

Public Document Pack



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17 May 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 25 May 2017 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

A handwritten signature in dark ink, appearing to be "N. Smith", written over a horizontal line.

Chief Executive

Planning Committee Membership:

Membership to be appointed at the annual meeting of Council on 17 May 2017

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 5)

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

4 **MINUTES** (Pages 6-17)

To confirm the attached Minutes of the meeting of the Committee held on 20 April 2017.

5 **ITEMS DEFERRED** (Page 18)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 19-22)

6 **APPLICATION NO DOV/17/00039 - FIVEWAYS, THE CROSS, EASTRY** (Pages 23-28)

Change of use of ground floor to café

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

7 **APPLICATION NOS DOV/16/01254 AND DOV/16/01255 - DEAL TOWN HALL, HIGH STREET, DEAL** (Pages 29-35)

DOV/16/01254 – Erection of railings and gates to front and side elevations (Planning Permission)

DOV/16/01255 - Erection of railings and gates (Listed Building Consent)

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

8 **APPLICATION NO DOV/17/00226 - 7 CHESTNUT CLOSE, WHITFIELD** (Pages 36-41)

Erection of single storey side extension (existing garage to be demolished)

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

9 **APPLICATION NO DOV/17/00093 - 28 UNION ROAD, DEAL** (Pages 42-49)

Erection of single storey rear extension with adjoining terrace, steps leading up to and storage underneath, and insertion of side ground floor window

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

10 **APPLICATION NO DOV/17/00135 - LAND FRONTING BEVAN CLOSE AND REAR OF 223 TELEGRAPH ROAD, DEAL** (Pages 50-56)

Erection of one pair of semi-detached dwellings, formation of four car parking spaces and construction of two vehicular accesses

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

11 **APPLICATION NO DOV/17/00267 - LAND ADJOINING SUNHOLLOW, GORE LANE, EASTRY** (Pages 57-65)

Erection of 3 no. detached dwellings, new vehicular and pedestrian accesses and associated car parking and landscaping

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

- 12 **APPLICATION NO DOV/16/01460 - LAND ADJACENT TO FORMER NIGHTCLUB, ADRIAN STREET, DOVER** (Pages 66-75)

Erection of a portable building to be used as a soup kitchen and provision of a Portaloo

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

- 13 **APPLICATION NO DOV/16/01479 - LAND AT DEERLEAP, 50 MILL LANE, SHEPHERDSWELL** (Pages 76-86)

Change of use of land for the keeping of horses, erection of 10 no. stables, hay store and tack room, and construction of a manège

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

- 14 **APPLICATION NO DOV/16/00626 - LAND AT RINGWOULD ALPINE NURSERY, DOVER ROAD, RINGWOULD** (Pages 87-104)

Change of use of land and erection of a building to be used as a water bottling plant to include storage and offices, with new vehicular access, parking and turning areas and associated landscaping (existing buildings to be demolished)

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

- 15 **APPLICATION NO DOV/16/0450 - LAND ADJACENT TO FERNFIELD LANE, HAWKINGE** (Pages 105-122)

Outline application (including details of access, layout and scale) for the erection of 19 dwellings (including 6 affordable dwellings) with some matters reserved

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

- 16 **APPLICATION NO DOV/16/01026 - LAND SOUTH-WEST AT HAMMILL BRICKWORKS, HAMMILL ROAD, WOODNESBOROUGH** (Pages 123-185)

Hybrid planning application: (i) Outline planning permission (with all matters reserved except access) for the erection of 18 dwellings, accesses/roads, parking, associated services, infrastructure, groundworks and landscaping; and (ii) Full application for the change of use of two engine sheds to office accommodation and 5 no. residential dwellings, associated parking, services, infrastructure, sub-station, landscaping, groundworks, attenuation features and earthworks

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 17 **APPEALS AND INFORMAL HEARINGS**

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

18 **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.
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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, 20 April 2017 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
J S Back
T J Bartlett
T A Bond
D G Cronk
B Gardner
D P Murphy
P M Wallace (Minute No 163 only)

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

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/17/00288	Mr Neil McCollum	Mrs Helen Williams
DOV/17/00028	Mrs Tracie Bates	Mrs Joanna Thomson
DOV/16/01328	Mr Adam Rabone	Mr Jeff Goodsell
DOV/16/00973	Mr John Collins	-----
DOV/16/01467	Mr Harry Kenton	-----
DOV/17/00194	Mr Nigel Brown	-----

157 APOLOGIES

It was noted that there were no apologies for absence.

158 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members.

159 DECLARATIONS OF INTEREST

Councillor F J W Scales declared an Other Significant Interest in respect of Agenda Item 11 (Application No DOV/17/00103 – Land at Greenacres, Roman Road, Shatterling) by reason that the applicant was a work colleague.

Councillor G Rapley declared an Other Significant Interest in respect of Agenda Item 6 (Application No DOV/17/00288 – Land opposite Walmer Castle, Kingsdown Road, Walmer) by reason that she did voluntary work for English Heritage.

160 MINUTES

The Minutes of the meeting held on 23 March 2017 were approved as a correct record and signed by the Chairman.

161 ITEMS DEFERRED

The Chairman advised that the first deferred item listed was dealt with elsewhere on the agenda. The second item (Application No DOV/16/00530 – Site adjacent to 5 Friends Close, Deal) remained deferred.

162 APPLICATION NO DOV/17/00288 - LAND OPPOSITE WALMER CASTLE, KINGSDOWN ROAD, WALMER

The Committee was shown drawings, a plan and photographs of the application site. The Planning Consultant reminded Members that a previous application had been refused by the Committee in January on the grounds that the proposed charging machine would affect the amenity of the area. However, the location of the machine had been changed and it would now be situated in a less exposed area in a copse of trees, adjacent to a display board and the public footpath. An additional letter of objection had been received since the report was written, arguing that English Heritage should provide free disabled parking. However, the Committee was reminded that the issue of car park charges was not a material consideration in determining the application.

Councillor D P Murphy welcomed the fact that the machine had now been moved, and recognised that car park charging was not relevant to the Committee's consideration of the application. He also welcomed the public speaker's statement that disabled parking would be free for a number of hours. He accepted that there were no Planning grounds on which he could object to the proposal, but he requested that the machine should be sited at least 2 metres from the footpath.

In response to concerns raised by Councillor B Gardner regarding signage and resurfacing, the Chairman reminded the Committee that its role was only to consider the siting of the machine, not how the car park was operated. Whilst resurfacing could be a Planning gain, it was not a material consideration. Councillors B W Butcher and T J Bartlett proposed that the application should be approved, given that English Heritage had moved the machine to a more acceptable location. Following clarification from the Planning Consultant that Kent County Council's (KCC) Public Rights of Way (PROW) Officer had already stipulated that the machine should not interfere with the footpath, it was agreed that the machine's precise location should be delegated to officers, taking account of Members' comments about its proximity to the footpath.

- RESOLVED:
- (a) That Application No DOV/17/00288 be APPROVED subject to the following conditions:
 - (i) Time;
 - (ii) Compliance with plans.
 - (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary issues (including the precise location of the charging machine in relation to the

public footpath) in line with the matters set out in the recommendation and as resolved by the Planning Committee.

(Councillor G Rapley withdrew from the Chamber during consideration of the application.)

163 APPLICATION NO DOV/17/00028 - 5 LIVERPOOL ROAD (APRIL COTTAGE), WALMER

Members viewed a map, plans and photographs of the application site which comprised a semi-detached chalet bungalow occupying the junction of Liverpool Road and Clarence Road, in the south-east corner of Archery Square. The Planning Officer advised that the proposal was for a side extension to the property which would provide a single garage with ancillary accommodation above for a dependent relative. The extension would be the same height as the host property, finished in matching materials. The reflex curve in the boundary wall on Clarence Road – a significant feature in the street scene - would remain unchanged. Whilst the Liverpool Road boundary wall would be raised to form the front wall of the garage, the curved step-down in the wall would be reinstated to the south of the garage door.

It was considered that there would be no harmful impact to the street scene or the Conservation Area as a result of the removal of three birch trees on the site. However, they contributed to the greenery of the local area, and the suitable replanting of trees or vegetation would mitigate their loss. KCC Highways had raised no objections to the proposal following the removal of double-width garage doors. The new roof extension would mitigate existing overlooking by blocking views from the existing roof terrace which had been there for a number of years. The extension met the requirements of Policy DM9 of the Council's Core Strategy, and the application was therefore recommended for approval.

Councillor Murphy stated that the proposal would be detrimental to the street scene, and the location of the proposed garage dangerous given its proximity to the junction and the layout of the area. The Planning Officer clarified that the kitchen of the house had originally been a garage and could be reconverted without planning permission. The double garage doors had been removed due to highway safety concerns. Moreover, visibility was now no worse than it had been when the garage was set back further from the road. KCC Highways had raised no objections due to the fact that the (amended) proposal would not materially worsen highway safety. It was also clarified that, if permission were granted, the applicant would have to arrange for the removal of the lamp-post at their own expense.

In response to Councillor P M Wallace, the Planning Officer advised that the boundary wall could be regarded as a non-designated heritage asset but, as such, its weight was diminished. The Council's Principal Heritage Officer had expressed no concerns about the proposal at a time when it had been proposed to have a double garage which would have resulted in greater intervention to the boundary wall.

It was moved by Councillor D P Murphy and duly seconded that a site visit be held. On there being an equality of votes, the Chairman used his casting vote and the motion was LOST.

It was moved by Councillor T J Bartlett and duly seconded and

RESOLVED: (a) That Application No DOV/17/00028 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) Built in accordance with approved drawings;
- (iii) Finishes to match existing;
- (iv) Permitted development rights removed for new openings in north-facing roof slope of permitted extension;
- (v) Samples of bricks for boundary wall if not reclaimed fully from site;
- (vi) Permitted development rights removed for alterations/extensions to permitted extension and other alterations at roof level of permitted extension;
- (vii) Landscaping scheme.

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

164 APPLICATION NO DOV/16/01328 - LAND REAR OF ARCHERS COURT ROAD, WHITFIELD

The Committee viewed maps, plans and photographs of the application site. The Planning Officer advised that the application sought outline permission with all matters reserved, except for vehicular access which would be through the site currently occupied by 14 Archers Court Road. The site itself was outside the Whitfield Urban Expansion development area, but within the urban settlement confines of Dover. It was proposed to erect up to 28 dwellings which would give a density of around 16 dwellings per hectare; this was slightly lower than the density of dwellings in the surrounding area.

A PROW ran along the southern part of the site, and concerns had been raised by KCC that the proposed development would interfere with the PROW. Whilst matters relating to the PROW would be the subject of a separate legal process, the route of the PROW would be confirmed prior to development on site. In relation to a number of trees on site that had been the subject of a 1981 Tree Preservation Order (TPO), the Council's Tree Officer had advised that many were no longer in existence or were diseased. The details of tree retention, etc would be dealt with at the reserved matters stage.

Members were reminded that a previous application (DOV/13/00360) had been refused on the grounds that the local highway infrastructure did not have the capacity to absorb the additional traffic movements generated by the development. The subsequent planning history was set out at paragraphs 2.1 to 2.7 of the report, concluding with the Planning Inspector dismissing the appeal on the sole ground

that the proposed development would fail to protect local biodiversity. Ecological surveys had since been submitted and found to be acceptable by the Council's Ecology Officer.

The Committee was advised that there were no details of drainage network capacity. However, this matter would be resolved as part of the greater Whitfield development. It was recommended that a proportionate approach be taken by requiring that a drainage strategy be submitted for approval by the Local Planning Authority (LPA), in consultation with Southern Water, prior to the reserved matters stage.

Whilst the development would lead to the loss of protected open space, this would be countered by the provision of new open space, including an equipped play area. This area of open space would be subject to a legally binding management scheme which would be agreed prior to the occupation of the units. Furthermore, the enhancement of the public footpath would increase the opportunities for informal surveillance and provide safe pedestrian access to local amenities. Taking these factors into account, and when assessed against Policy DM25 of the Core Strategy, the development was considered acceptable.

In respect of air quality, Environmental Health had raised no concerns. An up-to-date acoustic report had been submitted, and matters relating to noise would be mitigated by the installation of an acoustic fence along the A2 boundary. Finally, it was confirmed that Highways England (HE) had no plans to widen the A2 in the foreseeable future.

Councillor J S Back referred to Paragraph 32 of the National Planning Policy Framework (NPPF) which stated that developments could be refused on highway grounds if it was considered that the cumulative impact would be severe. Whitfield Parish Council had recently carried out a speed monitoring exercise at the Archers Court Road/Sandwich Road junction and had recorded 20,000 one-way traffic movements in a 24-hour period. The junction would never be able to cope with the increased traffic movements generated by the development, particularly when another planning application for over 40 units was in the pipeline. In respect of drainage, Southern Water had already confirmed that the drainage network would not be upgraded until 2020. The site was not suitable for development, and the proposal would have a detrimental impact on the street scene and an adverse effect on local residents.

Councillor T A Bond questioned whether Southern Water had been specifically asked if the proposed development would affect flood risk in the area. In addition, he sought clarification as to whether KCC Drainage had been asked about surface water going into the sewage or highways drainage systems. He also queried whether conditions could be attached to ensure that the access road was built to an acceptable standard.

The Planning Officer clarified that KCC Highways and HE would not normally undertake their own surveys but use highways information submitted by the applicant. Traffic movements around the junction had been considered intensively and the Planning Inspector had recently taken a view on this matter. Furthermore, it was important for Members to consider advice received from KCC Highways which had raised no objections. Road widening, if it went ahead, would take place to the south of the site. However, he stressed that HE had indicated that it no longer needed the land for road widening and had raised no objections to the scheme.

He went on to advise that details of the access road were not available and would be dealt with at the reserved matters stage. This was also the case with matters such as overlooking. With regards to drainage, he recognised that there would be no major upgrade to the network until 2020. The plans submitted by the applicant would be a temporary solution until a permanent solution for the wider Whitfield development was in place. The Chairman pointed out that members of the Committee were particularly concerned about drainage as a result of problems arising from recent developments.

Councillor Back argued that local residents knew the junction better than KCC Highways. The Planning Inspector had spent 5 minutes at the top of Archers Court Road during his visit so his knowledge of the traffic issues affecting the area should also be questioned. Councillor Bond proposed that the application should be deferred in order to receive more information which would allow the Committee to make an informed and fair judgement. Given that KCC Highways and the Planning Inspector had deemed the application acceptable in highways terms, the Chairman suggested that a traffic survey should be commissioned to provide the Committee with independent advice. Members agreed that when the application came back to Committee, Southern Water should be invited to attend the meeting to answer questions on the detailed proposals.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/16/01328 be DEFERRED for:

- (a) Further information from the applicant relating to: (i) arrangements for the disposal of foul and surface water, and the overall impact of the proposed development on flood risk in the area; and (ii) the location and width of the access road.
- (b) The commissioning of an independent traffic survey, the scope of which to be delegated to Officers in consultation with the Chairman of the Planning Committee.

165 APPLICATION NO DOV/16/00973 - CASTLE MOUNT LODGE, TASWELL STREET, DOVER

The Committee was shown plans and photographs of the application site. The Planning Consultant advised that the application sought planning permission to vary a condition on an existing permission granted in 2005 which limited the occupation of the residential care home to children with learning difficulties. The proposal sought to vary the condition to allow adults with learning difficulties to occupy the building. Members were required to determine whether it was appropriate for a change from nine children with learning difficulties occupying the premises to eight adults with learning difficulties. The Committee was not required to consider whether a care home was appropriate in this location.

The application property had been in institutional use since 1988 when permission was first granted for a nursing home. Since the application was first submitted, it had been amended and further information submitted regarding the operation of the home and the number of adults to be accommodated. It was proposed to accommodate eight adults in accordance with the floor plans submitted. The applicant had stressed that the accommodation would be available to occupiers with learning difficulties or wider mental health conditions, the former being generally permanent and the latter often for temporary periods only. Some occupiers would be rehabilitated to enable them to live independently in the community, but others

would always require support. The suitability of potential occupiers would be assessed by KCC and the operator.

A number of letters had been received in response to the consultation and these were summarised in the report. Since the report was written, four further letters had been received. These raised an objection about the impact on parking and requested that determination be delayed until May to enable more people to attend the Committee meeting. The Dover Society supported the continued use of the building as a care facility, but requested conditions on monitoring and mitigation measures to ensure that staff and deliveries accessed the rear of the building and to enable local residents to raise concerns when necessary. The final letter contested that the proposals lacked transparency and detail and claimed that the building had not been a residential institution for 25 years.

With regard to monitoring and mitigation measures, the applicant had submitted a draft management plan by e-mail a few days previously, setting out how local residents could be engaged with the operators. A copy had been circulated to Members and posted on the Council's website.

Members' attention was drawn to the Public Sector Equality Duty under the Equality Act 2010, and Officers' view that the recommendation was not considered to disproportionately affect any particular group.

Finally, the Planning Consultant suggested a change to condition v) so as to limit the use of the building to a care home for up to eight adults. He also asked Members to raise any particular concerns they had as these could potentially be addressed through the Management Plan and included in the wording of condition vi).

Councillor Butcher supported the provision of such accommodation for those with mental health problems. There was no evidence that the potential occupants would cause more problems than the children who had previously resided here. However, if things did go wrong, appropriate action could be taken.

In response to Councillor G Rapley, the Planning Consultant confirmed that his understanding was that there would be 24-hour on-site supervision by staff. However, to allay any concerns, a clause could be included in the Management Plan to this effect. The Chairman requested that the wording of the condition be strengthened to compel the applicant to adhere to the Management Plan on an ongoing basis.

RESOLVED: (a) That Application No DOV/16/00973 be APPROVED subject to the following conditions:

- (i) Commencement within 3 years;
- (ii) Carried out in accordance with the approved drawings;
- (iii) Visiting hours to be restricted to 8.00am to 8.00pm;
- (iv) All staff parking and deliveries to take place to the rear of the property;

- (v) Use of building to be limited to a care home for up to 8 adults;
 - (vi) A Management Plan to be submitted to the Local Planning Authority for approval, setting out measures to mitigate harm and address complaints from local residents: the Management Plan shall include having 24-hour on-site supervision by a member of staff; holding regular meetings with local residents; monitoring how the use adapts to the local environment; directing staff, visitors and deliveries to park within the car parking area to the rear of the property. Once approved, the Management Plan should be implemented in full on a continuous basis and any changes to the Management Plan shall be approved in writing by the Local Planning Authority prior to the changes being undertaken.
- (b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

166 APPLICATION NO DOV/16/01467 - SITE AT STATENBOROUGH FARM COTTAGE, FELDERLAND LANE, WORTH

Members were shown a plan and photographs of the application site. The Planning Consultant advised Members that the application sought planning permission to erect a 2-bedroom detached house within the garden of Statenborough Farm Cottage. The Committee was advised that permission had been granted in 2016 for a dwelling on an adjacent plot under delegated powers as a departure from the locational policies of the Local Plan, whilst this application was recommended for refusal on the grounds of conflict with those same policies. It had therefore been considered appropriate for the decision to be taken by the Committee.

Since the granting of permission for the adjacent plot, the Council had been able to demonstrate that it had a 5-year supply of deliverable housing sites. This meant that the housing policies of the Council's Local Plan were consistent with Government Policy Guidance in the NPPF, and full weight should therefore be given to those policies when determining the application.

The application site lay outside the built confines of any village or other settlement. Policies DM1 and CP1 of the Core Strategy set out the over-arching spatial strategy of the Local Plan. These sought to resist new general housing development in the countryside and to focus development within the settlement boundaries. Members were advised that the starting point in determining the application was that the proposal was contrary to the Council's policies and, unless there were other material considerations that weighed in favour of the application, it should be refused.

The report assessed whether there were other adverse impacts arising from the development. Officers had concluded that there would be modest but not significant harm to the rural character of the area. However, no exceptional circumstances had been submitted with the application which might weigh in its favour, and refusal was therefore recommended.

The Chairman commented that the applicant had been disadvantaged by the delay in bringing the application before Committee. If the application had been determined in February as originally scheduled, the Committee would have been determining the application on the basis that the Council could not demonstrate a 5-year housing land supply. He referred to other applications being caught out by the change, of which there had been no notice.

Councillor Bond raised concerns that applications for nearby developments outside the village confines had been granted permission by Officers in December 2016 using delegated powers. That aside, he agreed with the report recommendation. In response to Councillor Rapley, the Planning Consultant advised that a recent High Court decision had ruled that garden land situated outside the built confines could be regarded as brownfield land. In clarification for Councillor D G Cronk, the Chairman advised that approval would still be a departure from the Local Plan, regardless of whether the site was classified as brownfield land. Councillor Gardner spoke against the application, arguing that the rules had changed and the application should be refused for the reasons set out in the report.

The Planning Consultant advised that there had been a delay in bringing the application to Committee for procedural reasons. Whilst the Council's policies had always been in place, Members were now able to give them full weight. This had not been the case with the development site opposite. The granting of planning permission was not necessarily the correct decision simply because the site was regarded as brownfield land since there would be a significant change to the rural character of the countryside if planning permission were granted for all rural brownfield sites. Whilst its classification as a brownfield site was a factor in determination, the view of Officers was that this did not override the Council's policies to protect the countryside and direct new housing developments to existing settlement confines and urban areas.

RESOLVED: That Application No DOV/16/01467 be REFUSED on the grounds that the site is located outside of any urban boundaries or rural settlement confines. Therefore, the proposal, if permitted, would result in the consolidation of residential development within the rural area and would result in a wholly unsustainable form of development that would be contrary to Policies CP1, DM1, DM11 and DM15 of the Dover District Core Strategy and to paragraph 17 of the National Planning Policy Framework.

167 APPLICATION NO DOV/17/00103 - LAND AT GREENACRES, ROMAN ROAD, SHATTERLING

The Committee viewed plans and photographs of the application site. The application sought outline planning permission for the erection of two detached dwellings, with all matters reserved. The Principal Planner reminded Members that the application had been deferred at the last meeting for a site visit to allow Members to assess the visual impact of the proposal and highways and access issues, and to enable the applicant to submit further information regarding their needs and justification for two dwellings. In respect of the latter, a doctor's letter had been circulated to Members. However, no substantive case had been made or further evidence provided that there was a compelling need for two dwellings.

The relevant issues for the Committee to consider were that Policy DM1 of the Core Strategy and the NPPF sought to avoid isolated dwellings in the countryside.

Approval of the application would be contrary to Policy DM1 of the Local Plan which could be afforded full weight now that the Council was able to demonstrate a 5-year housing land supply. Shatterling was a significant distance from Wingham. It could be regarded as a hamlet but, as such, would be unsuitable for development. Furthermore, KCC Highways had advised that the 160-metre visibility required for a 50mph road could not be achieved.

Councillor Gardner reported the outcome of the site visit held on 18 April. In terms of visual impact, Members had concluded that the proposal would be acceptable, provided the dwellings were bungalows or one storey buildings and set as far back from the road as possible. The site visit panel had been advised by the agent during the site visit that a new access was proposed 60 metres from the existing access. Members had looked at this but had concluded that it would be more dangerous than the existing access given its proximity to a hump in the road and speed of traffic. He proposed that the application should be refused only on the grounds that it was outside any settlement confines, on the basis that the existing access had been in use for over 20 years, apparently without incident. He was in favour of adding an informative that the Committee might consider one single storey dwelling on the site due to the exceptional circumstances of the applicant.

Councillor Butcher spoke in favour of the proposal as it would improve security at the site, provide two dwellings in a rural area, support local services and potentially result in fewer car journeys. Councillors Bartlett, Back and Rapley agreed with these comments. However, Councillor Bond stated that robust reasons were needed if the Committee was to depart from the Local Plan. No additional information had been submitted and, whilst he had sympathy for the applicant, this was not sufficient to justify approval. He added that there was a need for consistent and evidence-based decision-making by the Committee. The Principal Planner clarified that Policy DM9 of the Core Strategy supported extensions to existing properties, rather than the erection of new dwellings, for the purpose of accommodating dependent relatives.

RESOLVED: That Application No DOV/17/00103 be REFUSED on the grounds that the proposed development, by virtue of its location outside of any settlement confines, in a rural location, would result in an undesirable intensification of development in the countryside, detrimental to the rural character and appearance of the street scene and detrimental to the objectives of sustainable development, contrary to Policies DM1, DM11, DM15 and DM16 of the Dover District Local Plan and paragraphs 17, 61, 69 and 109 in particular of the National Planning Policy Framework.

(Councillor F J W Scales withdrew from the Chamber during consideration of the application. Councillor B W Butcher assumed the chairmanship of the meeting for this item.)

168 APPLICATION NO DOV/17/00194 - 43 DOLA AVENUE, DEAL

Members were shown a plan, drawings and photographs of the application site. The Principal Planner advised that the application was a Section 73 application for a variation of Condition 2 of planning permission DOV/15/00327, and followed a similar application that had been considered and refused by the Committee in January. That application had been refused on the grounds that the alterations to the dormer windows would be harmful to the character of the street scene, and have an overbearing effect on the residents of Foster Way. The current proposal was the

same as the previously refused scheme, save for the amended window design which would see the window cill heights lowered. Whilst this improved the appearance of the dormers, Officers considered that the reason for refusal of the previous application had not been overcome. Furthermore, the new design would, in fact, increase overlooking to neighbouring properties in Foster Way. It was confirmed that the condition relating to the boundary wall between Dola Avenue and Foster Way had been discharged, in that a brick wall had now been constructed.

Councillor Gardner advised that he and Councillor Cronk had visited the dwellings at the invitation of the applicant. He confirmed that his previous concerns about overlooking had been assuaged by seeing the windows in situ. Moreover, the design of the dormers was very similar to other dormers in Deal. He proposed that approval of the original design of the dormers and windows, as refused by the Committee in January, should be delegated to Officers, subject to the receipt of amended plans.

Councillor Bond commented that he had been concerned about overlooking onto Foster Way when the original application had come to Committee. The Committee had subsequently been presented with the application to vary Condition 2 as a result of an error by the builder which he found incredulous. The application now before Committee proposed no reduction in the size of dormers and larger windows which, in his view, made matters worse.

The Chairman advised Members that they could only consider the application before them. The Principal Planner added that a new application would need to be submitted, advertised and considered without prejudice. Delegating approval to Officers was not advisable as this could cause difficulties if contrary representations were received.

