Development would give rise to unacceptable traffic impacts.
- Development would have an unacceptable impact upon the conservation area.
- Development should not be justified on the basis that it relocates an 'unlawful' industrial use – enforcement action should be taken against the 'unlawful' use.

- The relocation of the existing business is not a planning consideration.
- Layout of the development is inappropriate given the character of the village: single depth, fronting on to the street.
- Boundary planting makes significant contribution to character of the surrounding area and must be protected against residents desire to 'open up the site'.
- Addition of playground is unnecessary (no demand within village) and will cause a conflict with neighbouring properties - spare land should be used for village hall car parking not playground.
- The design of dwellings of critical importance to the acceptability of the scheme.

f)

1. **The Site and the Proposal**

- 1.1 The site is located at the southern edge of the hamlet of Wootton, approximately 10 miles to the east of Canterbury City and 9 miles west of Dover.
- 1.2 Wootton has developed in a linear fashion along the key roadways that pass through it, with Wootton Lane providing the main artery running north to south. The site is situated on the eastern side of Wootton Lane.
- 1.3 The site occupies an area of previously developed land currently used by Deacon Landscape Management for the design and production of architectural and landscape structures.
- 1.4 The western half of the site is used for car parking and open storage of materials, set upon a concrete/compacted gravel surface. The eastern half of the site is given over to managed grassland, with various temporary 'test' landscape structures within it.
- 1.5 The frontage to Wootton Lane is open at the northern point allowing the existing buildings to be seen along with the modern vehicle access and car parking hardstanding. The frontage to Wootton Lane beyond the existing building to the south becomes dense formed from hedging and mature trees creating a fairly opaque screen preventing significant visual appreciation of the sites use behind; this landscape screen continues around the southern boundary separating the site from the property known as 'Smalden'. The historic field boundary also encloses the site from the east. The northern site boundary is formed by a less significant hedgerow which separates the site from Street Farm; its closest residential neighbour.
- 1.6 Three buildings exist within the northern most part of the site adjacent to the site entrance. These comprise: two industrial warehouse units (1no single storey and 1no. two storey) with corrugated cladding; and a smaller single storey office building with rendered walls and a corrugated roof. All three buildings have a simple pitched roof construction.
- 1.7 Dwellings upon Wootton Lane further to the north are typically single or two storey in height with dwellings arranged addressing the road on either side. On the western side of Wootton Lane opposite the site is open land in agricultural use. A sparse hedgerow between Wootton Lane and the agricultural land provide limited visual separation allowing the existing DLM buildings to be seen from afar.
- 1.8 Outline planning permission is sought for the redevelopment of the site to accommodate eight dwellings with appearance, landscaping and scale reserved, although indicative details have been submitted to demonstrate how these matters

could be addressed. Thereby permission is sought for access and layout as part of this application.

- 1.9 It is proposed that the main vehicular access point will be moved approximately 40m south along Wootton Lane. However the existing access will be retained, albeit narrowed, to provide access to a small car park. The car park will accommodate nine spaces for patrons of the village hall, which is located approximately 150m north along Wootton Lane.
- 1.10 The layout is characterised by large detached dwellings, with separate garage blocks within generous plots, arranged around a main spine road that runs through the site, with a 'mews court' situated in the north east corner of the site. Much of the existing boundary planting will be retained, with a view to screening the proposed development. An area of open space is proposed adjacent to the new site entrance, providing a focal point and sense of arrival.
- 1.11 The main spine road runs east from the site access, before turning south into the site. The spine road becomes a private drive towards the southern end of site, providing access to three dwellings. A private drive is taken from the spine road to the 'mews court' of three dwellings, situated in the north east corner of the site, which will be screened behind a band of existing planting which will be retained. Two dwellings are accessed directly from the main spine road, one to the east and one to the west.

2 Main Issues

- 2.1 The main issues are:
 - The principle of the development;
 - Loss of employment
 - Impact upon the AONB and countryside;
 - Impact upon the Conservation Area;
 - Design
 - Residential amenity
 - Highways
 - Ecology
 - Affordable housing
 - Provision of open space

Assessment

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.3 The Development Plan for the application site comprises: Dover District Core Strategy (adopted February 2010) and the Dover District Land Allocations Local Plan (adopted January 2015) and the saved policies of the Dover Local Plan (adopted 2002).
- 2.4 The National Planning Policy Framework is a material consideration.

Principle of Development

- 2.5 Wootton is not specifically identified in the Settlement Hierarchy (Core Strategy Policy CP1) and is thereby classified as a 'hamlet' which are: *"not suitable for further development unless it functionally requires a rural location"*. Given that

general residential development does not functionally require a rural location, the application proposals are contrary to Policy CP1.

- 2.6 Having regard to the proposals map the application site itself is situated on land outside of the urban boundaries and rural settlement confines and as such, under Policy DM1 development should not be permitted unless certain exceptions apply:

(i) Unless specifically justified by other development plan policies; or

i. (ii) It functionally requires such a location; or

ii. (iii) It is ancillary to existing development or uses.

- 2.7 Exceptions (ii) and (iii) clearly do not apply. With regard to the proposals being 'justified by other development plan policies' it is noted that there is some support for the scheme under Policy DM2, in respect of the redevelopment of employment land no longer suitable for employment uses (see below). However given that a large part of the site is undeveloped land, Policy DM2 cannot be said to justify the entire scheme. Thereby exception (i) cannot be said to apply and the proposals must be considered contrary to Policy DM1.

- 2.8 Thereby the principle of residential development in this location is considered contrary to the development plan policies CP1 and DM1.

Housing Land Supply

- 2.9 Whilst the principle of development is contrary to the development plan, it is nevertheless necessary to have regard to material considerations, specifically the NPPF.

- 2.10 As Members will be aware the District cannot currently demonstrate a five year supply of housing land as required by paragraph 47 of the National Planning Policy Framework (NPPF).

- 2.11 NPPF paragraph 49 states that in the absence of a 5 year supply of housing land policies for the supply of housing should not be considered up-to-date. Under NPPF paragraph 14 where policies are not up-to-date planning permission should be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*" or specific policies in the NPPF indicate that development should be restricted.

- 2.12 Policies which define settlement boundaries, such as Policy DM1 are generally considered policies for the supply of housing. Thereby Policy DM1 should be considered out-of-date. Whilst Policy CP1 does not define settlement boundaries, it does direct and restrict housing development and thereby should also be considered a policy for the supply of housing, and thereby out-of-date also for the purposes of this planning application.

- 2.13 To this end it is necessary to undertake a balancing exercise of adverse impacts and benefits in the determination of this application. The balancing exercise is set out under the heading 'Planning Balance' at the end of the assessment section.

- 2.14 However it should be noted that the policies of the development plan cannot be ignored simply because the NPPF directs that they are out-of-date. Rather it is for the Council to determine how much weight should be attached to the policies of the development plan and how much weight to attach to the policies of the NPPF, specifically the presumption in favour of sustainable development, in the determination of the planning application. Again this weighing exercise is set out under the heading 'Planning Balance' at the end of the assessment section.

Previously Developed Land

2.15 A Core Principle of the NPPF, as set out at Paragraph 17, is that planning should *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*.

2.16 The glossary of the NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

2.17 It is considered that the western half of the site, which comprises the buildings and hard standing given over to open storage, is previously developed land. Whilst the eastern half of the site contains some temporary ‘test’ structures and is managed grassland, this is not considered to fall within the definition of previously developed land.

2.18 Whilst part of the application site comprises previously developed land, the site is within the AONB and also has ecological value, and thereby must be considered to be of high environmental value. The weight to be given to the environmental value of the site is considered under the planning balance section of this report.

Employment Land

2.19 As noted above the entire application site has an extant permission for B1(a) and B8 uses, albeit restricted to ‘landscaping businesses’. To this end the site is subject to Policy DM2 which seeks to prevent the loss of employment land.

2.20 Policy DM2 does however explicitly allow for the change of use or redevelopment of employment land *“if the land or buildings are no longer viable or appropriate for employment use”*. It is thereby necessary to consider if the site is viable or appropriate for: the current occupiers (Deacon Landscapes); an alternative landscaping business (in accordance with the conditions of the extant permission); or an alternative employment use and occupier altogether (outside of the scope of the extant permission).

Current Occupiers – Deacon Landscapes

2.21 Information submitted in support of the planning application demonstrates that the site is no longer suitable for use by Deacon Landscapes Management (DLM), whose business has effectively outgrown the site. The submitted Design and Access statement explains:

“Demand for DLM products is strong and DLM expect to continue increasing sales by 20% annually over the next 5 years, providing employment for a further 40 staff in sales admin, and production roles mainly drawn from the immediate districts.

The forecast expansion would require an increase in premises size of 2000sqm from the current 500sqmm which is already inadequate for DLM’s current needs, with cramped conditions making it difficult to maintain a safe working environment and efficient working practices, operating hours restrictions hindering the

opportunity for additional shifts to satisfy demand during the peak periods, and a poor road network which is not suitable for HGV's.

The combination of these factors means that the DLM use of the site is at something of a watershed."

- 2.22 As demonstrated by the extant enforcement complaint there are concerns about the residential amenity impacts of DLM's continued use of the site. Whilst it is acknowledged that the amenity concerns are to some extent resolved by the conditions attached to the extant permission, it is noted that these restrictions undermine the viability and appropriateness of the site for DLM's continued use and has contributed to their wanting to vacate the site.
- 2.23 In light of the type of activities that are undertaken on the site it is understood that DLM have been advised by DDC Enforcement, should they remain on the site, they will need to make a planning application for a change of use to B2. There is no certainty, given the proximate residential properties, that an application for B2 would be approved.

Alternative Landscape Business

- 2.24 Whilst no marketing exercise has been undertaken for the site, it is considered unlikely that an alternative landscape business would wish to locate in what is a relatively remote location, with considerable restrictions on the activity that can be undertaken on the site (as set out by the extant permission).
- 2.25 It is thereby considered that the site cannot continue to be occupied under the terms of the current planning permission, if and when DL vacate the site.
- 2.26 It is noted that Policy DM2 does not specifically require a marketing exercise to be undertaken to assess the viability or appropriateness of the site for employment uses.

Alternative Employment Use

- 2.27 Policy DM2 is concerned with the supply of employment land broadly and as such it is necessary to consider if alternative employment uses could be viable and appropriate for the site.
- 2.28 It is considered that, given the remote location of the site, and the potential impacts upon residential amenity, the site is not particularly appropriate to accommodate an alternative employment use, unless it specifically requires a rural location.
- 2.29 It is noted that an application for a commercial building on the site would be unlikely to comply with Policy DM3, Commercial Buildings in the Rural Area, unless it could be demonstrated that there was a functional requirement to be in this location.

Summary

- 2.30 In summary it is considered that, given that the site is no longer suitable for DLM, and, due to the remote location of the site and the amenity restrictions placed upon the site by the presence of the nearby residential properties, alternative employment uses are also very unlikely to be viable or appropriate for the site. Thereby a change of use or redevelopment of the site to an alternative non-employment use is supported in principle under Policy DM2.
- 2.31 However Policy DM2 does not provide guidance as to the acceptability of housing on this site as an alternative to an employment use. It is assumed that regard needs to be had to other development plan policies, the particular characteristics

of the site and other material considerations. Conclusions are drawn in this regard at the end of this assessment.

Relocation of Deacon Landscape Management

- 2.32 A Core Principle of the NPPF is to *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs”* (paragraph 17). Within this context paragraph 19 goes on to state:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”.

- 2.33 Within this policy framework the applicants have explained that the application proposals will facilitate the growth and expansion of their existing business. Specifically the proceeds arising from the residential redevelopment of the site, will allow DLM to relocate their business to a larger, more appropriate site on an industrial estate elsewhere within Dover District. The applicants have provided a copy of an option agreement they have entered into for a site in White Cliff Business Park.
- 2.34 They have provided an ‘Economic Benefit Statement’ which seeks to demonstrate the economic and employment value of moving the business. It is suggested that the business would grow from directly employing around 30 Full Time Equivalents (FTE) at present, to employing around 70 FTE by 2020, should the relocation of the business be successful.
- 2.35 Whilst it is agreed that the relocation of DLM could potentially deliver substantive economic and employment benefits, it is important to acknowledge that there is no guarantee that these benefits would be secured through the granting of planning permission for the current application proposals. This is because the permission runs with the land and so the site could simply be sold on by DLM.
- 2.36 This notwithstanding the applicants have suggested that they could enter into a Section 106 planning agreement which would restrict the occupation of dwellings on the site to the DLM relocating to the identified option agreement site in White Cliff business park. However it should be noted that if circumstances changed in the future for whatever reason, the obligation may not be considered ‘fair and reasonable’ and could be varied.
- 2.37 To this end it is suggested that some limited weight can be attached to the envisaged relocation and expansion of the business, in the determination of this planning application.

Character & Appearance – AONB and Countryside

- 2.38 The site lies within a protected AONB landscape and the countryside and is thereby subject to Policy DM15 which seeks to protect the character and appearance of the countryside. This development plan policy requirement is in accordance with the statutory requirement set out in the Countryside and Rights of Way Act 2000 to have regard to the “purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty” in exercising its planning function.
- 2.39 The proposals are also subject to the NPPF requirement in respect of the AONB, notably paragraph 115 which states that *“great weight should be given to*

conserving landscape and scenic beauty in... Areas of Outstanding Natural Beauty”.

- 2.40 NPPF Paragraph 116 state that: *“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.”* For residential developments the Development Management Procedure Order 2015 defines a major development as 10 dwellinghouses or more. Given that the application is for 8 units, the requirements of Paragraph 116 do not apply in this instance.

Site and Surroundings - Contribution to the Character of the AONB

- 2.41 The Kent Downs AONB Management Plan identifies that the Kent Downs AONB is made up of “diverse special characteristics and qualities” which contribute towards its scenic and natural beauty; these are not limited just to landscape characteristics.
- 2.42 The area local to the application site contribute to the characteristic and qualities of the Kent Downs AONB in a number of ways:
- The application site falls within the ‘East Kent Downs’ Landscape Character Area (LCA). The area local to the application site has a number of characteristics which have been identified as contributing towards the character of the East Kent Downs LCA:
 - Long wooded ridges - visible to the west of the site from the site entrance, running north to south;
 - Large arable fields on ridge top plateaux - evident on the land to the south east of the site, although it is noted that there is no visual connection with this landscape due to the dense vegetation that defines the site boundary;
 - Tiny remote settlements incorporating traditional building materials - of which Wootton is an excellent example;
 - Narrow uncultivated banks or ‘shaws’ – these define field boundaries locally, and indeed define the site boundary;

Policy LLC1 of the Management Plan states that *“the protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.”*

It is noted that, with the exception of the hedgerows and trees that define the site boundaries, the application site itself (either the developed land or the undeveloped land) does not contribute to the characteristics of the East Downs LCA. Indeed, as is discussed further below the current condition of the site detracts somewhat from the character of the East Downs LCA.

- A key characteristic of the AONB is its biodiversity. Whilst the surrounding area is not subject to any environmental designations, there are features which support biodiversity, most notably the trees and hedgerows that define field boundaries. The vegetation that defines the boundaries of the site is known to support biodiversity and this is discussed further under the ecology section below.
- The farmed landscape is a key characteristic of the Kent Downs AONB. Policy FL1 of the Management Plan seeks to *“retain the principally farmed character for which it [the AONB] is valued”*.

Much of the land surrounding the application site is within active agricultural use, although residential uses immediately adjoin the site to the north and south. However the site itself is not in agricultural use and indeed its current use somewhat at odds with the farmed landscape character.

- Historic and cultural heritage are also a key characteristic of the Kent Downs AONB. Management Plan Policy HC1 states that *“the protection, conservation and enhancement of the historic character and features of the Kent Downs landscape and its historic character will be pursued...”*

The application site falls partially within the Wootton Conservation Area. The Wootton Conservation Area is a fine example of an historic, small rural Kentish settlement, and thereby makes a significant contribution to the character of the Kent Downs AONB. As is discussed in more detail below, the application site itself detracts somewhat from the character and appearance of the Conservation Area, and thereby the AONB.

- 2.43 In summary whilst the area surrounding the application site displays many of the characteristic that contribute to the scenic and natural beauty of the AONB, the contribution made by the site itself is somewhat limited. Given the current commercial use of the site, it is only the site boundaries that make a discernable positive contribution to the character of the AONB in respect of landscape character and biodiversity. Indeed the activity and development currently on the site detract from the AONB in respect of the character of the historic environment and the farmed landscape.

Assessment – Impact of Development upon character of AONB

- 2.44 The buildings and the activities currently taking place on the site are incongruous in appearance and character of the AONB. They are utilitarian and unprepossessing buildings. There are substantial areas for external storage. The use generates movements by heavy commercial vehicles. The impact stretches beyond the site boundaries. The buildings, activities and movements on the country lanes associated with the use all undermine the character and appearance of the protected landscape.
- 2.45 It is however acknowledged that the proposals comprises development of land which is undeveloped. Whilst this land is undeveloped it is noted that this land does not particularly contribute to the character and appearance of the AONB in its present condition. The site is characterized by managed grassland with various temporary structures and does not display that landscape or other characteristics for which the AONB is valued. Furthermore this area of undeveloped land is heavily screened by existing boundary planting and thereby has no visual relationship with the surrounding AONB landscape and farmland.
- 2.46 The replacement of incongruous, large scale buildings and their activities with an attractive residential scheme would introduce a much more appropriate, higher quality, well landscaped development on the southern edge of Wootton. The removal of the DLM buildings, storage and activity and their replacement with this new development would create a much more attractive interface between this southern part of the village and the surrounding countryside.
- 2.47 The landscape strategy drawing demonstrates the setting of the site within heavily screened boundaries. Those would be retained and reinforced with the proposals. This ensures that contribution made by the boundaries to the character of the AONB will be maintained.
- 2.48 Further, the majority of the development is set well into the heart of the site, some distance from any public vantage points as a consequence of maintaining the site

boundaries. Units 1 and 8 and their associated garages are located in the broad area currently occupied by buildings. There would inevitably be some limited partly screened views of those properties from the public highway. However the proposed pattern of built development comprising 8 individual detached houses, would be set within this sylvan context. Their position away from the internal access road would contribute to this heavily landscaped countryside setting. The result would be a distinguished grouping of dwellings encapsulate within a heavily screened and sylvan setting.

- 2.49 It is considered that the proposed development would be more in keeping with the character and appearance of the AONB than the development currently occupying the site, particularly with respect to its relationship to the historic settlement of Wootton.
- 2.50 In summary the proposals would result in an enhancement of the character and appearance of the AONB and the countryside. The requirements of Policy DM15, paragraph 115 of the NPPF and the obligations under the Countryside and Rights of Way Act would be met.

Character and Appearance – Conservation Area

- 2.51 The site partly falls within the Wootton Conservation Area. Under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act') special attention must be paid to whether the development would preserve or enhance the character or appearance of the Conservation Area.
- 2.52 Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial) consider whether this harm is outweighed by public benefits.
- 2.53 It is noted that whilst the application is in outline, full permission is sought for the layout and it is thereby important to consider the relationship of the proposed layout to the character of the Conservation Area.
- 2.54 There is a wide variety of buildings in Wootton in terms of their range, size, design and layout. Some of the development is linear following the alignment of the lanes, but others is set back in depth. Whilst there is no Conservation Area Character Appraisal it is considered that a key part of the character (and significance) of the Conservation Area comprises its rural setting and backdrop.
- 2.55 As noted above it is considered that the buildings and the activities currently taking place on the site are incongruous in appearance and character of the surrounding countryside and are also not in keeping with the built character of Wootton. Thereby the site as it is currently arranged detracts from the character and appearance (and significance) of the Conservation Area.
- 2.56 The residential properties now proposed better reflects the uses, pattern and form of the buildings within the Conservation Area. Specifically the proposed two storey dwellings and the density of the development which is proposed in the scheme would be broadly in keeping with the existing built form of Wootton.
- 2.57 However it is noted that the proposed layout does not continue the relationship of buildings fronting on to the Wootton Lane, albeit with different depths of setbacks, that is predominant within the village. Rather than extending this pattern of development along the frontage with Wootton Lane, the applicants have sought to maintain the existing boundary planting as a screen to the new residential development, with a view to better integrating the site into the landscape and minimizing the visual impacts upon the AONB. This is considered an appropriate

design strategy which will not detract from the character and significance of the Conservation Area.

- 2.58 On balance, whilst the proposals are not entirely in keeping with built form of the Conservation Area, it is considered that they would protect and in some respects enhance the character and appearance of the Conservation Area, through the removal of detracting buildings and activities associated with the current use and replacement with a more appropriate use and building forms.
- 2.59 Further it is considered that the proposed landscaping scheme will integrate the new development into the landscape, which also will contribute toward preserving the character and appearance of the Conservation Area. The proposals are thereby considered to be in accordance with Section 72(1) of the Act. The proposals would not cause any harm to the conservation area as a heritage asset and are therefore acceptable under the corresponding policy requirements in the NPPF.

Impact on Residential Amenity

- 2.60 It is noted that there is a significant distance (some 50m to the north and 55m to the south) between the proposed properties and neighboring properties. Further due to the retained and enhanced boundary planting direct views between properties will be further screened. As such there will be no amenity impacts upon neighboring properties, in terms of privacy or overlooking, daylight and sunlight.
- 2.61 Concerns were raised by local residents regarding the potential residential amenity impacts of the proposed children's play area. In response to this the play area has been relocated into the site and away from the neighbouring residential properties. Whilst an area of open space has been retained at the site entrance, it is considered that this could be designed so as to be a space for quiet relaxation, which would not give rise to amenity concerns and would be more appropriate to the character of the village.
- 2.62 In summary, taking account of the relocation of the play area officers have no objections to the scheme itself on amenity grounds.
- 2.63 The amenity implications of the extant employment use are discussed above. In summary to ensure the extant employment activities on the site do not impact upon residential amenity requires compliance with the extant permission and conditions. However doing so make the site unsuitable and unviable for DLM and other potential occupiers, thereby supporting the principle of change of use from employment.

Impact on the Highway

- 2.64 Policy DM12 of the Core Strategy requires that developments provide suitable access arrangements, whilst Policy DM13, being informed by Table 1.1, requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.65 The Council's highways advisors have confirmed that the proposed development would not generate an increase the number of movements to and from the site compared to the existing use.
- 2.66 Furthermore it is noted that the proposed development would significantly reduce the number of HGV movements to and from the site which is considered a highways benefit given the narrow lanes in the surrounding area.

- 2.67 It is noted that no objections have been raised concerning the access and internal road layout, in respect of safety.
- 2.68 It is also noted that sufficient parking is proposed on the site to meet the Council's residential parking standards.
- 2.69 In summary there are no objections to the proposal on highways grounds, and the proposals are in compliance with Policy DM12 and DM13.