RESOLVED: That Application No DOV/17/00194 be REFUSED on the following grounds:

- (i) The proposed dormer roof extensions to the rear (north-west) roof slopes of the dwellings, by virtue of their size, location and proximity of neighbouring properties, would cause an unacceptable sense of enclosure to, and overbearing impact on, neighbouring properties (Nos 25 and 27 Foster Way and No 41a Dola Avenue in particular), significantly harming the residential amenities of the occupiers of those properties, contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraphs 17, 56, 63 and 64.
- (ii) The proposed dormer extensions to the rear (north-west) roof slopes of the dwellings, by virtue of their size, flat-roofed design and prominent location, would cause significant harm to the character and appearance of the area, contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraphs 58, 59, 60, 61 and 64.
- (iii) The proposed windows within the dormer roof extensions at first floor level to the rear (north-west) roof slopes of the dwellings, by virtue of their size, the height of their cills above floor level, location and relationship with adjoining properties, would cause an unacceptable perception of overlooking to neighbouring properties (Nos 25 and 27 Foster Way and No

41a Dola Avenue in particular), significantly harming the residential amenities of those properties, contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraphs 17, 56, 63 and 64.

169 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager presented the report, advising that two appeals had been upheld between January and March 2017. When assessed against the Government's criteria, which was based on the number of decisions being overturned against the overall number of applications determined, the Council was doing well at 2% - significantly below the Government's target of 10%. He advised that the Portfolio Holder for Environment, Waste and Planning had requested that the existing performance indicators relating to appeals be retained for information purposes.

RESOLVED: That the report be noted.

170 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 9.16 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 25 MAY 2017

**CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN
DEFERRED AT PREVIOUS MEETINGS**

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

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

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

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.

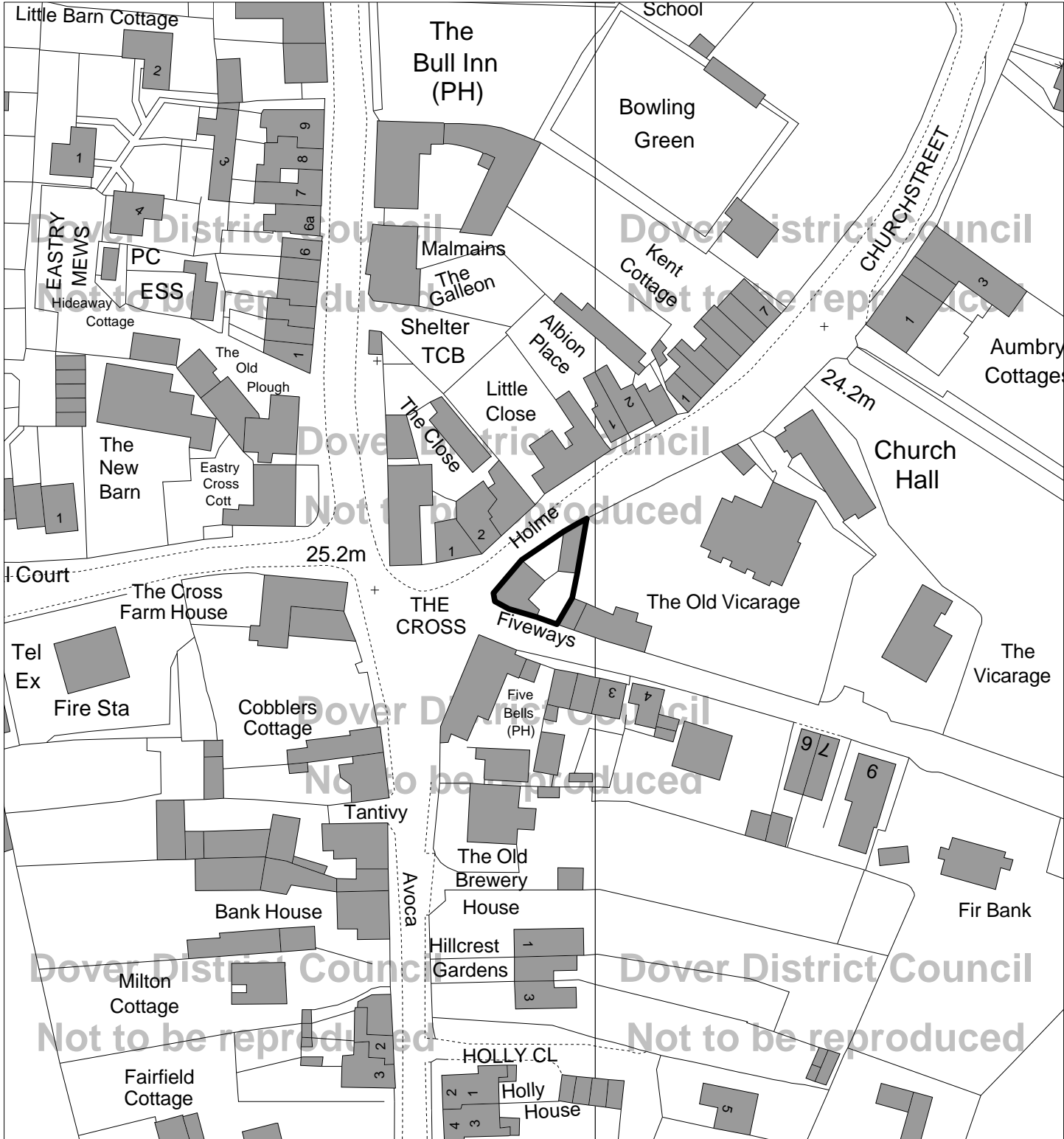
Article 14 - Prohibition of discrimination.

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.



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Dover District Council Licence Number 100019780 published DOV/17/00039

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

Application: Fiveways

The Cross
Eastry
CT13 0FZ

TR30985469



- a) **DOV/17/00039 – Change of Use of ground floor to café - Fiveways, The Cross, Eastry**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- 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.
- DM24 - Retention of Rural Shops and Pubs Planning permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable and genuine and adequate attempts to market the premises for retail purposes or as a pub (as appropriate) have failed.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core planning principles (Paragraph 17) which amongst other things seeks to:
 - Proactively drive and support sustainable economic development by identifying business and other development needs of an area, and respond positively to wider opportunities for growth.
 - Secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Paragraph 23 - requires the planning policies to be positive, promoting competitive town centre environments and setting out policies for the management and growth of centres over the plan period.
- Paragraph 69 - facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.
- Paragraph 70 - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- Paragraph 123 - Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Paragraph 126 - Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of a heritage asset and put them to viable uses consistent with their conservation.
- Paragraph 132 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The Kent Design Guide

This states that ‘the restoration, modification or extension of any building requires a sympathetic approach and this is particularly the case with heritage areas including historic buildings and townscape. Even a seemingly minor alteration can be damaging to an individual building or group’.

Section 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 72(1) states that, ‘In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’

d) **Relevant Planning History**

There is no relevant planning history for the site.

e) **Consultee and Third Party Responses**

Eastry Parish Council – no objections.

Environmental Health Manager – no objections subject to a condition requiring submission of a suitable scheme for the mechanical ventilation of the kitchen area, including filtration to remove grease and cooking odours.

Public Representations:

Eight (8) letters of objection have been received, raising the following relevant planning matters:

- Because of its siting at the junction, there is potential for accidents
- Would lead to further congestion in a small and busy village
- Increase in traffic volume in the area
- Increase in pedestrian and vehicle movement around the premises
- Lack of parking

Other matters raised include lack of need for another coffee shop and increase in the competition for the existing businesses in the village. The relevance of these objections has been assessed in the section 3.7 ‘Economic Matters’.

Ten (10) letters of support have been received making the following comments:

- Would bring additional people into the village and benefit the shops
- Enhance the current services in the village
- A new coffee shop would be beneficial particularly because there are now two large housing developments in the pipeline for the village
- Would be a great and welcoming meeting place for locals during the day
- Is at a walking distance from anywhere in the village

(All the public letters of representation are available online for members to review.)

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

- 1.1 The application relates to a site within Eastry’s Village Centre and lies within a Conservation Area.

- 1.2 The property is currently used as a hairdresser's shop at ground, first and second floors with storage area in the cellar. The application property lies at the junction formed by Fiveways, Church Street, Roman Road and High Street.
- 1.3 This application seeks consent for the change of use of the premises from a hairdresser's shop (A1 Use) to a coffee shop (A3 Use) on the ground floor whilst the first and second floors would continue to be used as a beauty salon (hairdresser's shop). The ground floor would comprise of the coffee shop with seating for customers, a kitchen, a toilet and a baby changing room. Internal access is provided to the first floor through the existing shop entrance. No external alterations are proposed.
- 1.4 There is an existing external waste storage area to the rear of the property which would be used by the proposed café.

2. **Main Issues**

- 2.1 The main issues are:
- The principle of the development
 - Residential Amenity
 - Heritage
 - Loss of a rural shop
 - Economic Matters
 - Highways Impact

3. **Assessment**

Principle of the development

- 3.1 The site lies within the settlement confines of Eastry and within the village centre. The proposed change of use is considered acceptable subject to site specific considerations.

Residential Amenity

- 3.2 The property lies within a triangular plot at a junction formed by 5 streets. There are no residential properties above the premises or to either side. Given the siting of the application property and the nature of the proposed use, it is not considered that additional odour control measures would be required.
- 3.3 The proposed opening hours from Monday to Friday would be 08:00 to 18:00; 08:00 to 18:00 on Saturdays and closed on Sundays and Bank Holidays. Having regard to the nature of the proposed use and low density of residential properties in its vicinity, it is not considered that the hours would disturb the amenity of residents living within/around the village centre. Indeed, given the location and the nature of the use, longer hours than those currently proposed would not be objected to.

Heritage

- 3.4 Given the context of the proposal and the nature of its impacts, your officers are satisfied that the proposal would preserve the character of the

conservation area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As far as the NPPF is concerned, the proposal is considered to be a sympathetic form of development which would not result in any harm to the heritage asset. Accordingly, the impact of the development is considered to be neutral.

Loss of a rural shop

- 3.5 There are a variety of shops in the centre including a baker's shop, fish and chips, a pub/restaurant, a pharmacy etc., however, there is no café in the village centre. DM24 of the Core Strategy lays great emphasis on the retention of rural shops and pubs. It states that *'planning permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves'*. In this instance, a café would be introduced on the ground floor of the application property with the hairdresser's shop continued to be used in the upper floors. In essence, the proposal would not result in the loss of a rural shop but contribute towards creating a diversity of uses in the village centre. The proposal would therefore accord with paragraphs 69 and 70 of the National Planning Policy Framework.

Economic Matters

- 3.6 The information provided in the application form suggests that the proposed change of use would give rise to job opportunities for 1 new full-time employee and 1 new part-time employee. In this respect, the proposal would support the economic objectives of the NPPF relating to building a strong economy.
- 3.7 8 contrary views have been received in relation to the planning application. The majority of the objections have been raised on the grounds such as lack of need of another café and potential competition for other cafés and businesses in the village centre. Promoting competitiveness and providing customer choice is likely to increase the footfall into Eastry village centre, thereby improving the vitality of it – a key objective of the NPPF, in particular, paragraph 23.

Highways Impact

- 3.8 On site visit, it was noted that on street parking is prevalent in Church Street and Brook Street. Whilst it is acknowledged that the application site does not provide off-street parking facility, given the small size of the proposed café, it is not considered that it would generate unmanageable parking demand in the area.

Conclusion

- 3.9 In conclusion, the proposed use is considered to be suitable for the location, in keeping with the character of the village centre and would be compliant with national or local planning policies.

g)

Recommendation

- I PERMISSION BE GRANTED subject to the following conditions to include:
 - i) Timescale of commencement of development;
 - ii) A list of approved plans;
 - iii) Details of mechanical ventilation to kitchen area.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer
Benazir Kachchhi



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

Application: DOV/16/01254 and 16/01255

Deal Town Hall
High Street
Deal
CT14 6TR

TR37655290



- a) **DOV/16/01254 – Erection of railings and gates to front and side elevations - Deal Town Hall, High Street, Deal (Planning Permission)**

DOV/16/01255 - Erection of railings and gates - Deal Town Hall, High Street, Deal (Listed Building Consent)

Reason for Report: Called in at the request of Councillor Friend siting concerns regarding the impact of the proposal on the character and appearance of the conservation area.

- b) **Summary of Recommendation**

Planning permission be granted

Listed building consent be granted

- c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 supports development within the built confines

National Planning Policy Framework (NPPF)

- Paragraph 7 – the three roles of sustainable development
- Paragraph 17 – securing a good level of amenity to existing and future occupants
- Paragraph 56 – good design as a key aspect of sustainable development
- Paragraphs 132-134 – safeguarding the historic environment

- d) **Relevant Planning History**

No relevant planning or listed building consent applications

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

- Deal Town Council

Deal Town Council are the applicants in this instance. No response has been received for the planning application. A comment of 'no objection' was received as part of the listed building consent application.

- Public Representations:

2 letters of objection have been received to the planning application and 4 letters of objection have been received to the listed building consent application; the comments are summarized as follows:

- Inappropriate for a former fire station
- Contrary to the 'Shopfronts in Conservation Area' guidance
- The design 'to match Cavalry Barracks' is specious and not appropriate
- Town Hall railings previously on site were half height
- Use of cctv/policing should be improved
- Harmful to the character and appearance of the conservation area
- Harmful to listed building

- Introduce an atypical boundary treatment into the conservation area

f) 1. The Site and the Proposal

- 1.1 The property is a grade II listed building listed in 1974. . The building sits in a prominent location on the west side of High Street, at the junction of High Street and St George's Road, within the Deal Middle Street Conservation Area. The St George's Road façade is highly visible in views north along the High Street, and the main façade, whilst set on an angle to the High Street, is highly visible to vehicle and pedestrian traffic travelling south along the High Street.
- 1.2 The list description reads as follows:

'Dated 1803. 2 storeys yellow brick with a rounded end turning into St George's Place. The High Street elevation has a pediment. Modillion cornice and parapet to roof. 3 windows. The central window bay projects and is a Venetian window. This is flanked by round-headed windows. On the right side is a portion of lower elevation which forms the Mayor's Parlour having a simple round-headed doorcase with 6 panelled door. Tuscan colonnade. A drinking fountain of 1875 has been inserted in the corner by Earl Grenville, Warden of the Cinque Ports at that time. The side elevation is lower and has a slate roof and 3 sashes with glazing bars intact on the 1st floor only and a round-headed doorcase. The Town Hall and Nos 115 to 127 (odd) form a group.'
- 1.3 The proposal is for the erection of gates and railings to the arches at ground floor level, enclosing the open undercroft area. The gates would be constructed in solid mild steel with 3 pairs of gates at 3.02m high fronting the high street and 1 single gate at 2.3m high with an overhead arch section fronting St Georges Road. They would be finished in black paint and have gilded finials and points.
- 1.4 The proposal seeks to overcome security issues identified by the applicant and allow for better utilisation of the space.
- 1.5 The intention is for the gates & railings to remain full height so that people could not climb over them. Above the side gate would be fitted a matching fixed semi-circular section again so that people could not climb over it.

2. Main Issues

- Principle of Development
- Impact on Heritage assets
- Impact on the visual amenity of the area
- Impact on the residential amenity of the area
- Impact on highways and parking

3. Assessment

Principle of Development

- 3.1 Deal Town Hall is located within the confines of Deal and is therefore DM1 compliant. Matters of detail in respect of suitability are discussed below.

Impact on Heritage Assets

- 3.2 The main considerations in this case concern the impact that the physical works would have upon the special architectural and historic interest of the listed building. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 (2) states in relation to conservation areas: "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 3.3 Photographs have been submitted with the application which show that the undercroft was historically enclosed with railings. The proposal is to construct railings and gates which are taller and to a different pattern, but replicate a historic pattern found within Deal. It is not possible to replicate the exact detailing of the historic railings as the detailed design is not clearly visible in the historic photographs. The proposed pattern is considered acceptable as it follows a historic pattern that has a local connection.
- 3.4 The gates & railings would be galvanised before being painted black with gilt finials and points to ensure maximum life.. The centre gates to have offset hinges to allow all gates to fold flat to the wall when opened. The bottom fitting of each gate would be via a 'pin and socket' arrangement with the top fixing into a steel plate. It is considered that the physical impact on the listed building will be minimal as the detailed design illustrates that the gates and railings will require minimal fixings via support plates and fixing pins, which would consequently be removable without causing harm to any historic fabric of interest.
- 3.5 Significant views to and from the Town Hall within the Deal Middle Street Conservation Area would remain unaffected, with a minor visual change to the building and its setting, as the gates will fold flat to the wall when the Town Hall is open. There will be a visual change to the building when the gates are closed, however the traditional design is considered sympathetic and will not detract from the setting of the listed building.
- 3.6 The NPPF requires that local planning authorities evaluate alterations to a listed building or within a conservation area as to the level of harm which would result from a proposal (Paragraphs 132-134 of the NPPF). In this instance, and as shown above, there would be no harm to the listed building or to the character and appearance of the conservation area. The impact would be neutral.

Impact on the Visual Amenity and Street Scene of the Area

- 3.7 The site is very prominent in local and some longer views from the High Street and from within the conservation area. Any change to the façade will have an impact on the visual amenity and on the street scene.

- 3.8 Historically, there had been railings to the front of the application site though it is unclear if these formed part of the fire station itself or were along the pavement/road. Regardless of this, the impact of this proposal would need to be seen in the current policy context and the fact that historically there were some form of railings on this site, whilst material, can only be given limited weight.
- 3.9 As it currently stands, given the orientation of the Town Hall to the street and adjacent building on the High Street, the undercroft visually forms part of the public highway/pavement. However, given that the gates would be open and folded back to allow almost as much open access to the undercroft as is currently enjoyed during the day, it is considered that the proposal would be unlikely to harm the street scene purely on the presence of the gates and railings alone.
- 3.10 The design of the railings/gates has been questioned in some of the public responses to the application. These have been taken into account in this assessment. However, it is considered that the grand design of the railings/gates would help alleviate any visual amenity harm that the proposal could have on the building. To clarify, it would take what could become a dark, inaccessible, 'prison-like' space with a more simplified railing/gate design and turn it into something of more visual interest and raise what was a fire station to something resembling the town hall that it now is.
- 3.11 Due to the regular incidents of anti-social behaviour in the undercroft this area is not a pleasant place to visit and is not fulfilling its potential to be an additional feature of the Town Hall and an asset for the residents of Deal. Deal Town Council officers considered the option of having CCTV in the undercroft and through consultation with the local PCSO's agreed that although cameras may be a visual deterrent in some instances they would not stop the incidents in the undercroft.
- 3.12 The PCSO's advised that where the Undercroft is open it has been historically a venue for antisocial behaviour and CCTV would not stop this, they strongly advise that the only way to stop this is to install gates, and have added that this will be of great assistance to them and help with policing the town at night. For this reason the Town Council consider that gates to close the Undercroft off at night when the Town Hall is not in use is the best way to ensure that the area is protected which will be to the benefit of everyone who uses the undercroft during the day.
- 3.13 As the gates would only be closed at night to prevent anti-social behaviour, and the design is considered acceptable as proposed in conservation area terms, it is considered that there would be no harm to the visual amenity of this building nor would it harm the street scene. The reduction of anti-social behaviour as a result of this proposal would also improve both the visual amenity of this building and the street scene.

Impact on the Residential Amenity of the Area

- 3.14 The railings would not lead to an increase in any residential amenity issues. It is likely that, given a reduction in anti-social behaviour within the undercroft at night, the residents of the flats opposite would have an improvement in amenity through a reduction in noise and disturbance and likely any

perception of privacy issues (arising from anti-social behaviour/rough sleeping) would be mitigated through this proposal.

Impact on Highways and Parking

- 3.15 It is considered that, given that the façade of Deal Town Hall is set back from and on an angle to the High Street, there would be no highway safety concerns as a result of this proposal. It would not distract drivers nor would it lead to an obstruction of the public highway.
- 3.16 There would be no impact on parking as a result of this proposal.
- 3.17 It is considered that the proposed development would not lead to highway safety concerns or parking issues.

Other Matters

- 3.18 Letters have been received raising objection to the proposal, however it is considered that the visual impact on the listed building and conservation area will be low. Clear and convincing justification for the proposal has been submitted, in addition to the reversibility of the works and the public benefit noted above outweighs the concerns raised.
- 3.19 It has been suggested that the proposed railings/gates would be contrary to advice contained in 'Shop Fronts and Signage within Conservation Areas' (2011). The application site is not a business involved with trading of goods or services nor do the arches of the undercroft form a 'shopfront' and therefore the above SPD can be given little, if any weight. It was a fire station and is now offices. That said, the guidance contained within the above SPD would seek high-quality and appropriate design for the host building. The proposal is not for 'security shutters' or 'grilles' as described in the SPD. The proposed railings/gates would form part of the boundary of the application site and would be considered an enclosure, not shutters/grilles. It is considered that the design solution overcomes any issues which could be raised should the façade of the Town Hall be considered under shop front guidance.

Conclusion

- 3.20 It is considered that the proposed railings/gates would not lead to harm to the historic character of the listed building nor lead to harm to the conservation area. However, given the reduction in antisocial behaviour which would result from this proposal, it is considered that there would in any case be a public benefit.
- 3.21 It is considered that the proposed railings/gates would not lead to any highway safety concerns.
- 3.22 On balance, it is therefore concluded that planning permission and listed building consent should be granted.

g)

Recommendation

- I Planning Permission BE GRANTED subject to the following conditions to include:

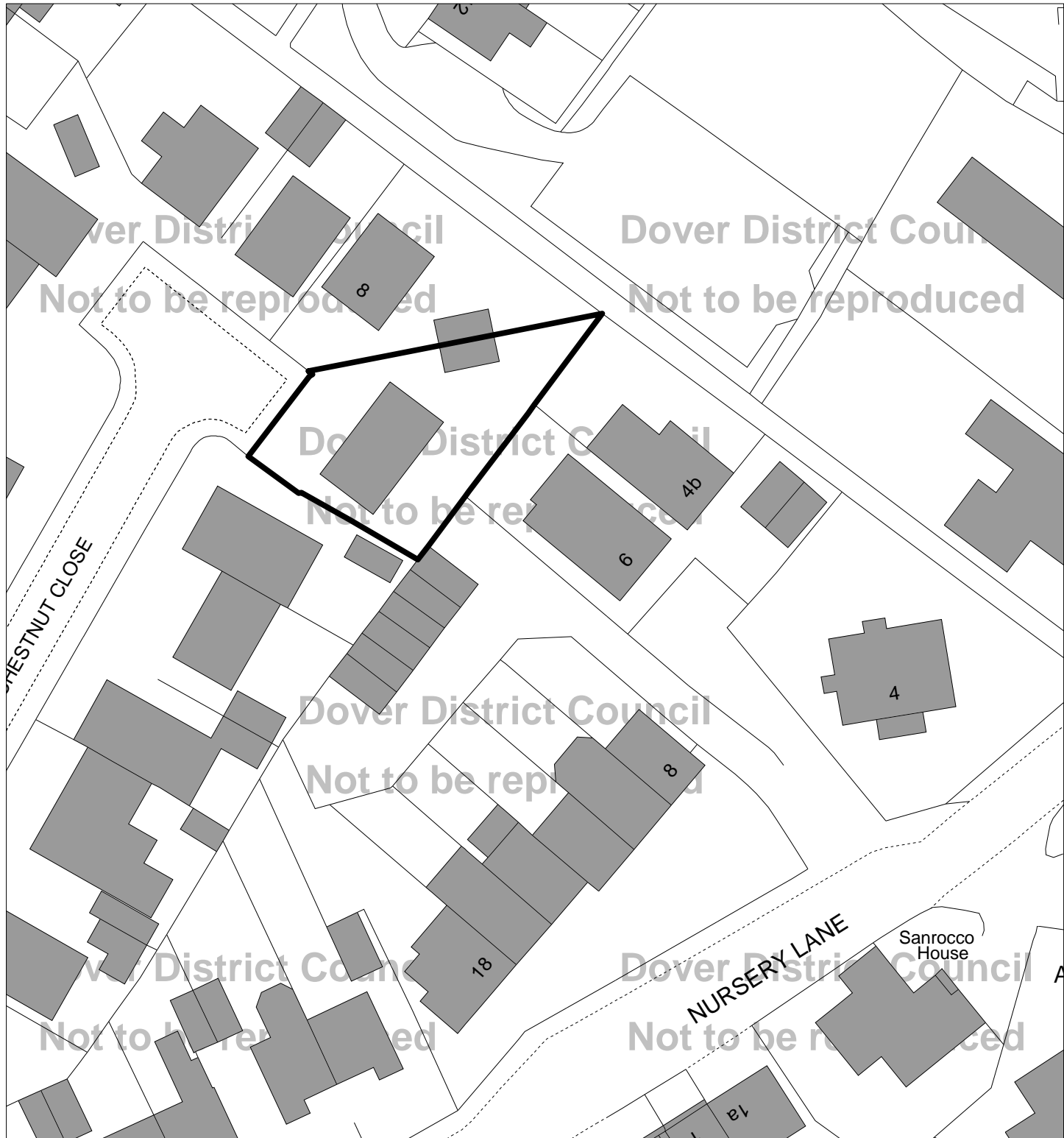
3 year commencement; 2) Built in accordance with the approved drawings and details; 3) Railings and gates to be installed in accordance with approved details.

- II Listed Building Consent BE GRANTED subject to the following conditions:
3 year commencement; 2) Built in accordance with the approved drawings and details; 3) Railings and gates to be installed in accordance with approved details.
- III Powers be delegated to the Head of Regeneration and Development to settle any necessary conditions in respect of the Planning Permission and Listed Building Consent, in line with the issues set out in the recommendations and as resolved by the Planning Committee.

Case Officer

Andrew Wallace – Planning

Gianni Simone - Heritage



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Application: DOV/17/00226

7 Chestnut Close

Whitfield

CT16 3HE

TR30054558



a) **DOV/17/00226 – Erection of a single storey side extension (existing garage to be demolished) - 7 Chestnut Close, Whitfield**

Reason for Report:

Referred to Committee due to the number of contrary views

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 supports development within the built confines

National Planning Policy Framework (NPPF)

- Paragraph 7 – the three roles of sustainable development
- Paragraph 17 – securing a good level of amenity to existing and future occupants
- Paragraph 56 – good design as a key aspect of sustainable development

d) **Relevant Planning History**

No relevant planning applications since CH/6/66/0164 which was the final detailed application for the development of the entire close.

It should be noted that no conditions were imposed on the 1964 outline permission, the 1965 amended proposal nor on the 1966 detailed design application requiring the off-street parking and garages be retained for stationing of vehicles.

e) **Consultee and Third Party Responses**

- Whitfield Parish Council

The Parish Council object to the proposal due to the reduction in off-street parking which would result from this proposal and the existing parking issues locally which would be exacerbated.

- Kent PROW

No comments were made regarding this application.

- Public Representations:

19 letters of objection have been received; the comments are summarized as follows:

- Proposal would lead to a loss of off-street parking
- Increase parking pressure in the Close and wider locality
- Inconsiderate parking of visitors to application site blocks driveways of other residents in the Close

f) 1. The Site and the Proposal

- 1.1 The property is a detached bungalow located at the end of the cul-de-sac forming Chestnut Close in Whitfield. There is an existing garage and driveway and the house is set behind a front garden. Chestnut Close and the wider area are primarily residential.
- 1.2 The proposal is for a single-storey side extension to the property which would form a new living room. It would be located on the north-east face of the dwelling.
- 1.3 The extension would measure approximately 3.25 metres wide by 5.85 metres deep. The gabled roof would have a ridge height of approximately 4.5 metres. The eaves height would be 2.5m. The corner of the extension would be 0.5 metres from the boundary with 8 Chestnut Close.
- 1.4 The materials proposed for the exterior finishes are yellow brick, concrete roof tiles and uPVC windows all to match the existing finishes of the host dwelling.
- 1.5 Windows have been proposed in the north-west (front) and south-east (rear) facing elevations of the extension and French doors would be inserted into the north-east (side) façade to give access to a patio area.
- 1.6 The existing garage would be demolished to allow for the extension and patio Area and the driveway would be shortened by one car length. A 1.8m high close-boarded fence would be installed along the boundary with 8 Chestnut Close; it would project 0.5m further forward (towards the road) than the existing fencing.
- 1.7 The applicant has written in support of the application saying:

“At present, the property is rented out to two people with mild disabilities, the extra rooms applied for would be used for the same - making a maximum of four people living at the address. The persons there are not noisy - in fact one of them is deaf and non-verbal, this person often enjoys walking and uses public transport - the other attends a work placement 5 days a week every week, so from Monday to Friday he is only ever picked up in the morning and dropped back in the evening. This does not create any such a parking problem. None of the people who will ever live at this property will drive cars. The driveway, which was at first very over grown from the previous owner has also since been cleared re-creating parking on the driveway. The extension applied for does not affect this. During the night time hours - there will only ever be 1 carer at the property to ensure their safety. At present one family member has a vehicle and may visit periodically - but this is not any different from any other household.” (Email, 19/04/2017)

2. Main Issues

- Principle of Development
- Impact on the visual amenity of the area
- Impact on the residential amenity of the area
- Impact on highways and parking

3. Assessment

Principle of Development

- 3.1 7 Chestnut Close is located within the confines of Whitfield and is therefore DM1 compliant.

Impact on the Visual Amenity and Street Scene of the Area

- 3.2 The extension proposed reflects the character, materials and scale of the host property and would not be out of keeping in the area.
- 3.3 The application site is located in the north-east corner of the hammerhead turning at the top of the Close. Given the street layout and mature vegetation and land-level changes to the rear of the site, the extension would only be visible in very local views from within the upper half of the Close itself.
- 3.4 The existing gaps between the properties typify this street and play an important role in the street scene. Due to the siting of the extension in that it is predominately blocked from view by the host dwelling it is considered that the extension would not materially alter this situation and would not be harmful to this aspect of the street scene.
- 3.5 The proposal is of a relatively minor nature and given the location of the extension and the dwelling itself, the extension would not harm the visual amenity of the host dwelling or neighbouring properties nor would it impact the street scene to a degree which would result in harm.
- 3.6 It is considered that the design of the proposed extension would neither harm the visual amenity of the area nor the street scene and is considered acceptable.

Impact on the Residential Amenity of the Area

- 3.7 The application site, and the location of the extension within the site, are to the north and east of neighbouring dwellings and it is considered that the extension would not lead to a loss of light to these dwellings.
- 3.8 There is a window proposed in the front elevation of the extension. This faces the side elevation/front entrance to 8 Chestnut Close. There is a 1.8m high close-boarded fence existing and the fence would be extended towards the road as a result of this proposal. This would mitigate any overlooking or loss of privacy to what is the front of the neighbouring dwelling, and would largely safeguard against the opportunity for interlooking.
- 3.9 The patio area would be located adjacent to the remaining garage to 8 Chestnut Close. As it is not a raised platform, it would not require formal permission however, it is not considered that there would be any harm arising from this patio area, or from the access doors to this patio area from the extension, given that views would be largely blocked by the remaining garage and close-boarded fence.
- 3.10 The proposed extension would be located away from the boundary of 8 Chestnut Close by 0.5m. The roof of the extension would slope towards this boundary. Given the height of the eaves at this point, and the bulk of the

extension being away from the boundary, it is considered that the extension would not result in a sense of enclosure or have an overbearing impact on the neighbour.

- 3.11 It is considered that the proposed extension would not have a negative impact on the amenity of the neighbouring dwellings.

Impact on Highways and Parking

- 3.12 There is unrestricted on road parking in the street. There was no condition imposed on the original planning permission to safeguard off-road parking.
- 3.13 It is acknowledged that there is local concern about the pressures on on-street parking in the local area. However, it is not considered that the proposed development, even with the loss of one car parking space, would materially worsen this situation. There is no evidence that the parking issues have led to highway safety concerns or increase in accidents in the area.
- 3.14 The driveway is divided by a double gate which means only one parking space is ever used. Whilst this proposal will remove the potential to make use of the second parking space (between the gates and the garage), it is not considered that this will have a significant impact on the parking issues raised by local residents. As such, it is considered that the proposed development would not lead to undue highway safety concerns or materially impact on on-street parking pressure.

Other Matters

- 3.15 It has been suggested that this property is being used as a commercial residential home. At this point, there are two occupants with care needs living at the property with a single overnight carer staying on site. The extension will allow for the formation of two new bedrooms to accommodate two more residents who also have care needs. This will bring the total living at the property to four. Under planning legislation, up to six unrelated individuals can live in a dwelling before a change of use to institutional/HMO would occur. As such, there is no change of use at this property and it remains a dwelling with all permitted development rights of a single-family house.
- 3.16 Permitted development rights are important in considering this application. The extension only requires formal planning permission due to the ridge height of the extension being over 4.0m which is the maximum ridge height for a single storey extension allowable under permitted development legislation. If the ridge was lowered by 0.5 meters, this proposal could be carried out under permitted development rights in its entirety.
- 3.17 It is accepted that the proposal would enable an additional two occupants to live in the property and due to their circumstances, they may not be able to drive. This circumstance, of course, could change in the future if the property were sold and occupied by people who could drive. Parking pressures may become a little more difficult. However, due to the availability of on-street parking, it is not considered that this impact would unduly harm highway safety or amenity.

Conclusion

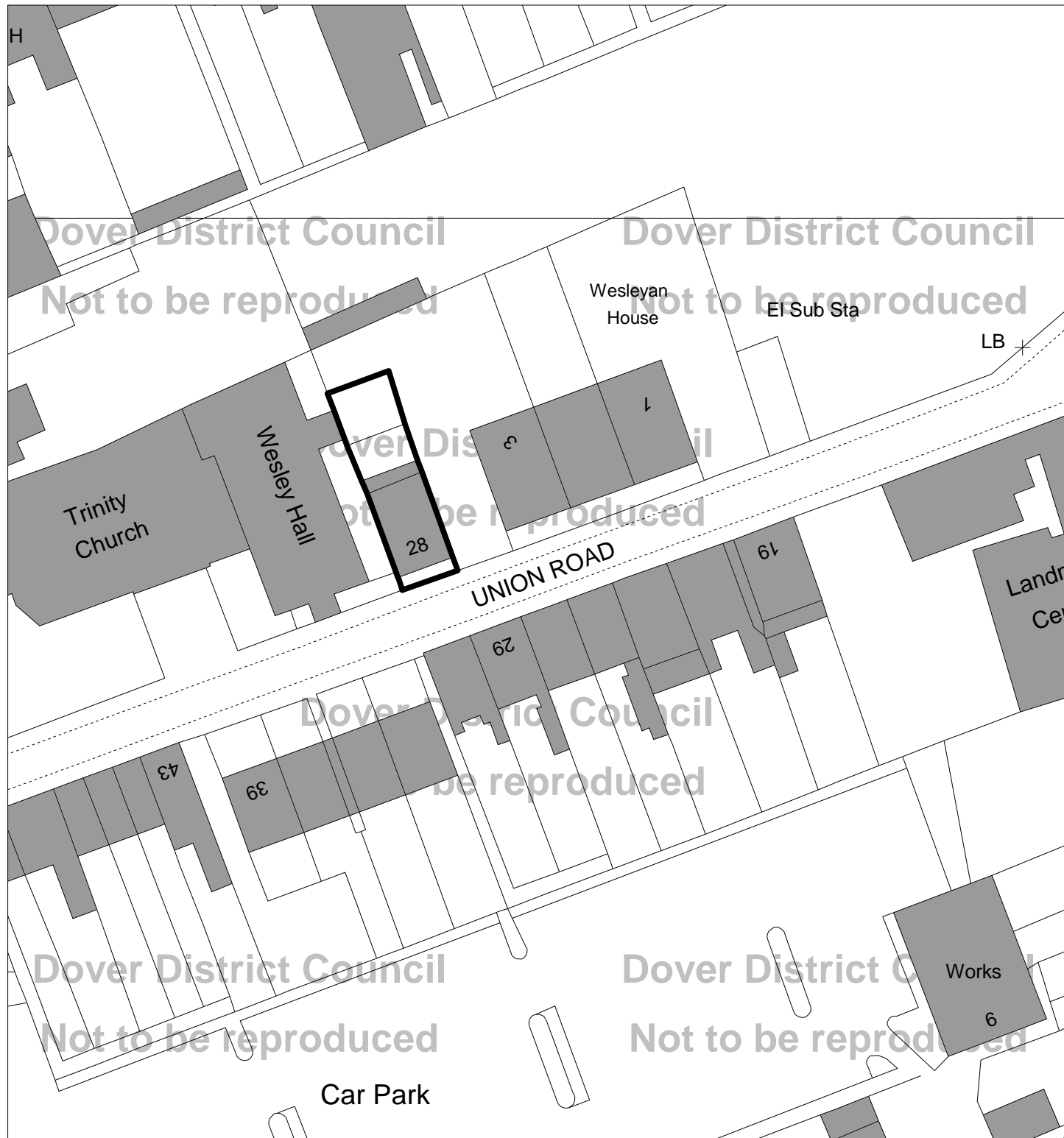
- 3.18 It is considered that the proposed extension is of an acceptable design and location and would not harm the visual amenity or street scene of the area.
- 3.19 It is considered that the proposed extension would not have a negative impact on the residential amenity of the adjacent dwellings.
- 3.20 It is considered that the proposal would not result in undue highway safety concerns or unduly increase pressure on on-street parking locally.
- 3.20 On balance, it is therefore concluded that planning permission should be granted.

g) Recommendation

- I Planning Permission BE GRANTED subject to the following conditions to include: 1) 3-year commencement; 2) Built in accordance with the approved drawings; 3) Finishes to match existing.
- II 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

Andrew Wallace



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Application: DOV/17/00093

28 Union Road

Deal

CT14 6EA

TR37565297



- a) **DOV/17/00093 – Erection of a single storey rear extension with adjoining terrace, steps leading up to and storage underneath and insertion of side ground floor window - 28 Union Road, Deal**

Reason for report: Number of views contrary to officer's recommendation.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – Deal is a District Centre as set out in the Core Strategy which is suitable for urban scale development

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles set out in paragraph 17 which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 56-58, 61 and 64 seek to promote good design and resist poor design. Paragraph 134 sets out how any harm to heritage assets should be assessed and weighed against the public benefits.
- Sections 66 and 72 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 require that special regard is paid and special attention is given to the desirability of preserving or enhancing the setting of listed buildings and conservation areas.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development and advises that context should form part of the decision making around design.

- d) **Relevant Planning History**

None.

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

Town Council: Objects to this application due to loss of amenity space and out of character for the area.

Public Representations:

There have been 5 letters of objection received from the public consultation of the application. A summary of the responses is set out as follows:

- The extension has an excessive height
- The proposal would result in overlooking and loss of privacy
- The proposal is an over-development of the site
- The proposal involves 'garden-grabbing' and results in the loss of amenity space
- The proposal is overbearing, out of scale and out of character
- The driveway would be obstructed and this would harm amenity and lead to conflicts between vehicles and pedestrians
- The proposal would harm the outlook from the adjacent properties
- The noise and disturbance would affect living conditions

The Deal Society objects to the loss of amenity space, the impact upon the character of the area including the Middle Deal Conservation Area.

f)

1. **The Site and the Proposal**

Site Description

- 1.1 The application property is a detached two storey dwelling house. It is located close to the back edge of the highway, with a shallow front garden area and small enclosed courtyard garden area with parking space beyond. The property and those properties on either side were once connected as the school house, caretaker's house and Chapel building (Wesley Hall). The application property was once known as the caretaker's house. These were converted to dwellings following permission in the early 1990s.
- 1.2 The application property is Victorian with a painted rendered façade, timber framed sash window openings and a slate roof. The property has been extended to the rear at single storey level to accommodate an extension to a kitchen and a conservatory. A set of steps leads from the extension down to the rear courtyard/garden area.
- 1.3 A driveway exists alongside the property that serves both the application site and No.3 Wesleyan House. The change in topography means that the driveway falls from the highway towards the rear of these properties. As such, although the application property is two

storeys in height it also benefits from a basement area and is more elevated above existing ground levels towards the rear of the property.

- 1.4 No.3 Wesleyan House has a main entrance door and a number of windows that face towards the application property. It has a garden area to the rear. Wesleyan House is the converted school house building. It is three storeys in height and appears to have been constructed around the same time as the application property.
- 1.5 The application property, Wesleyan House and the Wesley Hall do not form part of the Middle Deal Conservation Area. The boundaries of the conservation area run along the opposite side of Union Road, along West Street and along Duke Street. However, considered together these building combine to make a positive contribution to the character and appearance of the area and should be considered as important non-designated heritage assets because of their heritage interest.
- 1.6 Opposite the application site is a terrace of two storey early Victorian cottages, which are listed buildings within the conservation area. These are attractive as a group of buildings and retain many original or traditional features and their historic character and appearance.

Proposal

- 1.7 The proposal is to enlarge the building through the removal of the existing rear extension and its replacement with a larger extension to accommodate a dining room (this also facilitates a rearrangement of the internal layout of the building with the relocation of the kitchen and the provision of a laundry room and shower/WC). The extension also enables the provision of a further basement area – described in the application as an “undercroft” area, beneath the new dining room. The drawings also show a new ground floor side window between the application property and the Wesley Hall building. In effect, the extension removes the courtyard area. Two doors are proposed at the “undercroft” level to provide access between the dining room area and the car parking spaces via an internal staircase and to provide access between the “undercroft” area and the parking spaces.
- 1.8 The extension would be constructed of brick and render with a zinc roof. Glazed windows/doors are proposed in the rear elevation of the extension, with a glass balustrade across their width. One narrow window is proposed in the flank elevation of the extension.
- 1.9 The proposal retains the two parking spaces to the rear of the property.

2. Main Issues

- 2.1 The main issues are:
 - the impact of the proposals on the character and appearance of the area, including heritage

- the impact upon residential amenity

3. Assessment

Character and Appearance of the Area

- 3.1 The existing building is an attractive two storey dwelling, with basement. It has been extended to the rear at single storey level. The proposal, in effect, seeks to remove the current extensions and replace these with an extension to the building and providing further and enlarged accommodation. The extension would remove the existing courtyard/garden area to the rear, but the car parking area beyond would be retained.
- 3.2 The proposed extension would be visible from public vantage points between the gaps between buildings – along the driveway between the application property and No.3 Wesleyan House and between the narrower gap between the application property and Wesley Hall. It would also be visible from the Duke Street public car park to the north and east. However, due to the limited extent of its visibility and the separation from these public vantage points, it is considered that the extension would not appear prominent and neither would it appear incongruous in its context. As such, it is not considered that the proposed extension would have a material impact upon the existing character and appearance of the area.
- 3.3 The design of the extension is in keeping with the host building by reason of its single storey scale, its design and the use of finishes and building materials. In itself, the design of the proposed extension would be acceptable to the rear of the building.
- 3.4 Concerns have been expressed from the public consultation responses as to the amount of development on the land, design and the impact upon the character and appearance of the area. As the proposal is to the rear of the building the extent of the impact upon the wider area is limited, if any. Therefore, it is considered that these concerns would not justify a refusal of the application.
- 3.5 Taking into consideration and placing great importance and weight to the setting of the conservation area and nearby listed buildings it is considered that for the above reasons of visibility, design and proximity, the setting of these designated heritage assets would be preserved. Accordingly, pursuant to the considerations set out in NPPF – there is no harm caused to the significance of a designated heritage asset.
- 3.6 It is considered that the provisions of Sections 66 and 72 of The Act have been met and that the impact of the proposal on the designated assets is neutral.

Residential Amenity

- 3.7 The principal concern is to consider how the proposed extension might affect the occupiers of No.3 Wesleyan House. Wesleyan House is some 5m from the application property (the width of the driveway) and No.3 (the end terrace of this block) has a number of windows and its main entrance facing onto the driveway. The building extends approximately to the line of the end of the existing rear garden of the application property. Beyond the rear building line, No.3 benefits from an enclosed rear garden area.
- 3.8 There are a set of steps leading from the garden to the rear door of the application property. From these steps, there are views across toward the garden of No.3. The proposed extension removes these steps and replaces them with the extension. The rear windows proposed in the extension will provide views in a northerly direction - towards a garage building and part of the Duke Street public car park. Views towards the garden of No.3 would be at an angle. Due to the depth of the extension the views from these windows would not be across the rear elevation or the immediate private garden area behind the rear elevation of No.3. Views of the rear section of No.3 would be achievable, at an angle. A condition could be imposed to obscure glaze the propose side window of the extension to prevent the potential for overlooking.
- 3.9 With regard to the impact from the built form of the extension, it is considered that its distance to No.3 and its single storey height (which would appear elevated to one-and-a-half storeys due to the fall in topography) would not result in an overbearing impact upon the windows and garden area of No.3. The orientation of the extension from No.3 might lead to some loss of sunlight to the side garden and side elevation of No.3 during the evenings, but this impact is unlikely to be distinguishable from the existing shadowing caused by the presence of the Wesley Hall to the west – which has a higher ridgeline and roof massing than the proposed extension. The new ground floor side window would normally be permitted development and has been included in the description for completeness. In itself it causes no harm.
- 3.10 In conclusion on this issue, it is not considered that the proposal would have an unduly harmful impact upon the living conditions of the occupiers of No.3 Wesleyan House.

Other Matters

- 3.11 Some of the comments raised through the consultation responses are private matters and not material planning considerations.
- 3.12 No evidence has been submitted as to the existing and proposed use of the driveway and how the extension would cause harm to pedestrians/users of the driveway.

- 3.13 Whilst the loss of the courtyard/amenity space is regrettable, the degree to which occupiers seek to use their premises and existing amenity space is not a matter in the public interest. The existing garden area does not contribute to the open character or appearance of the area and therefore its loss would not cause harm to the area.
- 3.14 The extension would cross in front of an obscure glazed window on the east elevation of the Wesley Hall building, which is used as a hall. This window is one of many serving the building and it does not benefit from direct/unimpeded views or outlook. As such, I do not consider that the proposal would cause undue harm to the use of the building.

Conclusion

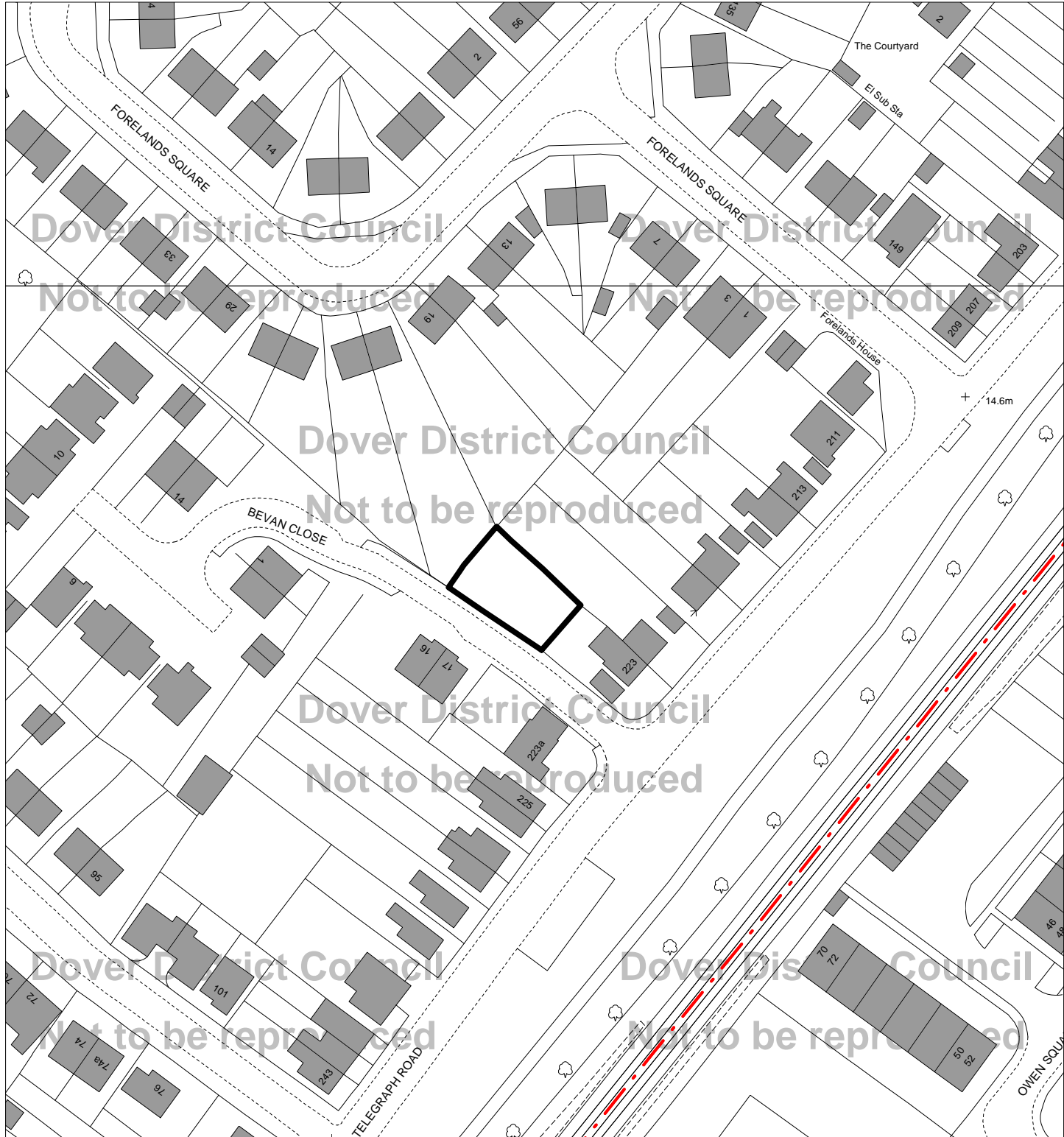
- 3.15 The proposal would not have a material impact upon the street scene or the character and appearance of the area. The setting of the nearby conservation area and listed buildings would be preserved, and the impact on the heritage assets is neutral. It is not considered that the proposal would give rise to undue harm to the living conditions of the occupiers of surrounding properties.

g)

Recommendation

- I PERMISSION BE GRANTED subject to conditions to include:
- i) Standard 3 year permission, ii) Approval of submitted and specified drawings, iii) Requirement of materials and finishes to match iv) Requirement for obscure glazing to the window in the east facing elevation of the extension
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary wording or additional reasons for refusal in line with the recommendations and as resolved by the Planning Committee.

Case Officer
Vic Hester



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Application: DOV/17/00135

**Land Fronting Bevan Close
and rear of 223 Telegraph Road
Deal
CT14 9DU**

TR36755094



a) **DOV/17/00135 – Erection of one pair of semi-detached dwellings, formation of four car parking spaces and construction of two vehicular accesses - Land fronting Bevan Close and rear of 223 Telegraph Road, Deal**

Reason for report: The number of third party representations.

Committee also needs to be advised the applicant has made an appeal to the Planning Inspectorate against non-determination in relation to this application. The decision on the application now rests with the Planning Inspectorate. However, the Committee is now asked to resolve what decision it would have made had it still been required to determine the application. That resolution will then form the basis of the Council's case to the Planning Inspectorate.

b) **Summary of Recommendation**

Planning Permission be refused.

c) **Planning Policies and Guidance**

Dover District Core Strategy Adopted 2010

- 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'.

Development Plan

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 "Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that 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...
Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations..."

- 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 to making places better for people.”
- Paragraph 58 sets out “Planning policies and decisions should aim to ensure that developments.... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.”
- Paragraph sets out “60. Planning policies and decisions should not attempt to stifle innovation. It is, however, proper to seek to promote or reinforce local distinctiveness.”
- Paragraph 61 states “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 64 set out “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”
- Paragraph 152 sets 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

National Planning Policy Guidance

Kent Design Guidance.

d) Relevant Planning History

DOV/14/01119 – Erection of a pair of semi-detached dwellings and creation of vehicular access – refused.

DOV/15/00197 – Erection of a pair of semi –detached dwellings, creation of vehicular accesses and associated parking – refused by planning committee.

e) Consultee and Third Party Responses

Deal Town Council: No objection.

Public Representations: Nine letters of support have been received and are summarised below:

- It can only be good for the area and Deal town;
- It will be nice to see something built on this currently unused piece of land;
- This would benefit the area with more housing (which is much needed)
- The road would look more presentable;
- It's a dumping site

f) 1. The Site and the Proposal

- 1.1 The site relates to a plot of land fronting Bevan Close, located to the rear of no. 223 Telegraph Road. The site is within the urban confines of Deal and is located adjacent to the recently built development to the north-west and south-west.
- 1.2 The land form rises from Telegraph Road towards Foreland Square. The land has been used for the disposal of soil and building rubble during the construction of Bevan Close, as a result of this the land level is higher than the adjacent land in Telegraph Road by around 1 metre.
- 1.3 The site is separated from the garden of No. 223 Telegraph Road to the southeast by a closeboarded fence with existing mature hedging planted within the application site. A new access road has been created from Telegraph Road into Bevan Close.
- 1.4 The application site has a street frontage which measures 2.1m and has a depth of between 11.2m and 14.6m. The site is currently overgrown.
- 1.5 Planning permission is sought for the creation of a pair of semi-detached dwellings and creation of vehicular access. The proposed dwellings would each have three bedrooms and a bathroom at first floor level and a living room, kitchen/dining room and WC at ground floor level. Each of the properties would have two parking spaces to serve the dwellings. The dimensions of the properties are 8.2m by 5.5m, with an eaves height of 4.8m and an overall height of 8.1 metres.
- 1.6 Two previous applications have been refused. The first DOV/14/01119 was for the erection of a pair of semi detached dwellings and creation of a vehicular access. This was refused on the following grounds;
 - The proposal, by reason of its scale, height, form and siting in close proximity to the neighbouring properties on Telegraph Road would result in an unacceptable level of actual and perceived overlooking to the rear gardens of no. 223 and 221 Telegraph Road by virtue of the increased land levels and fenestration arrangements.