Contributions

- 2.70 Core Strategy Policy DM5 requires that for schemes of 5 to 14 dwellings an on-site provision of affordable housing or an equivalent financial contribution (or a combination of both) will be required. Where off-site contributions for affordable housing are to be sought, a sum equivalent to 5% of the Gross Development Value will be sought.
- 2.71 The applicant has suggested that payment of the affordable housing financial contribution would make the relocation of the business unviable and have submitted a viability appraisal in support of this.
- 2.72 An independent assessment of the submitted Viability Appraisal has been undertaken on behalf of the Council both in respect of the value generated by the redevelopment of the existing site to residential and the cost of relocation of the business.
- 2.73 The assessors have first undertaken a residual appraisal based on the proposed development. They consider that the land value, on the assumption that the site benefits from planning permission for the proposed scheme is around **£1,145,000**, reducing to approximately **£920,000**, when factoring in an allowance for a 5% of GDV contribution towards off-site affordable housing.
- 2.74 The independent assessors have identified that the Existing Use Value of Deacon Landscape's existing premises, on a vacant possession basis at £250,000, which is lower than suggested by the applicants £298,000. This figure has specific regard to the planning restrictions that apply to the existing site, and the implications for future development.
- 2.75 Of greater importance are the costs associated with the relocation of the existing business. Whilst it is prudent to consider this on an 'open market' basis, Deacon Landscape have agreed to purchase approximately 1 acre of industrial land at White Cliff's business park in the sum of £380,000. The Council's assessors suggest that this figure is steep, but they acknowledge that a relative scarcity of such opportunities exist with direct road frontage.
- 2.76 The Council's assessors have undertaken an illustrative residual appraisal on this basis. Including the land purchase price, and scheme costs, they have allowed for a total sum of **£1,412,228**. This is the most pertinent figure within the appraisal, as it shows the estimated outlay required by Deacon Landscapes in relocating to the agreed purchase site.
- 2.77 This results in a loss of **-£287,228**, when taking into the anticipated capital value of the proposed premises, versus costs. This suggests that the acquisition and proposed scheme does not seem economically wise, however, it is acknowledged that there is a shortage of potential sites/premises within the vicinity and furthermore scope to further develop the land in the future.
- 2.78 In conclusion, the proposed residential development scheme cannot viably support a 5% of GDV contribution towards off-site affordable housing, as the anticipated

capital receipt from the redevelopment site, falls below the anticipated land acquisition/scheme costs relating to an agreed deal involving the relocation to a 1 acre site at the White Cliffs business park.

Open Space

- 2.79 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would also be expected to provide Open Space on site, or a contribution towards off- site provision, to meet the Open Space demand which would be generated by the development. In this instance, the Principal Infrastructure and Delivery Officer has advised that the development would create a need for additional children's play space which is being accommodated on the site. Policy DM27 is therefore complied with.

Ecology

- 2.80 NPPF Paragraph 109 states that the planning system should *"[minimize] impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity"*.
- 2.81 A Phase 1 Habitat Survey submitted in support of the planning application demonstrates that *"the site in general is considered of low ecological value with internal habitats comprising of common and widespread habitats types, the greatest ecological value is found within the boundary habitat."*
- 2.82 With regard to reptiles the survey report highlights that there are a low numbers of reptiles recorded within the site comprising a small population of grass snake and slow-worm utilising habitats to the east of the site. It is acknowledged that the works will have an impact upon these identified species and a package of mitigation is proposed. DDC ecologist confirms that these measure appear appropriate but should be controlled by a suitably worded condition.
- 2.83 The bat activity surveys confirmed low to moderate levels of foraging and commuting bat activity at the site with a minimum of four species recorded at the site. Highest levels of bat activity were recorded to the east and south of the site. No bats were recorded emerging from the office building at the site. Again mitigation measures are proposed to ensure that bat activity is maintained and an appropriately worded condition would be attached to the permission to secure this.
- 2.84 The dormouse survey (November 2015) confirms the presence of this species at the site with a single nest found during the October survey visit at the site. The applicants acknowledge that the proposed works will require the loss of dormouse habitat at the site therefore mitigation is proposed which includes a sensitive clearance of suitable dormouse habitats and habitat creation and enhancement at the site to ensure that the Favourable Conservation Status of Dormice is maintained at the site. DDC ecologist explains that, whilst this mitigation appears acceptable a licence under the habitats regulation will be required to undertake works at the site.
- 2.85 It is considered that provided the appropriate mitigation is included it is anticipated that the proposals will have minimal impact upon the protected species highlighted and the proposed site enhancements will maintain and increase the ecological value of the site provide suitable habitat for a range of wildlife including invertebrates, breeding birds, bats. The proposals are thereby considered to be consistent with NPPF paragraph 109.

Planning Balance

- 2.86 The above analysis has demonstrated that whilst there is development plan policy support for a change of use on the site from employment on the application site, there is also an in principle development plan policy conflict with accommodating new housing in this location.
- 2.87 However, regard must be had to presumption in favour of sustainable development and that the Council cannot demonstrate a five year supply of housing land. A balancing exercise of benefits and adverse impacts must therefore be undertaken, having regard to the three dimension of sustainable development.

Economic

- 2.88 In terms of economic benefits the most notably is that the proposals will facilitate the relocation and expansion of an existing successful local business. As noted above it is considered that the Council cannot robustly secure this, although the applicants have suggested that a legal agreement is attached to the permission. Nevertheless this is considered an economic benefit to which regard should be had in the planning balance, albeit with only limited weight attached.
- 2.89 In addition there would also be an economic benefit associated with the construction of the housing.

Social

- 2.90 The proposals will give rise to social benefits associated with the provision of housing and meeting housing need. Whilst the development does not include any social housing increasing the supply of market housing is a social benefit, especially in circumstances where the council cannot demonstrate a five year supply of housing land.
- 2.91 It is also noted that there are social benefits, for the local community in terms residential amenity improvements associated with the change of use of the site from employment to residential.
- 2.92 Whilst there clearly would be some residential amenity implications associated with the construction period and the new occupants of the housing, particularly associated with traffic, this is considered to be far less than the existing use.

Environmental

- 2.93 The site is situated within the countryside and the AONB which enjoys the highest level of protection in relation to landscape and scenic beauty. The site is also partially within the Wootton Conservation Area.
- 2.94 It has been shown that, even though part of the site is undeveloped it only makes a limited contribution towards the character of the AONB, in respect of the hedgerows and trees that define the site boundaries. Indeed the current activities and development situated on the site discernably detract from the character of the AONB. Similarly this activity and development also detracts from the character of the Conservation Area.
- 2.95 It has been shown that the proposals are likely to give rise to landscape and visual enhancements associated with the redevelopment of the existing buildings and open storage area which are incongruous and detrimental to the character of the countryside, AONB and Conservation Area. These enhancements will however be subject to ensuring the high quality design is secured through the reserved matters application.

- 2.96 Furthermore it is noted that the proposals comprise the redevelopment of previously developed land, which ensure the efficient use of land which is an environmental benefit.
- 2.97 Whilst the proposals would give rise to some detrimental ecological impacts these can also be mitigated through the imposition of conditions to secure appropriate measures at the detailed design stage.
- 2.98 In respect of the environmental dimension it is considered that the impact of the proposals would be potentially beneficial, provided that the reserved matters details and ecological mitigation measures are of an appropriately high standard.

Balance

- 2.99 The above analysis has demonstrated that there is no conflict with the AONB or designated heritage assets, the second limb of the NPPF paragraph 14 concerning 'specific policies in the Framework that indicate development should be restricted' does not apply.
- 2.100 Turning to the first limb, concerning the balance of benefits and adverse impacts, the above analysis has demonstrated that the proposals will give rise to environmental, social and economic benefits due to the redevelopment of previously developed land and the sensitive approach that is being taken to the layout and landscaping of the site. No significant and demonstrable adverse impacts have been identified.
- 2.101 Paragraph 14 of the NPPF thereby justifies a departure from the development plan.

Overall Conclusions

- 2.102 The outline proposals comprises the redevelopment of an existing employment site to accommodate eight residential dwellings. The site is situated outside of urban and village confines and such Policy DM1 states that development will not be permitted in this location.
- 2.103 However Core Strategy Policy DM2 supports the change of use or redevelopment of unsuitable and unviable employment sites to alternative uses. The applicants have demonstrated that the site is no longer viable or suitable for their business and it is accepted that it is unlikely to be suitable for alternative employment uses or activities given the neighbouring residential properties and the remoteness of the site.
- 2.104 Policy DM2 does not however provide guidance on the acceptability of housing in this location, and thereby regard needs to be had to other development plan policies and material considerations.
- 2.105 In this regard it is noted that there is strong policy support in the NPPF for the redevelopment of previously developed land and, given neighbouring residential properties, housing seems an entirely appropriate for the PDL part of the site. However there is no such policy justification for the undeveloped part of the site which could feasibly remain undeveloped or given over to agriculture.
- 2.106 However, given the absence of a five year housing land supply regard must be had to the presumption in favour of sustainable development in the determination of this application. The above analysis has demonstrated that the benefits of

development as a whole (including on the undeveloped part of the site) very clearly outweigh the adverse impacts.

2.107 This NPPF Paragraph 14 support, taken together with the Policy DM2 support for a change of use and the support for the redevelopment of previously developed land, is considered to outweigh the conflicts with development plan policies CP1 and DM1.

2.108 It is recommended that permission is granted subject to conditions.

g)

Recommendation

- I Subject to the submission and agreement of a s106 agreement to secure contributions, PERMISSION BE GRANTED subject to conditions to include:-
 - (i) approved plans, (ii) reserved matters details including appearance, landscaping and scale, (iii) samples of materials to be used, (iv) tree retentions plan, (v) provision of car parking, (vi) provision of cycle parking, (vii) provision and retention of access, (viii) construction management plan, (ix) details of ecological enhancements, (x) removal of permitted development rights relating to extensions, enlargements, alterations, (xi) full details of surface water drainage scheme, including maintenance, (xii) full details of foul water drainage scheme, including maintenance, (xiii) provision of refuse storage.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a s106 agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee. A copy of this assessment, undertaken by Savills and a copy of the applicants assessment carried out by Strutt & Parker are appended to this report.

Case Officer

Tom Ashley



Deacon Landscape Management, Wootton, Kent – Viability and Enabling Report

Prepared for Deacon Landscape Management
28th April 2016
Ian Friend MRICS

Report

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1. Executive Summary

- 1.1 I have been instructed by Deacon Landscape Management to carry out an independent financial appraisal of the proposed development scheme currently being considered for Street Farm, Wootton Lane, Kent ("the Property") in order to assess the enabling potential of the land to relocate the Deacon Landscape Management and the viability implications of proposed planning obligations in respect of possible affordable housing contribution. Further details relating to the Property can be found in the Design and Access Statement prepared by Clague LLP attached at **Appendix A**.
- 1.2 This Viability Report accompanies and supports an application for a residential development on the existing Deacon Landscape Management site on Wootton Lane for eight detached residential dwellings along with Section 106 contributions and an offer of community gain.
- 1.3 Deacon Landscape Management are proposing to relocate out of the village of Wootton to more suitable premises on an established industrial estate on the outskirts of Dover. As detailed in this report, there are substantial benefits to the community of Wootton, particularly in respect of significantly reduced traffic movements of HGV's and articulated lorries from the rural road infrastructure. In order to enable a relocation of Deacon Landscape Management, sufficient value would need to be extracted from the sale of the existing workshop and land on Wootton Lane as well as significant investment in the new premises near Dover funded directly by Deacon Landscape Management. This report seeks to establish what value can be extracted from the sale of the Property and whether or not there is sufficient value to provide an affordable housing contribution as well as other Section 106 contributions and a package of community gain.
- 1.4 I have given due regard to the National Planning Policy Framework ("NPPF"), The Royal Institution of Chartered Surveyors Guidance Note 1st Edition *Financial Viability in Planning* and the "Harman" report being *Viability Testing Local Plans* produced by the Local Government Association, The Home Builders Federation and the NHBC chaired by Sir. John Harman June 2012. The guidance contained in these documents has assisted in formulating the opinions set out in this report.
- 1.5 Having undertaken detailed analysis of the proposed development at the Property I have reached the conclusion that the total value which can be extracted from a sale of the Property following the grant of planning permission for 8 residential dwellings is £1,070,956. Should a policy compliant scheme be brought forward with an affordable housing contribution of 5% of Gross Development Value (GDV) then this would significantly reduce the value of the Property to £828,478. The total cost of relocating Deacon Landscape Management as well as the significant benefits to the community of Wootton is

£1,388,550. This clearly demonstrates that Deacon Landscape Management are able to fund a relocation by disposal of the Property to a developer, but will need to supplement costs out of their own resources, namely debt funding. The imposition of any affordable housing contribution, however, would result in the relocation being unviable, as the business has had to invest heavily in product development and marketing during the recession and since, in order to safeguard jobs.

- 1.6 Deacon Landscape Management are committing to providing an onsite community car park for the nearby Village Hall and Section 106 obligations in line with KCC contributions for Primary Education, Library Bookstock, Parks & Open Space and NHS Facilities to the tune of £65,000, as well as providing significant associated benefits to the community of Wootton by virtue of the relocation. Unfortunately, a policy compliant affordable housing contribution cannot be provided on grounds of viability.

2. Background

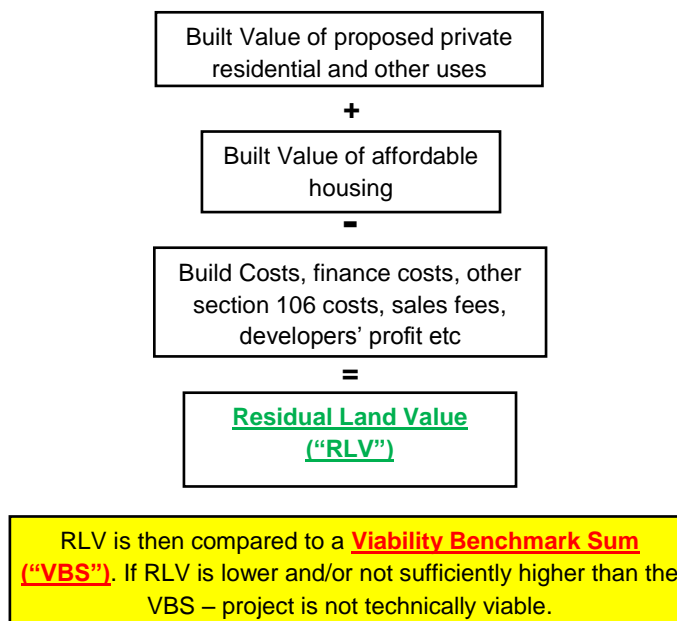
- 2.1 An opportunity has arisen for Deacon Landscape Management to relocate to a more suitable site at White Cliffs Business Park on the outskirts of Dover. This is a bare, undeveloped, light industrial site of 1 acre, which Deacon Landscape Management are looking to acquire for a price of £380,000. The site was identified after extensive efforts to secure more suitable premises for Deacon Landscape Management to ease the traffic pressures on the village of Wootton. Values for alternative premises across East Kent range from £300,000 per acre to £400,000 per acre for comparable serviced light industrial sites within well-established business parks.
- 2.2 It should be noted that there are significant benefits to the community of Wootton which cannot be understated. From a community perspective, one of the most welcome benefits is the removal of significant HGV movements on the rural road infrastructure which are an ugly intrusion on the village and cause noise, fumes and vibration as well as congestion at peak times. The longstanding problem of vehicle movements to and from the Deacon Landscape Management site has had a negative impact on the perception of the village. The proposed redevelopment of the Property to provide 8 residential homes is sympathetic to the surrounding dwellings within the village. Furthermore, a community gain is to be offered as part of the planning obligations in the form of a car park for use by the existing village hall, which represents both a land gift and building cost by Deacon Landscape Management. The proposals will therefore result in a significant improvement to the appearance and character of the village by removing an extensive commercial enterprise, albeit that the relocation will still ensure that there is a significant retention of employment. The proposed development will also ensure that there is a safer road network for the residents of Wootton.
- 2.3 The benefits to the community can only be delivered once Deacon Landscape Management have successfully relocated to White Cliffs Business Park and sufficient value extracted from the existing property. Due regard has been given to whether or not the scheme can also support rural affordable housing. However, it is with regret that other than the community gain offer and Section 106 costs there is insufficient value left in the Property to provide any further benefits such as an affordable housing contribution.
- 2.4 The National Planning Policy Framework refers to ensuring viability and delivery of development at Sec. 173-177 and states “to ensure viability, the costs of any requirement likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should when taking account of the normal cost of development and mitigation provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.

3. Basis of Appraisals

- 3.1 The appraisals and figures provided herein do not strictly speaking fall within the scope of the RICS (Royal Institution of Chartered Surveyors) “Red Book” and is not a formal valuation in that context. However, the principles of good practice have been followed and detailed justification for the indicative values and/or component valuation appraisals are provided. More to the point, the appraisal is in direct line with the RICS Guidance on Financial Viability in Planning.
- 3.2 The report is provided purely to assist planning discussions with Dover District Council.
- 3.3 The viability report is provided on a confidential basis and we therefore request that the report should not be disclosed to any third parties (other than Dover District Council and their advisers), under the Freedom of Information Act 2000 (Section 41 and 43/2) or under the Environmental Information Regulation. The report is not to be placed in the public domain. In addition, we do not offer Dover District Council, their advisers and/or any third parties a professional duty of care.
- 3.4 In appraising the proposed development we have taken note of and utilised guidance on Council policy as set out in:
- a) Dover District Council Local Plan 2002
 - b) Dover District Council Affordable Housing SPD 2007
 - c) Dover District Council Core Strategy 2010
 - d) Addendum to the Affordable Housing SPD 2011
 - e) KCC Guide to Development Contributions and the Provision of Community Infrastructure
 - f) The National Planning Policy Framework (“NPPF”)

4. Viability and Planning

- 4.1 Scheme viability is normally assessed using residual valuation methodology.
- 4.2 A summary of the residual process is:



- 4.3 If the RLV driven by a proposed scheme is reduced to significantly below an appropriate VBS, it follows that it is commercially unviable to pursue such a scheme, and the scheme is unlikely to proceed.
- 4.4 The RLV approach (as summarised above) can be inverted so that it becomes a 'residual profit appraisal' based upon the insertion of a specific land cost/value (equivalent to the VBS) at the top. By doing this, the focus is moved onto the level of profit driven by a scheme. This is a purely presentational alternative.

5. **VBS (or Land Cost/Value Input, also referred to as Site Viability Benchmark Sum)**

- 5.1 The Royal Institution of Chartered Surveyors ("RICS") published their long awaited Guidance Note on this subject in 2012 (Financial Viability in Planning – RICS Guidance Note – GN 94/2012 August 2012).
- 5.2 The RICS have consulted more extensively than any other body on this subject to date and I believe that their latest guidance now represents the best possible consolidated guidance on this subject. However, due regard has also been given to the Harman guidance already referred to. The fundamental difference between the two is the approach to the VBS. Harman believes the dominant driver should be Existing Use Value ("EUV") (whereupon I believe they mean Current Use Value, or "CUV" which, based upon RICS guidance, excludes all hope value for a higher value through alternative uses). On the other hand, RICS states that the dominant driver should be Market Value (assuming that any hope value accounted for has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan).
- 5.3 A few local authorities and their advisors are still trying to disregard premiums applicable to EUVs or CUVs (i.e. EUV/CUV only - which was the basis being incorrectly enforced for several years) but the reference to 'competitive returns' in the new National Planning Policy Framework and planning precedent has now extinguished this stance.
- 5.4 There has been concern about how one can identify and logically justify what premium should be added to an EUV or CUV and what exactly EUV means. It is not as straight-forward as one might initially think.
- 5.5 There has also been some concern about Market Value potentially being influenced by land transaction comparables and/or bids for land that are excessive (thus triggering an inappropriate benchmark). However, I believe that any implied suggestion that developers deliberately (or might deliberately) over-pay for land in order to avoid having to deliver S.106 affordable housing contributions is misguided. Land buyers and developers seek to secure land for as little money as possible. They do not seek to overpay and are aware of the associated planning and financial risks should they do so. My view is that, if professional valuers disregard inappropriate land transaction comparables (e.g. where over-payments appear to have occurred accidentally or for some other legitimate but odd reason) and other inappropriate influences in deriving Market Value, both of which they should, Market Value is on-balance the more justifiable, logical, reasonable and realistic approach – albeit not perfect.
- 5.6 I believe that the premium over EUV or CUV to identify an appropriate VBS is in fact the same as the percentage difference between EUV or CUV and Market Value. In other words, both approaches should lead to the same number. However, Market Value is the logical side to approach this conundrum from.

- 5.7 As such, I have followed the latest RICS Guidance herein as well as recent Planning Inspectorate decisions including that by Clive Hughes BA (Hons) MA DMS MRTPI in Land at The Manor, Shinfield, Reading under Reference APP/X0360/A/12/2179141.
- 5.8 Of particular note, the RICS guidance says:
- a) Site Value either as an input into a scheme specific appraisal or as a benchmark is defined in the guidance note as follows, "Site Value should equate to the Market Value subject to the following assumption that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan."
 - b) An accepted method of valuation of development sites and land is set out in RICS Valuation Information Paper (VIP) 12. This paper is shortly to be re-written as a Global Guidance Note.
 - c) Reviewing alternative uses is very much part of the process of assessing the Market Value of land and it is not unusual to consider a range of scenarios for certain properties. Where an alternative use can be readily identified as generating a higher value, the value for this alternative use would be the Market Value.
 - d) The nature of the applicant should normally be disregarded as should benefits or dis-benefits that are unique to the applicant.
 - e) The guidance provides this definition in the context of undertaking appraisals of financial viability for the purposes of town planning decisions: *An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project.*
 - f) With regard to indicative outline of what to include in a viability assessment it is up to the practitioner to submit what they believe is reasonable and appropriate in the particular circumstances and for the local authority or their advisors to agree whether this is sufficient for them to undertake an objective review.
 - g) For a development to be financially viable, any uplift from current use value to residual land value that arises when planning permission is granted must be able to meet the cost of planning obligations whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project (the National Planning Policy Framework refers to this as 'competitive returns' in paragraph 173 on page 41). The return to the landowner will be in the form of a land value in excess of current use value but it would be inappropriate to assume an uplift based upon set percentages, given the heterogeneity of individual development sites. The land value will be based upon market value which will be risk-adjusted, so it will normally be less than current market prices for development land for which planning permission has been secured and planning obligation requirements are known.
 - h) Sale prices of comparable development sites may provide an indication of the land value that a landowner might expect but it is important to note that, depending on the planning status of the land, the market price will include risk-adjusted expectations of the nature of the permission and associated planning obligations. If these market prices are used in the negotiations of planning obligations, then account should be taken of any expectation of planning obligations that is embedded in the market price (or valuation in the absence of a price). In many cases, relevant and up to date comparable evidence may not be available or the heterogeneity of development sites requires an approach not based on direct comparison. The importance, however, of comparable evidence cannot be over-emphasised, even if the supporting evidence is very limited, as evidenced in Court and Land Tribunal decisions.

- i) The assessment of Market Value with assumptions is not straightforward but must, by definition, be at a level which makes a landowner willing to sell, as recognised by the NPPF. Appropriate comparable evidence, even where this is limited, is important in establishing Site Value for a scheme specific as well as area wide assessments.
- j) Viability assessments will usually be dated when an application is submitted (or when a CIL charging schedule or Local Plan is published in draft). Exceptions to this may be pre-application submissions and appeals. Viability assessments may occasionally need to be updated due to market movements or if schemes are amended during the planning process.
- k) Site purchase price may or may not be material in arriving at a Site Value for the assessment of financial viability. In some circumstances the use of actual purchase price should be treated as a special case.
- l) It is for the practitioner to consider the relevance or otherwise of the actual purchase price, and whether any weight should be attached to it, having regard to the date of assessment and the Site Value definition set out in the guidance.
- m) Often in the case of development and site assembly, various interests need to be acquired or negotiated in order to be able to implement a project. These may include: buying in leases of existing occupiers or paying compensation; negotiating rights of light claims and payments; party wall agreements, over sailing rights, ransom strips/rights, agreeing arrangements with utility companies; temporary/facilitating works, etc. These are all relevant development costs that should be taken into account in viability assessments. For example, it is appropriate to include rights of light payments as it is a real cost to the developer in terms of compensation for loss of rights of light to neighbouring properties. This is often not reflected in Site Value given the different views on how a site can be developed.
- n) It is important that viability assessments be supported by adequate comparable evidence. For this reason it is important that the appraisal is undertaken by a suitably qualified practitioner who has experience of the type, scale and complexity of the development being reviewed or in connection with appraisals supporting the formulation of core strategies in local development frameworks. This ensures that appropriate assumptions are adopted and judgement formulated in respect of inputs such as values, yields, rents, sales periods, costs, profit levels and finance rates to be assumed in the appraisal. This should be carried out by an independent practitioner and ideally a suitably qualified surveyor.
- o) The RICS Valuation Standards 9th Edition ("Red Book") gives a definition of Market Value as follows:
 - The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's-length transaction after properly marketing and where the parties had each acted knowledgeably, prudently and without compulsion.
 - The Red Book also deals with the situation where the price offered by prospective buyers generally in the market would reflect an expectation of a change in the circumstances of the property in the future. This element is often referred to as 'hope value' and should be reflected in Market Value. The Red Book provides two examples of where the hope of additional value being created or obtained in the future may impact on the Market Value:
 - the prospect of development where there is no current permission for that development; and
 - the prospect of synergistic value arising from merger with another property or interests within the same property at a future date.