A subsequent planning application was received DOV/15/00197 for the erection of a pair of semi detached dwellings, creation of vehicular accesses and associated landscaping. This was refused by planning committee on the following grounds;

- The siting in close proximity to the neighbouring properties on Telegraph Road would result in unacceptable level of actual and perceived overlooking to the rear gardens of No. 223 and 221 Telegraph Road by virtue of the increased land levels and fenestration arrangements, contrary to the aims of the National Planning Policy Framework and the Kent Design Guide.

2. Main Issues

2.1 The main issues for consideration are:

- principle of development;
- impact of the development on neighbouring properties;
- design and impact of the development on the street scene;
- highway safety.

3. Assessment

Principle

- 3.1 The site is located within the urban confines where development is generally considered to be acceptable and therefore the use of the land for the residential development would be in accordance with Policy DM1 of the Core Strategy.

Impact on Neighbours

- 3.2 It should be noted two previous planning applications have been refused due to the unacceptable level of actual and perceived overlooking to the rear gardens of No.223 and 221 Telegraph Road by virtue of the increased land levels and fenestration arrangements.
- 3.3 The fenestration arrangements remains similar to the planning application refused in 2014 (DOV/14/1119). The dwellings have been designed to incorporate sets of four windows within the first floor rear elevations. The bedroom windows at first floor would be served by projecting oriel windows which would have solid side panels, to one side and could be conditioned so that the window casement would be obscure glazed with the solid panel to be retained in situ. The other first floor windows each serve a bathroom and would be obscure glazed, which again could be conditioned. It is accepted these alterations could alleviate the direct overlooking into the main garden area of number 223 Telegraph Road. However, given the position and size of these rear windows, it is considered there would be a significant perception of being overlooked.
- 3.4 At ground floor level within the rear elevation the window arrangements now show a set of patio doors and a single facing window towards the side boundary of 221 Telegraph Road and the use of a 1.7 metre closeboard fence as denoted on the plan. The existing screening along the rear boundary of the application site would be retained. It should be noted that the topography of the land is significantly higher (approximately 1 metre) on the application site and on the dividing boundary. Due to the positioning and height of the fence, coupled with its close proximity to the rear of the proposed dwellings (3.7 metres), this arrangement would likely to result in an oppressive and overbearing form of development in respect of the existing living conditions enjoyed by the occupiers of 221 Telegraph Road and the future occupants of the proposed development.
- 3.5 Although there is an existing screen (a row of conifers) to the rear boundary of the site along Telegraph Road, it is likely there would be pressure to remove these trees to allow natural daylight into the site and ground floor windows serving the living accommodation, due to the close proximity of the trees. Although a condition could be secured to retain this screening, this would have to be balanced against achieving a suitable living environment for new occupants.
- 3.6 The proposal is for a pair of two storey semi -detached dwellings, with a ridge height of 8.1 metres and an eaves height of 4.8 metres. As discussed above the

topography of the land is significantly higher on the application site than those properties fronting onto Telegraph Road. Given the proposed height, scale and close proximity of the proposed dwellings and the proposed means of enclosure it is considered the resultant development would be an overbearing and oppressive form in respect of the occupants of the surrounding area, in particular at 221 and potentially 223 Telegraph Road. Paragraph 17 of the National Planning Policy Framework refers to the importance of achieving good standards of amenity for existing and future occupants of land and buildings. In this instance, for the above reasons the level of harm to existing occupants, and low quality level of amenity for new occupants would be unacceptable.

3.7 Design and Impact of the Development on the Street Scene and Highways

3.8 The site layout and form of the development appears to be relatively commensurate to the urban grain of the new adjacent development. The dwellings in design, appearance and layout terms are generally reflective of the existing newly developed plots in Bevan Close. It is acknowledged the application site has been used for the disposal of soil and building rubble during the construction of Bevan Close, so on balance the site would bring benefits to the appearance of the street scene and 'tidy up' the site with a pair of well designed dwellings which generally reflect the character of Bevan Close.

3.9 Despite the common feature of the rising land levels the proposed site is already built up and because of the land levels now being higher it is likely that the new dwellings would result in a more prominent form of development here. However, there is a mix of spatial character within the local vicinity and as such it is not considered the proposed development would look out of place.

3.10 Highways

3.11 Kent Country Council Highways have not raised any objection to the proposal. The proposed dwellings would have two parking spaces each which is in accordance with DM13. If planning permission were to be granted then spaces could be conditioned to be safeguarded.

4. Conclusion

4.1 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. The development is in the confines so is acceptable in principle. It is acknowledged that the development of the site would bring benefits to the appearance of the street scene and "tidy up" the site. However, these benefits have to be balanced in particular against the harm to the residential amenity of neighbouring occupants and the future occupants of the proposed dwellings. The proposal is considered to be unacceptable in that the perceived overlooking would result in an unacceptable loss of privacy to the adjacent dwellings as a result of its fenestration arrangements and elevated position. In addition to this the significant difference in land levels, coupled with the proposed height, scale and the close proximity of the dwellings would result in an overbearing and oppressive form of development, contrary to the aims and objectives of the National Planning Policy Framework. On this basis the adverse impacts of the development significantly outweighs the benefits.

It could be that one single storey dwelling would be acceptable on this site. However, care would need to be taken over any potential for overlooking in particular.

g) **Recommendation**

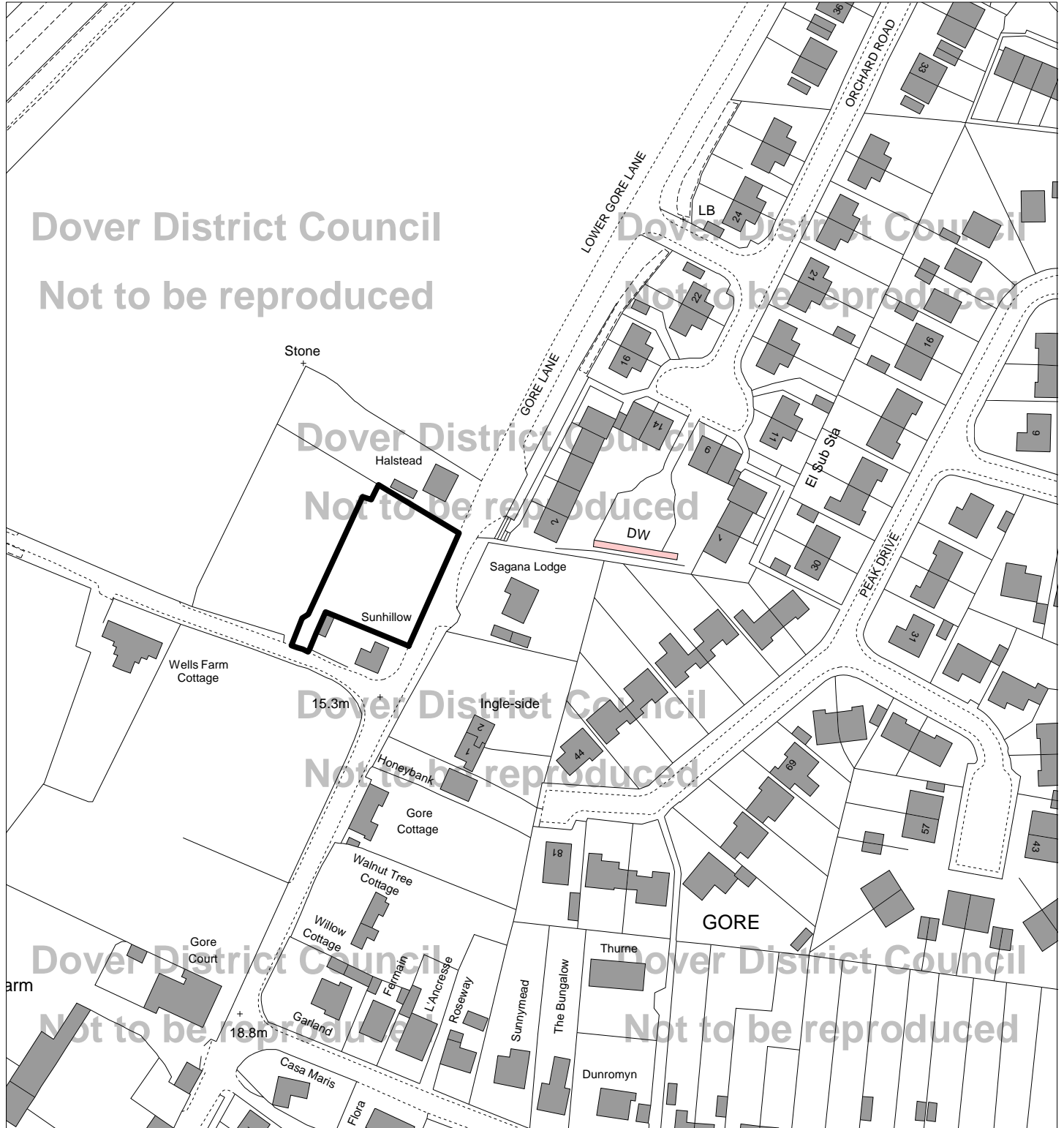
If an appeal for non-determination had not been received Permission for REFUSAL would be recommended for the following reasons:

1. The proposed development, by reason of its scale, height, form and siting in close proximity to the neighbouring properties on Telegraph Road, would result in an unacceptable level of actual and perceived overlooking to the rear gardens of 221 Telegraph Road by virtue of the increased land levels and fenestration arrangements, contrary to the aims of the National Planning Policy Framework, in particular paragraphs 56, 58, 60, 61, and 64 and the Kent Design Guide.
2. The proposed development, by virtue of the proposed height, scale of the proposed dwellings, coupled with the topography of the application site would result in an overbearing and oppressive form of development in respect of the occupants in particular 221 and 223 Telegraph road at a level that would be harmful to the residential amenity in conflict with the aims and objectives of the National Planning Policy Framework.

Case Officer

Karen Evans

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Application: DOV/17/00267

Land adjoining Sunhillow

Gore Road

Eastry

CT13 0ED

TR30675522



- a) **DOV/17/00267 – Erection of 3 no. detached dwellings, new vehicular and pedestrian accesses and associated car parking and landscaping - Land adjoining Sunhollow, Gore Lane, Eastry**

Reason for report: Number of contrary views

- b) **Summary of Recommendation**

Grant permission

- c) **Planning Policies and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.
DM1 – Settlement boundaries.
DM13 – Parking provision.
DM15 – Protection of the countryside.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

LA30 – West of Gore Lane.

National Planning Policy Framework (NPPF)(2012)

17. Core planning principles... planning should...

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- 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... recognising the intrinsic character... of the countryside...

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

57. 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.

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.

Other Considerations

Dover District SHLAA site assessments – EAS05

“Although development would involve the removal of trees and vegetation, which would change the appearance of Gore Lane, and there is no footway at this point, small scale development of up to an additional three dwellings could be achieved without a harmful impact on the countryside. Nature conservation concerns could be addressed through the design process. The site is also within walking distance of public transport and the local primary school (although, for a short stretch, there are no footpaths).

As a rule the District Council only allocates sites that would yield five or more units. As there are already two dwellings on this site it is considered that the village confines should be amended to include this area as there would only be up to three new dwellings in this area.”

d) **Relevant Planning History**

DOV/16/01226 – Erection of 3no. detached dwellings, creation of parking and new vehicular access – REFUSED.

DOV/15/00874 – Erection of three detached dwellings, creation of vehicular access and parking – REFUSED.

DOV/15/00363 – Erection of 4no. detached dwellings, carports and creation of new vehicular access – REFUSED.

DOV/03/01249 – Erection of two dwellings – REFUSED.

DOV/87/00076 – Outline for residential development – REFUSED.

e) **Consultee and Third Party Responses**

DDC Landscape and Ecology – no comment made, however, under DOV/16/01226 the landscape and ecology officer considered this and responded no comment.

DDC Trees – no comment made, however, comment under DOV/15/00874 acknowledged all trees had been removed and there was nothing to comment on.

KCC Archaeology – no objection, subject to condition for written scheme of investigation and programme of archaeological works. Eastry is archaeologically important because of its location adjacent to the former Dover to Richborough Roman road and due to the settlement's significance in the early medieval period. The palace or 'villa regalis' relating to Egbert, King of Kent c.690 AD is thought, though not proven, to lie in the vicinity of St Mary's Church and Eastry Court Farm. Four separate cemeteries dating from the early medieval period are also recorded in and around the periphery of the present village.

The site in question lies on the western edge of the modern-day village and finds of Romano-British and medieval date have been found within fields on the opposite side of Gore Lane. Given the archaeological importance of Eastry it is possible that the proposed development works may affect archaeological remains. I therefore recommend that provision is made in any forthcoming planning consent for a programme of archaeological work.

Eastry Parish Council – objects.

Junction of Selson Lane and Gore Lane is dangerous.

Buildings are out of keeping with this part of the village – they are large and visually imposing.

No provision made for pedestrians – seeks a footpath along the front of the proposed dwellings.

Public comments – 6 x objections

Objections

- Concern that application is for one half of the site, with a view to developing behind.
- Access issues to Selson Lane – too quiet to accommodate this – dangerous.
- Dangerous junction between Selson Lane and Gore Lane.
- Application is similar to previous applications.
- Eastry village is at capacity.
- Plot does not enhance the beauty/character of the area.

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

- 1.1 The site is located on the western side of Gore Lane in Eastry. Gore Lane is a rural lane, on its western side are large expanses of open countryside with intermittent developments, including residential dwellings. On the eastern side of Gore Lane are a number of set back detached dwellings with drives accessing the highway. There is also a bus stop.
- 1.2 The site is mostly within the Eastry settlement boundary, as amended by policy LA30 of the Dover Land Allocations Local Plan 2015. A small part of the site extends beyond the settlement boundary on its western side. Immediately west of the site is open countryside.
- 1.3 The site was previously inhabited by dense vegetation including trees and bushes, forming a hedgerow along the Gore Lane frontage. This has all been removed except for one tree which is located

approximately at the centre of the Gore Lane frontage, and a fruit tree adjacent to a car port on Selson Lane.

- 1.4 There is a bank approximately 1.5 metres high along the Gore Lane frontage.
- 1.5 Immediately south of the site is a two storey residential property, Sunhollow. Immediately north of the site is a single storey residential property, Halstead.
- 1.6 A road junction for Selson Lane is located 11-12 metres south of the site on the western side of Gore Lane.
- 1.7 Gore Lane is approximately 4 metres wide at this location, with no pedestrian footway.
- 1.8 Site dimensions are:
 - Depth – 32.4 metres.
 - Width – 36.4 metres, 49 metres (including access on to Selson Lane).

1.9 Proposal

The proposal is to construct three detached dwellings, each facing Gore Lane, on a north east to south west axis. The three dwellings are comprised broadly of two designs, with the northern dwelling (plot 3) being different to the central (plot 2) and southern (plot 1) dwellings (there are cosmetic differences between the dwellings at plots 1 and 2 but the layout matches). The dwellings at plots 1 and 2 would have two and half storeys, with a hipped roof, and front and rear dormer extensions. The dwelling at plot 3 would have two storeys, a hipped roof, a road facing projection and would project deeper towards the rear (west) of the site. The dwellings at plots 1 and 2 would comprise 4 bedrooms and the dwelling at plot 3 would comprise 3 bedrooms.

- 1.10 In terms of site layout, the dwellings would each have vehicular access taken from a single point on Selson Lane, west of the rear boundary of Sunhollow. Each dwelling would have a double parking space at the rear (west) of its respective garden, which would be accessed from a block paved track running adjacent to the western site boundary. At the front of the dwellings (east), the existing bank would be kept, with individual pedestrian accesses taken directly from Gore Lane.
- 1.11 The rear boundaries to the plots would be bounded by 1.8 metre tall close board fences. The rear site boundary would be bounded by a 1.2 metre tall post and wire fence complemented by tree and hedge planting.
- 1.12 The existing tree adjacent to Gore Lane located approximately at the centre of the road frontage would be removed, as would a fruit tree which would make way for the site access.
- 1.13 Dimensions are as follows:

Plot 1 (southern plot)

- Plot width – 12.8 metres (taken at front elevation of proposed dwellings).
- Dwelling set back from highway – 5.1 metres.
- Dwelling depth – 8.2 metres.
- Dwelling width – 9.5 metres.
- Dwelling ridge height – 8.4 metres.
- Dwelling eaves height – 5.1 metres.

Plot 2 (centre plot)

- Plot width – 12.6 metres (taken at front elevation of proposed dwellings).
- Dwelling set back from highway – 5.6 metres.
- Dwelling depth – 8.2 metres.
- Dwelling width – 9.5 metres.
- Dwelling ridge height – 8.4 metres.
- Dwelling eaves height – 5.1 metres.

Plot 3 (northern plot)

- Plot width – 10.4 metres (taken at front elevation of proposed dwellings).
- Dwelling set back from highway – 6 metres.
- Dwelling depth – 10.5 metres.
- Dwelling width – 7.4 metres.
- Dwelling ridge height – 8 metres.
- Dwelling eaves height – 4.9 metres.

2 Main Issues

- 2.1 The main issues to consider are:
- Principle
 - Countryside, visual amenity and design
 - Residential amenity
 - Highways

3 Assessment

3.1 Principle

The site is located mostly within the settlement boundary as amended by the Land Allocations Local Plan (LALP)(2015), policy LA30 (West of Gore Lane). That policy did not set any criteria for the land but did redraw the Eastry settlement boundary with a recognition of the opportunity for “lower density family dwellings reflecting the scale and character of neighbouring properties”.

- 3.2 At the rear of the site, a small proportion of land within the red line is located outside of the Eastry settlement boundary.

- 3.3 Previous planning applications have sought to address the issue of access either by taking it from Selson Lane, with parking to the rear (west) of the dwellings; or by taking access directly off of Gore Lane. In practice, there has been an issue of principle (Selson Lane access proposal) or safety (Gore Lane access proposal).

- 3.4 The development of the site is acceptable in principle. The part of the site outside of the settlement boundary, while contrary to policy DM1, can be justified by that policy, which states:

“Development will not be permitted on land outside the... rural settlement confines shown on the proposals map unless... it functionally requires such a location, or it is ancillary to existing development or uses.”

- 3.5 Following previous refusals based in part on the lack of acceptable access arrangements, the access track would functionally require this location. It would also be ancillary to the development, albeit recognising that it does not yet exist. Overall the proposal is largely in compliance with policy and therefore is acceptable in principle.

Countryside, Visual Amenity and Design

- 3.6 The proposed dwellings are larger in scale than either Sunhollow or Halstead. In the context of the street scene, and the location adjacent to the open countryside, this has raised some concern about how they could be incorporated into the site and not appear over-dominant or alien.
- 3.7 The applicant has submitted amended drawings, which show the dwellings dug into the site from south to north. The effect in the street scene is that the dwellings would each step down from the southernmost dwelling (adjacent to Sunhollow) towards Halstead. It is considered that this aspect of the proposal in terms of scale and form would allow for the dwellings to be accommodated within the site and the street scene without compromising its character.
- 3.8 The space between the proposed dwellings within the development, and the existing dwellings, is considered to be acceptable. The space between the dwellings is: Sunhollow to plot 1 – 3.4 metres, plot 1 to plot 2 – 3.2 metres, plot 2 to plot 3 – 3.2 metres and plot 3 to Halstead – 7.3 metres.
- 3.9 The retention of the existing bank on the Gore Lane frontage, except where pedestrian access is made, would, it is considered, assist in softening the appearance of the dwellings as well as continuing the more leafy and rural appearance of the street edge. The site plan also indicates planting to the front (east) of the dwellings, which would also help to achieve this. Details of planting/landscaping would be sought through condition.
- 3.10 At the rear (west) of the site, the appearance of the access track is a key concern due to it being adjacent to the open countryside. The applicant has amended the site plan to include a 1.2 metre tall post and wire fence with tree and hedge planting. This is considered to be an acceptable solution in this rural edge of village location and would be secured by condition.
- 3.11 Policy LA30 identifies the footway as an issue at this location. The only footway in the immediate vicinity is a small section (approximately 5 metres long) located adjacent to the bus stop opposite the site to the north. The predominant character of Gore Lane is rural/semi-rural,

typified by the lack of formal pavements. It is considered in this particular location, that such an unconnected footway for three dwellings would only serve to harm the character of the street scene and add unnecessary engineering. The dwellings themselves are each proposed to have pedestrian access from Gore Lane, which would provide temporary refuge for passing pedestrians as necessary. This arrangement is a typical feature in and along rural lanes within a speed restricted area.

3.12 Residential Amenity

The siting and design of the dwellings is considered to minimise the opportunities for any harmful effects to residential amenity, either to Sunhollow (adjacent the southern dwelling – plot1) or to Halstead (adjacent to the northern dwelling – plot 2).

3.13 No side windows are proposed in the southern elevation of the dwelling at plot 1, meaning that there is no opportunity for overlooking towards Sunhollow. There is a first floor window in the northern elevation of the dwelling at plot 3, but this is to an en-suite shower and toilet and a condition is proposed for this window to be obscure glazed.

3.14 The dwelling at plot 3 is located as to have potential to overshadow Halstead to the north. However, the amendment to the street elevation i.e. stepping down the dwellings, is considered to adequately address this. The roof of the dwelling proposed at plot 3 is 2.8 metres taller ridge to ridge and 2.5 metres taller eaves to eaves. This is, however, mitigated by the roof of the proposed dwelling being hipped at the sides, the eaves being set lower than the ridge of Halstead and the distance between the two dwellings, which is 7.3 metres. It is considered that the combination of these factors would not lead to any undue harm arising from overshadowing.

3.15 In residential amenity terms, the proposal is considered acceptable.

Highways

3.16 The proposed site access is taken from Selson Lane and is 4.2 metres wide at the junction. The access track serves two car parking spaces per dwelling (six in total), with the spaces for plot 3 turned perpendicular to the northern site boundary (with Halstead). The track is proposed to be surfaced in bound gravel, which would provide an acceptable appearance for the location.

3.17 The proposal, for three dwellings accessing a unclassified road, is outside of the KCC Highways consultation protocol. However informal discussion with the highway officer has confirmed that the visibility arrangements proposed by the applicant are acceptable.

3.18 The applicant has indicated visibility splays on the site plan – for a 30mph limit this equates to 43 metres x 2.4 metres x 43 metres. The splay towards the west crosses land in the applicant's ownership. The splay to the east is shorter given that the junction with Gore Lane is only 25 metres away. However, this is considered also to be acceptable due to the proximity of the junction, meaning that vehicles

are likely to be travelling slower than 30mph, combined with the ability of vehicles exiting the site being able to edge forward for further visibility towards the east if required.

3.19 Access proposals are considered acceptable.

3.20 Conclusion

The proposed development is considered to be acceptable. The stepping down of the dwellings from south to north helps to create a more sympathetic appearance and scale to the buildings within the street scene and helps to integrate the dwellings into the site.

3.21 No undue harm to residential amenity is expected to arise from the proposed development.

3.22 The site access at the rear (west) of the site, which would be taken from Selson Lane, is the most acceptable solution for achieving access. While this is located outside of the development boundary it involves only a small area of land, and would be ancillary to the proposal and is functionally required – therefore it is considered to comply with the requirements of policy DM1.

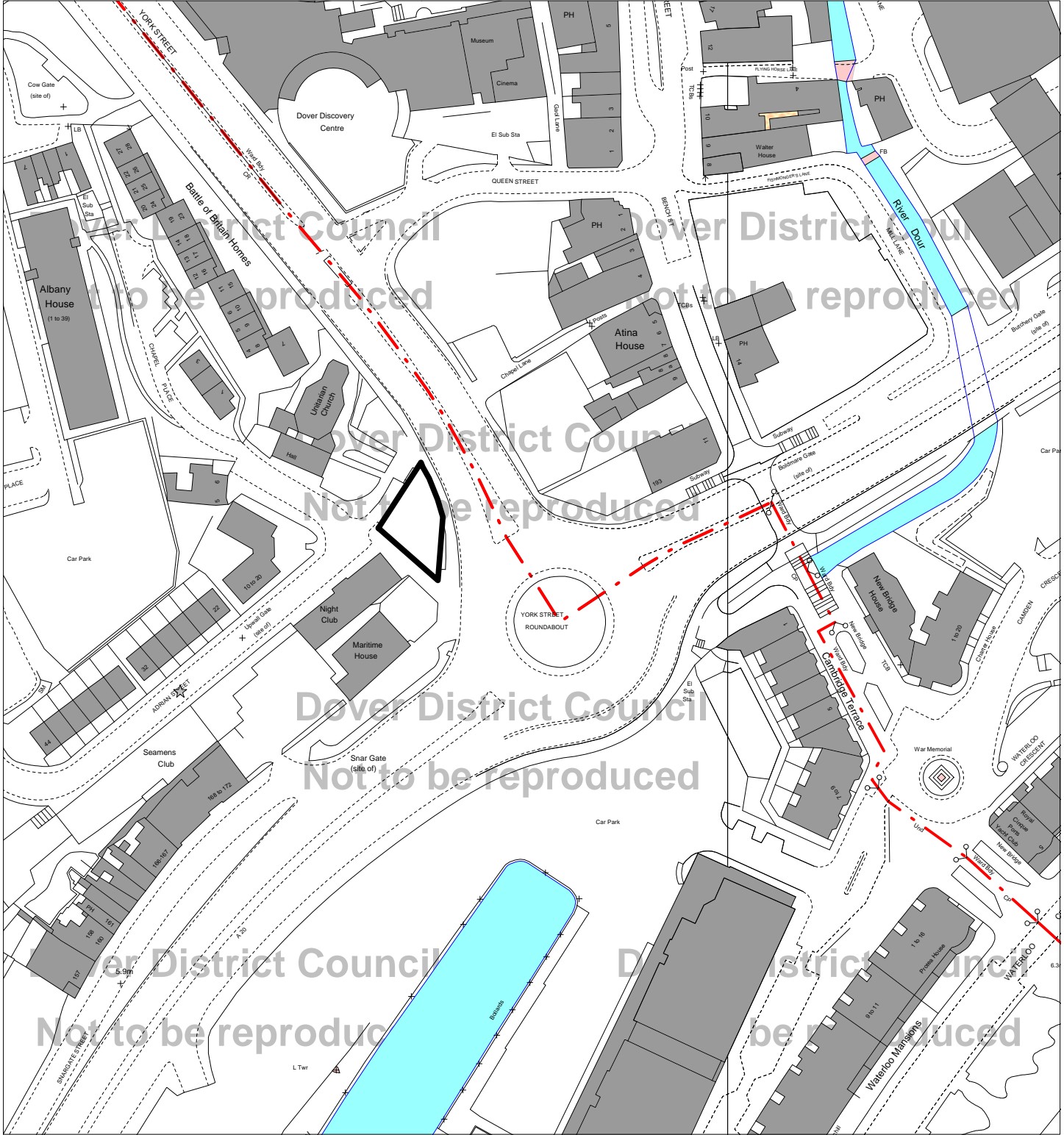
3.23 The siting of the access is considered to provide an acceptable arrangement in terms of highway safety. Vehicles using the junction of Gore Lane and Selson Lane would likely be travelling at low speeds, which would provide an acceptable level of safety for vehicles using the access.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions, including (1) Time limit (2) Plans (3) Samples (4) Hard and soft landscaping, including boundary treatments (5) Parking spaces (6) Turning space (7) Visibility splays (8) Bound surface first 5 metres (9) No surface water onto highway (10) Bin storage (11) Cycle storage (12) Obscure glazing – plot 3, first floor, northern elevation (13) Construction Management Plan (14) Archaeology.
- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett



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Application: DOV/16/01460

Land adjacent to Former Nightclub
Adrian Street
Dpver
CT17 9AT

TR31914125



- a) **DOV/16/01460 – Erection of a portable building to be used as a soup kitchen and provision of a portaloo - Land adjacent to former nightclub, Adrian Street, Dover**

Reason for report – the number of third party contrary representations

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policies and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

CP8 – Dover Waterfront.

DM1 – Settlement boundaries.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

None.

National Planning Policy Framework (NPPF)(2012)

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role...
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role...

17. Core planning principles... planning should...

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;

- take account of the different roles and character of different areas...

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

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

69. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities... local planning authorities should aim to involve all sections of the community in... planning decisions. Planning... decisions... should aim to achieve places which promote:

- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion...

70. To deliver the social, recreational and cultural facilities and services the community needs, planning... decisions should:

- plan positively for the provision... of... and other local services to enhance the sustainability of communities...

Other Considerations

DOV/15/00321 – Pencester Road Car Park, Dover – Erection of a portable building to be used as a soup kitchen – GRANTED (18 months temporary permission, now expired).

St James redevelopment – regeneration ongoing – leisure and retail park being erected on the St James site between Castle Street, Woolcomber Street, Townwall Street and Mill Lane.

Dover Waterfront strategic allocation – mixed use regeneration initiative opposite site north east of York Street and south east of the A20 Townwall

d) **Relevant Planning History**

(Adjacent, night club site) – DOV/06/01190 – outline application for the erection of 15 flats (existing building to be demolished) – GRANTED (not built).

e) **Consultee and Third Party Responses**

DDC Environmental Health – considered, no observations.

Dover Town Council – strongly support.

KCC Archaeology – no archaeological measures required.

Crime Prevention Design Advisor – recommends list of security measures including grilles, mortice locks etc. and promotes staff training and emergency procedures.

Public comments – 20 x objections, 69 x support

Objections

- Too near to residential.
- Children playing the area, safety issues.
- Anti-social behaviour transferring from Pencester Road to Adrian Street.
- No CCTV and poor lighting.
- Located on tourist trail – South Coast Path, Saxon Shore, North Downs Way.
- Residents just recovering from anti-social behaviour associated with nightclub.
- Should be next to Police Station.
- Should be in an empty shop in town.

Support

- Central location.
- Noise from road will mask noise from facility.
- Addition of WC will be better than previous facility.
- Community benefit as a whole, humanitarian requirement.
- Acknowledges need for permanent solution.
- Three exits from site make it safe.

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

- 1.1 The site is located adjoining Adrian Street, adjacent to the junction of York Street and the A20 Townwall Street, in Dover. It is located within the town centre boundary, although Adrian Street itself is adjacent to (outside of) the boundary. Immediately north of the site is the Unitarian Church and south west of the site is a currently disused nightclub, which has been known by a number of names. Opposite the site on the east of York Street, is the St James redevelopment area.
- 1.2 The site is triangular in shape and comprises a small car parking area, which has been hard surfaced. Bounding the car park on its eastern and southern edges is some vegetation, which is up to 1.5 metres in height. The site is nevertheless in close proximity to and is visible from the A20. On the western side of the site, adjacent to the nightclub, is a small footway ramp leading down to the A20.
- 1.3 Adrian Street is primarily a residential road with ornate terraced housing dating from before 1940, a three storey block of flats and a retirement housing block.
- 1.4 Dimensions of the site are approximately:
- 15 metres x 12 metres.
- 1.5 East of the site (95 metres), and on the eastern side of the A20/York Street junction, adjacent to the Bench Street/Cambridge Terrace subway, is a CCTV camera. This is the camera cited by the applicants. It is understood that this is a recording device only and is not continuously monitored.

Proposal

- 1.6 The proposed development is the temporary siting of a portable building and a portaloo (also temporary in form), to be used by the

Dover Soup Kitchen. The buildings would be sited on the eastern side of the car park, on a north west/south east axis, opening to the east.

- 1.7 The portable building would have an infrared sensor triggered lamp mounted on its roof with a bracket.
- 1.8 The buildings would be open for use between 6pm and 7pm daily.
- 1.9 Dimensions of the buildings are:
 - Width (portable building) – 6.1 metres.
 - Depth (portable building) – 2.4 metres.
 - Height (portable building) – 2.9 metres.
 - Width (portaloo) – 1.2 metres.
 - Depth (portaloo) – 1.2 metres.
 - Height (portaloo) – 2.3 metres.
- 1.10 The proposed development is required to serve food and drink to people that would otherwise have difficulties in this respect.
- 1.11 The proposed development results from the temporary permission at the previous site, Pencester Road car park, having expired. Renewal has not been sought. It is understood from the applicant's own documentation that this is primarily associated with anti-social behaviour connected to users of the soup kitchen. Prior to that time, the soup kitchen was located at the Russell Street car park, but this location is now the subject of the St James regeneration initiative.
- 1.12 Under the Pencester Road application, DOV/15/00321, temporary permission was granted for 18 months with a view to the soup kitchen's organisers finding a permanent site for the facility. This has not yet been achieved.
- 1.13 Appendix 1 to the report details Cabinet decision 134, made on 6 February 2017, in respect of the future of the soup kitchen, stating that: "it was the view of Cabinet that the best long-term solution was for the Soup Kitchen to be located inside suitable premises".
- 1.14 The site at Adrian Street was rated top by the applicants, considered against the following criteria:
 - Impact on private gardens/private spaces and the right to the enjoyment of these.
 - Lighting and CCTV coverage.
 - Proximity to both port and the town centre.
 - Impact on residential premises.
 - Impact on town centre businesses and vibrancy of the town.
 - Visibility of the site, to discourage anti-social behaviour.
 - Impact on vulnerable persons.
 - Number of people impacted by the proposed location.
 - Ease of finding the soup kitchen for those who need it.
- 1.15 Other sites assessed were:
 - Ladywell car park.
 - Maison Dieu Road car park.
 - Stembrook car park.
 - Dover Leisure Centre car park (adjacent to Townwall Street).

- Fishmongers Lane car park.
- Camden Crescent car park.
- Parking area at the rear of the library.
- Albion Place car park.
- Norman Street car park.
- Buckland Bridge former WC building.

2 Main Issues

2.1 The main issues to consider are:

- Principle
- Visual amenity
- Residential amenity
- Highways

3 Assessment

Principle

3.1 The site is located within the urban boundary of Dover and is in principle acceptable, subject to its details and other material considerations.

Visual Amenity

3.2 The proposed development involves the siting of two functional, temporary buildings. They are not attractive in themselves and are visually incongruous in a location which is the subject of regeneration initiatives, including the reworked A20 Townwall Street. The works to the A20 have, in effect, given prominence to it as a key route from which travellers experience Dover, including how the revised junctions at Union Street, York Street and Woolcomber Street are/will be perceived. The St James development is effecting a change in character at this location which is important for the future success of Dover more generally.

3.3 The buildings would be sited adjacent to some vegetation, which would provide some screening, although this would be insufficient to screen the buildings entirely.

3.4 It is considered that the location is very exposed and not appropriate as a long term solution for this proposal. However, given that the St James redevelopment is ongoing, a strict 12 month temporary stationing of these buildings may result in the scheme being acceptable such that it may be able to be accommodated within the current wider context for a short period.

Residential Amenity

3.5 Although in a busy location, Adrian Street does in part have the characteristics of a predominantly residential street. Local residents have expressed concerns over a number of issues, including the potential for anti-social behaviour and some objections cite the use of the car park by children as a play space. Whether this is the case, the site is not designated for such purposes.

- 3.6 The Community Safety Unit (CSU) at Dover District Council has not objected to this proposal and neither has the Environmental Heath team. It is recognised that based on previous experiences, the proposed siting of the soup kitchen does have the potential for adverse effects on residential amenity, however, the applicants have proposed a management scheme, which could be the subject of a condition if permission is to be granted.
- 3.7 The applicants identified an issue relating to the lighting of the site, which would be of particular relevance between October and March. The site presently does not have adequate lighting, so the applicant has amended the scheme to incorporate an infrared sensor light attached to the larger temporary building.
- 3.8 The applicants have used the potential for CCTV coverage as part of their criteria for choosing a suitable location. The CCTV images from the nearest camera, based on the eastern side of the York Street/A20 Townwall Road junction, however, have been confirmed by the CSU as being unclear for this location. This is compounded by the siting of the proposed buildings themselves, which would block some views from the camera, as would the intervening vegetation. The existing vegetation, as noted though, is useful for its partial screening effect (in visual amenity terms) and its assistance in greening the adjacent junction as an amenity feature; as such its removal to allow clearer views into the site would be considered to be harmful to the street scene. Accordingly, as part of the details of the management scheme, the applicants would be required to submit details of a bespoke CCTV solution.
- 3.9 There are concerns over the potential for anti-social behaviour and disturbance. However, with a proper management plan in place, sufficient lighting and surveillance, for a short period only, it is likely that harmful effects on residential amenity could be sufficiently mitigated.

Highways

- 3.10 There are no highways issues associated with the site. There is road access for volunteers bringing food and safe pedestrian access for other people walking to the site. The site would not be a distraction to road users due to its partially screened location above and to the side the highway.

Conclusion

- 3.11 There are concerns over the suitability of this location for the soup kitchen, but any grant of planning permission would be subject to conditions for a management scheme, including CCTV and lighting, and a temporary 12 month permission. The applicants have themselves noted previous anti-social behaviour associated with the facility, which would appear to support the need for a permanent location in a permanent building. The grant of a temporary planning permission would enable the search to continue in accordance with the Cabinet recommendation of 6 February 2017.

- 3.12 The location itself is sensitive in respect of the regeneration of Dover – many people travelling to and from the port, as well as locals, will have their first experience of Dover on Townwall Street. The St James redevelopment is ongoing and in the relatively early stages of construction, but in 12 months is likely to be significantly further advanced.
- 3.13 Having recognised these issues, planning has a social role to fulfil and as such, support for this facility to continue operating, albeit temporarily, helps to provide disadvantaged people with food and drink where otherwise they may not receive anything. The work of the soup kitchen is acknowledged in this respect.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions to include: (1) Time (2) Approved plans (3) Temporary permission, not longer than 12 months (4) Site restoration to former condition and appearance after use has ceased (5) Management scheme including details of CCTV (6) Hours of operation.
- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Darren Bridgett

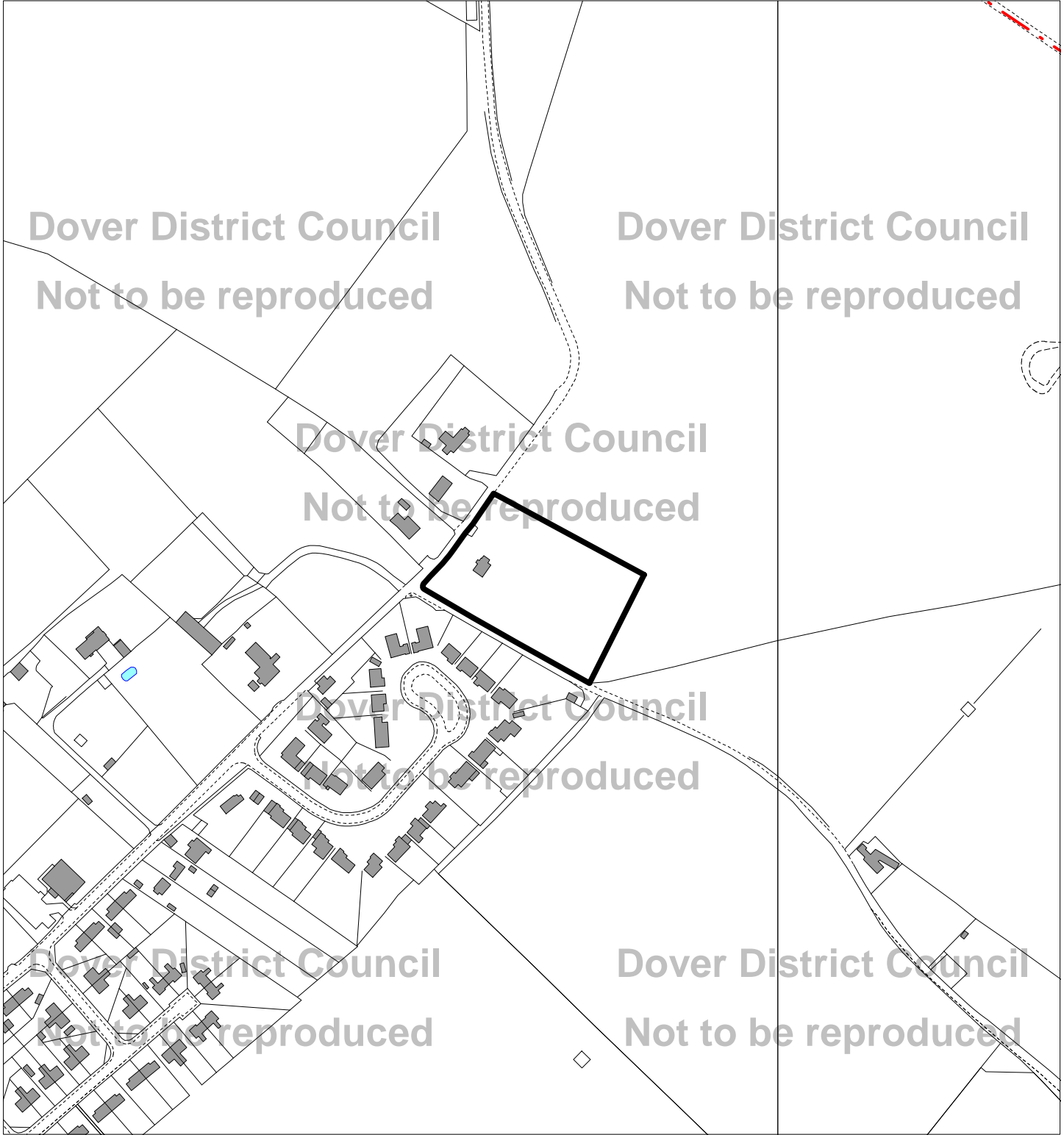
Date 14 February 2017			formal decision.	
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 133 6.2.17 Open Key Decisions No Call-in to apply Yes Implementation Date 14 February 2017	<u>YOUTH SERVICES IN THE DOVER DISTRICT</u> It was agreed that the Scrutiny (Community and Regeneration) Committee's recommendation, made at its meeting held on 18 January 2017 (Minute No 79), be approved as follows: That the Portfolio Holder for Skills, Training, Tourism, Voluntary Services and Community Safety engage with the Kent County Council-commissioned provider, Pie Factory, in respect of the delivery of youth services in the Dover District.	None.	The Scrutiny (Community and Regeneration) Committee, at its meeting held on 18 January 2017, received a briefing from the Kent County Council Cabinet Member, and made a recommendation to Cabinet regarding the delivery of youth services in the Dover District.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 134 6.2.17 Open Key Decisions	<u>DOVER SOUP KITCHEN</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 17	

<p>No</p> <p>Call-in to apply</p> <p>Yes</p> <p>Implementation Date</p> <p>14 February 2017</p>	<p>recommendations (a) to (d), made at its meeting held on 17 January 2017 (Minute No 136), be approved as follows:</p> <p>(i) That the Scrutiny (Policy and Performance) Committee be provided with the details of the scoring exercise used to determine Adrian Street as the most suitable site for the Dover Soup Kitchen. It was noted that the Head of Assets and Building Control had already made arrangements to provide this information to Scrutiny members.</p> <p>(ii) That the Scrutiny (Policy and Performance) Committee be provided with the reasons why Maison Dieu Car Park was not considered a suitable site for the Dover Soup Kitchen. It was noted that the Head of Assets and Building Control had already made arrangements to provide this information to Scrutiny members.</p> <p>(iii) That the Portfolio Holder for Property Management and Public Protection, Councillor T J Bartlett, be requested to facilitate dialogue on finding a permanent solution for Dover Soup Kitchen and that Councillor P Walker be involved in any such dialogue. It was noted that the Portfolio Holder was working with the Head of Assets and Building Control on this matter and that Councillor Walker had been involved in discussions.</p> <p>(iv) That, in future, District Councillors should be consulted at an early stage on matters such as this involving their wards.</p> <p>(b) That it was the view of Cabinet that the best long-term solution was for the Soup Kitchen to be located inside suitable premises.</p>		<p>January 2017, made recommendations to Cabinet regarding the Dover Soup Kitchen.</p>
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Decision Status	Record of Decision	Alternative options	Reasons for Decision	Conflicts of interest
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Not to scale

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published 2016

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

Application: DOV/16/01479

Deerleap
50 Mill Lane
Shepherdswell
CT15 7LT

TR26854832



- a) **DOV/16/01479 – Change of use of land for the keeping of horses, erection of 10 no. stables, hay store and tack room, and construction of a manège - Land at Deerleap, 50 Mill Lane, Shepherdswell**

Reason for report: Because of the number of objections (20) and because Councillor Walker has requested that the application be heard by Committee.

b) **Summary of Recommendation**

Planning Permission be approved.

c) **Planning Policies and Guidance**

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.

Dover District Council Local Plan

Policy DD21 states that horse-related development will be granted provided:

- i. it provides for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising;
- ii. ease of access to suitable riding country can be demonstrated;
- iii. buildings are of a high standard of design and construction and they, together with the related equestrian activities, do not adversely affect the character or appearance of the countryside or areas of historic environment;
- iv. where possible, existing buildings should be converted for such use in preference to the erection of new buildings but where new buildings are required these should be sited to relate visually to existing buildings; and
- v. the amenities of nearby residents are not adversely affected.

Conditions may be imposed requiring jumps to be removed when not in use and for buildings or structures to be removed when the use ceases. Conditions may also be imposed to limit the number of horses on the site

Dover District Council Core Strategy

Policy CP1 states that 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 CP6 seeks to ensure that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

Policy DM1 states that development will not be permitted outside of the urban/village confines unless specifically justified by other development plan policies, or if its functionality requires such a location.

Policy DM11 states that planning applications that would increase travel demand should be accompanied with a suitable assessment of this increase. This again reiterates that development outside of the urban/rural confines will not be permitted unless justified by Development Plan policies.

Policy DM13: states that parking provision should be design led and based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor

Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if the development accords with the specified criteria:

- (i) in accordance with allocations made within Development Plan documents;
- (ii) justified by the needs of agriculture;
- (iii) justified by a need to sustain the rural economy or a rural community;
- (iv) it cannot be accommodated elsewhere;
- (v) It does not result in the loss of ecological habitats

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on the character of the countryside.

Policy DM16 reaffirms the importance of landscape character and the protection of this to ensure its character and appearance is maintained and enhanced.

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out the three dimensions to sustainable development. These are set out as follows:
 - (i) an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - (ii) a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - (iii) an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- Paragraph 8 states that these roles 'should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly

and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.'

- Paragraph 14 states that there is a presumption in favour of sustainable development, and 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 28 refers to the need to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
- Paragraph 109 relates to the need to protect the natural and local environment by protecting and enhancing values landscapes, recognising the wider benefits of ecosystem services and minimising the impacts on biodiversity.

National Planning Policy Guidance (NPPG)

This provides guidance on matters relating to the main issues associated with development, and how decision making should take place.

Other Documents

The Kent Design Guide sets out design principles of development.

d) Relevant Planning History

DOV/97/00309	Erection of a Conservatory – retrospective – Granted.
DOV/16/01145	Erection of a two storey side extension and detached double garage - Granted.

There is no other planning history relevant to this planning application.

e) Consultee and Third Party Comments

Dover District Council Environmental Health Officer was consulted and raise no objection to the proposal subject to the imposition of a construction management plan condition.

Dover District Council Tree Officer was consulted and raised no objections to this proposal.

Dover District Council Ecologist was consulted and raised no objections to this proposal.

The Environment Agency was consulted and raised no objections to this proposal.

Kent County Highways were consulted but expressed the view that this application fell outside of their remit for comment, given its scale. The matter of highways impact is considered in full within the report.

Kent County Council Public Rights of Way Officer was consulted and raised no objection to this proposal.

Shepherdswell and Coldred Parish Council was consulted and initially raised concerns with regards to the proposal, but with the removal of the floodlighting from the scheme raise no objections.

Councillor Walker was consulted on the application and acknowledged the level of local concern, and requested that the application be heard at Planning Committee.

Councillor Ovenden was consulted and supports the application.

Representations

Neighbouring occupiers were notified of this application, and 20 letters of objection have been received. The concerns raised within these letters are summarised below:

- The increased traffic upon the highways;
- The horses could lean over the fence and intimidate walkers;
- Impact upon bats;
- The trees have already been removed;
- There would be visual harm to the countryside;
- It is an over-intensive form of development;
- Impact upon the existing water supply to nearby houses;
- Impact upon residential amenity;
- The impact of manure stored on site, and its management;
- The proliferation of equine uses;
- The impact upon the existing drains.

There is one letter of support. The reasons for support are summarised below:

- Great for a sense of community;
- No significant impact upon the highway network.

f) The Site and the Proposal

1. The site comprises a detached brick and tile two storey dwelling which is of mid Twentieth construction. The house sits well back from the road within a large plot and has a large terraced area to the rear. There is a large area of gravel hard standing in the northern corner of the plot that serves as a parking and turning area. The garden area is extensive although the rear portion of this has been subdivided and at present there is one horse grazing at the rear. Aside from a temporary fence, this area of land reads as being within the curtilage of Deerleap, which appears to have occurred over the passage of time.
2. The applicants also own a significant area of land to the rear and to the north of the site, which is shown as 'blue land' on the planning application.

3. The site lies at the extreme end of Shepherdsweil on the edge of the open countryside with the land sloping North West to South East and towards the rear of the site. There is an existing hedge that runs along the side and rear boundary of the application site, although this is thin in parts. It is noted that trees that were previously along this boundary have been cut down in the recent past.
4. The site lies within the open countryside, although not within any designated area. There are properties to the south-west of the application within Hazling Dane which were constructed in the mid Twentieth Century. These properties are separated from the application site by Coldred Road, which they back on to – with close boarded fencing along its southern side.
5. To the north and west of the site are larger, detached properties, namely 'Downside', 'Linden' and 'Roundhill' – all of which have sizeable set-backs from the highway.
6. To the north and east of the application are open fields, and the land falls gently to both the north and east from the application site.

Proposal

7. This is a full planning application seeking permission for the change of use of land for the keeping of horses together with the erection of a stable block, menage and associated landscaping along the boundaries. The proposal would be to enable the applicant to run the stabling as a business, as well as to keep their own horses on site. It is likely that the stabling would be for up to 8 customers to utilise with the applicant using two themselves.
8. It is likely that the running of these commercial stables would require additional staff on site, but that this would be limited to a part time member of staff in the first instance.
9. The area proposed for the menage within the site would be 40 metres by 20metres, and located at the eastern end of the application site. It is proposed that the stable block be erected along the northern and eastern boundary, to accommodate up to 10 horses at any one time.
10. The stables would have a length of 33.6metres along the eastern boundary, and 18metres along the northern boundary. They would have a height of 2.7metres from ground level and would be constructed of timber.
11. A new gate is proposed within the eastern boundary to allow access to grazing land beyond the application site.
12. Initially the application included the provision of floodlighting to the menage, but following concerns raised by the Council over the impact upon the countryside, this has been removed from the proposal. The only lighting now proposed is that required for the stabling.
13. Any fencing within the application site would be of post and rail construction.

Main Issues

14. The main issues in the determination of this planning application are:

- The principle of development;
- The impact upon the character and appearance of the locality;
- Economic benefits of the proposal;
- The impact upon highway safety; and
- The impact upon residential amenity.

Principle of Development

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
16. The NPPF states that any proposed development that accords with an up-to-date Local plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and for decision taking his means approving development that accords with the development Plan.
17. The District Council policy DD21 allows for equine development within rural areas, subject to a number of criteria being met. These are:
 - i. it provides for the safety and comfort of horses in terms of the size of accommodation and land for grazing and exercising;
 - ii. ease of access to suitable riding country can be demonstrated;
 - iii. buildings are of a high standard of design and construction and they, together with the related equestrian activities, do not adversely affect the character or appearance of the countryside or areas of historic environment;
 - iv. where possible, existing buildings should be converted for such use in preference to the erection of new buildings but where new buildings are required these should be sited to relate visually to existing buildings; and
 - v. the amenities of nearby residents are not adversely affected.
18. Furthermore, policy DM1 of the Core Strategy allows for development outside of the village confines where its functionally requires such a location. This particular use clearly requires a rural location.
19. Given there is a policy that allows this in principle, and given that the National Planning Policy Framework (NPPF) is supportive of the rural economy, it is not considered that the principle of development is therefore unacceptable subject to these criteria being fully assessed, alongside all other material considerations.