- The guidance seeks to provide further clarification in respect of the first of these by stating that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan.
- The second bullet point above is particularly relevant where sites have been assembled for a particular development.
- It should be noted that hope value is not defined in either the Valuation Standards. That is because it is not a basis of value but more a convenient way of expressing the certainty of a valuation where value reflects development for which permission is not guaranteed to be given but if it was, it would produce a value above current use.
- To date, in the absence of any guidance, a variety of practices have evolved which benchmark land value. One of these, used by a limited number of practitioners, has been to adopt Current Use Value (“CUV”) plus a margin or a variant of this (Existing Use Value (“EUV”) plus a premium). The EUV / CUV basis is discussed below. The margin is an arbitrary figure often ranging from 10% to 40% above CUV but higher percentages have been used particularly in respect of green-field and rural land development.
- In formulating this guidance, well understood valuation definitions have been examined as contained within the Red Book. In arriving at the definition of Site Value (being Market Value with an assumption), the Working Party / Consultant Team of this guidance have had regard to other definitions such as EUV and Alternative Use Value (“AUV”) in order to clarify the distinction necessary in a financial viability in a planning context. Existing Use Value is defined as follows:
- “The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm’s-length transaction after properly marketing and where the parties had each acted knowledgeably, prudently and without compulsion assuming that the buyer is granted vacant possession of all parts of the property required by the business and disregarding potential alternative uses and any other characteristics of the property that would cause Market Value to differ from that needed to replace the remaining service potential at least cost.”
- It is clear the above definition is inappropriate when considered in a financial viability in planning context. EUV is used only for inclusion in financial statements prepared in accordance with UK accounting standards and as such, hypothetical in a market context. Property does not transact on an EUV (or CUV) basis.
- It follows that most practitioners have recognised and agreed that CUV does not reflect the workings of the market as land does not sell for its CUV, but rather at a price reflecting its potential for development. Whilst the use of CUV plus a margin does in effect recognise hope value by applying a percentage increase over CUV it is a very unsatisfactory methodology when compared to the Market Value approach set out in the Guidance and above. This is because it assumes land would be released for a fixed percentage above CUV that is arbitrary inconsistently applied and above all does not reflect the market.
- Accordingly, the guidance adopts the well understood definition of Market Value as the appropriate basis to assess Site Value, subject to an assumption. This is consistent with the NPPF, which acknowledges that “willing sellers” of land should receive “competitive returns”. Competitive returns can only be achieved in a market context (i.e. Market Value) not one which is hypothetically based with an arbitrary mark-up applied, as in the case of EUV (or CUV) plus.

- So far as alternative use value is concerned, the Valuation Standards state where it is clear that a purchaser in the market would acquire the property for an alternative use of the land because that alternative use can be readily identified as generating a higher value than the current use, and is both commercially and legally feasible, the value for this alternative use would be the Market Value and should be reported as such. In other words, hope value is also reflected and the answer is still Market Value.

6. The Site

- 6.1 Details relating to the Property can be found in the Design and Access Statement. Nevertheless, the existing commercial site extends to 2 ha (4.9 acres) with a total of approximately 420 sq.m (4,500 sq.ft) of buildings providing a mixture of workshop and office space together with an element of both internal and external storage and nursery land used in association with the existing business. The commercial site lies to the south of the village envelope in an otherwise entirely rural location directly off Wootton Lane; a typical country lane wholly unsuited to HGV and articulated lorry movements. Following demolition and remediation; the Property will be developed to provide eight residential detached dwellings throughout the site together with a community car park in connection with the nearby village hall.
- 6.2 As mentioned within the planning documents submitted the existing business is now no longer sustainable as a business proposition in its current location. The existing use of the Property is 'Sui Generis – Landscaping Business', whilst this may be changed to a B1 use (light industrial or office) we are of the opinion that there would be insufficient demand for the Property in its current condition and use/potential use.
- 6.3 The demand for industrial and office space in Kent is strengthening, however potential occupiers of commercial floor space are seeking very high quality, fully furnished and readily available units which can be occupied immediately, located close to motorways and major routes and with access to full services, including broadband and lorry parking. This is leading to an increase in speculative development. A developer will look for a well serviced site to develop close to good transport links. The Property is in a rural location with poor transport links and limited existing services.
- 6.4 In order to be wholly transparent we have looked at the Property based on two scenarios. Firstly in terms of its value to an incoming purchaser looking to utilise the Property as a going concern and secondly its value to a speculative purchaser who may look to upgrade and refurbish the existing buildings for re-letting.
- 6.5 In terms of value as a going concern, we have valued the existing office, warehouse/workshop and open storage space on a per sqft basis with an additional value of the remaining land valued on a £ per acre basis. We have then capitalised the rental income (£30,700 p.a) at an all risks yield of 10% to reflect the rural location and limited servicing together with allowing a void period of 12 months. This produces a figure of £280,000 to which we add the remaining land, £18,000, generating a total of £298,000.
- 6.6 On the assumption that a speculative purchaser would look to upgrade the existing buildings, storage and land to re-let the Property, this produces a negligible land value due to the high upgrade costs required versus the low market rental potential. We have adopted BCIS costings for renovation/upgrade of existing office and workshop/warehouse space together with allowing a sum for infrastructure upgrade to principally bring in 3 phase power, create car parking spaces and remediate the remaining land. Furthermore we have allowed a sum for the change of use to B1 or B8. This would have the effect of increasing the potential rent to £55,500 pa, which we have capitalised at an all risk yield of 9% to reflect the upgraded accommodation together with assuming a 12 month void/rent free

period. We have adopted a margin on GDV of 17.5% to remain wholly transparent, which is the minimum a speculative purchaser would look to adopt. In conclusion, following letting, marketing and sale costs together with finance costs, the appraisal produces a land value of £65,000.

6.7 These two scenarios clearly demonstrate that the Property is not a viable or sustainable business proposition and furthermore the values reported create an unviable funding gap for the relocation of Deacon Landscape Management

6.8 Therefore a viable, residential led, planning permission is sought for this rural brownfield site coupled with the significant added benefits to the community in reducing the significant HGV movements and providing a car parking area for the village hall. Such redevelopment is required as the site is no longer suitable for a growing landscaping business or any other small/medium/large scale employment led uses given its rural location, poor commercial access and limited servicing.

7. Market Value of Existing Site (Viability Benchmark)

7.1 The viability benchmark sum in this respect is the cost at which Deacon Landscape Management can relocate to White Cliffs Business Park with the associated benefits for the community of Wootton. There are also benefits to Deacon Landscape Management in relocating to an established business park on a considerably more suitable site in respect of logistics and haulage. Cost analysis has been undertaken which demonstrates that the relocation will require Deacon Landscape Management to pay a sum of £1,388,550 broken down as follows:

- Land acquisition of £380,000.
- Stamp Duty Land Tax of £8,500.
- Legal costs and Land Registry fees of £2,850 at 0.75%.
- Valuation and survey of £5,000.
- Agent's costs of £5,700 at 1.5%.
- Planning fees and consultancy costs in respect of new and relocated building structures of £55,000.
- Construction of new access road £80,000.
- Ground works, drainage and utility infrastructure of £25,000.
- Construction of 10,000 sq ft of workshop, storage and office buildings together with laying down of 5,000 sqft of new concrete for open storage area at £727,000.
- Relocation costs for existing staff and materials equating to £25,000.
- Rent for a temporary premises during relocation / building phases of £60,000.
- Further Agent and Legal costs in connection with the above mentioned building and relocation equating to £14,500.

7.2 In order to fund the £1,388,550 re-location to White Cliffs Business Park, it will be necessary to dispose of the existing commercial site and raise as much funds as possible from the sale to a house builder or residential developer following the grant of planning permission. If the value of the land is close to or in excess of £1,388,550, then it would seem logical that an element of affordable housing can be provided from any surplus. In the event that the land is sold or has a market value at less than £1,388,550 then it would not be able to sustain any affordable housing. Notwithstanding this, any shortfall below £1,388,550 will need to be funded directly from Deacon Landscape Management's existing resources as a capital expense or by way of debt funding. Separate evidence has been submitted to demonstrate that such resources are extremely limited and debt funding would be the only recourse, due to the aforementioned substantial investment in product development and marketing in recent years that has been essential for safeguarding jobs through difficult trading conditions, and to provide for continued employment growth going forward.

7.3 As such, the adoptive VBS for assessing this viability is £1,388,550.

8. Alternative Use Value (AUV) (Development Scheme)

- 8.1 In looking at the market solution for the site it is not possible to carry out full appraisals of all potential development options. This report therefore examines the scheme as detailed in the Design and Access Statement to support the planning application.

9. Development Value Appraisal

- 9.1 In order to assess what value can be extracted from the Property to facilitate the relocation of Deacon Landscape Management it is necessary to run a development appraisal using the Argus Property Software Package, a widely used and recognised appraisal tool.
- 9.2 The appraisal summary for the proposed scheme is attached as **Appendix B**. A further appraisal is attached in **Appendix C** which is a policy compliant scheme with a full affordable housing contribution at 5% of GDV. These are summarised as follows:

A. Revenue (Gross Development Value) – detailed analysis has been undertaken in respect of the marketing and sale of comparable houses in this part of Kent. The tone of values for new build and second hand stock is typically in the range of £250 psf to £310 psf, albeit for house sizes which are typically in the bracket of 1,500 sq.ft to 2,500 sq.ft. Above this level, £ per sq.ft drops as there will always be a ceiling on capital values for houses in rural locations and I am of the view that these completed dwellings would not be able to tolerate prices in excess of £800,000 given the nature of the plot sizes and comparable houses with larger landholdings at a similar or higher value in the market. Based on comparable transactional evidence for residential dwellings in Wootton and the surrounding areas a rate of £254 psf to £290 psf (average of £278 psf) has been adopted.

The affordable housing policy compliant scheme includes a contribution of 5% of GDV as required by Dover District Council's Addendum to the Affordable Housing Supplementary Planning Document July 2011.

B. Construction Costs – All construction costs are based on BCIS endorsed tender priced costings rebased for the South East and as at Quarter 4 2015. For detached estate housing the average is £108 psf and the median figure is £113 psf with detached "one off" (3 units of less) housing between £174 psf and £153 psf in the same respect. Due to the quality and quantum of the proposed scheme it is anticipated that prime build costs are likely to fall between the figures as mentioned. However, a lower rate figure of £120 psf is adopted in order to be wholly transparent from a viability perspective. Clearly, if a higher figure is used then this would have the net result of depressing the land value further, making the enabling opportunity even less likely.

C. Other Construction Costs – As with edge of settlement brownfield sites such as this, there will always be a considerable remediation and infrastructure upgrade cost. Not only is a contingency sum being allowed for at 5% but other construction costs are clearly outlined in the appraisal and have been separately cost estimated.

D. Fees and Finance – professional fees have been allowed for at 6% to take into account separate planning costs; along with marketing costs at less than 1% of GDV, agent's fees and legal costs. A finance rate of 7% has been adopted over a construction period of 15 months and a sales period of 12 months with cash activity over a 27 month period. Finance rate includes all bank charges and arrangement fees and is in line with the better rates for development finance in the marketplace to date.

- 9.3 In addition to the significant costs already outlined above, it is nevertheless the desire of Deacon Landscape Management to provide a Section 106 contribution and a separate community gain offer of a village hall car park in order to ensure that the community of Wootton gains sufficiently from the proposed development, notwithstanding the wider benefits already outlined in this report.
- 9.4 Finally, a profit margin of 17.5% of GDV has been allowed for which is what a house builder or developer would require as a profit margin for taking on the risks of such a development. Whilst we would typically maintain that the threshold ought to be a profit margin of 20% it is being argued by some that the market has improved over the last 18 months and the likes of the District Valuer Service are insisting that developers are able to acquire sites on a reduced profit margin of just 17.5%. We reserve our position on this point, but in order to be entirely transparent, we have adopted a threshold for the viability at 17.5% on a without prejudice basis. This is a sum of money that will accrue to the house builder for undertaking the scheme and is not a sum of money that is available to Deacon Landscape Management.
- 9.5 By way of a cross-check, as previously mentioned light industrial land of a similar rural nature trades at approximately £175,000 - £185,000 per acre, if we add a hope value factor of 20% to reflect the potential planning gain we reach a figure of £210,000 - £222,000 per acre. This compares in close relation with the residual land value put forward of £1,070,956, which itself breaks back to £218,562 per acre.

10. Affordable Housing Values, Analysis and Commentary

- 10.1 Having run a detailed analysis of the proposed scheme, this generates a land value of £1,070,956 which is below the cost of relocation at £1,388,550. This shortfall will need to be entirely funded by Deacon Landscape Management. More to the point, once an affordable housing contribution is added in line with current planning policy this reduces the land value even further to £828,478. While Deacon Landscape Management is able to absorb a certain amount of additional cost, they are unable to absorb the sort of cost that would enable any affordable housing to be included as a planning obligation. Nevertheless, they are committed to the Section 106 contribution and community gain offer as already outlined.



.....
Ian Friend MRICS
 Senior Surveyor Development and Valuation
 Strutt & Parker LLP

28th April 2016

10 October 2016

Streetspace Group, Wootton Lane, Wootton, Kent, CT4 6RP

VIABILITY ASSESSMENT REVIEW REPORT

STRICTLY PRIVATE AND CONFIDENTIAL

FOI EXEMPTION SECTION 41 & 43(2): PRIVATE AND CONFIDENTIAL
EIR Exemption 12 (5) (e) – (f)

Prepared for:

Dover District Council

Prepared by:

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For and on behalf of:

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1. Introduction

1.1. Client Instruction

We have been instructed by Dover District Council to undertake a review of a Financial Viability Assessment carried out by Messrs Strutt and Parker (herein referred to as S&P) on behalf of their client the planning applicant known as Deacon Landscape/Streetspace Group (herein referred to as the applicant). Their report is dated 28 April 2016.

1.2. Confidentiality

Due to the commercially sensitive nature of some of the information provided as part of the viability assessment review, this report is provided on a strictly private and confidential basis. The report must not be recited or referred to in any document, or copied or made available (in whole or in part) to any other person without our express prior written consent.

1.3. Report Limitations

Although this report has been prepared in line with RICS guidance, as per Valuation Standards 1 of the RICS Valuations - Professional Standards, incorporating the International Valuation Standards, Global and UK 8th Edition (March 2012), advice given expressly in preparation for, or during the course of negotiations or possible litigation does not form part of a formal "Red Book" valuation and should not be relied upon as such.

1.4. Date of Review

The date of review is the date of this report. Subject to all site specific variables remaining the same and there being no fundamental market changes, our review remains valid for a period of one month after which we reserve the right to review our position.

1.5. Information Provided

We have been provided with and relied upon the following information:

- Proposed drawings as obtained via Dover District Council's planning portal;
- Design and Access statement as obtained via Dover District Council's planning portal.

1.6. Background

We understand that the applicant occupies the Property for a business known as the Streetspace Group, which in essence, specialises in glazed structures and outdoor storage systems.

Due to business growth intentions and forecasts, the Property is deemed inadequate to fulfil such aspirations and as such the applicant seeks to relocate to a more suitable premises. The applicant has entered into a legal Option Agreement to buy a 1 acre (0.40 ha) site (agreed in the sum of £380,000) at the Whitecliffs Business Park, Dover, in order to construct a new build premises.

The applicant is pursuing planning permission at the Property for a residential development scheme of 8 new build houses to gain a capital receipt that will enable the proposed business relocation.

The purpose of this review is to ascertain whether the proposed residential scheme can financially support an off-site payment calculated at 5% of the anticipated Gross Development Value (herein referred to as GDV) towards affordable housing.

2. The Property

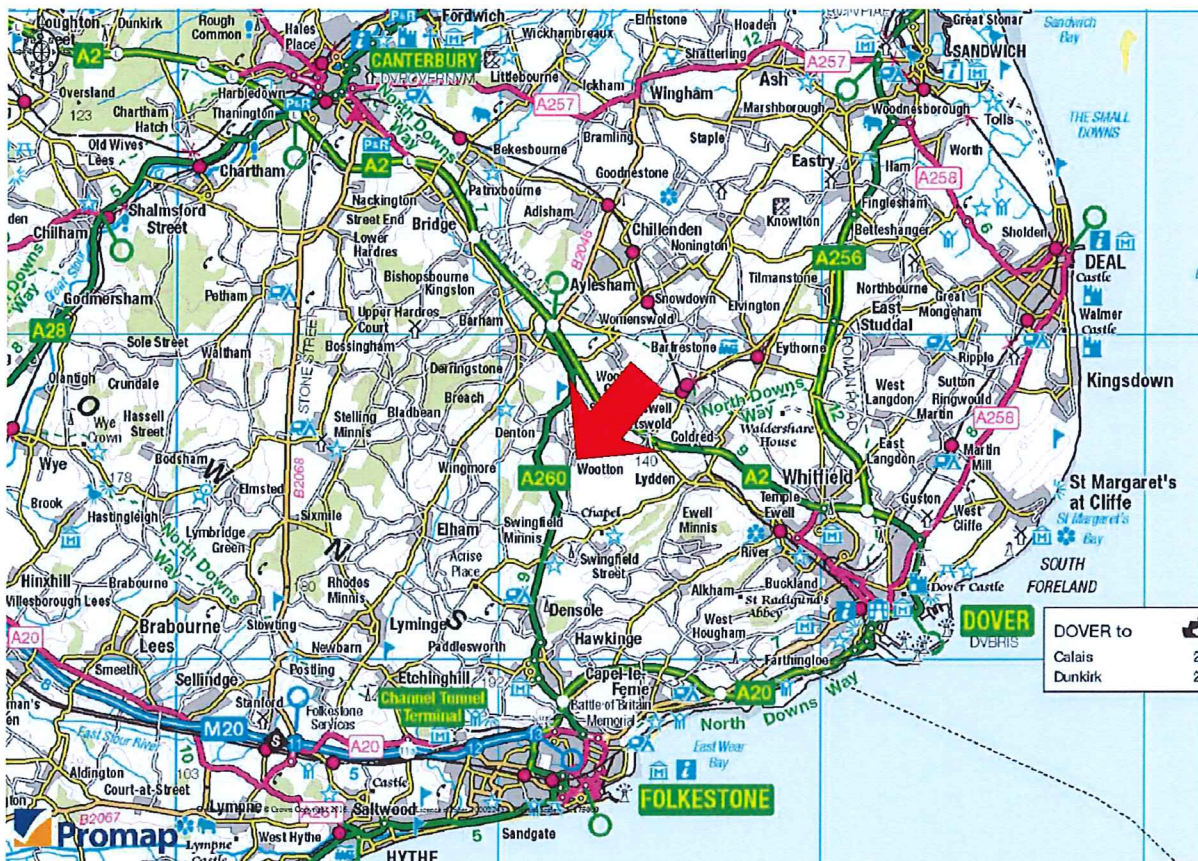
2.1. Location

The Property has frontage to Wootton Lane, a rural lane, that to the north-east can be accessed from the A2 (approximately 1.3 miles distant) or the A260 to the south-west at Selstead (also about 1.3 miles distant).

Wootton is a small sought-after village, comprising mostly residential properties, including some period cottages and houses, along with a flint elevation Church, called St Martin, situated further to the north of the village. Further to the north-east and lying close to the A2 is Lydden Hill Race Circuit.

The city of Canterbury lies around 12 miles distant to the north-west, with Dover being approximately 8.5 miles to the south-east and Folkestone about 7.7 miles distant to the south-west.

A location plan is below.



2.2. Description

The existing Property comprises a light industrial premises consisting a collection of three principal detached buildings (in total extending to approximately 4,494sqft / 417sqm) situated in a cluster towards the northern portion of the Property, with a concrete / gravel yard used for open storage, including a number of metal shipping containers for secure storage. We estimate the existing buildings, hardstanding yard area utilise a site area of about 1.15 acres (0.47 hectares), with the remainder of the Property forming largely woodland/amenity land extending to area of around 4.21 acres (1.7 hectares).

The Property is accessed via a vehicular gated access off Wootton Lane.

The overall Property forms an almost rectangular shaped site being broadly level (with a dip in topography towards the eastern part). We understand there is a dry pond situated towards the northern boundary. The Property has generally well established boundaries, comprising hedges and trees.

To the immediate north, the Property neighbours a detached residential property known as Street Farm house, with arable farmland to the east and west. To the south is a further residential property known as Smallden.

Below are photographs taken at the time of our inspection.



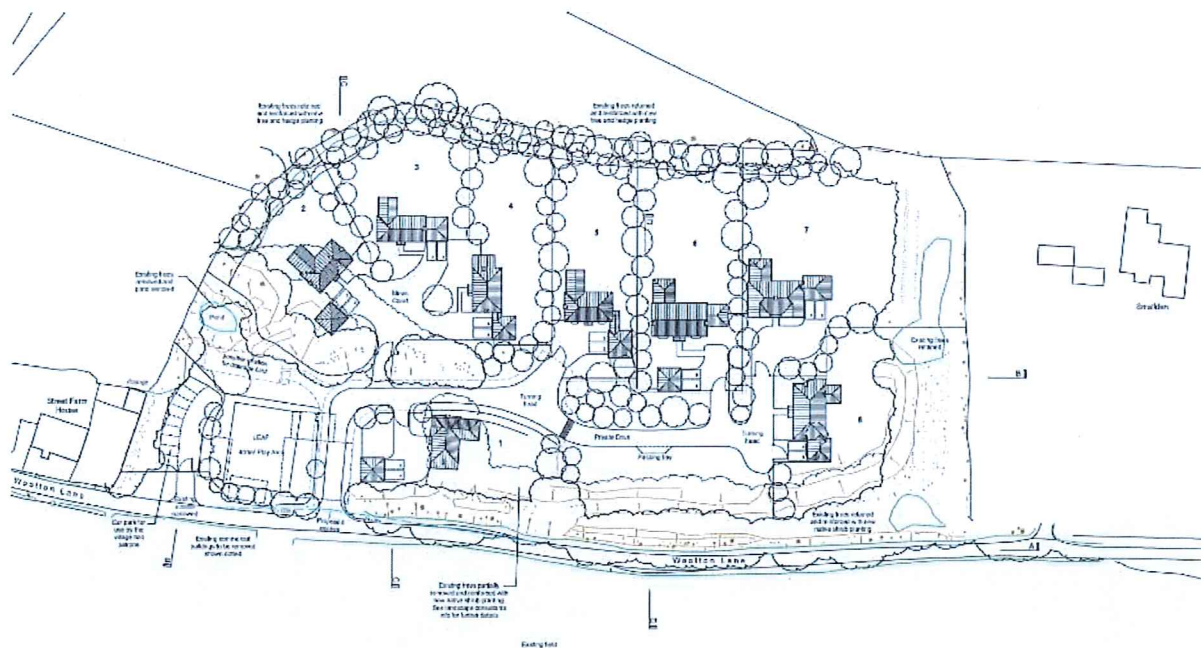
Existing Property

2.3. Proposal Summary

We understand that the planning application is in outline form, with some reserved matters. We have obtained a copy of the proposed site layout plan (drawing number 21801C/11 Revision E) prepared by Messrs Clague, which shows the proposed scheme for 8 new build detached family houses to be constructed, each to benefit from a double attached / detached garage. The proposed houses will mostly be sited in generous plots. We have also obtained a copy of drawing number 21801C/20 which shows proposed images of Plot Nos.3 and 4 to comprise 2 storey houses, in 'Kentish' vernaculars with render and white weather-boarded elevations, respectively.