Impact upon the Character and Appearance of the Locality

20. Policies DM15 and DM16 of the Core Strategy seeks to protect the character of the countryside, and states that development will only be permitted where there would be no harm to its character and that development should only take place where a rural location is justified.
21. Clearly in this instance, a rural location is justified as the functionally requires such a location, and as such the assessment should be made as to whether the development is well designed, and would not harm the character and appearance of the locality.

22. The site lies wholly within an existing curtilage of Deerleap, and whilst concern has been raised with regards to the removal of some trees along the boundary (which is regrettable but is due to the leaves being poisonous to the horses) it is considered that the site remains relatively well contained, and that the provision of a menage would not be highly visible from outside of the site, and certainly not from medium to long distance views.
23. Furthermore, it is considered that the stabling, as proposed would also have very little impact upon the character and appearance of the locality. These are buildings that one anticipates seeing within a rural context, and with a low ridgeline, and timber construction would not appear incongruous within the locality.
24. Additional planting should be provided along the boundaries, particularly where this has been removed to date, and I would therefore recommend that a landscaping condition be imposed that would ensure that the development be further softened from outside of the site.
25. Initially the application included floodlighting, and the Council were of the view that this would have been unacceptable, causing harm to the locality, but given that this is now removed from the proposal, no concern is raised (any lighting upon the stable, subject to details being submitted is considered acceptable).
26. The keeping of horses can result in additional subdivision of land by fencing or other means – such as tape and there can be associated problems with regards to visual amenity and the appearance of the countryside where horse related paraphernalia such as jumps can result in clutter. Accordingly it is considered that conditions restricting sub-division of the lands and controlling storage and keeping of any horse related items can reasonably be imposed
27. Given the above, I am satisfied that the proposal complies with criterion iii of Policy DD21, or Policies DM15 and DM16 of the Core Strategy.

Economic Benefits of the Proposal

28. The proposal would result in effectively a new business within a rural area, and this would bring about an element of economic benefit. It is not clear from the submission whether this proposal would meet growing demand, or replace existing uses elsewhere, but nevertheless, the construction of this development, together with the future use would provide onsite work for the owner and any subsequent staff.
29. The applicant has not indicated within the application forms how many members of staff would be brought about by this proposal, however further discussions have indicated that this would be likely to bring about at least one part time worker, alongside the site owner.
30. Concern has been raised that this would result in the proliferation of equine uses within the locality, but from my site visit this was certainly not apparent, and I would see no likely harm to this form of business locally should permission be granted.
31. I therefore consider that this element of the NPPF (paragraph 28) has been complied with.

Impact upon Highway Safety

32. Significant concerns have been raised by neighbouring occupants with regards to the impact on the existing road network should this use be permitted.
33. Core Strategy Policy DM11 of the Core Strategy relates specifically to the impact of development upon the highway network, and requests that where appropriate, information be submitted to demonstrate the development can be accommodated. In this instance, the development is of a scale that would not result in a significant uplift in vehicle movements. The provision of 10 stables would be unlikely to see all users to be in attendance at the same time, with their arrival/departure likely to be staggered over the course of a day. In addition, staff will be provided on site for owners (of the horses) to utilise should they not be able to visit on any given day – reducing likely vehicle trips.
34. The concerns of residents are understood – the roads in the vicinity are narrow, and passing at points difficult. However, this could assist with road safety, in controlling vehicle speeds on the lane. Inevitably there will be a small rise in vehicular movements, but there is no indication that this would be of a significant level that would give rise to any highway safety concerns.
35. The applicants currently have a large area adjacent to the access that can be utilised for car parking. It is stated on the application form that this could provide for a total of 10 parking spaces, which from the site visit would appear to be achievable, with suitable turning also able to be provided. This parking provision is considered acceptable.
36. It is therefore considered to be no significant impact upon highway safety, and as such the proposal is considered to comply with Policy DM11 of the Core Strategy.

Impact upon Residential Amenity

37. Criterion (v) of Policy DD21 requires that the impact upon residential amenity is considered when determining applications for equestrian use. Paragraph 17 of the NPPF also requires that all development take this into account.
38. In this instance, the proposed use would be located a good distance from existing properties, being approximately 80metres from the nearest property in Hazling Dane, and 150metres from the nearest property on Mill Lane.
39. This is not a use that would be likely to generate a significant level of noise and disturbance, aside from the additional vehicle movements. Whilst there was concern with regards to the lighting, as stated this has now been removed from the proposal. The Council's Environmental Health Officer was consulted on this application and raised no objections to the proposal on the impact to neighbouring occupiers. An hours of use condition has been suggested in order to ensure that the development does not adversely impact residential amenity in terms of the coming and going of customers at inappropriate times.
40. There would be no other impacts upon the existing residents, and whilst concern has been raised with regards to horses intimidating walkers, and the impact upon water supply, it is not considered that either of these matters would warrant a ground for refusal. I am therefore satisfied that criterion (v) has been complied with.

Ecology

41. From my site visit it is clear that the garden is well maintained, with horses already grazing within it. As such, there is little likelihood of any existing significant biodiversity within the application site, aside from within the hedgerow, which is to remain untouched.
42. It was noted however that there were holes/burrows to the east of the application site – and their use/occupants were undetermined. Should this proposal have including more significant building works, it would have been suggested that appropriate surveys be undertaken, in case these are badger setts. However, as these supposed setts would be untouched by the proposal, and the buildings nearby would be small scale, and their use is conducive to countryside habitat activity. As such there would be no impact upon it.
43. I am therefore satisfied that this proposal would have no adverse impact upon biodiversity within the locality.

Other Matters

44. Criteria (i) and (ii) of Policy DD21 requires that suitable grazing land be available and accessible from any development. Both of these criteria are met by virtue of the proposed gate onto large areas of grazing land immediately adjacent to the site. The land that is available outside of the application site is of a scale that would be able to accommodate this number of horses.
45. Concern has been raised with regards to the management of the site and how manure, effluent will be dealt with. The applicants have an arrangement with a neighbouring farm for the manure to modest scale nature of this proposed use, this is considered acceptable.
46. With regards to drainage within the site, I would recommend that a condition be imposed requesting details to be submitted to ensure that there is no contamination of the ground once the stabling is erected and in use.

Conclusion

47. It is considered that this proposal complies with the requirements of both the local plan, and Core Strategy, being one that supports the rural economy and requires a rural location. The proposal therefore also accords with the objectives of the NPPF. There would no significant impact upon the character and appearance of the locality, residential amenity, or highway network, and as such I recommend that Members give this application favourable consideration and grant planning permission subject to the following matters being dealt with by condition.

g) Recommendation

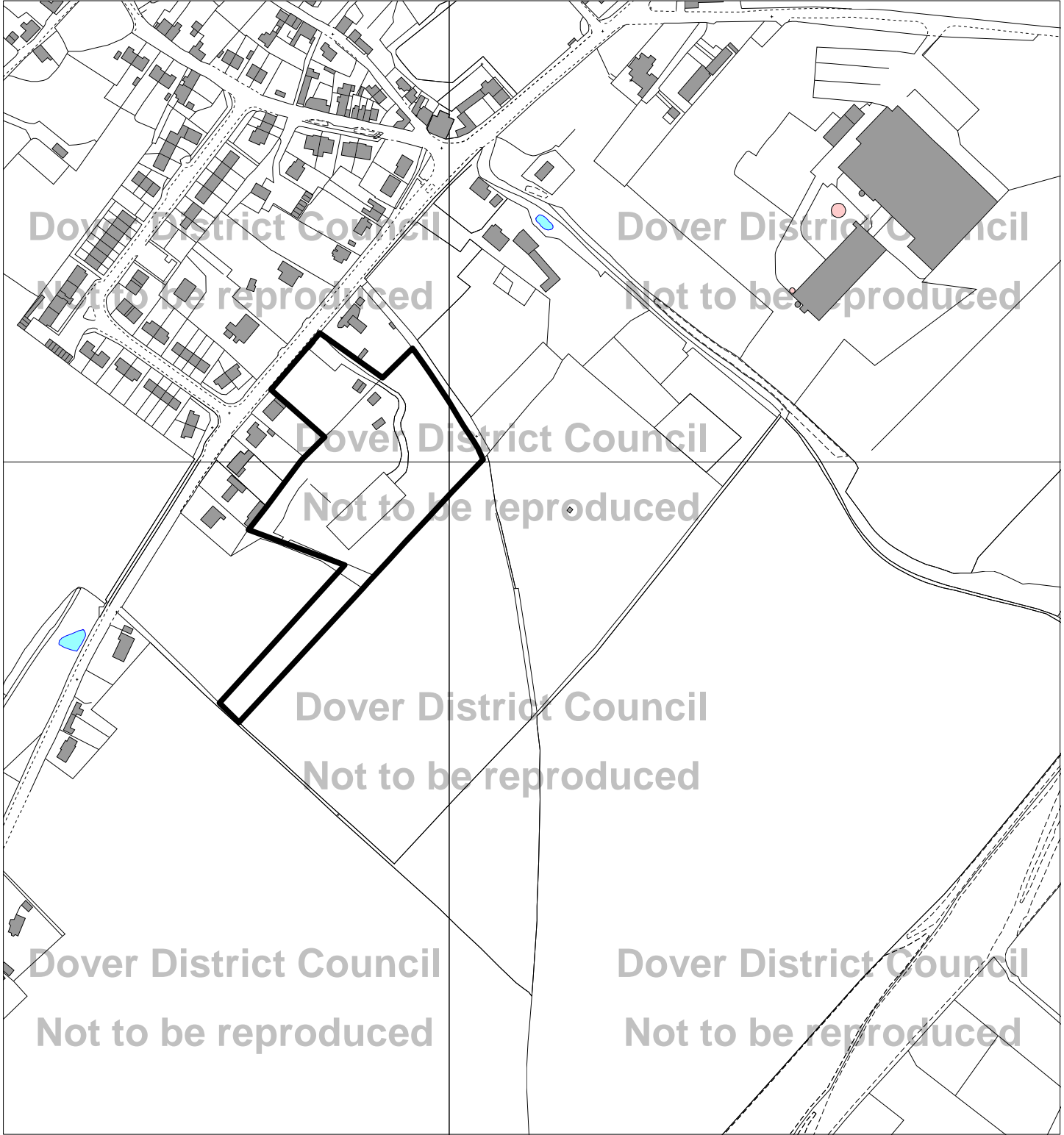
I PERMISSION BE GRANTED subject to the following conditions:

- 1) Time limit
- 2) Correct plans
- 3) Drainage
- 4) Landscaping details
- 5) Landscape implementation

- 6) Provision of parking and turning facilities.
 - 7) Details of the storage of jumps, horsesboxes etc.
 - 8) Details of lighting on stables.
 - 9) No subdivision of land at any time
 - 10) No chattels, buildings, hard surfaced areas
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Chris Hawkins



Not to scale

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published 2016

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

Application: DOV/16/00626

Ringwould Alpine Nursery
Dover Road
Ringwould
CT14 8HG

TR35944800



- a) **DOV/16/00626 – Change of use of land and erection of a building to be used as a water bottling plant to include storage and offices, with new vehicular access, parking and turning areas and associated landscaping (existing buildings to be demolished) – Land at Ringwould Alpine Nursery, Dover Road, Ringwould**

Reason for report: It is considered appropriate that the application is considered by Planning Committee, notwithstanding the availability of a delegated power

b) **Summary of Recommendation**

Planning Permission be refused.

c) **Planning Policies and Guidance**

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.

Dover District Council Core Strategy

Policy CP1 states that 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 CP2 outlines the provision of jobs and homes required between 2006-2026.

Policy CP5 outlines the sustainable construction standards required for new non-residential development which proposes in excess of 1,000 square metres of floor space.

Policy CP6 seeks to ensure that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

Policy DM1 states that development will not be permitted outside of the urban/village confines unless specifically justified by other development plan policies, or if its functionality requires such a location.

Policy DM2 states that land allocated for employment uses will not be granted for alternative uses unless it has been subsequently allocated for that alternative use in a Development Plan Document. Permission for changes of use or redevelopment of land and buildings currently or last in employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use.

Within the text concerning **policy DM3** it states that as a first preference, such development should be located within rural settlement confines, but if there is no suitable land, a location adjacent to the confines will be acceptable provided that there are no overriding constraints, such as landscape impact or access.

Policy DM3 then states: "Permission for new commercial development or the expansion of an existing business in the rural area will be given provided that:

- (i) it is located at a Rural Service Centre or a Local Centre as designated in the Settlement Hierarchy;

- (ii) it is consistent with the scale and setting of the Settlement;
- (iii) it is at a village designated in the Settlement Hierarchy provided that it would not generate significant travel demand and is in other respects consistent with the scale and setting of the Settlement.

In all cases, development should be within Rural Settlement confines unless it can be demonstrated that no suitable site exists, in which event, it should be located adjacent to the Settlement unless there is a functional requirement for it to be located elsewhere.

Policy DM11 states that planning applications that would increase travel demand should be accompanied with a suitable assessment of this increase. This again reiterates that development outside of the urban/rural confines will not be permitted unless justified by Development Plan policies.

Policy DM13: states that parking provision should be design led and based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor.

Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted if the development accords with the specified criteria:

- (i) in accordance with allocations made within Development Plan documents;
- (ii) justified by the needs of agriculture;
- (iii) justified by a need to sustain the rural economy or a rural community;
- (iv) it cannot be accommodated elsewhere;
- (v) It does not result in the loss of ecological habitats

Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on the character of the countryside.

Policy DM16 reaffirms the importance of landscape character and within the accompanying preamble notes that the AONB enjoys special protection and that the Kent Downs AONB Management Plan promotes appropriate management to help meet National Policy objectives.

Policy DM17 relates to groundwater protection and seeks to resist inappropriate development within locations within Zones one and two.

National Planning Policy Framework (NPPF) 2012

- Paragraph 7 sets out the three dimensions to sustainable development. These are set out as follows:
 - (i) an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - (ii) a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built

environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- (iii) an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- Paragraph 8 states that these roles 'should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.'
- Paragraph 14 states that there is a presumption in favour of sustainable development, and 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 refers to the core planning principles that that should underpin both plan-making and decision-taking. There are 12 principles that should seek to ensure that development be plan led, not be simply about scrutiny, support economic development, seek high quality design, protecting the intrinsic beauty of the countryside, address climate change, conserve the natural environment, use brown-field land efficiently, promote mixed use developments, conserve heritage assets, actively manage patterns of growth and improve health and wellbeing of communities.
- Paragraph 19 states that '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 growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.' Paragraph 21 then sets out how local planning authorities should provide policies that recognise and seek to address potential barriers to investment.
- Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
 - (i) support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and
 - (ii) promote the development and diversification of agricultural and other land-based rural businesses.
- Paragraph 56 states the government's requirement for good design, citing its indivisibility from good planning. Paragraph 64 then refers to planning

applications that propose poor design, and states that applications that fail to take the opportunities available for improving the character and quality of an area should be refused.

- Paragraph 109 relates to the need to protect the natural and local environment by protecting and enhancing values landscapes, recognising the wider benefits of ecosystem services and minimising the impacts on biodiversity.
- Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should given great weight in Nations Parks and the Broads.
- Paragraph 116 then goes on to 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. Consideration of such applications should include the assessment of:
 - (i) The need of the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - (ii) The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - (iii) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

National Planning Policy Guidance (NPPG)

This provides guidance on matters relating to the main issues associated with development, and how decision making should take place.

Other Documents

The Kent Design Guide sets out design principles of development.

The Kent Downs AONB Management Plan sets out aims, policies and actions for the conservation, management and enhancement of the AONB, to ensure its special character is retained, and the vitality of the communities are recognised. This has been adopted by the District Council and therefore is a material consideration in the determination of this application.

Policy SD1 of this document states that: *'The need to improve and conserve the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within the statutory and other appropriate planning and development strategies and development control decisions.'*

Policy SD2 of the document 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, redevelopment and infrastructure, and will be pursued through the application of appropriate design*

guidance and position statements which are adopted as components of the AONB Management Plan.'

Policy LLC1 of the document 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.*'

d) Relevant Planning History

DOV/15/01227	Screening Opinion for erection of building as water bottling plant including storage, borehole, new access onto Dover Road, vehicle parking and turning areas and landscaping. EIA not required.
DOV/15/01230	Scoping Opinion for erection of building as water bottling plant including storage, borehole, new access onto Dover Road, vehicle parking and turning areas and landscaping. EIA not required.
DOV/00/00144	Construction of single storey storage and toilet building. Granted.

Also of relevance is the variation of condition application granted for the company's existing site at Walmer. This application, DOV/11/00094 sought to allow the existing facility to be operated 24 hours a day from Monday to Saturday. The application was approved on the 10 June 2011.

e) Consultee and Third Party Comments

The Environment Agency was consulted and has now withdrawn their objection (following on from significant negotiations). They have however requested that a number of conditions be imposed should permission be granted, in order to ensure that there is no detrimental impact upon groundwater. These conditions relate to infiltration and contamination.

Dover District Council Environmental Health Officer was consulted and raised no objections to the proposal in terms of contamination or air quality. In terms of future noise and disturbance, conditions were suggested in terms of hours of operation etc.

Kent County Council Public Rights of Way Officer was consulted and raised no objections to the proposal subject to the inclusion of a number of informatives upon any decision notice. These informatives are set out at the end of the report.

Kent County Council Archaeology were consulted and stated that as the site is within an area known to contain significant archaeological interest. They have requested that should permission be granted a condition be imposed requiring suitable work to be undertaken by the applicants to mitigate/address this.

Kent County Council Flooding was consulted and raised no objections to this proposal but requested that the Environment Agency be content that the proposal would not have an adverse impact upon ground water.

Kent County Council Highways were consulted and raised an objection to the proposal on the basis that the development would not be provided with adequate visibility splays. There has been a significant level of dialogue between the applicant

and Kent County Council highways in order to address the outstanding concerns with regards to traffic movements. The Highways Authority have now (as of April 2017) withdrawn their objection to this proposal, subject to the imposition of suitable safeguarding conditions, which are set out in full within their submission.

Southern Water was consulted and noted that a public sewer runs near to the application site, and requests that no tree planting be provided within 3 metres of this pipeline. If consent were to be granted, they would request that informative and conditions relating to the connection of foul and surface water be included.

Natural England was consulted and raised no objection to the principle of development, but did make the following comments with regards to the impact upon the AONB:

'We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.'

CPRE were notified of the application and objected. Their concerns are summarised below:

- The proposal is incompatible with the locality;
- The proposal would represent a significant change in the relationship between the settlement and the countryside;
- It would fail to safeguard the characteristics and qualities of the natural beauty and landscape;
- Noise intrusion would be a potential impact upon the AONB and upon residential properties; and
- There are concerns with regards to the quality of the submission.

Ringwould and Kingsdown Parish Council were notified of the application and object to the proposal for the following reasons:

- The impact upon the highway network and the reposition of the bus stop;
- The visibility splays into and out of the site;
- The impact of the proposal upon the AONB when viewed from the rear of the site;
- The proposal would appear to be contrary to existing policy.

Representations

Neighbouring occupiers were notified of this application, and **149 letters of objection** have been received. The concerns raised within these letters are summarised below:

- The proposal would have a significantly detrimental impact upon the character and appearance of the locality;
- The proposal would adversely impact residential amenity of neighbouring occupiers – through noise and light pollution;
- The access would not be safe;
- The proposal would adversely impact upon ecology within the locality;
- There is no need for this to be located in this sensitive position;
- The site will be visible from the public highway;
- There will be a loss of privacy to neighbouring occupiers;
- The materials of the proposal would not be sensitive to the character of the locality;
- The proposal will increase pollution within the locality;
- There would be the loss of valuable agricultural/horticultural land;
- The development of the site would result in the moving of the bus stop;
- Some of the application documents are inaccurate;
- The proposal will impact the dairy herd in the adjacent field;
- This will open the way for further commercial activity within the locality;
- Concerns if Kingsdown Water close – with an open B1 use on site;
- The site is not currently brownfield as set out within the application;
- The site may be contaminated;
- The application should be subject to an EIA;

There is **one letter of support** that sets out that change is inevitable and that the visual impact would be no greater than from the milking sheds on the large farm nearby.

f) The Site and the Proposal

1. The site is located on the south eastern side of the A258 (Dover Road) adjacent to the village of Ringwould. The site is currently used (in part) as a nursery with a small car park to the front of the site, together with a number of small structures that are, or have been used in association with the running of the nursery. The site is outside of the village confines, which run to the north and west of the A258.
2. The site lies within the Kent Downs Area of Outstanding Natural Beauty which runs from the east up to the A258 and includes all of the buildings that front this highway. This national designation forms part of the large swathe of protected landscape that runs from the White Cliffs of Dover through to Surrey.
3. The site also lies within the groundwater protection zone.
4. To the north of the application site is an existing footpath (ER14) and then an area of paddock associated with houses beyond. At least one of these houses has an open view of the application site from their rear garden. Further north is the large farm complex 'Home Farm' which contains a number of substantial agricultural buildings within the valley.
5. To the west of the application site are four residential properties that front on to the A258 and whose rear gardens would either immediately abut, or face towards the application site. There is an area of tree and scrub planting here, that would not be removed as a result of the proposal. To the south-west of the site is open countryside.

6. To the south and south-east of the application site is open countryside much of which is farms for arable purposes. Here the land falls towards the valley base before rising sharply as one heads in an easterly direction. There is an established tree/shrub belt between the application site and the very open countryside to the east.

Proposal

7. The proposal seeks the erection of a new bottling factory on the land that currently contains a nursery (plant). The proposed building would measure some 47.5 metres in width; have a depth of 29.5 metres, and a maximum height of 8 metres (when measured from the front) and 4.4 metres (when measured from the rear elevation). The building would be clad in metal, and the roof would be of a green hue which would seek to ensure that it would appear softer within the wider landscape. Offices (123m²) would be provided within the building as well as the bottling plant itself, and storage areas.
8. Access into the site would be obtained from a similar position to that of the existing access, although significant works would be required in order to upgrade this access point to make it suitable for the heavy good vehicles that would enter and leave the site.
9. A significant level of hardstanding would be provided within the application site that would enable the lorries to enter and leave in a forward gear and would also provide car parking provision for staff within the facility. In total 22 parking spaces would be provided, as well as sufficient space for 2 lorries to occupy the site at any one time.
10. The proposal would provide approximately 12 jobs – many of which would be transferred from the existing facility in Kingsdown, although there would be scope within the proposed building for expanding this workforce in the future.
11. It is proposed that additional landscaping be provided around the perimeter of the application site, details of which have not yet been provided.
12. The existing nursery use is currently being run down as the owner of the site is soon to retire. Whilst the site would retain a lawful use as a nursery, there is no indication that the use would be continued by any other operator should this permission not be granted.

Main Issues

13. The main issues in the determination of this planning application are:

- The principle of development;
- The impact upon the character and appearance of the locality (including the AONB);
- Economic benefits of the proposal;
- The impact upon highway safety;
- The impact upon residential amenity; and
- Other matters

Principle of Development

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
15. The NPPF states that any proposed development that accords with an up-to-date Local plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development and for decision taking his means approving development that accords with the development Plan.
16. This proposal would be contrary to the existing development plan insofar as it would result in new development within the open countryside, and in particular the AONB. The Dove Core Strategy Policy DM16 relates to the impact of development upon the landscape character of the District. The pre-amble to this policy states that the *'character of the landscape should be protected. This does not, however, preclude the possibility of development but requires that its location should be carefully selected and the scale and design of buildings crafted to fit the circumstances. Conversely, development will be unacceptable if its location and/or design is inappropriate and would have a harmful effect on the landscape'* (para 1.53).
17. Paragraph 1.57 also states that the *'parts of the District that are designated as Kent Downs Area of Outstanding Natural Beauty enjoy special protection from national policy in PPS7 (now the NPPF) and Regional Spatial Strategy C3 (no longer in existence). In addition, the Kent Downs AONB Management Plan promotes appropriate management to help meet national policy objectives - this remains relevant.*
18. It is therefore clear that the Council give great weight to the protection of the environment, and in particular the most sensitive parts of the District, such as those that fall within Areas of Outstanding Natural Beauty; and as the National Planning Policy Framework (NPPF) states, *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'*.
19. The NPPF states that planning permission should be refused for major planning applications, in AONBs except in exceptional circumstances and where it can be demonstrated they are in the public benefit. The NPPF also states in paragraph 144, that where possible, local planning authorities should as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas.
20. Whilst the policies are clear that development within countryside locations such as these should have significant regard to the impact upon the character and appearance of the landscape, it is also clear that the Core Strategy identifies the importance of economic development within the Borough. Policy DM3 for example does allow for commercial buildings within the rural area, but subject to a number of criteria (again, emphasising the importance of protecting the rural character of the locality). Furthermore, one of the Council's identified objectives for the Core Strategy is to ensure that the local economy performs to or exceeds the County and regional averages; although it does also identify that Dover should be the key deliverer to meet this objective.

21. The Council therefore has a strong policy framework against which this application can be determined, but nevertheless, this should also be fully considered against the three strands of sustainable development as set out within the NPPF. These seek to look at the economic, social and environmental role of any proposal.
22. Whilst economic development that promotes growth is supported, both by local and national policy, the location for such enterprise is contrary to Policy DM3 of the local plan, and paragraph 116 of the NPPF. There are however, clearly material considerations that have to be taken into account in the determination of this application, including the impact upon the countryside, when weighed against the economic benefits, and these matters are fully considered below.

Impact upon the Character and Appearance of the Locality

23. The NPPF is very clear in that Areas of Outstanding Natural Beauty are afforded the highest level of protection, and development within these areas therefore requires significant justification, and sensitive design.
24. Furthermore, Policies DM3, DM15 and DM16 of the Core Strategy seeks to protect the character of the countryside, and states that development will only be permitted where suitable mitigation can be provided, or it accords with allocation policies. Policy DM3 seeks to place commercial activity within appropriate locations, referring to the settlement hierarchy.
25. It is clear that this proposal is not located within an area that one would anticipate, given it falls outside of the village confines, and indeed, the confines of a village that is stated as being suitable for tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community (Core Strategy, page 33). The effectively puts the settlement as 'fifth on the list' for development, with there only being six categories – the last being not suitable for any growth unless a rural location justifies it.
26. Given that the site lies within a highly sensitive location, the applicant has submitted a Landscape Visual Impact Assessment (LVIA) with this application. This LVIA has been fully assessed by the Council's advisor, and has been used to assess the impact of this proposal upon the wider countryside.
27. The applicants submit that the proposal would have no 'significant adverse impact' upon the AONB, because of the siting of the building, and the existing tree screening that occurs along the rear boundary of the site.
28. The site is bound to the north-east by public right of way ER14 runs alongside the application site, and appears to be well used for recreational purposes (given it does not directly link to nearby villages/services). This footpath is within a tree lined passage as it passes the site, but opens upon into a large field as one moves to the east and then south of the application site. There are clear views of the application site (albeit through a tree belt) from this footpath. This footpath also connects to a series of other footpaths within the vicinity, including ER15, ER18A and ER19 immediately to the north and east, and further afield ER23, ER288 and ER289.
29. These footpaths are again well used both by local residents, and those from further afield, as this forms part of an attractive coastal route that runs to St

Margaret's and then onto Dover. Views of the application are more limited from these other footpaths during the day, although it is noted that the proposal does include significant lighting to the rear, within the loading area.