The scheme will be accessed off a newly created vehicular access, with a children's play area to be created adjacent to the north, with a car park (to comprise approximately 9 spaces) to be used by village hall patrons, adjacent. This will be accessed via the existing vehicular access (to be narrowed).

Existing perimeter trees will be retained and enhanced, along with the reinstatement of a new pond towards the Property's northern perimeter.



Proposed Site Layout

3. Methodology

3.1. Financial Viability Assessments

In line with the National Planning Policy Framework (NPPF), site-specific financial viabilities are a material consideration in determining how much and what type of affordable housing should be required in residential and mixed-use developments.

As such, viability appraisals can and should be used to analyse and justify planning applications to ensure that Section 106 requirements do not make a scheme unviable.

The RICS define financial appraisals for planning purposes as 'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to a developer in delivering a project.'

We understand the logic is that, if the residual value of a proposed scheme is reduced to significantly below an appropriate viability benchmark sum, it follows that it is commercially unviable to pursue such a scheme, and the scheme is unlikely to proceed.

If a scheme is being rendered unviable because of Section 106 requirements, it may be appropriate to look at reducing the burden of those requirements in order to facilitate viability.

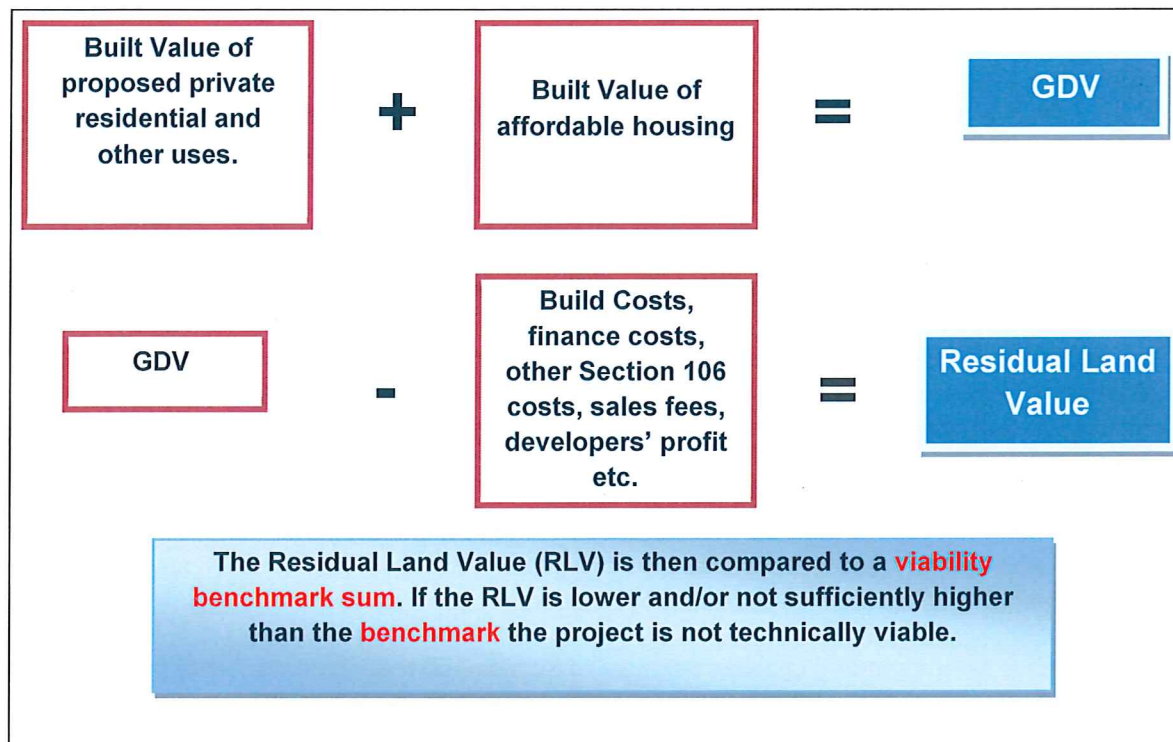
3.2. Factors affecting viability

The following factors are particularly relevant to viability:

- The quantity of affordable housing;
- The tenure split within the affordable housing between rented and intermediate;
- Grant funding on the affordable housing;
- Cascade clauses related to grant, affordable housing quantum and tenure split;
- 'Other' Section 106 costs (e.g. highways, education etc.);
- Optimum land uses within the development;
- Market conditions;
- Timing of delivery;
- Abnormal building costs; and
- Particular planning requirements.

3.3. Residual Land Valuation

The financial viability of development proposals is determined using the residual land valuation method. A summary of this valuation process can be seen below:



3.4. Profit

The above residual land approach can be inverted so that it becomes a 'profit residual' based upon the insertion of a specific land cost (equivalent to the viability benchmark sum). By doing this, the focus is moved onto the level of profit driven by a scheme. This is, however, a purely presentational alternative.

4. Viability Benchmarks

4.1 Identifying an appropriate viability benchmark sum requires judgement bearing in mind that national planning guidance indicates that appropriate land for housing should be 'encouraged' to come forward for development. The RICS published a guidance note in 2012 on 'Financial Viability in Planning' to which we have had regard. Our views on what constitutes an appropriate viability benchmark are outlined below.

4.2. Existing Use Value/Current Use Value (EUV/CUV)

The EUV, sometimes known as the CUV for Toolkit purposes, refers to the value of the asset at today's date in the adopted planning use. It refers to the Market Value of the asset on the special assumption reflecting the current use of the property only and disregarding any prospect of development other than for continuation/expansion of the current use.

4.3. Alternative Use Value (AUV)

The AUV refers to the value of the asset under an alternative planning use for which permission might reasonably be expected to be obtained.

4.4. Purchase Price Paid

There is some current debate about the extent to which purchase price paid (and rolled up debt associated with the site) should influence the choice of viability benchmark sum.

We see sensible reason for taking purchase price paid into greater account given the reduction in HCA grant funding as, without doing so, land will not be 'encouraged' to come forward for 'development'. Indeed, developers will be faced with unviable and blighted planning consents.

As such, to ignore purchase price paid (unless unreasonable as at the time of purchase based upon prevailing market conditions and planning policies) would be bad for all stakeholders interested in the delivery (i.e. actual construction) of new housing.

4.5. Market Value

The guidance from the RICS contained within their 'Financial Viability in Planning' 1st edition, states that when considering the value of the development site for planning purposes the 'Site value should equate to the Market Value subject to the following assumption; that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan.'

The Market Value as defined by the RICS is 'the estimated amount for which the asset should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.

National planning policy states that:

'...to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking into account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable' Para173, National Planning Policy Framework

As such we understand that, in having regard to the development plan the Market Value of a site should reflect a financially viable scheme.

5. Choice of Toolkit Benchmark

5.1. EUV

S&P have assessed the Existing Use Value of the Property as being £298,000. They comment that they have valued the existing office, warehouse/workshop and open storage space on a per sqft basis with an additional value of the remaining land valued on a £ per acre basis. They have capitalised the rental income (£30,700 per annum) by an all risks yield of 10% to reflect the rural location and limited servicing together with allowing a void period of 12 months, producing a figure of £280,000, with a sum of £18,000 added to account for the remaining land, thus totalling £298,000.

Based on our own inspection, we found the Property to closely resemble the floor areas and site areas referred by S&P.

Industrial rents for older, secondary accommodation, of basic specification but close to the A2/M2 are generally achieving £3.50 to £4.75 per square foot depending on age and condition. The nearest established industrial location to Wootton is at Aylesham, where modern warehouse premises are let at rents of £3.50 to £4.50 per square foot with good road connections to the A2. In the case of freehold sales, prices for second hand industrial properties in rural locations are generally achieving £30 to £60 per square foot according to size, as compared with in excess of £80 per square foot for new or refurbished units. Prime industrial investment properties are selling at net initial yields of 6.5% to 8%, depending on lease term and tenant covenant whereas secondary industrials are more generally between 9% and 11%.

Given the planning history of the Property, plus the range of buildings with limited infrastructure, we consider the Property is more likely to appeal to an owner occupier than to an investor developer relying upon intensification of commercial uses for leasing. Adopting the same approach as described by S&P, we regard the value of the workshops to be in the order of £265,000, based on £27,500 per annum market rental value and 10% yield. This broadly confirms the value arrived at by S&P and reflects approximately £55 per square foot capital value for the buildings after allowance of £4,000 per acre for 4.2 acres (1.7 ha) for the remainder of the Property outside the immediate curtilage of the buildings and yard.

Whilst we have considered our opinion of the EUV, in our view, of greater importance, is the cost that the applicant is anticipated to incur in order to find suitable alternative premises in order to relocate elsewhere in the vicinity.

5.2. Relocation Costs

S&P have considered this to be the sum at which the applicant can relocate to White Cliffs Business Park, which they have assessed at £1,388,550.

As commented above, we consider this to be particularly pertinent, given that the existing business operation seeks to relocate to a more suitable premises for business growth and therefore one must consider the associated anticipated costs.

We have seen a copy of the legal Option Agreement and visited the location at Whitecliffs Business Park. We note that £380,000 is the agreed purchase price for a 1 acre (0.40 ha) site. This is markedly greater than £250,000 per acre asking price being quoted for industrial land on the opposite side of Honeywood Parkway, but it is conceivable that the site to be purchased might reasonably command a premium value, since it is adjacent to main road frontage in a location which is already characterised by trade counter as well as retail uses.

We understand the applicant intends to build a 10,000 square foot (929 sqm) new warehouse/light industrial building, providing workshops, storage and offices.

We have undertaken a residual appraisal (**Appendix 1**) using Prodev software, adopting a GDV of £1,125,000 for the proposed completed building before the subtraction of build costs. This GDV is based on a market rental value of £9 per square foot and an all risks yield of 8%, illustrative of prime industrial rents in the area assuming a standard specification for speculative development.

Whilst GDV forms part of a residual appraisal, in the context of what we are assessing, costs are more pertinent.

Our own estimate of £1,412,228 for overall costs of the development (including £380,000 price agreed to be paid for the land) closely resembles £1,388,550, concluded by S&P. Notwithstanding that, we have adopted a GDV towards the upper range of industrial rents and yields, the output from the residual appraisal still shows a negative value of -20.34% on cost (equal to a loss of approximately £287,500). Examples of cost factors which are unknown but likely to have a particular impact on the cost of the development include:

- Infrastructure costs, specification of hardstanding and outside yard areas - £75,000 (to include a new road/parking accessed off a new principal road) adopted in Savills compared with £25,000 by S&P;
- Internal fit out – assumed included within build costs in the order of £75 per square foot adopted by both;
- Cost of funding – detailed in Savills appraisal over a total 12 months development period.
- New principal road - a developer might generally be expected to meet the cost of constructing a spine road from the highway edge, including connection to mains services. This is assumed not to be the case in Savills appraisal though it is not evident from our reading of the option agreement. S&P have accounted for the construction of a 'new access road' presumed to be a spine road at £80,000.

It is noted that S&P have made an allowance totalling £85,000 associated with the cost of temporary premises during the construction phase, along with relocation costs for existing staff and materials. It is debatable whether or not these cost might arise. At the present time, we are not privileged to information regards the timing of the sale of the Property and it is possible that any site works could be phased to give relief from having to vacate the fraction of the site which is operational. We have not accounted for such costs within our appraisal.

Such is the imbalance in the supply of industrial property currently that manufacturers have struggled to find suitable sites without having to compete with higher value alternative uses. At £9 per square foot and a GDV reflecting £112 per square foot freehold capital value, this is already at the upper limit of rent paid by trade counter occupiers (letting of 3,000 sq ft trade counter unit at Dover Trade Park, December 2015), and freehold vacant possession values paid for brand new units of 1,000 square feet.

To summarise, we have applied some slightly similar and dissimilar variables within our illustrative appraisal, however, our estimation of the anticipated relocation costs (inputting the agreed Option land figure of £380,000) totals £1,412,228 which we do not consider to be a too dissimilar from the figure that S&P have allowed for at £1,388,550.

5.3. AUV

S&P have not provided an opinion of the Alternative Use Value. They have commented that in looking at the market solution for the site, it is not possible to carry out full appraisals of all potential development options.

We have not had regard to an AUV, as in our opinion the most pertinent consideration in assessing whether the proposed residential scheme can support an off-site contribution towards affordable housing at 5% of GDV is the associated value to be derived from the planning application scheme against relocation costs.

5.4. Purchase Price Paid

We have obtained a copy of the Land Registry Title, however, it does not contain a purchase price.

S&P have not referred to the purchase price.

6. Economic Modelling

6.1. Economic Model Used



S&P have used the residual software package known as Circle to undertake their assessment of the redevelopment land value reflecting the proposed redevelopment scheme for 8 detached houses, with and without the inclusion of an off-site contribution towards affordable housing calculated at 5% of GDV.



S&P's opinion of the land value reflecting the proposed scheme is £1,070,000, compared with ours at a not too dissimilar opinion of value at £1,060,000.



We have undertaken our own residual assessment using a similar software package, called Prodev.

6.2. Economic Modelling Assumptions

In preparing our model on the same basis as S&P, we applied the following variables. For ease of reference we have included an initial column with S&Ps assumed variables. A copy of our illustrative residual land appraisals are contained in **Appendix 2**.

Input		
Gross Development Value	<ul style="list-style-type: none"> £5,335,000 (£/sqft range from £254psf-£290psf). In assessing the GDV, S&P have made assumptions as to the gross internal floor areas of each proposed house. These range from 1,851sqft – 3,057sqft. 	<ul style="list-style-type: none"> £4,765,000 (£/sqft range from £306psf - £317psf). Whilst we agree that a developer will pursue a detailed planning permission for 4-5 bedroom properties of slightly varying sizes, we have applied more standardised optimum sizes. We have assumed 5 x 4 bedroom houses at 1,800sqft and 3 x 5 bedroom houses at 2,100sqft. Although the overall GDV is lower, the £/sqft is higher. In assessing our opinion of the potential GDV, we have had regard to new build comparable evidence within the wider vicinity due to absent examples within Wootton. For example, we are aware that a local developer (Forest Homes) has achieved in the second quarter of this year £540,000 and £625,000 for 4 bedroom detached houses at a small new build scheme of around 7 units at Westfield Heights, Westfield Lane, Etchinghill (about 9 miles distant). We have also considered the prices that a developer called Murston Construction have been achieving at a scheme called The Orchards, Woodnesborough (about 11 miles distant), comprising 12 houses, where we understand £/sqft of between £269psf-£272psf are being quoted. We consider this scheme to be have lessor appeal when compared with the subject scheme.
Acquisition Fees	<ul style="list-style-type: none"> Stamp Duty – £50,856. Agent's Fee – 1.5% Solicitor's Fee – 0.50% Town Planning - £10,000 Survey - £2,500 	<ul style="list-style-type: none"> Stamp Duty – We have allowed for this at the current appropriate rate. Agent's Fee – Not included. We envisage the Property will be widely marketed and therefore we have not accounted for this fee. Solicitor's Fees – £10,000 Town Planning and Survey – We have accounted for such outgoings within professional fees.

Input		
Site Preparation	<ul style="list-style-type: none"> £30,000. 	<ul style="list-style-type: none"> We have accounted for this at £50,000. We understand from the Design and Access statement that a Phase 1 and Phase 2 Contamination Risk Assessment has been carried out, with notable comments being that it is considered that the site has the potential for hydrocarbon and metal contamination as well as asbestos in the soils underlying the site.
Section 106 Contributions	<ul style="list-style-type: none"> S&P have incorporated a figure of £65,000. 	<ul style="list-style-type: none"> We have adopted the same figure of £65,000.
Build Costs / Contingency / Professional Fees	<ul style="list-style-type: none"> S&P have allowed for build costs at £120psf / £1292psm; S&P have allowed for additional costs including road/site works, services, landscaping, garages and warranties. Contingency = 5% Professional Fees = 6% Total build costs = £2,754,244 	<ul style="list-style-type: none"> To account for sub and super structure costs, along with a sum for preliminaries, we have had regard to current BCIS mean tender prices for detached houses in Kent at £122psf / £1,315psm. We have made an allowance for additional costs in relation to services, cesspools (we understand from the Design and Access Statement that on-site foul treatment will be required), building regulations/warranties, landscaping, double garages, driveways and road provision. Contingency = 5.0% Professional Fees = 7% Total build costs = £2,520,672. As commented above, we have assumed more standardised floor areas for the 8 proposed houses.
Abnormal Costs	<ul style="list-style-type: none"> Not specifically itemised. 	<ul style="list-style-type: none"> We have accounted for the provision of the play area (known as a LEAP) at £10,000. We have assumed a sum of £18,000 for providing the car parking spaces for patrons of the village hall.
Disposal Fees	<ul style="list-style-type: none"> Estate agent's Fees – 1.25% Solicitors Fees – 0.35% (£2,312 per unit) Marketing - £45,000. 	<ul style="list-style-type: none"> Estate agent's Fees – 1.25% Solicitors Fees - £1,500 per unit Marketing - £25,000.

Input		
Development Interest Rate / Finance Cost	<ul style="list-style-type: none"> Interest rate = 7.00% Finance = £296,050. 	<ul style="list-style-type: none"> Interest rate of 7.00% Finance = £127,316.
Developers Return	<ul style="list-style-type: none"> 21.21% on costs 	<ul style="list-style-type: none"> 20% on costs. We feel that given the sought-after location of the Property, along with generally constrained new build supply of residential properties in Wootton and nature of the outline planning application, a developer would adopt this profit on cost return.
Timescale	<ul style="list-style-type: none"> Build period – 15 months Sales period – 12 months post development completion. 	<ul style="list-style-type: none"> Build period – 14 months Sales period – 10 months, however, we have assumed that the completed houses will be sold on a staggered basis, 4 months prior to construction completion.

7. Toolkit Analysis

- 7.1** We have appraised the proposed scheme against our perception of the envisage relocation costs (£1,412,228) in order to fully understand the economics of the development and to establish whether the proposed scheme can support an off-site payment of 5% of GDV towards affordable housing.
- 7.2** We have appraised the proposed scheme on the bases set out in the table below (please see **Appendix 2** for our full appraisals).

Affordable Housing	Residual Redevelopment Land Value	Relocation Costs	Against Relocation Costs
5% GDV off-site contribution	£830,000	£1,412,228	Unviable

- 7.3** As demonstrated by the results above, our opinion is that the proposed scheme cannot support an off-site contribution towards affordable housing at 5% of the Gross Development Value.
- 7.4** To reiterate, we have undertaken comparable land research to assess this and our conclusion is there is limited transactional activity for industrial land as developers have withheld from commencing speculative development. They have been unprepared to sell to owner occupiers in small lot sizes, hoping for larger transactions or possible allocation of land to meet residential supply. The price paid in this instance is a reflection of the strength of owner occupier demand, compounded with a restriction of industrial land for sale. In the absence of more 'affordable' industrial land in rural areas, activity is confined to locations that are more strategic to the road network and business parks. Here, the price paid is a reflection of competing higher value trade counter uses, on front land.

8. Conclusion

We have analysed S&P's viability assessment in light of our own collation of evidence and in summary, there are a number of variables where we are aligned, with our conclusions being the same.

In our opinion, the cost of the applicant relocating to an alternative more suitable premise will be in the region of £1,412,000 (inputting an agreed land purchase cost), with an anticipated land receipt reflecting the proposed planning application scheme being in the region of £1,060,000 (a difference of about £352,000) demonstrating that the proposed scheme cannot support a financial off-site contribution towards affordable housing at 5% of GDV.



Sarah Mason MPhil (Cantab) MRICS
Associate Director



George Gray MRICS
Associate Director

Appendix 1 – Illustrative Residual Appraisal – Relocation Costs

REVENUE		File: Illustrative App Com 051016	
Unit 1 Detached	10,000.00 sq-ft at 9.00 psf/pa	90,000	
Inv.Value-A	Net annual income	90,000	
	Capitalised at 8% Yield	1,125,000	1,125,000
(Net Income: 90,000)		REVENUE	1,125,000
COSTS			
Site Value		380,000	
Site Stamp Duty		8,500	
Site Legal Fees		3,500	
		Site Costs	392,000
Unit 1 Detached	10,000.00 sq-ft at 75.00 psf	750,000	
Ground Works/services		25,000	
Road/parking		50,000	
Contingency	at 5.00%	41,250	
Professional Fees	at 7.00%	57,750	
		Build Costs	924,000
Invest.sale Agents Fee	at 1.50%	16,875	
Invest.sale Legal Fees	at 0.75%	8,438	
		Disposal Fees	25,313
INTEREST	(See CASHFLOW)		70,915
7.00% pa	on Debt charged Quarterly and compounded Quarterly		
Site Costs	Month 1 (Oct 16)		
Building Costs	Month 1 to 10 (Oct 16 - Jul 17)		
Investment Sales	Month 13 (Oct 17)		
PROFIT	-287,228	COSTS	1,412,228
PROFIT/SALE	-25.53%	PROFIT/COST	-20.34%
IRR	N/A	RENT COVER	-3.2 years
YIELD/COST	6.37%		

Appendix 2 – Illustrative Residual Appraisal – Residential Redevelopment

REVENUE		File: Illustrative Appraisal 051016	
Plot 1 4 Bed Det			550,000
Plot 2 4 Bed Det			550,000
Plot 3 4 Bed Det			560,000
Plot 4 4 Bed Det			565,000
Plot 5 4 Bed Det			575,000
Plot 6 5 Bed Det			650,000
Plot 7 5 Bed Det			665,000
Plot 8 5 Bed Det			650,000
		REVENUE	4,765,000
COSTS			
Site Value		1,059,750	
Site Stamp Duty		42,500	
Site Legal Fees		10,000	
		Site Costs	1,112,250
Demolition/site Prep		50,000	
S106 Contrib		65,000	
		Initial Payments	115,000
4 Bed Det	9,000.00 sq-ft at 122.00 psf	1,098,000	
5 Bed Det	6,300.00 sq-ft at 122.00 psf	768,600	
Services (5000)		40,000	
Cesspools (5000)		40,000	
Building Regs/warranties (2000)		16,000	
Landscaping (5000)		40,000	
General Landscaping		10,000	
Double Garage X 8		80,000	
Driveways		80,000	
Road		50,000	
Car Park Village Hall		18,000	
Leap		10,000	
Contingency	at 5.00%	112,530	
Professional Fees	at 7.00%	157,542	
		Build Costs	2,520,672
Direct Sale Agents Fee	at 1.25%	59,563	
Direct Sale Legal Fees		12,000	
		Disposal Fees	71,563
Marketing		25,000	
		End Payments	25,000
INTEREST		(See CASHFLOW)	
7.00% pa	on Debt charged Quarterly and compounded Quarterly		126,316
Site Costs	Month 1 (Oct 16)		
Demolition/site Prep	Month 1 to 3 (Oct 16 - Dec 16)		
S106 Contrib	Month 1 (Oct 16)		
4 Bed Det (bld.)	Month 3 to 14 (Dec 16 - Nov 17)		
5 Bed Det (bld.)	Month 3 to 14 (Dec 16 - Nov 17)		
Services (5000)	Month 1 to 3 (Oct 16 - Dec 16)		
Cesspools (5000)	Month 3 to 14 (Dec 16 - Nov 17)		
Building Regs/warranties (2000)	Month 1 to 3 (Oct 16 - Dec 16)		
Landscaping (5000)	Month 7 to 14 (Apr 17 - Nov 17)		
General Landscaping	Month 11 to 14 (Aug 17 - Nov 17)		
Double Garage X 8	Month 3 to 14 (Dec 16 - Nov 17)		
Driveways	Month 3 to 14 (Dec 16 - Nov 17)		
Road	Month 3 to 14 (Dec 16 - Nov 17)		
Car Park Village Hall	Month 3 to 14 (Dec 16 - Nov 17)		
Leap	Month 3 to 14 (Dec 16 - Nov 17)		
Marketing	Month 6 to 15 (Mar 17 - Dec 17)		
Plot 1 4 Bed Det (sale)	Month 8 to 17 (May 17 - Feb 18)		
Plot 2 4 Bed Det (sale)	Month 8 to 17 (May 17 - Feb 18)		

Plot 3 4 Bed Det (sale)	Month 8 to 17 (May 17 - Feb 18)		
Plot 4 4 Bed Det (sale)	Month 8 to 17 (May 17 - Feb 18)		
Plot 5 4 Bed Det (sale)	Month 8 to 17 (May 17 - Feb 18)		
Plot 6 5 Bed Det (sale)	Month 8 to 17 (May 17 - Feb 18)		
Plot 7 5 Bed Det (sale)	Month 8 to 17 (May 17 - Feb 18)		
Plot 8 5 Bed Det (sale)	Month 8 to 17 (May 17 - Feb 18)		
PROFIT	794,200	COSTS	3,970,800
PROFIT/SALE	16.67%	PROFIT/COST	20.00%
IRR	N/A		

REVENUE		File: Illustrative App 5pc 051016		
Plot 1 4 Bed Det				550,000
Plot 2 4 Bed Det				550,000
Plot 3 4 Bed Det				560,000
Plot 4 4 Bed Det				565,000
Plot 5 4 Bed Det				575,000
Plot 6 5 Bed Det				650,000
Plot 7 5 Bed Det				665,000
Plot 8 5 Bed Det				650,000
			REVENUE	4,765,000
COSTS				
Site Value			833,000	
Site Stamp Duty			31,000	
Site Legal Fees			10,000	
			Site Costs	874,000
Demolition/site Prep			50,000	
S106 Contrib			65,000	
5% Gdv Contrib			238,250	
			Initial Payments	353,250
4 Bed Det	9,000.00 sq-ft at 122.00 psf		1,098,000	
5 Bed Det	6,300.00 sq-ft at 122.00 psf		768,600	
Services (5000)			40,000	
Cesspools (5000)			40,000	
Building Regs/warranties (2000)			16,000	
Landscaping (5000)			40,000	
General Landscaping			10,000	
Double Garage X 8			80,000	
Driveways			80,000	
Road			50,000	
Car Park Village Hall			18,000	
Leap			10,000	
Contingency	at 5.00%		112,530	
Professional Fees	at 7.00%		157,542	
			Build Costs	2,520,672
Direct Sale Agents Fee	at 1.25%		59,563	
Direct Sale Legal Fees			12,000	
			Disposal Fees	71,563
Marketing			25,000	
			End Payments	25,000
INTEREST	(See CASHFLOW)			126,316
7.00% pa	on Debt charged Quarterly and compounded Quarterly			
Site Costs	Month 1 (Oct 16)			
Demolition/site Prep	Month 1 to 3 (Oct 16 - Dec 16)			
S106 Contrib	Month 1 (Oct 16)			
5% Gdv Contrib	Month 1 (Oct 16)			
4 Bed Det (bld.)	Month 3 to 14 (Dec 16 - Nov 17)			
5 Bed Det (bld.)	Month 3 to 14 (Dec 16 - Nov 17)			
Services (5000)	Month 1 to 3 (Oct 16 - Dec 16)			
Cesspools (5000)	Month 3 to 14 (Dec 16 - Nov 17)			
Building Regs/warranties (2000)	Month 1 to 3 (Oct 16 - Dec 16)			
Landscaping (5000)	Month 7 to 14 (Apr 17 - Nov 17)			
General Landscaping	Month 11 to 14 (Aug 17 - Nov 17)			
Double Garage X 8	Month 3 to 14 (Dec 16 - Nov 17)			
Driveways	Month 3 to 14 (Dec 16 - Nov 17)			
Road	Month 3 to 14 (Dec 16 - Nov 17)			
Car Park Village Hall	Month 3 to 14 (Dec 16 - Nov 17)			
Leap	Month 3 to 14 (Dec 16 - Nov 17)			
Marketing	Month 6 to 15 (Mar 17 - Dec 17)			

Direct Sales	Month 8 to 17 (May 17 - Feb 18)		
PROFIT	794,200	COSTS	3,970,800
PROFIT/SALE	16.67%	PROFIT/COST	20.00%
IRR	N/A		



Not to scale

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Application: DOV/16/00931

135 Middle Street

Deal

CT14 6JZ

TR37705310



- a) **DOV/16/00931 – Erection of single storey rear extension, front and rear dormer roof extensions and installation of 2 rear roof lights - 135 Middle Street, Deal**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

None relevant.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- The NPPF paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design. Development should take the opportunity to improve the visual quality and character of the area.
- Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a Conservation Area, great weight should be given to its conservation.
- Chapter seven requires good design, which is a key aspect of sustainable development.

The Kent Design Guide (KDG)

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

Planning Act (Listed Buildings and Conservation Areas) 1990

- Section 72 (1) requires LPAs to have a duty to respect conservation areas in the exercising of planning functions. It states that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

- d) **Relevant Planning History**

Pre-application advice given.

e) **Consultee and Third Party Responses to the plans originally submitted**

Deal Town Council – DTC would like to refer this application to the DDC Heritage Officer.

KCC Archaeologist: No reply.

Public Representations: Seven letters of objection have been received, raising the following points relating to the original submission:

- The two large dormers on the front elevation are harmful to the character and appearance of the property and the Conservation Area, particularly because they obstruct views of the Dutch gables on the adjacent buildings. Even one dormer would blight the view of the Dutch gable from Golden Street and Middle Street.
- Loss of symmetry of no.s 135 and 137 as a pair.
- There are plenty of houses with dormer windows. Those without should be preserved as good examples of original Victorian domestic architecture.
- The charm of no.s 135 and 137 is that they are a pair of two storey houses set between three storey houses. This feature adds a great deal to the sense of architectural variety, and increases the richness of housing type in the historic area. Were this to be compromised by the addition of another floor, more of the originality of the area would be lost.
- Famous views along key areas of the Conservation Area need to be protected where possible. The view affected is exactly the one on the Dover District Council web page advertising the Conservation Area. This view should be maintained for its historical importance in the Conservation Area.
- The two front dormers are oversized and out of proportion with the host dwelling.
- The dormers would be visible from the top of Golden Street, and would ruin the height proportion of the houses.

Further to amended plans being submitted, the application has not been re-advertised. No representations have been received in respect of the amended plans.

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

- 1.1 The site lies within the settlement confines, in the heart of the Middle Deal Conservation Area, which benefits from an Article 4(2) direction.
- 1.2 The Middle Deal conservation area is a highly significant heritage asset.
- 1.3 The application property, which occupies a mid-terrace position along Middle Street, stands directly opposite Golden Street, and is therefore a feature of both the Middle Street and Golden Street street scenes.
- 1.4 The application property is an attractive two storey cottage forming one of a pair of Victorian cottages sandwiched between two older properties with Dutch gables. It remains in its original form with no additions front or back, and has its original windows. It is not particularly significant within the

Conservation Area, and is not a listed building, but nonetheless makes a positive contribution to the special character of the area on account of its simple, historic charm.

- 1.5 This application, as originally submitted, seeks permission to erect two dormer windows on the front elevation, 3 rooflights on the rear elevation, and a single storey, ground floor rear extension.
- 1.6 The council's Principal Heritage Officer responded to the submission with the following comment:

The proposed dormer windows would, in my view, be overbearing due to their size and detail (with heavy cheeks). The proportions of the building are modest, and as found on many other buildings of this stature in the conservation area, the tradition is for a single dormer window following a typical hierarchy (windows tending to reduce in size to each storey). In my view this aspect of the proposal would be contrary to the established character of the Conservation Area, and consequently would not preserve the special interest of the designated heritage asset. In my view the proposal could be reduced to 1no dormer set centrally within the roof slope, removal of the wide cheeks and a slight reduction in size. This would result in a more traditionally detailed feature that would be appropriate for the context. Should amendments be made as per my comments I would be content to support the application subject to a condition for joinery details.

- 1.7 Amended plans were sought and submitted on 22 September to this effect, and it is these plans that are assessed below.
- 1.8 The amended plans have a single, slim-line dormer centrally positioned on the front elevation, measuring 1.1m wide x 1.2m high x 1.9m deep, and a rear dormer next to two rooflights. The rear dormer measures 1.3m wide x 1.4m high x 2.5m deep. Both dormers are clad in lead with a double glazed sliding sash window constructed of Slimlite glass in a timber frame.
- 1.9 The ground floor rear extension has a modern flat roof design with a roof light, and aluminium bi-fold doors on the rear elevation. The extension measures 2.8m deep x 3.6m wide x 2.5m high to the top of the solid roof.

2 Main Issues

- 2.1 The main issues are:

- The impact on the appearance of the property and the special character and appearance of the Conservation Area within which it stands.
- The impact on neighbouring properties

Assessment

Character and Appearance

- 2.2 The single dormer on the front elevation sits neatly within the front roof slope. It has traditional design and proportions, which complement the character and appearance of the host property and the general character and appearance of the Conservation Area in which it stands.
- 2.3 Dormers are a regular feature within Middle Street, so the proposal would not be alien to this streetscape.
- 2.4 The dormer would obscure part of the Dutch gable on the adjoining property, when viewed from Middle Street to the north of the site. However, it is the view of your officers that the gable would remain visible to a satisfactory degree, given that a distance of 1.9m separates the two.
- 2.5 Although the letters of objection comment in response to the original submission, a number make comments that are relevant to the assessment of this amended scheme. It is noted that one third party considers that even one dormer would blight the view of the Dutch gable from Golden Street and Middle Street, and that another considers that Victorian properties in the conservation area that do not have any dormers should be retained as such, as a good example of Victorian architecture. Objection is also raised to the loss of symmetry of 135 and 137 as a pair.
- 2.6 These comments are noted. However, it is your officers' view that the amended scheme would not blight the view of the Dutch gable sufficiently to justify refusal of the scheme, and that the resultant loss of symmetry of this Victorian pair would not have a sufficiently detrimental impact on the character and appearance of the Conservation Area to justify refusal of the scheme.
- 2.7 Accordingly, the proposed front dormer is considered acceptable in accordance with the policies listed above, and satisfying section 72(i) of the Planning Act (Listed Buildings and Conservation Areas) 1990.
- 2.8 The rear dormer and rooflights are not visible from any public realm, and would not harm the character and appearance of the Conservation Area. They are therefore considered acceptable.
- 2.9 The ground floor rear extension has a modern design on account of its flat roof. However, it appears as a modest and subservient addition to the property on account of its small scale, and low ground level, as the ground level of the garden rises gently away from it. The extension would not be visible from any public realm, and would not harm the character and appearance of the Conservation Area. It is therefore considered acceptable.

Impact on Residential Amenity

- 2.10 The front and rear dormers and rooflights would not result in unacceptable overlooking, and would not result in a loss of residential amenity.

- 2.11 The ground floor rear extension sits on the boundary walls on both sides. On the south side it adjoins a wall some 2.4m high, which runs alongside a private access way. The roof of the extension remains lower than the top of the wall. The property to the south of the alleyway would not be affected by the extension in terms of any overbearing impact, loss of light or outlook.
- 2.12 On the northern boundary the extension is shown to abut the existing 1.8m high boundary fence. The roof of the extension projects some 0.3m above that fence. At 2.8m deep the extension breaches the 45 degree line of the neighbouring habitable room window by approximately 1m. It is noted that a small degree of both ambient light and direct sun light would be blocked. However, it is considered that the degree of light loss would not be sufficient to harm the residential amenity of the occupants of the neighbouring property to a significant degree.

Conclusion

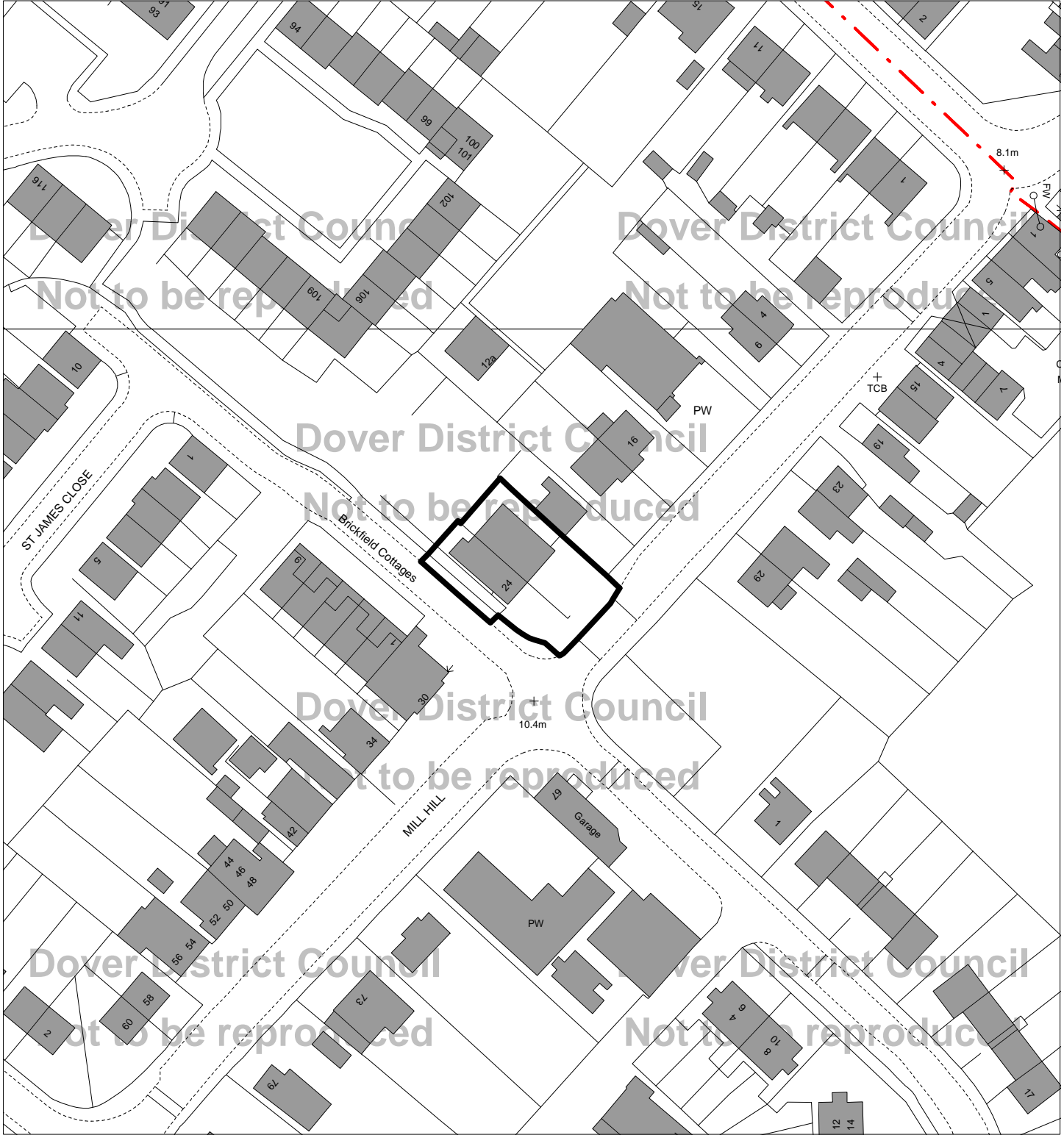
- 2.13 The front dormer is clearly visible within the Middle Street and Golden Street streetscenes. However, it is considered to have an acceptable impact on account of its sympathetic design, size, scale and central location within the roof slope. The proposed development to the rear would not impact on any public realm, or harm the Conservation Area. The proposal is therefore considered to accord with the aims of the policies listed above, relating both to heritage conservation and general design principles, and satisfies section 72(i) of the Planning Act (Listed Buildings and Conservation Areas) 1990.
- 2.14 The impact of the proposal on residential amenity of neighbouring occupants has been considered and found to be acceptable in accordance with the aim of the NPPF in seeking a good standard of amenity for existing and future occupants of land and buildings.

g)

Recommendation

- I PERMISSION BE GRANTED subject to conditions set out in summary to include:
- (i) commencement within 3 years; (ii) carried out in accordance with approved drawings; (iii) joinery details to be submitted; (iv) no windows to be inserted in the side elevations of the ground floor extension; (v) conservation style rooflights to be installed.
- II 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.

Case Officer
Maxine Hall



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Application: **DOV/16/00838**

24 & 24 A Mill Hill

Deal

CT14 9EN

TR36605145

91

- a) **DOV/16/00838 - Conversion of existing building from two flats to two dwelling houses with a two-storey extension to 24 (existing extensions to be demolished) and erection of a first-floor conservatory to no. 22 - 22, 24 and 24A, Mill Hill, Deal**

Reason for report: level of public support.

- b) **Summary of Recommendation**

Planning permission should be refused

- c) **Planning Policy and Guidance**

Dover District Council Core Strategy

- Policy CP1 states the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.
- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states ‘that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole’.
- Paragraph 17 sets out the core planning principles... Planning should.... 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 viability 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....”
- Paragraph 49 states ‘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’.
- Paragraph 56 states ‘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 57 states ‘It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes’.
- Paragraph 58 sets out amongst other things that comprehensive policies that set planning decisions should aim to ensure the development;
 1. Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of development.
 2. Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

3. Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public spaces as parts of developments) and support local facilities and transport networks.
 4. Respond well to local character and history, and reflect the identity of local surroundings and material, while not preventing or discouraging appropriate innovation.
 5. Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 6. Are visually attractive as a good result of good architecture and appropriate landscaping'.
- Paragraph 60, Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation. It is, however, proper to seek to promote or reinforce local distinctiveness".
 - Paragraph 61, Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
 - Paragraph 63 'states determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'.
 - Paragraph 64, 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions'.
 - Paragraph 111 states 'planning policies and decisions should encourage the effective use of land by re-using that has been previously development (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield site'.

Other Guidance/Relevant Matters
Kent Design Guidance.

d) **Relevant Planning History**

DOV/16/00327 – Conversion of existing building to two dwellings together with a two storey extension to 24 (existing extensions to be demolished) and erection of a first floor conservatory to no.22. – Withdrawn.

e) **Consultee and Third Party Responses**

Deal Town Council; Raises no objections.

Third Party Responses:

Local residents; 7 letter of support have been received and are summarised below;

- The properties need to be renovated;
- It would be a vast improvement, which will improve the area, especially in view of recent completion of nine new homes;
- The properties are run down and would benefit from improvement;
- Would improve the outlook from the house;
- Will greatly improve the entrance into St James Close.

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

- 1.1 The existing property is within a prominent location on the corner of Mill Hill and St James Close directly opposite Freemans Way. The application site comprises 24, 24a and 22 Mill Hill. 22 Mill Hill has a commercial use at ground floor level with living accommodation over; this property has dormers within the front and rear roof slopes and a balcony to the rear at first floor level and a two storey gable extension to the rear.
- 1.2 Number 24 and 24a has been subdivided into two horizontal flats and has a two storey gable extension and single storey extensions to the rear. There are a number of parking spaces to the front of the building.
- 1.3 The local area comprises mixed uses with a parade of shops to the west and further commercial premises to the east. On the opposite corner of the street is a prominent two storey building being used as a gym with a relatively new row of terraced dwellings directly to the rear of the gym. Directly to the rear of the site, are a row of 4 terraced houses with off street parking to the front of the properties.

Proposed Development

- 1.4 Planning permission is sought for the conversion of the existing building (24 and 24a) to 2 dwellings together with a two storey rear extension (existing extensions to be demolished). It is proposed to create 1x 2 bed and 1 x 3 bed dwellings within the extended building.
- 1.5 At first floor, alterations to no 22 would involve a first floor conservatory which would effectively infill the rear balcony area.
- 1.6 The existing grass verge area to the side of no 24/24a would be used to provide a garden area for the two dwellings. The applicant has stated 'it is not intended to add fencing along this line'. Parking for both dwellings, with a visitors parking space, (excluding the flat), would be on the existing off road parking area.
- 1.7 The materials would match those of the existing building.

2. Main Issues

- 2.1 The main issues in the consideration of this application are;
- Principle of the conversion of the existing building from two flats into two dwellinghouses.
 - Design/Appearance and street scene.
 - The impact on residential amenity
 - Highway safety.

2.2 Assessment

Principle of Development

- 2.3 The site is located within the Deal settlement boundary and the use of the existing building is for residential purposes and therefore the principle of the development has been established and complies with the aims of policy DM1 of the Dover District Council subject to the detail of the proposal.

3. Design/Appearance and Street Scene

- 3.1 The building is within a prominent location on the corner of Mill Hill and St James Close and has a narrow grass verge, running alongside. Green spaces such as the grass verge in question provide visual quality to the street scene.
- 3.2 Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The existing building consists of a number of different extensions and an unattractive balcony to the rear of number 22 Mill Hill. The applicant is proposing to demolish the extensions to the rear of 24 and 24a. The balcony to the rear of number 22 Mill Hill is to be infilled and would be replaced with a glazed room described as a conservatory. The extensions and alterations would consolidate the building in design terms and it is considered in terms of visual appearance would visually enhance the existing building.
- 3.3 The applicant has shown the private amenity space to serve the 2 and 3 bed dwellinghouses, which abuts the back edge of the road. This space would normally provide enough space for occupants to sit out, dry washing and other domestic paraphernalia. This application now proposes to leave this area open and unenclosed. The application site is located within a prominent location within Mill Hill and is visible from public vantage points. By leaving the amenity space open, this would result in a harm to the street scene as the domestic paraphernalia such as bins, tables and chairs would be readily visible and would result in the loss the street scene amenity space. It should be noted however that if planning permission were granted, the future occupants would benefit from permitted development rights and could erect a wall or fence one metre high, unless these permitted developments rights were removed.
- 3.4 In order to achieve sustainable development, the NPPF states that a good standard of amenity should be secured for all existing and future occupants of development. It also states that ways should be found to enhance and improve places where people live their lives. Development is expected to contribute to making places better for people, to achieve high quality public and private spaces to function well and add to the overall quality of an area. Any means of enclosure of the grass verge and the loss of the amenity space, which is considered to have value in the street scene, would likely to lead to harm, albeit limited – but none-the less, would not make the place better for people who live in the area. However, as the site is proposed to be left open, this would mean that the new occupants would have an amenity area. By not enclosing this area the space would not provide the future occupants of the dwellings with a private amenity space. This in itself is not considered to be acceptable in respect of their expectations for privacy.