30. The height of the proposed building, being some 9metres would mean that it would be a significant increase in built mass from the existing situation. Not only would there be an increase in buildings on site, there would also be more other infrastructure such as car parking, lighting, and vehicles of a greater scale/frequency. Whilst the applicant has submitted an LVIA which indicates that the impact is limited, I have strong reservations with regards to the impact of the proposal on a more localised level, as well as with regards to the impact (in particular) during the winter months, when the trees have less foliage and when there would be a greater need to use the external lighting.
31. In terms of the localised impact, this would be greatest when using the public footpaths (but also to a lesser degree when viewed from private residential properties). Given that all of the land to the east and south of the A258 has been designated as falling within the AONB, it is considered that there is an acceptance that this should very much have a rural context and character, and this is felt as one walks along public footpath ER14 alongside the site. As the site is currently used on a very low key basis (with a use of a rural nature), it contributes to this character, as do the large paddocks/open fields to the north. Should this proposal be granted permission and be constructed, this character would alter irrevocably, and would result in significant harm.
32. Furthermore, as the footpath runs into the open field to the rear, the character is of a wholly rural landscape. Whilst it is accepted that there are substantial agricultural buildings in view, which form part of the farmstead – which is of a character that one would expect within such a context. Views elsewhere though are of open fields, tree lines, and hedges, with little built development in view. Again, the erection of a building of this scale (and indeed use) within this locality would appear somewhat of an alien feature and would therefore be to the detriment to its character.
33. It is accepted that the development, when viewed from more long distance views to the north, east and south could be seen in the context of existing built development. However, these are mainly residential properties of single or two storey form, and of a significantly lesser scale, and bulk than this building would be.
34. In addition to the impact of the proposal from the rear of the site, there would also need to be significant alterations to the access into the site. This would result in a more formal engineered opening, surfacing, and improved visibility splays. Whilst the current access is of a low key nature, with little built form behind, this proposal would change this appearance significantly.
35. Again, whilst these changes would be necessary in order to make the access safe, there it would result in the loss of the semi-rural character and this entry point of the village. This access, sandwiched between residential properties would be incongruous and harmful to the character and appearance of the locality.
36. It is accepted that the applicant have sought to address these issues with landscaping provision, which in itself would provide some layering, and softening of the development. However, it is considered that this would not address the

overall harm that a development of this nature would cause on the character and appearance of the landscape and the street scene, and as such it is considered that this proposal would fail to meet the requirements of policies DM3, DM15 and DM16 of the Core Strategy, as well as policy LIC1 of the Kent Downs Area Management Plan.

Economic Benefits of the Proposal

37. The applicant has submitted, within their Planning Statement a statement from the company as to why they require to move premises at the point in time, and why this is the most suitable location for them. The applicant sets out that due to the growth in the business the existing bottling factory is running at full speed with double shifts running from 6.30am to 11.30pm.
38. Should planning permission be granted and the new facility provided, it would allow for the company to double in size over the next five years.
39. At present the company have 12 staff on site at the Walmer factory and 8 working within the London distribution factory.
40. In the first instance, it should be noted that the District Council have sought to support the continued growth of this particular company, acknowledging the fact that they are location sensitive. To this end, planning permission was granted in 2011 to allow 24 hour production at the company's existing premises through Monday to Saturday. This was permitted on the basis that there were no residential properties nearby that would be adversely impacted by this proposal.
41. This permission has not however, been implemented (and does not therefore remain extant). It is likely however, that should the applicant re-apply, that the permission would be likely to be granted once more.
42. There would undoubtedly be some economic benefits that would be brought about by this proposal. There would be construction jobs in the first instance, and then an opportunity for the company to expand more readily than they can at present. The company have stated that they need to relocate within the area, in order to retain the name of Kingsdown Water, although this matter is questioned by some neighbouring occupiers. It is my understanding that the water would need to be sourced from the area, but can be bottled elsewhere. The applicants are seeking to source and bottle the water within the site (again, the economic benefits of which are understood).
43. The Council's Core Strategy does seek to promote economic development, but is very clear that this should adhere to Council's overarching strategy, in particular with regards to the location of development. This proposal would not be within an allocated site, nor within a settlement boundary, nor adjacent to a settlement that has been identified as suitable for significant growth. For these reason there would need to be exceptional circumstances to allow for this proposal to be permitted.
44. The applicant's case is that this is a successful local business, that wishes to expand and that this is the only site that is available, within the area of Kingsdown that is available and suitable. The Council do wish to support local businesses, and acknowledge that this business does have a requirement to continue to source water locally. For this reason, significant weight should be given in the determination of this application to the ability to allow this business to

expand on this site. That said, it is noted that the ability of the company to operate 24 hours a day at their existing site has not been explored, and I am therefore mindful that this existing site, and the operations within are not at the maximum level permitted. The question is therefore whether there is a *need* at this point in time for a new building on a new site in an unsustainable location, and how the company would continue to operate, should permission not be granted.

45. It is considered that the applicant has not demonstrated that the need for the relocation of the business to this site, along with the associated and significant level of development is not so sufficient as to override planning policy. It is understood that this will improve their operations, and allow for future expansion, but it is possible that the current site could be operated more intensively should the need arise. Given the level of harm that has been identified upon the countryside character, it is not considered that the economic benefits of this proposal (undoubted as they are) are significant enough to outweigh this. This assessment is made with the three threads of sustainable development very much borne in mind.

Impact upon Highway Safety

46. Significant discussions have taken place between the applicant and Kent County Council Highways with regards to the access into the site, and in particular, the visibility splays on either side of the access.
47. The applicant has submitted a Transport Assessment with the application which assesses the number of vehicular movements into and out of the existing car park, associated with the nursery use, and has compared this with the likely movements from the proposed use.
48. This assessment shows that the proposal would generate approximately 174 vehicle movements a week, compared with the existing (nursery) use, which would generate approximately 812 vehicle movements. This is a significant uplift, although it should be noted that the existing use is particularly seasonal, and certainly at the time of the site visit it was clear that the business was being run down, and would be unlikely to generate anywhere near that number of vehicular movements.
49. However, whilst the number of vehicle movements are, of course, relevant, it is also considered that the type of vehicle movements is also a matter of significance. In this instance there would be a significant change from the private motor car to larger, and more commercial vehicles – lorries etc. Whilst this in itself is clearly not unacceptable, this requires for an improved access into the site to be provided. This access would be constructed of tarmac and would have a width of 6 metres. The bell mouth would open up to a width of 25 metres as it joins the main highway.
50. The Highways Officer has now reviewed the submission, and is satisfied that this access, and its associated visibility splays are acceptable, and would not give rise to any detrimental impact upon highway safety. Whilst objections have been received with regards to the safety of the access, and in particular in relation to the speed of traffic using the A258, as stated, there has been significant dialogue between the applicant and the Highways Officer and this has been assessed very carefully. I therefore consider the information submitted sufficient in this regard to conclude that a suitable access could be provided to the site, and the proposal

would not have a detrimental impact upon the highway, thereby according with policy DM12 of the Core Strategy.

51. With regards to parking provision within the site, the proposal would see the creation of 22 car parking spaces which would be for staff (16 spaces) and for visitors (6 spaces). This provision would be made close to the building, but forming distinct allocations. It is considered that the level of parking provision is acceptable, and would ensure that the development would 'consume its own smoke' in terms of parking requirements. It is noted in any event that there would not be any ability to park on the main highway due to existing restrictions, and any overspill would be likely to take place off any well use road, and thus unlikely to give rise to any highway safety concerns.
52. Tracking diagrams have been submitted which show that all vehicles could enter and leave the site (and serve the building) in a forward gear. All turning movements would take place well within the site, and again, this would ensure that there would be no detrimental impact upon highway safety.

Impact upon Residential Amenity

53. As set out within the 'consultations' section, a significant level of public interest has been generated by this proposal, with much of the concern raised with regards to the impact upon residential amenity. In particular concern has been raised with regards to noise, and the light pollution that this proposal would bring about.
54. The proposed building would be approximately 50metres away from residential properties on the A258, and approximately 130metres from the properties that front onto the private track to the north-east of the site.
55. The applicants have submitted a noise assessment with the application, which sets out measures that would be undertaken to ensure that the noise and disturbance from this development would be managed. The residents upon the south-eastern side of the A258 currently experience a very quiet environment (road aside) and as such any change to this would perhaps be magnified more so than in other, more built up locations. It is for this reason (amongst others) that developments of this nature are sought to be located in more built up areas, with more background, ambient noise. No concern has been raised explicitly from the Council's Environmental Health Officer, but this remains a concern that the overall tranquillity of the locality would be affected by this proposal, and that there would be a subsequent impact upon existing residents who within an AONB would expect less commercial noise.
56. In addition to this, concern has been raised with regards to light pollution from the development, and the impact that this would have upon residential amenity. Again, whilst the applicants have sought to address the issue of light spill within their submission, concerns remain with regards to the alteration to the character of the area, and furthermore, the impact that this would have upon the residential amenity of the neighbouring occupiers. It is considered this matter should be assessed in very much the same vein as the issue of noise – i.e. in technical terms/terms of perception – but nevertheless, the impact would be significant given the dark nature of the sky at present. I am of the opinion that the change in character, and perception of activity would have a harmful impact upon the amenities of the neighbouring occupiers in this instance.

57. Concern has been raised by some neighbours, with regards to the impact of the proposal in terms of overlooking. Whilst these points are noted, I consider that the separation distances between the dwellings and the proposed building, together with the orientation of both would mean that this would not be a ground to refuse the planning application in itself. Likewise, any perception that the development would be overbearing, or result in a loss of light to existing residents.
58. Given the above, and on balance, it is concluded that the proposal would have a harmful impact upon the residential amenities of the neighbouring occupiers, and would thereby prove contrary to the requirements of the NPPF which seeks to ensure that development does not adversely impact upon quality of life.

Ecology

59. Significant concern has been raised locally with the impact that this proposal would have upon the biodiversity within the application site, and surrounding area. Again, the applicants have sought to address these matters through their original planning application, and subsequent reports that have been submitted.
60. The NPPF is clear on the matter of ecology that proposals should seek to minimise impacts upon biodiversity, and where possible, enhancements should be made where possible.
61. The applicant's submitted ecological information has now been reviewed by the Council's Ecologist and the translocation of protected species has also been considered. No concerns have been raised with regards to the proposals, or the ecological works undertaken to date (i.e. the translocation).
62. Significant concern has been raised by neighbouring occupants with regards to ecology, and in particular a badger's sett that lies just outside of the application site. However, the proposals that the applicant have put forward would not interfere with this sett, and the additional landscaping proposed around the perimeter of the site would, in my opinion be likely to be of benefit to badgers – with additional foraging etc.
63. The ecological report also identifies that the site contains boundary planting that offer some value to bats and linear foraging and commuting belts. As such, it recommends that any lighting scheme be 'bat sensitive' and refers to guidance produced by the Bat Conservation Trust on this matter. There would be no loss of trees around the boundary that would remove any commuting or foraging opportunities, and indeed, there would be an opportunity for both qualitative and quantitative enhancements in this regard.
64. With regards to breeding birds, it is suggested that any works to take place upon suitable trees be done in the appropriate season.
65. Reptiles were found within the application site, and as a result, these were required to be translocated. The applicant has submitted a translocation report, which identifies that there were originally up to 15 slow worms within the site, but these have now all been relocated elsewhere. Reptile proof fencing was erected, and following the last visit, it was apparent that the translocation was successful. Again, there is no concern with the findings of this report.

66. Whilst the application site is unkempt and adjacent to open countryside, the applicant has undertaken a full appraisal of the site, and the ecological enhancements that have been proposed would be acceptable, and result in no harm to the biodiversity of the site. For this reason, no objection is raised on these grounds.

Other Matters

67. The applicant has submitted a significant level of information with regards to the impact upon the groundwater within the locality. Initially concern was raised by the Environment Agency on the basis that they were uncertain of the impact upon the existing groundwater. Their objection has now been removed however, subject to the imposition of suitable safeguarding conditions, which they have set out within their consultation response.
68. With regards to drainage, the applicant has submitted a full drainage report which sets out that the site can be adequately served in this regard. Again, the application has been assessed by Southern Water and KCC and no objection is raised by either party to the proposal.
69. The development has been screened, in accordance with the EIA Regulations 4 and 5 of the Town and Country Planning (Environmental Impact Regulations) 2011. An assessment was made of the development characteristics, its location and the characteristics of the potential impacts. Whilst the proposal falls within Schedule 2 of the aforementioned regulations, the Council considered, pursuant to Regulation 5(5) of the 2011 Regulations that an Environmental Impact Assessment was not required.

Conclusion

70. This is considered to be a balanced application which has the potential to bring about some economic benefits to the locality, but also to result in significant harm to the character and appearance of the area – and in particular to the Area of Outstanding Natural Beauty.
71. These matters have been assessed both in terms of Dover's adopted policies and also with regard to the NPPF – with the three strands of sustainable development given significant weight.
72. In this instance it is considered that the harm to the setting of the AONB, together with the outstanding concerns with regards to highways and residential amenity result in a development that is not considered acceptable, despite the economic benefits.
73. It is therefore concluded that the development would fail to comply with policies DM3, DM15 and DM16 of the Dover Core Strategy, as well as the requirements of the NPPF, and for this reason it is recommended that Members do not give this application favourable consideration and refuse planning permission for the reasons set out below.

g) Recommendation

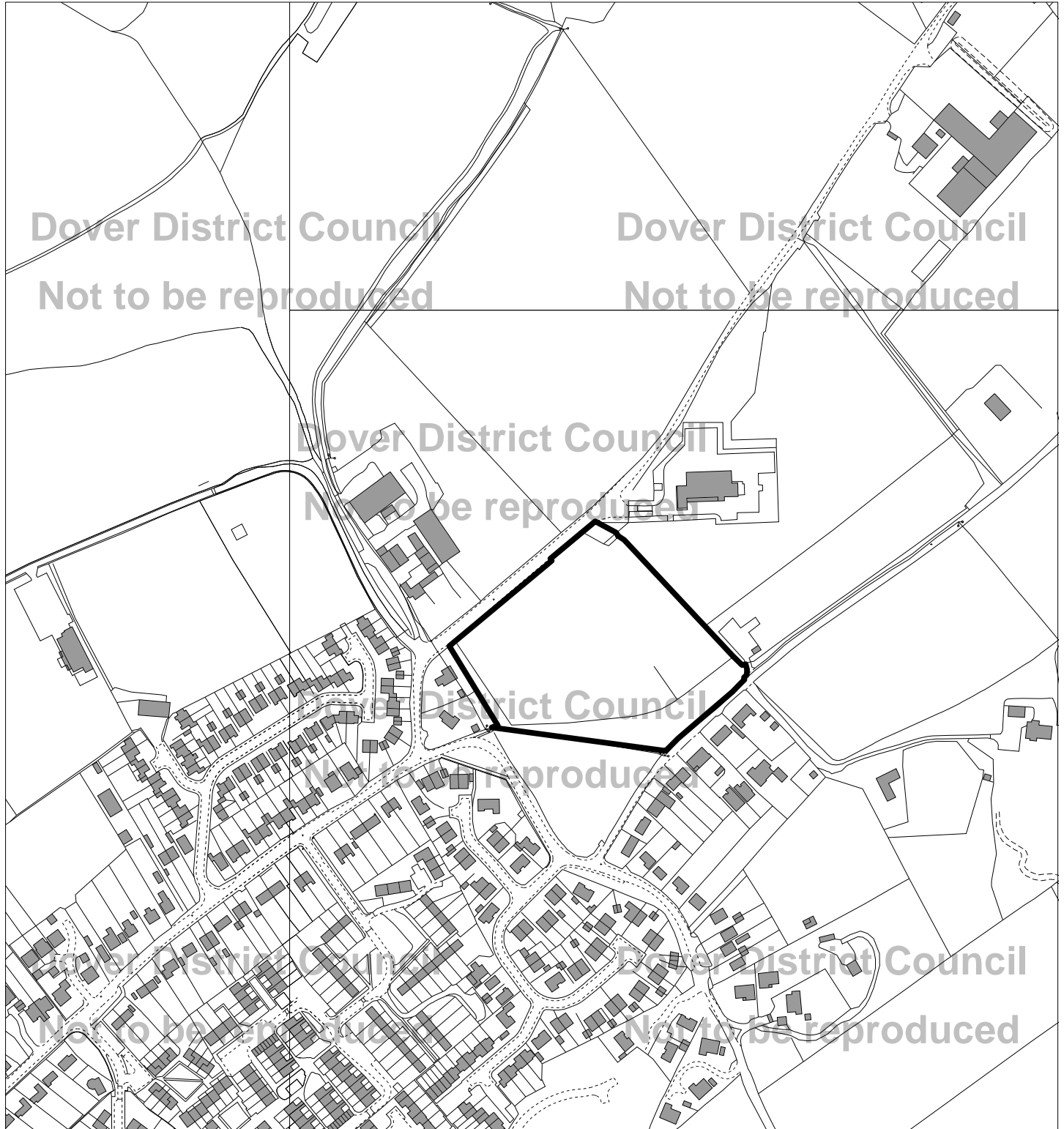
Planning Permission be REFUSED for the following reasons:

1. The proposal development, by virtue of its scale, form and materials, together with the level of lighting and outdoor commercial activity and the alterations to the vehicular access would lead to an unacceptable detrimental and harmful impact upon the open, natural and scenic beauty of the landscape and the character of the area which would be contrary to policies DM15 and DM16 of the Dover Core Strategy, Policy LLC1 of the AONB Management Plan, and the requirements of the National Planning Policy Framework – paragraphs 115 and 116.
2. The proposed development would result in additional noise and light spill that would result in a detrimental impact upon the residential amenity of neighbouring occupiers, over and above that expected within a rural locality, and within an Area of Outstanding Natural Beauty. The proposal would therefore prove to be contrary to paragraphs 17 and 115 of the National Planning Policy Framework.

Case Officer

Chris Hawkins

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Application: DOV/16/01450

Land adjacent to Fernfield Lane

Hawkinge

CT18 7AW

TR22224076



- a) **DOV/16/0450 - Outline application (including details of access, layout and scale) for the erection of 19 dwellings (including 6 affordable dwellings) with some matters reserved - Land Adjacent to Fernfield Lane, Hawkinge**

Reason for report - Officer indication was given to the applicant prior to the submission of the application that a case could be made for permission to be granted as a departure from the development plan whereas the recommendation is for refusal on grounds of conflict in principle with the development plan. In the circumstances it is considered appropriate for the decision to be taken by Committee.

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP3:Housing allocation
CP4 Housing Market Quality and Design
CP6 Infrastructure:
DM1-Outside settlements
DM5 Affordable housing
DM11 Location of Development and Managing Travel Demand
DM12 Road Hierarchy and Development
DM13- Parking Provision.
DM15 –Protection of Countryside
DM16 Landscape Character
DM27 Providing Open Space.

National Planning Policy Framework (NPPF) (2012)

Paragraph 7. Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 14. Presumption in favour of sustainable development for decision-taking.

Paragraph 17. Core planning principles... planning should...

not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
proactively drive and support sustainable economic development to deliver the homes... and thriving local places that the country needs;
always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...

Paragraph 32 requires all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 50- To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand and where they have identified that affordable housing is needed, set policies for meeting this need on site.

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

Paragraph 61. ... 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 103 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 109 The planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 112 Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Paragraph 115 Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Paragraph 118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and development proposals where

the primary objective is to conserve or enhance biodiversity should be permitted, opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

Paragraph 120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Kent Downs AONB Management Plan –

Aims to ensure that the diversity of landscape character across the Kent Downs is properly described and understood, maintained and enhanced, and the strong sense of place of individual localities is recognised, reinforced and celebrated.

In addition that a landscape character approach is used to inform AONB management decisions and areas of opportunity and threat are identified and become the focus for action. Policy LLC1 in particular which sets out 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.

Affordable Housing Supplementary Planning Document (SPD)

The purpose of the SPD is to alert developers and landowners as early as possible to the scale and need for affordable housing and to inform that planning obligations will be sought to secure affordable housing in connection with residential schemes of 15 or more dwellings.

d) **Relevant Planning History**

None.

e) **Consultee and Third Party Responses**

Kent CC - Economic Development-

Request £44,858.24 for Primary Education Contribution and £912.30 for Libraries bookstock by way of a s106 contribution.

Southern Water-

Development lead to increase in flow into west water sewerage and as a result increase flooding risk contrary to paragraph 109 of the NPPF. Recommend pre-commencement condition to submit for approval a drainage strategy in consultation.

Environment Agency-

Holding objection withdrawn with the submission of the PRA subject to four conditions including submission for approval of an environmental management strategy, a site investigation scheme and related options appraisal and remediation strategy and associated verification plan. Further information will be required but not at this stage

Southern Gas-

Note that the plans may not be accurate and request conditions to be imposed regarding minimum distances from gas mains by mechanical excavations and undertake work in accordance with safe digging practices.

Stagecoach South East-

Site served by 73 and 16 services are understated in the report and nearest bust stopes are 400 m away along a narrow road with no footpaths. Buses serving additional traffic generated will exacerbate reversing manoeuvres necessary for buses and therefore bus turning area should be provided in this development.

Kent CC Highway Authority-

Note the visibility splays at the proposed vehicular access points are acceptable. However object as the narrower section of Fernfield Lane leading to/from The Street but trimming vegetation would improve visibility for approaching drivers when needing to give way to oncoming vehicles, particularly to buses using this route. In addition, there is no footpath connection between the site and the existing footway network.

A paved pedestrian connection is required between the site and the existing footway network and if it is achievable on the indicative route shown, it will require pedestrians to cross. The detail of these highway improvements (including visibility splays) will therefore need to be shown on the plans, with an associated safety audit and designer's response to any issues raised. A footway will also be required in Fernfield Lane to provide pedestrian access between plots 1-6 and the footpath on the western boundary, and details of this should also be shown on the plans. This further information required before a decision can be made?

Kent Police Crime Prevention –

No objections subject to a standard condition

Natural England-

Designated nature conservation sites – no objection subject to securing financial contribution for mitigation

DCC Ecologist-

Both the ecological report and the LVIA are competent and neither biodiversity or landscape impact is a constraint to development here. No objections subject to a contribution to the TCMS will be necessary, through aS.106 agreement for £1265

Kent Downs AONB advisor-

The site is relatively well contained within the landscape and is well related to Hawkinge and development here would represent a natural extension to the village. In order to meet the requirement for conserving and enhancing the AONB, it will be critical to ensure that any development permitted is of a high standard of design and in view of the rural fringe location, should incorporate traditional building materials appropriate to its local context The development should be limited to no more than two stories in height and respect the

important of the frontage treatment along Fernfield given the large unbroken areas of hard standing proposed between the buildings.

DCC Housing Delivery:-

The application is in respect of the proposed development of 19 dwellings. The planning statement submitted with the application makes reference to 6 dwellings being affordable. This equates to 30% of the total number of dwellings and therefore accords with the Council's planning policy in respect of affordable housing. Ideally, I would like to see 4 of the affordable homes being for rent and 2 for shared ownership but this would be subject to further discussions with the developer and a housing association partner.

DCC Env Health-

No objection subject to conditions being imposed requiring the submission for approval of a construction management plan and acoustic survey prior to the commencement of development and contaminated land conditions

DCC Enterprise and Environment-

Support scheme for providing housing and affordable housing.

DCC Planning Policy- object in principle

Note proposal is not a windfall site as it is outside of the defined settlement boundary. No objections to the proposed dwelling mix. Consequently Planning Policy object in principle.

DCC Principal Infrastructure Delivery Officer-

No objection but notes the need to increase the capacity of the adjacent play area (even though it is located outside the Dover District), provided that the local parish council is willing to accept the contribution, calculated as £11,218.

Rural Planning Ltd-

Land most likely to fall within best and most versatile land category but the site is small scale and not in active agricultural use for some years. However to argue that loss of agricultural land is sufficient to warrant refusal would require the demonstration that the development is unnecessary as it could take place on other feasible sites of lower quality other than the application site.

Kent Wildlife Trust-

No comments received

LLFA-

No objection subject to We have no objection to the development from a flood risk perspective subject to conditions but advise that the Environment Agency should be consulted regarding potential infiltration of pollutants from landfill site as these matters as these are outside of our remit.

Trees Officer-

No comments received.

Third Party Representation:

Hawkinge Town Council's support the application subject to submission of a travel plan because of the narrowness of Fernfield Lane and it's use as a bus turning circle and The Street which is a busy, narrow road and an infrastructure plan for schools and drainage.

Alkham parish Council has no objection but consider that there is a lack of permeable hard landscaping to deal with surface water flooding, confirmation that there is adequate sewerage arrangements. Note the danger of contamination of land as it was previously a brickworks site.

A total of 13 consultees responded with the following concerns and objections:

- Development outside settlement boundary
- Loss of open space and habitat
- Impact on AONB
- Traffic generation and adverse impact on Highway safety
- Increased Flood Risk
- Inappropriate site for proposed development
- Unwelcome precedent in area
- Prominent location
- Brownfield site- contaminated land concerns
- Impact on our waste licence of housing goes ahead

The Site Description

- 1.1 The site is located on the south eastern side of Fernfield Lane and north west of Stombers Lane. The site is currently undeveloped and occupies an area of 2.12 hectares. The site lies just within the administrative boundary of Dover District Council with Hawkinge village within Shepway District Council's boundaries away to the south-west to south-east of the site. The site lies within an Area of Outstanding Natural Beauty (AONB). The site is bounded by a fence along its northern boundary and is open to its other boundaries albeit well screened by mature vegetation along its eastern boundary.