4. Impact on Residential Amenity

Overshadowing

- 4.1 Paragraph 17 of the National Planning Policy Framework states that development should 'always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and building'. Concerns were raised with the applicant over the proposed extension to the rear of 24/24a Mill Hill, potentially casting a shadow over the properties to the rear of the site. These properties to the rear in St James Close are within 2 metres of the proposed development.
- 4.2 The applicant has submitted shadow maps. This demonstrates there would be some overshadowing of kitchen/living room windows to the new properties to the north west at limited times during the year and to the adjacent property 20 and number 22 (the application site) in September. The occupants of these properties would expect to enjoy a certain level of sunlight. The proposal is therefore considered to be in direct conflict with the aims and objectives of the NPPF and would result in harm to residential amenity.

Close Proximity/Loss of Outlook

- 4.3 The properties to the rear of the site are within close proximity to the proposed development, as discussed above. The existing arrangement (to 22/24/24a) has a single storey element which provides an open aspect within the street scene and an outlook for the future occupants of the new terraced properties to the rear of the site. The proposed development would close this gap. The two storey element of the extension to the rear of 24/24a would be within 2m of the nearest living room windows to the houses to the rear. It is likely that this would result in a sense of enclosure and a loss of outlook, the effects of which would be cumulatively harmful to the living conditions enjoyed by the occupants of these properties, contrary to the aims and objectives set out in the National Planning Policy Framework.

Overlooking

- 4.4 Whilst the applicant has designed the proposed development to include an additional four windows within the south west flank elevation, given the orientation of the property in respect of the gym, directly opposite on the other side of the road, it is not considered that this would give rise to any additional overlooking.
- 4.5 Within the existing rear elevation of number 22 Mill Hill is an existing balcony. This is to be enclosed by a first floor extension (glazed wall and roof). This element would not create any additional overlooking over any private amenity space enjoyed by the future occupants of the properties within St James Close. In addition to this the flank elevation of the properties to the rear of 22, 24 and 24a Mill Hill are built within close proximity and therefore the proposed changes to the fenestration are considered acceptable in respect of the living conditions to be enjoyed by the occupants of these properties, as there would be no direct overlooking into their private amenity space.

Private amenity space

- 4.6 Paragraph 57 of the National Planning Policy Framework sets out that it is important to plan positively for the achievement of high quality and inclusive design for all the development, including individual buildings, public and private spaces and wider area development schemes'. A typical feature of dwellinghouses in this area is that they have private amenity space. Accordingly such an expectation prevails here.
- 4.7 Two and Three bedroomed dwelling houses (rather than 2 bedroomed flats) would normally be occupied by families who would expect a require level of private amenity space.
- 4.8 The proposed amenity space associated with the development is approximately 17 metres x 2.5 metres. This is considered to be inadequate to meet the needs of asingle dwelling house let alone two, bearing in mind the likely occupants of the dwellings and their needs. The lack of private amenity space is considered to reduce the quality and the residential value of the development. The development in this respect is therefore considered to be in direct conflict with the aims and objectives of the NPPF.

Living conditions

- 4.9 Paragraph 56 of the National Planning Policy Framework states "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. The development is proposing 2 and 3 bedroomed houses.
- 4.10The Government has published technical guidance (Technical Housing Standards – nationally described space standards March 2015), which set out standards for room sizes. Whilst DDC has not adopted this guidance it is a useful reference document as such.
- 4.11The room sizes proposed do meet these standards. In view of this, the development is likely to provide suitable internal accommodation which would meet the needs of occupants.

5. Highway Safety

- 5.1 The existing parking arrangements will remain unchanged and therefore the proposal complies with the aims and objectives of the National Planning Policy Framework and policy DM13 of the Core Strategy.

6. Conclusion

- 6.1 In the absence of a five-year land supply of housing sites, the Councils policies relating to housing land supply are not considered to be up to date. However, that is not to say that the absence of a five year housing land supply should be conclusive in favour of a grant of planning permission, as there are other material factors to take into consideration here.
- 6.2 The National Planning policy Framework (paragraph 14) states that there should be a presumption in favour of sustainable development, meaning that, in the circumstances of this case, permission should be granted unless adverse impacts arising would demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole. In this instance whilst the

development would effectively result in an improvement in the appearance of the building and provide two new dwellinghouses, the living conditions of future occupants of the properties to the rear would be harmed through a loss of outlook and an unacceptable level of overlooking. Together with the insufficient private amenity space serving the future occupants of the proposed dwellings and the loss of street scene amenity space with domestic paraphernalia also likely to be readily visible from the street, it is considered that these matters amount to a level of harm sufficient to outweigh the benefits of the scheme. Overall it is considered that the adverse impacts of the development, due to the potential for harm would outweigh the benefits as a whole.

g) Recommendation

PERMISSION BE REFUSED for the following reasons:

- I. The proposed development if permitted, due to its close proximity with the properties directly to the rear of the site would result in an unacceptable level of overshadowing and loss of outlook to the living conditions that can be reasonably expected by the occupants of those properties contrary to the aims and objectives of paragraphs of 14, 17 and 56 in particular, of the National Planning Policy Framework.
- II. The proposed development would result in a loss of street scene amenity space and would not provide sufficient private amenity space for the occupants of the new dwellings, and would be harmful to the quality of the built environment and lead to a poor quality form of development contrary to the aims and objectives of paragraphs of 14, 17, 56, 57 and 58 in particular, of the National Planning Policy Framework.

Case Officer

Karen Evans



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Application: DOV/16/00721

10 Lambton Road

Dover

CT17 0HF

TR30224208



a) DOV/16/00721 - Part change of use from residential to business (for dog sale and re-homing) and associated operational work at 10 Lambton Road, Dover

Reason for report: Called in by Councillor Sue Jones.

b) Summary of Recommendation.

Planning permission should be granted.

c) Planning Policy and Guidance

Dover District Council Core Strategy

Policy CP1 states 'the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services'.

Policy DM1 states that 'development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses'.

Policy DM13 states 'parking provision should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for parking provision, should be informed by Kent County Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking'.

National Planning Policy Framework (NPPF) 2012.

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states 'that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole'.
- Paragraph 17 sets out the core planning principles... Planning should... 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 viability 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..."
- Paragraph 152 set out that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate measures are not possible, compensatory measures may be appropriate'.
- Paragraph 203 states 'that local planning authorities should consider whether otherwise acceptable development could be made acceptable through the

use of conditions or planning obligations. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Other Guidance/Relevant Matters

None relevant.

(d) Relevant Planning History

DOV/14/00936 – Part change of use from residential to business (for dog sale and rehoming) – Granted with a temporary permission with the use being discontinued on or before 5th December 2015.

(e) Consultee and Third Party Responses

Councillor Jones: Objects

The change of use will have a material impact from noise and is unsuitable on environmental health grounds in a residential area.

Dover District Councils Environmental Health Officer:

No observations made. There have been no complaints regarding any noise and disturbance in the operations of the business since the permission was previously granted.

The use of Veolia to collect the dog waste from a trade bin is considered appropriate in this case.

Dover District Councils Licensing Officer

The premises have been inspected by a veterinary surgeon and by the licensing team. They meet the current criteria for boarding establishment for Dogs License as well as a Dog Breeding Licence. However, the applicant has been advised to obtain written confirmation that Dover Doodles can trade without current planning permission.

Dover Town Council: Objects

The Town Council still does not agree that the business is suitable for such a high density residential area and stand by their original objection on planning permission DOV/14/00936.

Third Party Responses:

One letter of objection has been received.

Although not living in the area, they object to this application as there are a few rehoming centres in this area and the abandoned dogs in those homes should be rehomed before starting up another one. Does the applicant have KCC registration to be allowed to breed puppies?

This is a high density residential area and it is thought that the noise of dogs barking day and night would be detrimental.

There are too many abandoned dogs in the town and making money from selling these poor animals is not ethical.

f) The Site and the Proposal

- 1.1 The existing property is within the urban confines of Dover and within a residential area. The existing property is a two storey semi - detached dwelling. The front garden is all hard standing and can provide parking for 2 cars. There is a side access to the rear garden. The rear garden is approximately 23 metres in length and backs onto Coombe Court flats.
- 1.2 The ground floor area provides a kitchen, bathroom, lounge (used as whelping area) and a conservatory (with sundries associated with the operation, training of puppies and additional space for litters).
- 1.3 The rear garden accommodates a dog shed (6 x 3m), four outside kennels (1.2 x 3m), isolation unit (3.5 x 1.2m), shed (2.1 x 1.8m), grooming shed (1.8 x 1.8m), conservatory (5.5 x 2.5m).

Proposed Development

- 1.4 Planning permission is sought for the part change of use from residential to business (for dog sale and rehoming) and associated works including the erection of kennels and buildings in the garden which are already in place. An isolation unit is also included in case of canine illness as well as a grooming shed where dogs she looks after are groomed. The applicant would like to keep a maximum of 10 dogs on the site at any one time. However if there are litters on the site due to capacity reasons the number of dogs for re-homing would be reduced. The applicant has submitted an explanatory note in respect of the application attached at appendix 1.A temporary permission was granted in 2014(DOV/14/0936) for a part change of use from residential to business (for dog sale and rehoming).The original temporary permission expired in December 2015.The use had ceased accordingly. However, recently (September 2016) puppies have started to be advertised. The applicant has advised that she is not advertising re-homing until a planning permission is granted although she currently has a dog for re-homing. At present it would appear that the business, albeit on a reduced scale, is now operating from the site without the benefit of planning permission. In addition Environmental Protection have confirmed that the applicant does not yet have a licence for re-homing and breeding. The applicant has advised that once a planning permission is granted then she will apply for a licence. Environmental Protection have confirmed a licence would be granted.
- 1.5 The applicant owns 1 stud dog and 4 bitches that are bred from. The applicant advertises the stud dog on her web-site.
- 1.6 Those buying the puppies (from the applicant's bitches) can come to the property for education on training.
- 1.7 The applicant has confirmed that they have a maximum of 1 – 2 dogs a week maximum in the quiet breeding times for rehoming and 1 – 2 monthly when litters are present.
- 1.8 The maximum total number of dogs on the premises at any one time is five dogs owned by the applicant and there is room for an additional 5 dogs for re-homing. If the conservatory is being used for puppies/second litter then there will be less rehomed dogs on the premises. The applicants own dogs (5 no – 1 stud and 4

bitches) are kept in the kennels in the garden. If any of the applicants own bitches have litters, however they are kept indoors along with dogs for re-homing.

2. Main Issues

2.1 The main issues in the consideration of this application are;

- Principle of the development
- The potential impact on the residential amenity.
- The impact on the visual amenity.
- Sustainability overview.
- Highway safety.

2.2 Assessment

Principle of Development.

2.3 The site is within the urban confines where the purpose of new development is acceptable. In this case the proposed use would be within a dwellinghouse within a residential area. Whether the use would be acceptable in these circumstances would turn on the merits of the proposal and an assessment of its particular impacts.

3. Impact on Residential Amenity.

3.1 The property is located within a residential area and concerns have been raised over the potential impact the proposal may have on the local vicinity in terms of noise and disturbance. Since the grant of the original temporary permission (DOV/14/0936) a number of additional outbuildings have been erected in the rear garden unlawfully. The original consent was given on a temporary basis to allow the local planning authority to review the impacts at the end of the conditioned period. It has been confirmed that since the start of the development Dover District Council have received no complaints on Environmental Protection or Planning Enforcement grounds.

3.2 At the time of your Officers visit, dogs barking at the property was witnessed. However, this was considered to be no worse than the general effects of dogs barking in the neighbourhood, experienced when standing in the garden of the property. The applicant has set out that to help address concerns over dogs barking that "the dogs are not left in the kennels to bark, they are allowed to roam the garden at different time intervals during the day. They also get walked up the local hills where they can run off the lead to tire them out", to overcome this potential problem. It should be noted that the applicants own dogs were those on the site that were barking and if there was no business running from this site that the applicant would not require a planning permission or any licence to keep this number of dogs at her home. Given there has been no evidence of complaints from local residents in respect of the business, it is considered the noise from the business has not been harmful and has not been detrimental to the living conditions currently enjoyed by the local residents. Although the original temporary consent related to no more than 6 dogs being kept on the site at any one time, of which 4 were the applicants own it is considered that due to the circumstances and nature of the business that the increase in number of dogs would not result in the potential for any more disturbance than may already be experienced from dogs being kept at the property. It is

considered appropriate however, to impose a condition limiting the amount of dogs on the site to a maximum of ten dogs at any one time to safeguard as far as possible the residential amenities currently enjoyed by the occupiers of local residents.

3.3 A condition was imposed on planning permission DOV/14/00936 for an appointment book to be kept and maintained at all times, containing the reason for the visit, date and time of the visit of all the customers. This has given the local planning authority the opportunity to assess the level of intensity of activity and use created by the proposed development. In respect of the earlier permission, during the period of April 2014 – March 2015 there were a total of 24 individual visits to the property in respect of the litters. Between the same periods of time there were 8 appointments regarding stud services and one dog was rehomed. The number of appointments between April 2015 – March 2016 totalled 25 visits; these included the viewing of litters and the subsequent collection of the puppies. One dog was rehomed within the same period. It is not considered that the generation of additional vehicle movements to and from the property is of such a high level of intensity that this would cause an unacceptable level of noise and disturbance to the neighbouring occupants. The applicant has stated the opening times of the business are Monday – Saturday between the hours of 9 – 6pm. It is considered appropriate to impose a condition to limit the visiting times to between these hours and to ensure that all arrangements are with pre-arranged appointments in the interest of protecting residential amenities. A condition should also be attached requesting that a visitor's book/appointment book is kept and maintained. These restrictions would replicate the condition imposed on DOV/14/0936.

3.4 Concerns were raised over the potential impact that the proposed development may have on the local residents in respect of environmental health grounds within a residential area. Bearing in mind there have been no complaints from local residents in respect of smells and odours and Dover District Councils Environmental Health Officer, has raised no observations in respect of this application, it is considered that any potential impact in respect of environmental health concerns are minimal. With regards to the disposal of dog waste, the Environmental Health team consider the trade collection of waste from the site, in a trade bin every 1 – 2 weeks is acceptable.

4. Impact on Visual Amenity

4.1 There are no external alterations to be made to the existing dwelling, so the visual appearance within the street scene remains unaltered. To the rear of the property there are a number of outbuildings and kennels which have been erected within the rear garden. As has been said above some are new and are indicated on the submitted block plan. These are all low key buildings in terms of size and are not readily visible from any public vantage points and therefore the proposal is not considered to result in a detrimental impact in respect of the visual impact of the wider area. The applicant should note that should they wish to erect any additional outbuildings, planning permission would be required as the property would no longer benefit from permitted development as if planning permission was granted then the site would be a mixed use as a dwellinghouse and business use where no permitted development rights would apply. Buildings are to some extent noticeable from neighbouring gardens, however as they are low key and are largely confined within existing boundary treatment. Therefore the potential impact on neighbours is minimal.

5. Highway Safety

5.1 The property has space for two off street parking spaces of which one is allocated solely to the needs of the business. By imposing a condition on a planning permission to ensure all visits are prearranged this would limit any additional pressures to park on

the highway. That said there is on street capacity for additional parking. It is not considered that the proposed development would result in a detrimental impact on the highway safety and complies with the aims and objectives of policy DM13 of the Dover District Cores Strategy (adopted 2010).

6. Conclusion

- 6.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development meaning that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. There is a sustainability argument in favour of having development in the confines. It would reduce the need to travel. It is a facility that would be close to people it would serve and is widely accessible, not just by private car. To the south of the site is a bus stop on Coombe Valley Road. The National Planning Policy Framework encourages mixed use developments, (paragraph 69) seeking to bring together people who work, live and play in an area. The application therefore has some environmental and social benefits in line with aims and objectives of paragraph 7 of the National Planning Policy Framework. It is recognised that these benefits need to be weighed against potential concerns associated with noise and disturbance. However, as set out in this report no record of complaints has been received and your Officers assessment is that the development is acceptable, subject to appropriate conditions.

(g) Recommendation

- I. PERMISSION BE Granted for the following reasons subject to conditions set out to include, in summary: i) carried out in accordance with the approved details, ii) no customers or deliveries shall be admitted to the site outside the times of 0900 to 1800 on weekdays and Saturdays and no times on Sundays and public holidays. iii) No customers shall visit or attend the site without pre-arranged appointments, iv) No more than ten dogs shall be kept on the at any one time, v) an appointment book shall be maintained at all times and shall contain names, reason for visit, date and time of visits to the site of all customers to the site. This appointment book shall be made available for inspection, on demand at any reasonable hour by an officer of the local planning authority, vi) a log book shall be maintained with a list of the dogs on site at all time. This book shall be made available for inspection, on demand at any reasonable house by an officer of the local planning authority.

Case Officer
Karen Evans

4th October 2016

Committee members,

May I just take this opportunity to reassure you, the committee, that the proposed plans for Dover Doodles is one that can benefit, rather than it being a nuisance to my local community and neighbours?

As you may or may not know, I am a breeder of 3 litters a year. I accidentally came across rehoming when I was asked to help out with a dog in 2014. From there I was asked for other dogs that needed rehoming, and so I did. I didn't realise there was such a demand for privately sold dogs. With the support and training I gave, it made people feel safe knowing that they have a good dog, and could see where their furry friends had gone .

The new owners were asked to post pictures in my Facebook group, so the previous owners could see where they've gone. This alone makes the business "rehoming with a difference". Obviously advertising publically I ran into trouble, as I didn't know I needed a licence. With my hands in the air and a very big sorry, I looked into rehoming. £10k later, I have now adapted my property to accommodate for breeding and rehoming.

The nature of this business does not involve rescue or abused dogs, and for this reason, it makes me completely different to other organisations and charities. The rehomed dogs will be brought privately by me, re trained within my pack at home, then resold to a new family to include a home check, any training at the new home with children or other pets and a contract to make sure they come back to me in the unlikely event of them needing to be rehomed again.

I understand that running this type of business from home can be noisy; however, I am very good at managing the noise as you can see from the lack of complaints I have received so far. My dogs are not left in kennels to bark, they are allowed to roam the garden at different time intervals during the day. They get walked up my local hills where they can also run off lead to help tire them out.

Being a responsible breeder, I do request that puppies come back to me should they need rehoming at a later date. I have been advised that I need to have a licence for this as I'm a business. I have also been asked to have a PET SHOP licence to sell my own dogs that are returned, and this would be classed as rehoming.

I would be rehoming 1-2 dogs a week maximum in my quiet breeding times and 1-2 monthly when I have litters. I have been asked by the council to apply for a boarders licence while the rehomed dogs are waiting to be sold on my property. I have no intention of becoming a massive shelter or organisation, or boarding establishment, all the time I live at this property. I can assure you that I will not be open to the general public for this service where there would be a large increase in traffic to my property.

I own 5 dogs altogether, and have adequate room for an additional 5 dogs for rehoming. If my conservatory is being used for puppies/second litter then there will be less rehomed dogs on my property, as what I do indoors with the litters comes first.

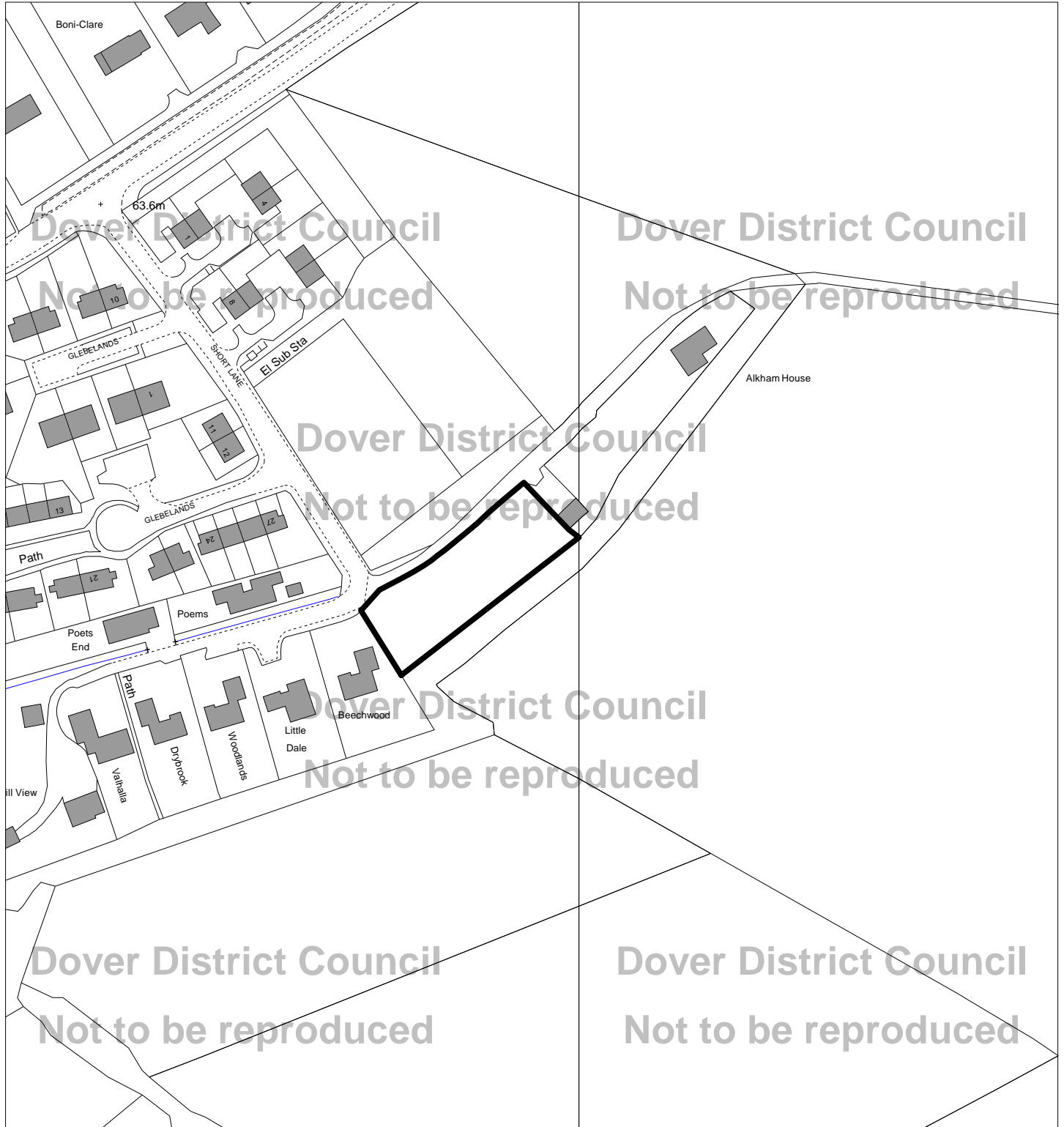
I am happy for the licences to be in my name only, which they are anyway, and promise to take this business with me if I sell my property. There will not be any dog business running from this property once I move.

With all this in mind, I hope you give me the chance to carry on the good work that I have started, and I promise to abide by all rules set out.

Yours Sincerely

Marcia Staples
Owner of Dover Doodles

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Not to scale

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Application: DOV/16/00396

Land at Short Lane

Short Lane

Alkham

CT15 7BZ

TR25964224



- a) **DOV/16/00396 – Outline application for the erection of three bungalows with all matters reserved - Land at Short Lane, Alkham**

Reason for Report - Number of third party letters in support

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Dover District Core Strategy

Policy DM1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines, unless justified by other development plan policies of ancillary development.

Policy DM11 considers the location of development and managing travel demand. Development that would generate travel outside of rural settlement confines will not be permitted unless justified by development plan policies.

Policy DM13 sets out parking standards and identifies that it should be a design led process.

Policy DM15 states that development which 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 Development Plan; justified by the needs of agriculture; justified by a need to sustain the rural economy or a rural community; cannot be accommodated elsewhere; and does not result in the loss of ecological habitats. Where acceptable relative to these criteria, measures should be incorporated to reduce, as far as practicable, any harmful effects on the countryside character.

Policy DM16 states that 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.

Policy DM17 outlines the type of development that would not be permitted in Groundwater Source Protection Zones.

Policy CP1 identifies Alkham as a village, suitable for scale of development that would reinforce its role as a provider of services essentially to its home community.

Policy CP2 identifies the requirement for allocating land for houses and employment.

Policy CP3 identifies the distribution of housing allocations, stating that land to be allocated to meet the housing provisions of CP2 will include land for 1,200 homes in rural areas.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart is a presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions to achieving sustainable development: economic, social and environmental. These should not

be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 17 (core principles) recognises the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

The role of housing in supporting the broader sustainability of rural settlements is acknowledged

Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.

Paragraph 49 states that 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 sites.

Paragraph 50 states that local planning authorities should plan for a mix of homes based on current and future demographic trends, market trends and the needs of different groups in the community, including older people and people with disabilities.

Paragraph 56 states 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 57 stresses the importance of the achievement of high quality and inclusive design for development including individual buildings, public and private spaces and wider area development schemes.

Paragraph 58 states that planning decisions should ensure that developments will function well and add to the overall quality of the area over the lifetime of the development, respond to local character and history and are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 60 stresses that local planning authorities should not stifle innovation however stresses the importance of reinforcing local distinctiveness.

Paragraph 61 stresses that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in AONB's, which have the highest status of protection in relation to landscape and scenic beauty.

Paragraph 118 states that local authorities should aim to conserve and enhance biodiversity by applying a range of principles, including: Refusing planning permission where significant harm cannot be avoided, adequately mitigated, or, as a last resort, be compensated for; and refusing permission where development would result in the loss or deterioration of

irreplaceable habitats, unless the need for, and benefits of the development in that location clearly outweigh the loss.

National Planning Policy Guidance (NPPG)

Provides guidance relating to matters covered by the NPPF.

Countryside and Rights of Way Act 2000

Section 85 places a general duty on public bodies to the effect that in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority [district council] shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Other Documents

- The Kent Design Guide sets out design principles of development.
- Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019
- East Kent Strategic Housing Market Assessment, 2009- identifies population trends and how housing should respond to these.

d) Relevant Planning History

Planning history for this site is extensive and is as follows:

- DOV/87/0865-Outline permission for 2 chalet type bungalows. Refused November 1987
- DOV/90/00891 - Outline application for the erection of three houses. Refused October 1990. Appeal dismissed June 1991
- DOV/96/01189 - Outline application for erection of low cost housing. Withdrawn by applicant January 1997
- DOV/98/00371-Erection of detached house and garage. Appeal dismissed April 1999

Land to the northeast of the appeal site:

- DOV/15/0031- Creation of hardstanding for animal feed storage and access. Refused April 2015. Appeal dismissed November 2015.

e) Consultee and Third Party Comments

Principal Ecologist (DDC): The application is beyond the village confines and within the AONB. The test in Paragraph 115 of the NPPF is whether development conserves the landscape and natural beauty of the AONB. This matter is not adequately addressed in the submitted planning statement. The field and adjacent property reflect the historic grain of the village which would be significantly altered by developing the land. The proposal would have an undue urbanised effect, detrimental to the AONB. The site may support reptiles. No survey has been submitted and refusal is also recommended on biodiversity grounds.

Environment Agency: No objections subject to adequate sewerage infrastructure being in place and conditions relating to contamination, surface water drainage, foul drainage.

Public Rights of Way Officer: Public Right of Way ER177 passes near the site. There is unlikely to be a significant impact upon this restricted byway therefore no concerns are

raised, however request informatives should be placed any permission to safeguard the right of way.

Southern Water: Views awaited.

Alkham Parish Council: Strongly object to the development as proposed. The area suffers from severe flooding during wet weather with unpleasant sewage overspill. The site is outside the village confines and developing this site could set a precedent for further development in the countryside. Also noted that the development would not provide affordable housing for people in the village and that vehicle access to the site is not ideal and would affect users of the adjacent public highway.

Public representation

5 letters of objection, 12 letters of support have been received.

The letters of objection outline the following:

- The site is in an AONB and the land to this side of the valley is free from development. Any significant development would affect the integrity of the valley vista.
- Development on this site would affect the ability of the site to deal with surface runoff from the surrounding hills.
- The site is greenfield land.
- The site is adjacent to a bridleway. Any building work or development would have a negative impact on the use of the route and would diminish the rural feel of the area.
- This field has flooded in the past.
- Housing development would set a precedent for further development.
- Any application in this location should be carefully considered and an all matters reserved application does not allow for this.
- The site has been used for many purposes in the past including dumping cars, grazing animals and waste has been buried on site.
- Bus service to the village is infrequent

The letters of support outline the following:

- The site is screened by trees and nestled at the base of the valley and as such would not obscure views. If sympathetically developed the development would enhance the area.
- There is a need for housing.
- Drainage may be a problem near to the site but not on the site. This can be addressed through the application.
- The site is near to local services which include a pub/restaurant, the village and farm shop.
- The site would be easily accessible by foot, bicycle and bus and is a short distance from Dover and Folkestone.
- New properties in the village rarely become available. There is a demand and therefore the properties are welcomed.
- It would allow a younger generation to grow up outside the town.
- The site has been empty for some time and developing it would be positive.
- It is more beneficial to have three properties than to have one larger dwelling.

f) The Site and Proposal

- 1.1 The application site is a rectangular parcel of undeveloped land lying to the south of Short Lane, Alkham, and is approximately 0.16 hectares in area. It lies to the south east of the village, adjacent to but beyond the village confines of Alkham, within a valley floor forming part of the Area of Outstanding Natural Beauty (AONB). The site is reached via Short Lane from the B2060 which runs along the northern slope of the valley. A public right of way (ER177) also passes to the northeast of the site, contiguous with the track fronting the site.
- 1.2 The site appears to be an open field surrounded by post and rail fencing and mature vegetation. It is currently served by a gated access from Short Lane. At the time of the officer's visit it is apparent the site has been used for storage including oil barrels and a caravan. To the west of the site are a mix of single and two storey dwellings (detached, semi detached and terraced), these being located within the village confines of Alkham. To the north is an open field, beyond which are 8 units (granted permission in 1993) as an affordable housing/rural exceptions scheme. To the east is the curtilage of Alkham House, the property itself being some 60m from the application site, beyond which is open countryside. Open countryside also adjoins the site to the south.
- 1.3 Outline planning permission is sought for the erection of three bungalows with all matters reserved. The application does not include plans to show an indicative layout or design or details of the proposed access.

2. Main Issues

- 2.1 The main issues in the consideration of this application are:
 - The principle of development
 - Impact of the development upon the character and appearance of the countryside, the streetscene and AONB
 - Impact upon living conditions
 - Highways, transport and travel
 - Flooding and Surface Water
 - Contamination
 - Sustainability Overview

The Principle of Development

- 2.2 The site is located outside the village confines and therefore for the purposes of planning policy is considered to be within the countryside. Policy DM1 of the Core Strategy (CS) does not permit development on land outside the settlement boundaries unless it is justified by other development plan policies or it functionally requires such a location.
- 2.3 Set against the above, it is important to note that the council does not have a five year housing land supply. The NPPF states, in these circumstances, that adopted housing supply policies should not be considered up to date. Against this background, paragraph 14 of the NPPF requires that, where the development plan policies are 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 of the NPPF as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 2.4 The remainder of this report assesses the merits of the proposal relative to the policy context and other material considerations.

Impact upon the character and appearance of the countryside, AONB and the surrounding area

- 2.5 Policy DM15 outlines that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if it is:
- i. in accordance with the allocations made in Development Plan Documents
 - ii. Justified by the needs of agriculture; or
 - iii. justified by a need to sustain the rural economy or a rural community
 - iv. it cannot be accommodated elsewhere; and
 - v. it does not result in the loss of ecological habitats
- 2.6 Furthermore, Core Strategy Policy DM16 stresses that development that would prove harmful to the character of the landscape would only be permitted i) where it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures, or ii) it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.7 The site is located within the countryside forming part of the AONB. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural environment by protecting and enhancing valued landscapes. The additional weight afforded to protecting the AONB is outlined in Paragraph 115 which stresses that “great weight” should be given to conserving landscape and scenic beauty in such areas. This reflects the statutory obligations under Section 85 of the Countryside and Rights of Way Act 2000 to the effect that in exercising or performing any functions (which include planning functions) affecting an AONB, an authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area.
- 2.8 Policy SD2 of the Kent Downs AONB Management Plan states, “The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development.” Furthermore Policy SD3 states that “new development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.”
- 2.9 The application is outline with all matters reserved and no plans to indicate layout or design of the units have been submitted as part of the application. The submitted planning statement states that the site adjoins the settlement confines of Alkham. It is argued that the site relates strongly to neighbouring residential development and because of its restricted nature, would not prejudice the wider application of policies to protect the countryside and the AONB. It is commented that as it exists now, the site has no reasonable beneficial use and its physical characteristics do not lend themselves to a re-introduction of an agricultural use.
- 2.10 The Committee will note that the site (and adjoining land) has been subject of previous planning applications for development. A summary of these is provided below.
- 2.11 Planning permission was refused and dismissed for an outline application for 3 dwellings on the site (DOV/90/00891). While the appeal was heard prior to the erection of the 8 affordable

housing units some 90m to the north of the site, the comments of the Inspector are considered pertinent to the assessment of this current application:

"Your client has argued in his grounds of appeal that the appeal site is functionally and visually an integral part of the settlement of Alkham being part of a residential curtilage contiguous with the built-up area and separated from the adjoining countryside by existing mature planting. In your client's opinion the erection of 3 houses on the appeal site would neither extend the village at the expense of the surrounding rural area nor prove detrimental to the high landscape quality of the Area of Outstanding Natural Beauty. Having inspected the site I cannot agree with your client on these points. Notwithstanding the residential development that has taken place on land adjacent to Hill View, I observed that your client's house [now known as Alkham House] is located well beyond the present built-up area of Alkham. Development of the appeal site in the manner proposed would in my opinion serve to extend the village limits by a further 96m or so in a linear fashion along the valley bottom. Despite the presence of mature hedgerows around part of the site I consider that the development would be visible over a fairly wide area from the B2060 running down the valley at a higher level and from various footpaths and bridleways in the valley. I am concerned that the development of this site would set a precedent for further expansion of this compact village in an ad hoc manner.....I conclude that the development of the appeal site would be visible from a number of public vantage points and would, by intruding into the countryside designated both as a Special Landscape Area and Area of Outstanding Natural Beauty, cause demonstrable harm to the setting of Alkham Village and to the character and appearance of its rural surroundings."

- 2.12 An application for the erection of a detached dwelling on the site (DOV/98/00371) was similarly refused and dismissed on appeal. In this case the Inspector concluded that the use of the site for a dwelling and domestic garden would visibly urbanise the character and appearance, harmful to the countryside setting and erode the natural beauty and character of the AONB. The Inspector also noted that if permission was granted on this site it would be difficult for the Council to resist development of the field between the site and the low cost housing to the north.
- 2.13 More recently an appeal for the creation of an area of hardstanding to store animal feed on land to the north east of the site in question (DOV/15/00031) was refused and dismissed at appeal. The Inspector considered the main issue to be the impact of the proposal upon the character and appearance of the rural landscape. He noted that the surrounding area was characterised by openness, "and with the exception of native hedgerows in the distance, subdivision between fields in the vicinity has little impact on the vista." He referred to the duty of decision makers to have regard for the designation of the AONB. He stated that the proposed hardstanding would appear urbanised in an otherwise rural landscape. The Inspector also noted that while planting was proposed around the area of hardstanding, the site would be visible from higher ground. This would have a limited screening effect and would prove out of character with the surrounding open landscape. The Inspector considered that the proposal would be contrary to the aims of policies DM1, DM15 and the AONB Management Plan.
- 2.14 While this latter case is of a different nature to the current application and relates to land nearby, it is considered, together with the other appeal decisions, that the approach taken by the Inspectors demonstrates both the sensitive and prominent nature of the site and the weight to be given to safeguarding the AONB landscape in this location and the importance of restricting development here in the interests of conserving the landscape and scenic beauty of the area.

- 2.15 The site is open in character, although it is partly surrounded by high hedges and trees. It is adjacent to the confines, and to Beechwood which is the last property on Short Lane. It is your officers opinion that the erection of three bungalows in this location would introduce a built form on an otherwise undeveloped site set within an open landscape setting. The introduction of the development would, in addition to reducing the degree of openness, result in an overtly urban and intrusive form of development, which would be visible from near views and higher ground, in an area where planning policy clearly places priority on conserving the landscape and scenic beauty of the AONB. It is considered that the urbanising impact arising would demonstrably conflict with the objectives of AONB policy and would harm the quality the character and appearance of the landscape and the setting of Alkham village.
- 2.16 The site is not allocated within the development plan, although regard was had to whether it should be allocated through the 'call for sites' as part of the Land Allocations Local Plan (LALP) process. The site was discounted by DDC for reasons including the impact on the AONB. It was nevertheless advanced by the site owner with the case heard at the LALP Public Inquiry. The Inspector's Report did not recommend that the site should be allocated.
- 2.17 The residential development of this site is considered to introduce an urban form of development which would be harmful to the character and appearance of the countryside forming part of the Kent Downs AONB. No evidence has been submitted to demonstrate that the proposals would satisfy the criteria in Policy DM15 or DM16 relating to when harmful impacts associated with development can be exceptionally justified. Even if such a case could be put forward, it is questionable whether this could set aside the 'great weight' presumption in relation to conserving the AONB landscape; an area that the NPPF confirms has the "highest status of protection" in relation to landscape and scenic beauty.

Impact Upon Living Conditions

- 2.18 The nearest residential dwelling to the site is Beechwood, a semi detached dwelling to the west of the site. There is a distance of approximately 4 metres between the boundary of the site and the nearest habitable room of Beechwood. It is considered that the site could be developed in a way that would not adversely affect the living conditions of the occupiers of this property or other nearby dwellings.

Highways, Transport and Travel

- 2.19 While the site currently benefits from an access, the application does not include details of the proposed access for the three bungalows. The NPPF, paragraph 32, indicates that development should provide safe and suitable access while paragraph 49 requires development proposals to maximise walking cycling and the use of public transport. Core Strategy Policy DM11 states that development that would generate travel will not be permitted outside the urban boundaries.
- 2.20 Your officers are satisfied, given the scale of the development and the character/nature of the road access to the site, that the development should be capable of being accessed in a safe and appropriate manner.
- 2.21 Alkham appears to be served by a village hall, church, primary school and pubs. To the north of the site is a public byway. There is a bus stop along Alkham Valley Road which has a service running Monday to Saturday between Folkestone and over and the nearest train station is Kearnsey which is approximately 2.43 miles from the site. While the site is located within the countryside for planning purposes, it is not isolated in travel terms, being accessible by foot and road to/from local amenities.

Ecology

- 2.22 Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity and planning permission should be refused for development resulting in the loss of or deterioration of biodiversity. The Council's Principal Ecologist has advised that the current condition of the site means that it may support reptiles as protected species. Circular 6/2005 requires that the presence or otherwise of protected species, and the extent that they are affected by proposed development should be established before planning permission is given. The application does not include a reptile survey and therefore in its current form the application has failed to establish whether protected species are present on site and/or what measures might be necessary to safeguard them. Therefore, in terms of the impact on ecology, the development as proposed cannot be considered to be acceptable.

Flooding and foul and surface water drainage

- 2.23 The latest advice from the Environment Agency, using the most up to date flood advice, is that the site falls within Flood Zone 1. As such, they have no objections to the proposal in flood risk terms. The site is located within a Groundwater Protection Zone 2 and as such the Environment Agency require (in the event that permission is to be granted) that details of the treatment of foul and surface water be submitted. The EA note that groundwater levels are likely to be relatively shallow at the site particularly during the winter months and that the use of shallow infiltrating SUDs would be appropriate. Details of this could be dealt with by condition if necessary. The EA have also advised that prior to the granting of any permission, it should be confirmed that adequate sewerage infrastructure would be available to serve the development. These matters have not been pursued further with the applicant in view of the wider concerns outlined in this report about the acceptability of development in this location.

Contaminated Land

- 2.24 It appears that the site has been used to store builders materials. The Environment Agency have advised that a suite of conditions relating to contamination would be required for the proposed development to be considered acceptable. The required conditions include carrying out a preliminary risk assessment, site investigation scheme to inform a verification plan as well as the carrying out of a watching brief by a suitable consultant during foundation works. It is considered that these works could be adequately secured by condition.

Sustainability Overview

- 2.25 The NPPF highlights that achieving sustainable development should be measured against three distinct elements: economic, social and environmental considerations. It also states that these should not be undertaken in isolation, because they are mutually dependent and that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 2.26 In this case, the application would bring about social benefits by providing housing in the absence of a 5-year housing land supply. The applicant states that the proposal would enhance the community in its social role by providing local housing and that this would justify building beyond the confines of the settlement. In terms of economic issues, there would be a very modest benefit associated with the building of the units.
- 2.27 Based on the analysis in this report, it is not considered that any environmental gains, that might be capable of being secured by the proposal, would be sufficient to offset the demonstrable harm caused by the encroachment of residential development into this part of the nationally designated AONB, beyond the village confines, and the resulting harm to the landscape character and appearance. The statement accompanying the application

contends that the provision of three residential units would amount to a sufficient benefit to justify development beyond the current confines. With respect, this position is not accepted. At best this would be a very modest benefit, which would be clearly outweighed by the presumption in the NPPF to give 'great weight' to the conservation of the landscape and scenic beauty of the AONB. No other material considerations have been advanced in this case that would suggest an alternative conclusion. It will also be noted that in the absence of a reptile survey, it has not been demonstrated that the proposal would satisfactorily address the potential for safeguarding protected species. In the circumstances, it is considered that the environmental impacts of the application are unacceptable and the proposal would not amount to sustainable development.

Conclusion

- 2.28 The site lies outside the village confines and is within the open countryside for the purposes of planning and within the AONB where it is considered important to conserve the landscape and scenic beauty of the area. While the application is for outline permission with all matters reserved and no elevations or site plans have been submitted, the erection of three dwellings would introduce a linear built form of development onto this currently open site which would inevitably visually urbanise the appearance of the site. The site is located at the base of the valley and therefore is highly visible from higher ground as well as the bridleway which runs to the north of the site. The development as proposed would therefore be harmful to the character and appearance of the countryside and the AONB in which it is sited.
- 2.29 The proposed development cannot be considered to be an acceptable departure from Core Strategy Policy DM1. Relative to the requirements of the NPPF, it is concluded that the proposal would not amount to sustainable development. It would also conflict with the specific policies in the NPPF relating to safeguarding the AONB, which under the requirements of paragraph 14 indicate that permission should be withheld. It is not considered that any other material considerations prevail in this case that would justify an alternative conclusion such to warrant the grant of outline planning permission.
- 2.30 The application site is considered to be a suitable habitat for protected species and no protected species surveys have been carried out as part of the application. The application cannot be considered to accord with paragraph 118 of the NPPF.

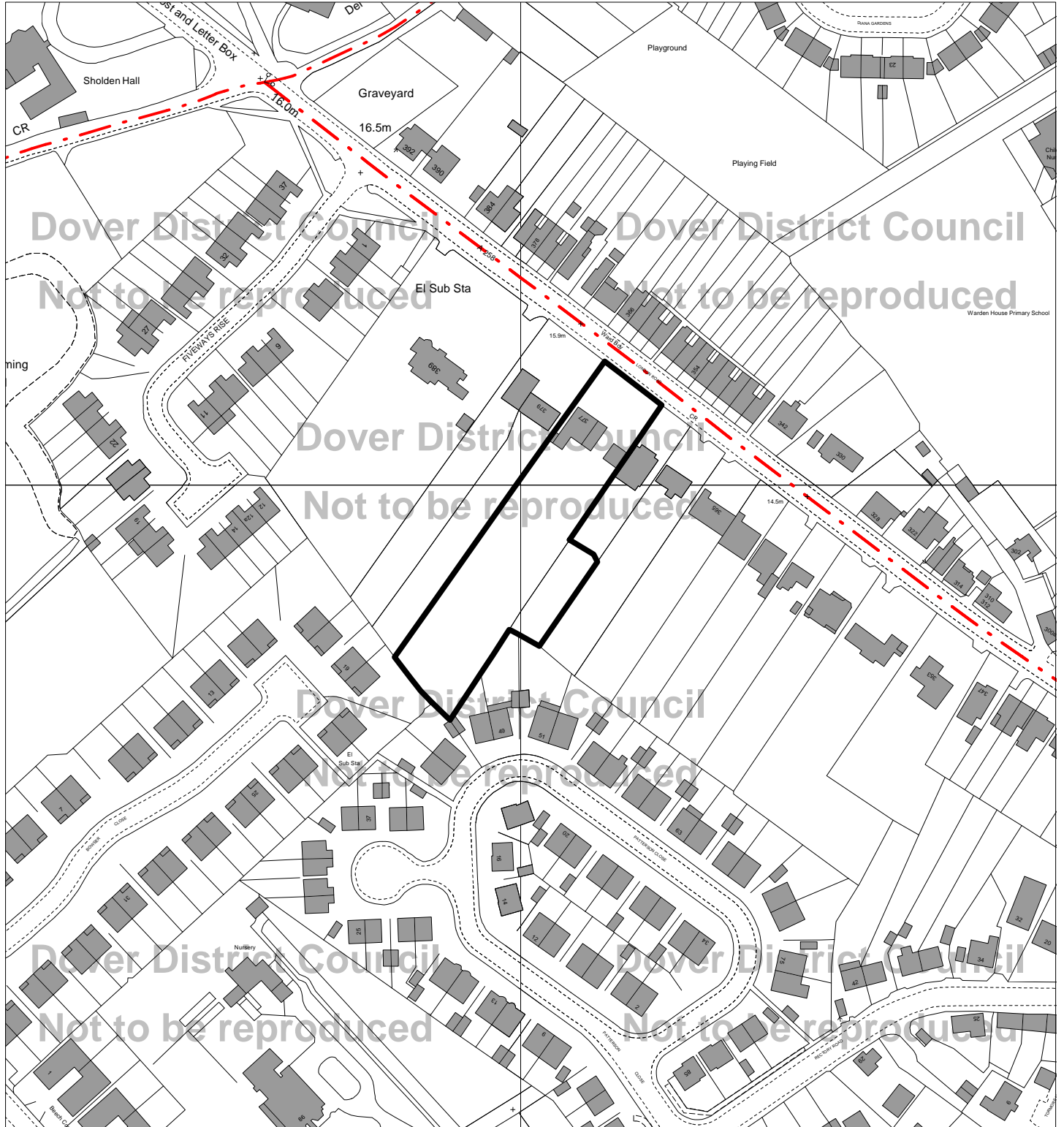
g) Recommendation

- I PERMISSION BE refused on the following grounds:-
- i) The proposed development would result in a linear, obtrusive and urban form of development in the open countryside, beyond the settlement confines, which would detract from the unspoilt rural character of the area and the setting of the village of Alkham and the character and appearance of the Area of Outstanding Natural Beauty within which the site lies. In particular, the proposal would be contrary to Dover District Core Strategy Policies DM1, DM15, DM16, paragraphs 109 and 115 of the National Planning Policy Framework and Policies SD2 and SD03 of the Kent Downs Area of Outstanding Natural Beauty Action Management Plan 2014-2019; ii) The proposal fails to demonstrate that there would be no harm to reptiles, failing to preserve or enhance biodiversity, contrary to Paragraph 118 of the National Planning Policy Framework.

Case Officer

Cheryl Mercer

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Application: DOV/15/00864

377 London Road

Deal

CT14 9PS

TR36005198



- a) **DOV/15/00864 - Erection of 4 no detached dwellings with garages, creation of vehicular access and landscaping (existing garage and swimming pool to be demolished) - Land rear of 377 London Road, Deal**

Reason for Report - the number of third party contrary views.

- b) **Summary of Recommendation**

Planning Permission be granted

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

Policy CP1 advises on the hierarchy of settlements throughout the Dover District and states that Deal is a District Centre, secondary focus for development in the District, suitable for urban scale development.

Policy DM13 states that provision for parking should be a design-led approach based upon the characteristics of the area, the nature of the development and design objectives.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things always seek to secure high quality design and a good standard of amenity for all existing and future occupants.
- Paragraph 7 of the Framework sets out that there are three dimensions to sustainable development: economic, social and environmental, and that these roles are mutually dependent and should be jointly sought to achieve sustainable development.
- Paragraph 14 of the Framework requires that where the development plan is silent or relevant policies are 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 Framework taken as a whole.

The Kent Design Guide

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

- d) **Relevant Planning History**

DOV/02/00188 – Outline application for two dwellings – Refused for the following reason:

The proposal would constitute unacceptable backland development out of keeping with the established pattern of development in the locality and which would set a precedent for the development of other backland sites in the immediate vicinity, to the cumulative detriment of the area. In particular, the provision of a long access road serving two dwellings and which would run immediately adjacent to the side boundary of an existing dwelling would result in excessive loss of amenity for the occupants of that dwelling through noise

disturbance created by vehicles. Therefore, the proposal is contrary to Policy ENV15 of the Kent Structure Plan and Policies DD1 and DD6 of the Dover District Local Plan.

e) Consultee and Third Party Responses

KCC Highway Services – Raise no objections to the scheme subject to conditions including visibility splays, surfacing, provision of parking and surface water.

Principal Ecologist – The submitted ecological scoping survey is satisfactory.

Deal Town Council – Object for the following (summarised) reasons; Objects because it contravenes the NPPF; over-development, unacceptable impact on neighbouring properties, concerns on infrastructure, will spoil pattern of existing development.

Third Party representations: 6 letters of objection have been received and the comments are summarised as follows;

- It is already a busy congested road,
- Parking is permitted on the opposite side of the road,
- It has become worse since 'Sholden Fields',
- The pavement outside is very narrow,
- HGV and buses drive close to this pavement to avoid parked cars,
- Over hanging vegetation onto the pavement from no.377 makes the path even more hazardous,
- There are three primary schools within 400m of the site, some school children will walk along this pavement,
- The road becomes a bottleneck at the mini roundabout,
- When the school crossing isn't operating the road becomes very hazardous,
- No visitor car parking spaces will be provided,
- Cars parked on the northern side of the road often park with their wheels on the pavement,
- The increased number of cars will increase the highway hazard,
- This would create a precedent for other similar development,
- Will ruin the outlook,
- Harmful to wildlife,
- Over-development,
- Increase in noise and disturbance,
- Over-bearing due to proximity with existing properties,
- Will we receive compensation if the development de-values our property?
- We would object to overlooking,

f) 1. The Site and the Proposal

- 1.1 The application site comprises the grounds of no. 377 and a part of the rear garden and a small part of the front garden of no. 375 London Road, Deal. No. 377 is a two storey detached house, with a detached double garage and a swimming pool with enclosure. The rear garden is some 95m in length and 25m in width. The rear garden extends up to the rear of properties on Bowser Close and Patterson Close situated to the south west. No. 375 is a detached bungalow with a plot 63m long and 12m wide.
- 1.2 The majority of the site is a rear garden to no. 377 which is laid to lawn. There are a number of ornamental and fruit trees and hedgerow on the site and around the boundaries. In the south west corner of the site there is a small copse of trees formed

by two Oak trees and a Juniper. The land falling within the demise of no. 375 consists mainly of over mature fruit trees that are in decline and a poor specimen of a Sycamore. The front garden is currently dominated by four large mature Lime trees that have been maintained as single stems.

- 1.3 Due to the nature and character of the site, this application has been accompanied by a tree survey, a phase 1 ecology study and a reptile survey.
- 1.4 Full planning permission is being sought for the erection of four detached dwellings on the garden land at the rear of no. 377 and 375. The creation of the access would involve the use of the existing access to no. 377, resulting in the demolition of the existing garage and swimming pool. A replacement detached garage is also being proposed. This would be located at the end of the newly created rear garden of no.377. One of the Lime trees within the front garden would have to be felled in order to create greater visibility splays at the site entrance.
- 1.5 Plot 1 would be situated behind no. 377 with approximately 20m separation distance. The design is essentially a two storey dwelling, with a steep pitched roof and accommodation within the roof space. It would have four bedrooms with two bathrooms within the roof space. A double garage would also be provided attached to the dwelling. The maximum footprint of the dwelling would be 17m x 12m with a ridge height of 7m. Plot 2 would be at the rear of no. 375. The chalet bungalow design would have a total of 3 bedrooms, one of which would be provided within the roof space. The dwelling would have a single attached garage. The maximum footprint would be 15m x 11m, with a ridge height of 6.5m. Plot 3 is situated at the rear of the site and at the head of the vehicle driveway. This would be a two storey dwelling accommodating 4 bedrooms and 2 bathrooms. A double attached garage would be sited at the front of the dwelling. The maximum footprint would be 15m x 9m with a ridge height of 9m. Plot 4 would be situated adjacent to plot 3, it is shown as a two storey dwelling, with 4 bedrooms and 2 bathrooms. It would be provided with a double detached garage. The maximum footprint of the dwelling would be 11m x 12m with a ridge height of 8m. Each dwelling would be provided with two off-street car parking spaces together with the provision of the garage.
- 1.6 Plans will be on display.

2. **Main Issues**

The main issues in the consideration of this application are;

- The principle,
- Impact on the character of the area
- Impact on residential amenities; and
- Highway safety

3. **Assessment**

Principle

- 3.1 The site is situated within the urban confines where the principle of residential development in this location accords with CS Policies CP1 and DM1 provided it is the most acceptable land use. This includes consideration of whether the buildings are acceptable in terms of their visual impact on the surrounding area, highways implications and any impact on surrounding occupants.

- 3.2 The previous refused application referred to in part (a) of this report will be noted. That application was submitted in outline and was determined in 2002, some 14 years ago. Since this time there has been a significant change in planning policy in particular through the introduction of the NPPF. The 2002 application was also in outline form whereas the current application enables a more comprehensive assessment to be made of the effects of the proposal.

The Character and Appearance of the Area

- 3.3 A258, London Road is a busy traffic corridor providing a link between Sandwich, Deal and Dover. Within Deal the road is predominantly fronted by residential development. In the vicinity of the application site, this comprises a variety of dwelling types and designs, with the northern side of the road fronted by two storey terraced dwellings, and the southern side of the road (which the application property fronts) by large detached dwellings within spacious plots. On street car-parking is restricted on the southern side of the road by yellow lines.
- 3.4 Page 45 of the Kent Design Guide requires that to ensure a well integrated design, the established character of an area must be understood and respected and the layout and appearance of buildings should be based on an appraisal of the character of the site and the adjoining land and buildings.
- 3.5 The proposal essentially involves the creation of a tandem development at the rear of nos. 375 and 377. There appears to be no other example of this form of development within the immediate vicinity of the site and to this extent the proposal would not conform with the general pattern of development in the vicinity. This said, this application site comprises a large rear garden area, which post development, would still retain large rear gardens for nos 375 & 377. The development would not be readily visible from London Road. At present there are some glimpses from between dwellings in London Road to the gardens beyond but the views are mostly screened by vegetation and outbuildings. Glimpses of the new dwellings especially plot no. 3, albeit over a significant distance, would be visible from London Road and possibly from Patterson Close at the rear of the site. Due to the large plots, separation distance, design and scale of the dwellings, the development would not be unacceptably intrusive. The proposed development would therefore safeguard the prevailing character, being relatively spacious residential neighbourhood, as such would not harm the appearance or character of the area.
- 3.6 The proposal would require alterations to be made to the front boundary of no. 377, in order to create a safe access a Lime tree would need to be removed and the height of the boundary wall reduced to 1m in height. It is acknowledged that this would change the character of the frontage by opening up views of no. 377 and the proposed access, however with the nearest proposed dwelling (Plot 1) being over 50m from London Road it is not considered that this would result in the development appearing intrusive and/or harmful to the prevailing character. It is also worth noting that there are other dwellings along this stretch of London Road which also have low boundary walls and clear open views of the dwellings beyond. Furthermore, it should also be noted that two Lime trees would remain and that the reduction in the height of the wall and the felling of a Lime tree could occur without the benefit of planning permission. There is currently a hardstanding in front of no.377 where cars do park and this is to be retained. All other car parking occurs at the rear of the site. The plans indicate a 4m wide access drive together with a 4m wide landscaped buffer strip adjacent to the boundary with no.375. The development would retain the sense

of space and openness on the southern side of London Road and would not harm the existing character and visual quality of the area.

Residential Amenities

- 3.7 The siting of the new access raises issues regarding the impact of its use by cars and the creation of noise and disturbance on the existing adjacent dwellings, no's 375 and 377. Unlike the 2002 application, which suggested an access road running alongside the building with no. 375, and was considered unacceptable (in part) for this reason, the current proposals show the access offset from this boundary by some 5m and from the side wall of no. 377 by about 4m. There is also a substantial landscaped buffer between the access track and the common boundary with no. 375. There is one very small window in the side elevation of no. 375, however it would appear that it is only a secondary window or does not serve a habitable room. Thus noise impact on this property should be minimal.
- 3.8 No. 377 has a single storey side extension with windows which face the access road. In addition to the 4m offset from the access, a landscaped strip and boundary treatment would be provided in between. Furthermore these windows serve a study/office and a games room. As such it is considered that the impact of traffic would not be significant.
- 3.9 It is acknowledged that plot 1 would be within 5m of the common boundary with no. 379, but would be over 23m from the rear elevation of no. 379. Plot 1 has been carefully designed so as to not cause over looking onto the rear garden of no. 379. The only windows above first floor level would be two roof lights serving the stairwell and bathroom and a high level window. A condition should be imposed for these to be obscure, glazed and to remove permitted development rights to prevent alterations to the roof form and to ensure these windows are obscure glazed to safeguard the living conditions of the neighbouring property occupiers.
- 3.10 The dwelling proposed for plot 1 would also have a side facing dormer window serving a bedroom which directly faces towards the rear of the existing dwelling at no. 377. The agent's applicant has provided a cross section of the site to show this relationship. There is a reasonable separation distance between the side elevation of plot 1 and the rear windows of no. 377 of approximately 24 metres. The garage of plot 1 is also sited in between these two dwellings and the pitched roof, which together with the presence of boundary vegetation are considered to obscure this view adequately so that the proposal would not result in overlooking or loss of privacy to the occupiers of no. 377.
- 3.11 Plot 2 has a similar relationship with the common boundary of no. 375 being 4m away but over 26m from the rear elevation of no.375. There are no windows in the rear roof slope, with the principle outlook being over the application site. The development therefore would not result in over looking or a loss of privacy onto no. 375.
- 3.12 Plots 3 and 4 have an outlook forward facing towards London Road and a rear outlook towards Bowser Close. Looking forward over the development site will not result in a loss of privacy because it would not be overlooking a private area. Furthermore, the dwellings have a rear garden in excess of 25m and are 30m from the rear elevations of dwellings to the south west. There is a tree screen on the common boundary which is to be retained. A condition requiring tree protection measures should be imposed.

- 3.13 The roof pitches on the chalet bungalows are fairly steep and the ridge heights of the dwellings are 9m. However the separation distance from adjacent dwellings is significant and this will ensure that the development will not have an impact on natural light, nor will be over dominant or overbearing.
- 3.14 A condition should be imposed to remove permitted development rights, to prevent extension into the roof space and further extensions and outbuildings, in order to safeguard residential amenities and the appearance of the area.

Highway Safety

- 3.15 The access into the site is 4m wide and approximately 85m in length. It is straight so visibility for oncoming cars is possible. There would be space for a car to reverse and several places to allow another to pass. The visibility splays at the access of the site will be improved by the reduced height of the boundary wall and removing the Lime tree to the east of the access. A condition requiring a replacement specimen tree could be imposed.
- 3.16 In accordance with policy DM13 of the CS, each dwelling has two off-street car parking spaces, although plot 2 is a three bedroom dwelling where the policy only requires 1.5 car parking spaces to be provided. Additional visitor car parking is required at a level of 0.2 spaces per unit which in this instance equals 0.8 which is less than one additional space. This additional space could be provided either as a layby space in front of the proposed spaces or within the front garden area of no. 377. The provision of car parking complies with the current car parking standards.
- 3.17 The applicant has included a vehicle tracking plan to show that vehicles can exit and enter the site. The land needed to provide the necessary visibility splays as shown on the submitted plan is included within the red line boundary and therefore visibility splays can be secured by condition.
- 3.18 Subject to the imposition of relevant conditions the development as proposed is not considered to be harmful in highway safety terms. It will be noted that KCC Highways raise no objections.

Other Matters

- 3.19 A tree survey has been submitted which shows that the site contains 37 trees comprising a mix of a variety of species of trees including Lime, Sycamore, Oak and fruit trees. The proposal includes the removal of 20 trees, 18 of these being considered to be poor quality. This includes 7 trees (T14-T20) which are noted to be showing early signs of disease. The report recommends that these trees are removed and burned on site to prevent the spread of pathogens. The report also outlines that the trees to the front of no. 377 are considered to be poor specimens and recommend their removal and replacement with a single specimen as part of a replanting programme. At the rear of the site the trees which provide a screen are to be retained and the agent has reaffirmed that hedges either side of the site are to be retained. It is considered that the imposition of a condition requiring details of hard and soft landscaping and the planting of a specimen would be adequate to ensure that the replanting is carried out.
- 3.20 Third parties have raised concerns relating to property value and Council tax banding, this is not a planning matter and should not be considered within the determination of this application.

- 3.21 Third parties have also indicated the presence of wildlife (no specific species have been mentioned). A reptile survey has been carried out and has found there to be no reptiles present on site.

Conclusion

- 3.22 It is concluded that no significant harm would arise in respect of the character and appearance of the area and the proposal would therefore comply with the principles of paragraph 17 of the Framework, that require, amongst other things, planning to take account of the different roles and character of different areas.
- 3.23 In the context of paragraph 7 of the Framework, the proposal would provide a social role in terms of housing provision, which can be given greater weight in view of the Council being unable to demonstrate a 5 year supply of housing. A modest economic benefit would arise in terms of the provision of short-term construction jobs. In terms of an environmental role, it is not concluded that any significant harm to the character or appearance of the area would arise. It is therefore considered that the proposal would constitute a sustainable form of development.
- 3.24 In the absence of a five year housing supply, the District policies relating to the supply of land for housing cannot be considered up to date. In this context the NPPF places a presumption on the grant of permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies from the Framework as a whole. The conclusions arising from the review of the application, as set out in this report, are that no harmful impacts would arise that would significantly and demonstrably outweigh the benefits associated with delivering additional housing, sufficient to justify the refusal of planning permission.

g) Recommendation

- I PERMISSION BE granted subject to the following conditions:- i) Standard time limit, ii) Approved plans, iii) remove permitted development rights for all extensions, roof alterations, windows and out buildings, v) details of hard and soft landscaping, vi) material samples, vii) car parking, bicycle and bin store to be provided and retained, viii) boundary treatment to be submitted ix) replacement tree for the Lime, x) tree protection measures to be implemented, xi) visibility splays to be provided, xii) car parking and manoeuvring areas to be provided and retained xiii) tree protection, ix) tree protection.
- II 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.

Case Officer

Cheryl Macer

REPORT FOR PLANNING COMMITTEE – 20 OCTOBER 2016

HISTORICAL ANALYSIS OF ENFORCEMENT CASES

1. Introduction

This report has been produced at the request of Members of the Committee as a one-off overview of historic cases. The sample analysis covers the period 2010 to 2015.

The data is extracted directly from the in-house system and there has been no individual review of case files.

2. Summary

Year	Cases Closed
2010	756
2011	670
2012	589
2013	997
2014	763
2015	472

3. Reasons for Closure

This is presented overleaf in tabular form to enable Members to review the breakdown of each closure by year and by reason for closure.

Some of the reasons for closure are self-evident, but where there may be some uncertainty I have attempted to explain how these reasons came about.

Reason for Closure	2010	2011	2012	2013	2014	2015	Total
Appeal Rec	1	0	0				1
Breach Ceased	107	75	59	87	39	13	380
BCN Issued	0	2	0	1	0	0	3
Breach resolved	0	0	0	2	46	43	91
CLU	0	1	3	1		1	6
Complaint Investigated				2	1	0	3
Comm-Take No Action	1	1	1	0	0	0	3
ENF Notice Served	1	1	3	4	3	2	14
Info Given	0	0	0	40	0	0	40
No breach	171	192	145	152	147	120	927
No remedial Action				1		39	40
Not expedient	25	0	1	118	93	0	237
Notice complied With	0	0	0	2	1	6	9
Planning App Rec	0	0	0	9	2	0	11
PP Granted	0	25	19	0	31	8	83
Prosecute	2	0	0	0	0	0	2
Remedial Notice	0	0	0	1	3	0	4
S215	0	0	0	0	2	0	2
Signed Off	0	0	0	0	3	0	3
Superseded	7	3		14	6	1	31
Take No further Action	31	18	50	47	6	2	154
TF Take no action	32	17	14				63
Total	378	335	295	481	383	235	

Notes

Appeal received: - An appeal against a formal action.

BCN Issued: A Breach of Conditions notice

CLU: Certificate of Lawful use

Complaint Investigated: No formal action taken

Comm- Take No Action: decision made by Planning Committee

ENF: Enforcement

Info Given: Advice given that resulted in the breach being resolved

No Remedial Action: No action required

PP: Planning Permission

Remedial Notice: A notice that requires specific action

TF: These were outstanding cases reviewed by the previous Head of Service who concluded that no further action was required

REPORT TO PLANNING COMMITTEE – 20 OCTOBER 2016

PLANNING APPEALS

1. There were 14 appeals determined between July and September 2016. 4 appeals were against a decision of the Planning Committee and the remainder against delegated decisions.

Seven of the Appeals were allowed, 4 were decisions of the Planning Committee and 3 delegated.

2. Members have been issued with the full decisions, but in brief the reasons were

2.1 Kingsdown Road (15/639 and 15/640)

This was a planning (Appeal A) and listed building (Appeal B) appeal

The main issue for Appeal A was the effect of the proposals on the local highway network. The main issue for Appeal B was the effect on the special interest of the former Primary School, which is a listed building.

The Inspector concluded that it was important that a suitable new use is found for the listed building in the interests of its long term preservation and that any use would likely result in increased traffic.

He did not find that the impact was a material harm on the highway network and that the scheme was an appropriate and sensitive re-use of the building.

2.2 Denne Court (15/336)

This was an appeal against 3 planning conditions relating to bicycle storage, removal of permitted development rights and the need to keep a register of occupants of the holiday lets.

The Inspector agreed with the issue of the bicycle storage and reduced the requirement. The other 2 conditions were found to be acceptable.

2.3 Church Path (15/730)

The main issues with this development for one detached house was the effect of the proposed development on the character and appearance of the street scene and whether the proposal would preserve the setting of any identified nearby listed buildings.

The Inspector concluded that the development was remote from the listed buildings and at worst would have a neutral effect. The parking impact was not severe and therefore there would need to be evidence from the decision maker to take a stance and refuse on these grounds. The Inspector concluded that there was not a material harm.

2.4 Farthingloe Cottages (15/1210)

The main issue was the effect of the proposal on the character and appearance of the area, having regard to the sites location in the Kent Downs Area of Outstanding Natural Beauty.

This application was for a two storey extension. The Inspector concluded that the proposal, given its design, the fact that it was within an enclosed area with existing hardstanding did not harm the character of the AONB.

2.5 Nursery Lane (16/0009)

The main issues were the effects of the proposal on:

- the character and appearance of the area;
- the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

The applicants submitted revised plans as part of the appeal process.

The Inspector concluded that the scheme did not adversely affect the living conditions of the occupiers nor have a harmful effect on the character and appearance of the area. Interestingly, the Council's view that this was the only example locally of a backland development was not persuasive.

2.6 Outrigger (15/936)

The main issues in this case were:

- a) Whether the proposal represents sustainable development.
- b) The effect of the proposed dwelling upon the character and appearance of the surrounding area, including its effect upon protected trees.

The Inspector decided that the development of the site as proposed would not represent an isolated dwelling in the countryside given its physical characteristics and the existence of other nearby settlements such as Eythorne, Tilmanstone and East Studdal. Also he was satisfied that development as proposed would make full and effective use of an existing residential curtilage and assist in the provision of a wide choice of housing, as advocated by Chapter 6 of the Framework.

In addition the Inspector believed the design of the proposed dwelling would complement that of the neighbouring dwelling and the eclectic mix of older houses opposite, while its siting and orientation would also accord with the varied pattern of its immediate surroundings.

2.7 The Crescent (16/00069)

The main issue was the effect of the proposed development on the living conditions of the occupants of 12 The Crescent, with particular regard to light and outlook.

The Inspector considered that the '45 degree rule' which was used to support the Council's decision was not adopted policy and therefore given little weight. The Inspector concluded the impact of the development on the neighbouring property was not significant.

3. Learning Points

The number of appeals allowed is increasing and having discussed this with a member of the team who also work for the Inspectorate, we are advised that there has been no change

in guidance. We do need to consider whether our decision making has started to drift away from the NPPF or if this is merely a case of the Inspector taking an opposing view on what are often 'on balance' decisions.

We will be reviewing this Quarter's cases in depth and will advise of these conclusions in the next report.

4.1 Summary

Year to date	All appeals	Number Upheld	Number Dismissed	% Upheld
2016	21	10	11	47.62

The annual target is that a maximum of 15% of appeals are upheld. The overall performance is 47% - significantly over target.

Quarter 2

2016

Case	Address	Delegated/Committee	Allowed/Dismissed
15/01210	Farthingloe Cottage	DEL	Allowed
15/639	Kingsdown Rd	COM	Allowed
15/640	Kingsdown Rd	COM	Allowed
15/795	The Beach	DEL	Dismissed
15/981	Oast House	DEL	Dismissed
15/1152	56 Poets Walk	DEL	Dismissed
15/336	Denne Court	COM	Part Allowed
15/730	Church Path	COM	Allowed
15/936	Outrigger	DEL	Allowed
15/1196	Cannon Street	DEL	Dismissed
16/0009	Nursery Lane	DEL	Allowed
16/69	The Crescent	DEL	Allowed
16/196	Bailand	DEL	Dismissed
16/434	Sandwich Rd	DEL	Dismissed

Quarter	Committee Appeals	Number Allowed	Number Dismissed	%Allowed
1	2	0	2	0
2	4	4	0	100

Quarter	Delegated Appeals	Number Allowed	Number Dismissed	%Allowed
1	5	3	2	60
2	10	3	7	30

Dave Robinson, Planning Delivery Manager