Proposal

- 1.2 The proposed development, which is outline with the exception of the access, layout and scale is for the erection of 19 dwellings. 13 market houses would be detached with 6 affordable housing units being semi-detached in nature. The dwellings would comprise the following mix : Market dwellings - 13 no x 4 bed units; Affordable units - 6 no x 3 bed units.
- 1.3 The proposed site layout submitted with the proposal shows access taken from Fernfield Road towards the north-east corner of the site immediately to the east of the six affordable dwellings. The internal access road would continue in a rough loop with the proposed market housing set outside of it but well within the site
- 1.4 Amended plans have been submitted which show that although a section of Fernfield Lane connecting to The Street narrows to approximately 4.1 metres this is only for a short section and existing traffic flows are low and will remain so with the development. A footway is now proposed from the site to the west side of The Street, providing a connection for proposed residents to the existing footway network and bus stops in The Street and an alternative to using the narrower section of Fernfield Lane for existing pedestrians. This connection includes work within the existing highway to provide a pedestrian crossing point in The Street, and this has been subject to an independent safety audit. A footway will be

required along Fernfield Lane fronting plots 1-6, connecting to the proposed footway through the site, and the detail of this can be resolved by condition and through a reserved matters application.

- 1.5. The existing screening along the east and southern boundaries of the site along with the significant retention within the site of existing trees is proposed.
- 1.6. No open space provision is made within the site – however a developer contribution has been offered towards increasing capacity of nearby open space

2. **Main Issues**

- 2.1. The main issues to consider are:

- Principle of development
- Dwelling Mix
- Visual and rural amenity and impact on AONB/loss of countryside and effect on landscape character
- Agricultural land classification
- Impact on residential amenity
- Ecology
- Highways and access
- Water supply, foul and surface water disposal, drainage and flooding
- Planning obligations

3. **Assessment**

Principle of Development

- 3.1. On 1 March 2017, the DDC Cabinet agreed that the 2015/2016 Annual Monitoring Report (AMR) be approved and made available. The AMR includes the most recent housing supply figure of 6.02 years. This meets the Government requirement that local planning authorities be able to demonstrate a 5 year supply of deliverable housing land.
- 3.2. Policy DM1 is now considered up to date and must be given full weight for decision making purposes. The application site is outside the settlement confines. The proposal is now contrary to development plan restraint policy in respect of Policy DM1.
- 3.3. However, the site immediately adjoins land within the administrative boundary of Shepway District Council. Policy SS3 of Shepway District Council's Local Plan directs development within Shepway towards existing sustainable settlements to protect the open countryside and the coastline, in accordance with Policy SS1.
- 3.4. Hawkinge is an important centre within Shepway, being a service centre with regard to their settlement hierarchy. Hawkinge is considered to be a family-friendly place, providing attractive walking and cycling routes to its improved shops, new care facilities and jobs, and well managed community facilities and open space. The consolidation of the village as a maturing community will mean greater integration, blending into the landscape and an established identity as a key settlement for the district.
- 3.5. Thus, whilst this is the Policy for the adjoining Local Planning Authority, it is important to bear this in mind in the context of the site location and the DCC Policy context, especially with regard to the defined settlement boundary (Policy DM1) and its location within the AONB (Policy DM15). The proposal therefore

cannot be described as a windfall site.

- 3.6 The Shepway policy described above, chimes with the provisions of Core Strategy Policy, CP1. Policy CP1 describes a Service Centre as suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities. The more recent NPPF (2012) is clear that development proposals that conflict with an up-to-date plan should be refused unless other material considerations indicate otherwise.
- 3.7 Therefore whilst the application site is located in close proximity to confines it does none-the-less conflict with the aims and objectives of in particular paragraph 14 of the NPPF as the site is located outside of a defined settlement boundary and as such would conflict with Policy DM1 of the Dover Core Strategy, which now carries the benefit of full weight and the law requires decisions to be made in accordance with policies of the development plan unless material considerations indicate otherwise.
- 3.8. Clearly, it is for members to weigh up the material considerations in reaching a decision. The decision maker has to be sure in taking such a decision, contrary to the Development Plan, that there is no misdirection with regards to the principles taken into consideration, and consideration of the issues is thereby an exercise of judgement.
- 3.9. It is important for officers and members to demonstrate consistency in decision making, and given the council now has in excess of a five year supply of housing land, members need to be clear about the justification for granting planning permission that would be a departure from the development plan. It is noted that the objectively assessed need (OAN) is not a limit to development, but rather a target. The council has the ability to depart from the development plan and permit development outside of confines if they consider there to be good reason to do so, when all material considerations have been assessed - although these decisions are likely to be the exception rather than the rule. So the development is contrary to development plan policy DM1, however, it is necessary to assess other material considerations, as discussed below.

Dwelling Mix

- 3.10 Policy CP3 states a housing allocation for rural areas of 1,200 8% of total in Borough total. The scheme therefore represents a modest contribution to the Housing Land Supply.
- 3.11 Policy CP4 states that :”Housing allocations in the Site Allocations Document and planning applications for residential development for 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and develop an appropriate housing mix and design taking account of the guidance in the Strategic Housing”
- 3.12 With regard to dwelling mix, the SHMA sets out the following market housing mix:

No beds	1	2	3	4
Required	15%	35%	40%	10%
Proposed	0	0	0	13(100%)

- 3.13 The applicant notes that the Dover SHMA 2017, as agreed by Dover District Council’s Cabinet on 1st March 2017, states that of the 6826 market homes that

need to be delivered over the next 23 years, the housing mix should be as follows:-

No beds	1	2	3	4
Required	4%	20%	44%	32.5%
Proposed Overall	0	0	32.5	67.5

- 3.14 In short over 75% of market homes and nearly 60% of affordable homes, to be built in Dover over the next two decades, will need to be of the larger type as proposed in this application. Such developments are not possible or appropriate on all sites, for example constrained sites in urban areas or those with abnormal development costs where higher unit numbers are required to ensure scheme viability, so it is important that where such sites are available their development is supported, subject to the absence of other significant constraints
- 3.15 The proposal also responds to the pressing need for affordable housing through the provision of a policy compliant 30% affordable housing proportion that will deliver 6 affordable, family sized homes, for local people.
- 3.16 At the more local level the mix and design of the units is considered appropriate to the edge of village location of the site, within the Kent Downs AONB, as described in the Design and Access Statement which addresses issues of scale, mass, form and materials.
- 3.17 The applicants also advise that consideration is also being given to disposing of the market housing element of the site in the form of self/custom build plots that could help address demand identified through the Dover District Council Self Build Register.
- 3.18 The Council's Planning Policy Manager has no objections to the dwelling mix proposed but notes that such a scheme is not a windfall site as it falls outside if a defined settlement boundary.

Affordable Housing

- 3.19 Policy DM5 states that: "The Council will seek applications for residential developments of 15 or more dwellings to provide 30% of the total homes proposed as affordable homes".
- 3.20 The affordable housing mix set out in the supporting text for this policy and provides a breakdown of 35% one and two bed dwellings, 55% 3 bed dwellings and 10% 4 or more bed dwellings. The proposal is for 100% (6 no.) 3 bed dwellings. The Housing Enabling Officer is satisfied with this mix and as such officers are content that the proposal is acceptable with regard to affordable housing provision.

Visual and Rural Amenity and Impact on AONB

- 3.21 The application site is located in the Kent Downs AONB. The application is tested against the purpose of the AONB designation, to conserve and enhance the natural beauty of the Kent Downs AONB.
- 3.22 The Kent Downs AONB advisor advises that: "while the proposal is for the erection of 19 dwellings, taking into account the size of Hawkinge and the character of the site and its environs, we do not consider the proposal represents a major development for the purposes of paragraph 116 of the NPPF. The

application should however be assessed with consideration to para 115 of the NPPF which confirms that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.” In addition DM 16 of the Local Plan identifies that development proposals would be refused where they would harm the character of the landscape

- 3.23 The site is relatively well contained within the landscape and is well related to Hawkinge and development here would represent a natural extension to the village. Due to the relatively low density of development proposed and retention of existing vegetation both within and around the perimeter of the site, in order to meet the requirements for conserving and enhancing the AONB, it will be critical to ensure that any development permitted is of a high standard of design and in view of the rural fringe location, should incorporate traditional building materials appropriate to its local context.
- 3.24 The Council's Ecological Officer considers that the site does not raise any barriers to development in terms of not only ecology but also landscape constraints. Details such as scale, materials used, detailed landscaping etc. would be matters to be fully considered at reserved matters stage. At present officers consider that the scheme does not give rise to any under adverse impacts on the visual amenity of the site and immediate surrounding area, nor does it fail to conserve and enhance the natural beauty of the AONB nor would it result in harm to landscape character.
- 3.25 In addition that a landscape character approach is used to inform AONB management decisions and areas of opportunity and threat are identified and become the focus for action. Policy LLC1 in particular which sets out 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.
- 3.26 In this case, due to the location of the site, the scale of development, screening and effective landscaping, although within the AONB, would not lead to harm to the scenic beauty and quality of the AONB or the character of the landscape. However, as it would result in the unjustified loss of countryside it would conflict with the aims and objectives Policy DM15 of the Core Strategy

BMV Agricultural Land

- 3.27 The application site is classified within Best and most versatile (BMV) agricultural land is defined as grades 1, 2 and 3a. Aerial photography going back to 1940 and up to 2013 shows no agricultural use on site and between 1960 and 1990 the site was sub0-divided for the open space to the south. An estimated 60% of the site is BMV land which equates to c1.3 hectares.
- 3.28 The rural planning consultants note that the site is relatively small in size and has not been in active agricultural use for some years. In addition, they advise that for the Local Planning Authority to argue that the loss of agricultural land is sufficient to warrant refusal would require the demonstration that the development is unnecessary as it could take place on other feasible sites of lower quality other than the application site.
- 3.29 This could be possible on other allocated site that are available. However, in this instance, due to the small scale of the application site, its location and the fact that it has not been used for agricultural purposes that, on balance the loss of unused agricultural land is not sufficient to warrant a refusal of planning

permission.

Residential Amenity and Scheme Proposals

- 3.30 The proposed development at this stage is in outline form apart from access, layout and scale. The site layout would provide the proposed dwellings around an inside loop road and along the site's northern, north-eastern and south-eastern boundaries of the site.
- 3.31 Whilst no details are as yet submit with regard to internal floor area, circulation and layout of the proposed dwellings, they will be of a sufficient footprint with c80 square metre footprint for the smaller semi-detached properties and 90-120 square metres for the detached properties. Officers therefore have no concerns with regard to the standard of living conditions for future occupiers of the proposed dwelling in terms of internal space and private amenity space.
- 3.32 The proposals dwellings are at least 22 metres distance form opposing habitable room window within the site and from 35-55 metres distant from the existing dwellings situated outside of the site.. Accordingly, no adverse impacts with regard to privacy and overlooking are anticipated on either existing or future occupiers of the existing and proposed dwellings respectively.
- 3.33 Concerns have been raised by third parties with regard to the former use of the site as a brick factory and the proximity of a Waste Transfer Station away to the north east of the site. However in response to the first point the applicant's have submitted historic maps which show that the site was not occupied by the former brickworks, rather this was situated where the Waste Transfer station now is.
- 3.34 With regard to both these points and to other amenity considerations, the Council's Environmental Health Officer raises no objections subject to conditions relating to submission prior to the commencement of any development for approval an acoustic survey and construction management plan as well as the imposition of standard contaminated land conditions. As such officers are satisfied that the scheme would provide satisfactory living conditions for future occupiers and not give rise to an adverse impact on the amenity of the existing occupiers of the properties in the immediate surrounding area.

Ecology

- 3.35 Paragraph 109 of the NPPF advises that the planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 3.36 Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and development proposals where the primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development outweigh the harm caused.

- 3.35 The Council's Ecological Officer raises no objection to the proposal considering that the site's development gives rise to no barriers on either landscape or ecological fronts. He advises that only that as the proposal is for over 15 units that a contribution through a s106 agreement for the Thanet Coastal Management Strategy is payable.
- 3.36 The Ecological Impact Assessment found that the mature trees on site have potential to support roosting bats and the broad-leaved trees, hedgerows and scrub are suitable to support nesting birds and Japanese knotweed was recorded on-site during the survey. The key recommendations of this PEA are that where any trees deemed suitable to support roosting bats will be assessed and further surveyed if necessary prior to felling; A bat sensitive lighting scheme should be designed and implemented, and should minimise light spill onto boundary vegetation and off-site, adjacent habitats - particularly along the southern boundary; and a short Method Statement will be produced to address the presence and management / removal of Japanese knotweed. The production of this document should be made a pre-commencement planning condition;
- 3.37 In addition the woodland habitat along the south-east and south-west boundaries will be retained and protected during site works. Site enhancement measures include planting and infilling of other site boundaries with native species and planting of native trees.
- 3.38 In light of the above officers consider that subject to the above contribution and requisite planning conditions the proposal is in accordance with paragraphs 109 and 118 of the NPPF.

Highways and Traffic Impact

- 3.39 The County Highway Authority note the comments from the bus operator regarding the existing turning arrangements for buses, however this is an existing long-standing situation which does not appear to create significant highway issues and, with the proposed separate footway connection to the existing bus stops in The Street, an improved turning area for buses is not considered necessary in highway terms as a result of the development.
- 3.40 They also advise that there is no pattern of recorded personal injury crashes in the 5 years to the end of 2016 to suggest the existing highway network in the vicinity of the site cannot accommodate the additional vehicle movements likely to be generated. The visibility splays available at the proposed access points are acceptable and appropriate for the measured speeds in Fernfield Lane.
- 3.41 The Highway Authority acknowledged that the visibility splays at the proposed vehicular access points are acceptable. However the narrower section of Fernfield Lane leading to/from The Street and trimming of the boundary hedging would improve visibility for approaching drivers when needing to give way to oncoming vehicles, particularly to buses using this route.
- 3.42 A holding objection was in place as there is no footpath connection between the site and the existing footway network. Whilst layout is a reserved matter the proposed footpath does not connect to the existing footway network in The Street A paved pedestrian connection is required between the site and the existing footway network and if it is achievable on the indicative route shown, it will require pedestrians to cross The Street at this point and a new section of footway provided across/around the verge to the existing footway at the rear of nos. 10/11 Fern Close.

- 3.43 The Highway authority has withdrawn its objection with the submission of amended plans which show that although a section of Fernfield Lane connecting to The Street narrows to approximately 4.1 metres this is only for a short section and existing traffic flows are low and will remain so with the development.
- 3.44 A footway is now proposed from the site to the west side of The Street, providing a connection for proposed residents to the existing footway network and bus stops in The Street and an alternative to using the narrower section of Fernfield Lane for existing pedestrians. This connection includes work within the existing highway to provide a pedestrian crossing point in The Street, and this has been subject to an independent safety audit. A footway will be required along Fernfield Lane fronting plots 1-6, connecting to the proposed footway through the site, and the detail of this can be resolved by condition and through a reserved matters application.
- 3.45 The County Highway Authority note the comments from the bus operator regarding the existing turning arrangements for buses, however this is an existing long-standing situation which does not appear to create significant highway issues and, with the proposed separate footway connection to the existing bus stops in The Street, an improved turning area for buses is not considered necessary in highway terms as a result of the development.
- 3.46 They also advise that there is no pattern of recorded personal injury crashes in the 5 years to the end of 2016 to suggest the existing highway network in the vicinity of the site cannot accommodate the additional vehicle movements likely to be generated. The visibility splays available at the proposed access points are acceptable and appropriate for the measured speeds in Fernfield Lane.
- 3.47 The County Highway Authority has no objections subject to conditions being imposed which include the provision of measures to prevent the discharge of surface water onto the highway, the provision and permanent retention of vehicle parking facilities prior to the use of the site, provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority, completion of the footway connection to The Street shown on drawing number 668/209 prior to the use of the site commencing and provision of a footway along the western part of the Fernfield Lane frontage prior to first occupation of any dwellings fronting the same, in accordance with details to be submitted to and approved by the Local Planning Authority..
- 3.48. The scheme proposes two car parking spaces per unit and six visitor car parking spaces and as such is in accordance with the car parking standards of SPG 4. The Transport Statement submitted notes Hawkinge as a designated Service Centre hosting a range of shops, services and employment opportunities and consequently development at this location is therefore appropriate and sustainable. It is within 15 minutes of the site by public transport and Folkestone is accessible within 30 minutes and Canterbury and Ashford are accessible within 60 minutes. Local bus stops are within 400m of the site. The centre of Hawkinge is within 1,200m of the site. The site is therefore considered to be in a relatively sustainable location.

Water Supply, Foul and Surface Water Disposal, Drainage and Flooding

- 3.49 Southern Water supplies water at this location. They advise that the results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows

into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area.

- 3.50 They recommend that should the Local Planning Authority be minded to approve the application a condition attached to any permission requiring the submission of a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker prior to the commencement of any development on site.
- 3.51 An informative suggested would advise the applicant to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.
- 3.52 The Lead Local Flood Authority has no objection to the development from a flood risk perspective but advise that the site is bordered by the Hawkinge historic landfill site at Fernfield Lane and this may have implications upon the siting of soakaways.
- 3.53 The LLFA advise that the Environment Agency should be consulted regarding these matters as these are outside of their remit and provided the EA have no objection to the use of soakaways on site and /or mitigating measures can be implemented then no objection subject to conditions requiring the submission of a detailed sustainable surface water drainage scheme for approval by the local planning authority prior to development on site.
- 3.54 The required preliminary risk Assessment was submitted on 8th May and referred to the Environment Agency the same day.
- 3.55 The Environmental Agency in their response withdraw their original objection, subject to the imposition of four relevant conditions should planning permission be granted, including submission for approval of an environmental management strategy, a site investigation scheme and related options appraisal and remediation strategy. An associated verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 3.56 The Environment Agency advise that the previous use of the proposed development site as agricultural landholdings presents a medium risk of contamination, in addition there are historic industrial uses adjacent to the site where pollutants could be mobilised by this development to affect controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone 2 and located upon a Principal aquifer.
- 3.57 The Environment Agency conclude that whilst the report submitted in support of this planning application provides confidence that it will be possible to suitably manage the risk posed to controlled waters by this development if the adjacent land is taken into account in design and layout, further detailed information will however be required before built development is undertaken. However they advise that this would (at this stage) place an unreasonable burden on the developer to ask for more detailed information
- 3.58 Officers, therefore consider that the proposal is acceptable in this regard and has the support of the Lead Local Flood Authority subject to the Environment

Agency's views

Planning Obligations

- 3.59 The applicant has submitted draft Heads of Terms in relation to obligations necessary to make the development acceptable in planning terms. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests::
1. Necessary,
 2. Related to the development, and
 3. Reasonably related in scale and kind
- 3.60 Policy CP6 sets out that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place or there is a reliable mechanism to ensure that it will be provided at the time it is needed. These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).The proposed obligations are based on consultee responses and are as follows;
- 3.61 The applicant has agreed to a draft Heads of Terms in relation to obligations necessary to make the development acceptable in planning terms. The proposed obligations are based on consultee responses and are as follows;
- 3.62. Affordable housing - in accordance with Core Strategy Policy DM5, an on-site contribution of 30% (six dwellings) is required. The applicant has agreed.
- 3.63 Primary Education- £3324 per dwelling, towards Green Park Primary School expansion. Total - **£ 63,156**- agreed by the applicant
- 3.64. Library - contribution towards book stock at Hawkinge library, at £48.02 per dwelling. Total - **£912.30** - agreed by applicant.
- 3.65 In addition, a total **of £1265** is required as contribution towards the Thanet Coastal Management Strategy (TCMS) based on 13x4 (£13x66) and 6 X3 (6x £49.59) 3 bedroom dwellings- agree by the applicant
- 3.66 An off-site public open space contribution to increase capacity for the adjacent play area, in accordance with DM27 of the LAD - **£11,218**.
- 3.67 In addition, a legal agreement is required to be signed between the applicant and the County Highway Authority under S278 of the Highways Act with regard to access and improvements outside of the application site.
- 3.68 The Council's Principal Infrastructure Delivery Officer has commented that the requested contribution for primary schools is along the lines we have accepted in many previous instances; apart from the fact that it would fund a school outside the district. With regard to library book stock contribution, the pooling limit of 5 contributions has not been reached. Accordingly, the above requests are considered reasonable and within the scope of the CIL regulations.

Other Matters

- 3.69 The Kent Police Crime advisor has no objection subject to a condition being

imposed before commencement of development to submit details to the local planning authority for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

3.70 Other matters such as cycle parking refuse storage, materials, landscaping details will be required to be submitted at reserved matters stage and can also be subject to conditions

3.71 No Shared amenity space is proposed for this scheme. However an existing recreational area of land between the site and the development boundary of Hawkinge will remain in situ and will be accessed via footpaths from the site

4. Conclusion

4.1. It is clear that development of this site, outside the confines would not be in accordance with policies DM1 and DM15. Clearly there is also a loss, albeit of an unused and comparatively small area of BMV agricultural land, however this is not considered to be so significant to attract a reason for refusal in this case.

4.2 The site lies immediately to the north of an area of open space and the defined settlement of Hawkinge a service centre within the Shepway settlement hierarchy. The site is discreet and any development would be seen in the context of existing housing forming an extension to the existing development within the village.

4.3. The developer has agreed in principle to the provision of 30% affordable homes to the village and make other relevant contributions towards local infrastructure, services and the TCMS SPA and off site open space improvements.

4.4 The proposal is of a low density and seeks to retain a significant amount of natural screening. The AONB advisor and DCC Ecologist have raised no objections in terms of impacts on the landscape character and the AONB.

4.5 No adverse impacts are anticipated in terms of biodiversity, residential or visual amenity. In addition access and car parking arrangement are considered to be acceptable subject to a legal agreement with the County Highway authority for off-site works.

4.6 Utilities and drainage matters can be addressed by condition. The Environmental Agency in their response withdraw their objection, subject to the imposition of four relevant conditions should planning permission be granted

4.7 The scheme proposed a dwelling mix of exclusively larger dwellings. The Council's Planning Policy Manager has no objections to the proposed dwelling mix and as such the scheme would comply with the aims of policy CP4 of the Core Strategy. All justified contributions sought would be met.

4.8 Other criteria and submission of details would be a matter for reserved matters and as such are not matters for scrutiny for this outline planning application.

4.9 However, as the Council can now demonstrate a five year housing supply and Development Plan policies can be given full weight, officers consider on balance that the proposed development is contrary to policy DM1 of the Core Strategy and would result in the unjustified loss of countryside contrary to policy DM15 of the Core Strategy.

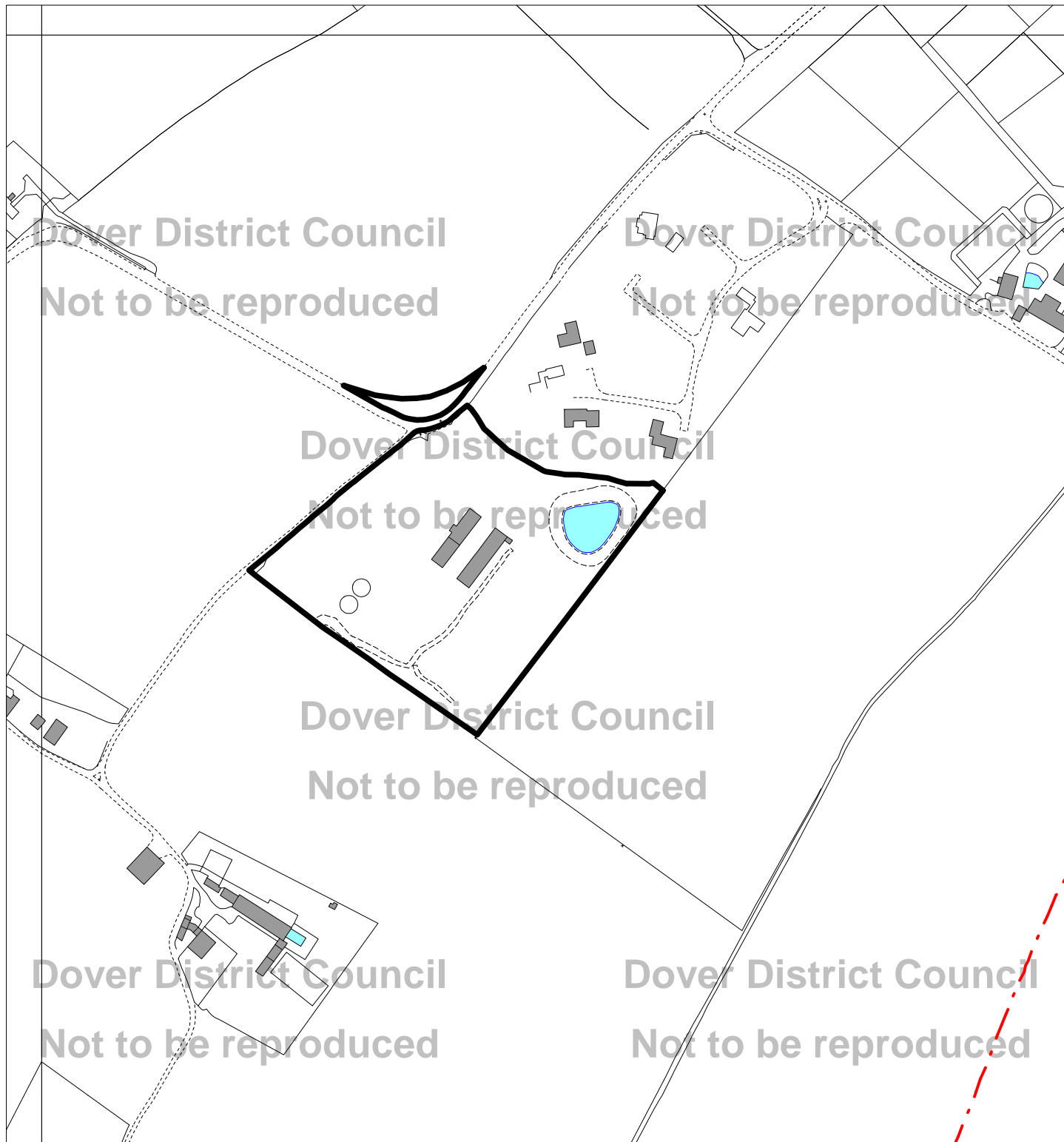
g) **Recommendation**

That planning permission be REFUSED for the following reason:

1. The Council can now demonstrate a five year housing supply and Development Plan policies can be given full weight. The proposed development cannot be considered to be sustainable development and is contrary to paragraph 14 of the NPPF and policy DM1 of the Core Strategy and would result in the unjustified loss of agricultural land, contrary to policy DM15 of the Core Strategy

Case Officer

Myles Joyce



Not to scale

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Application: DOV/16/01206

Land SW at Hammill Brickworks

Hammill Road

Woodnesborough

CT13 0FF

TR29265565



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

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is identified for the rural area.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM3 – Permission for commercial development in the rural area, will be granted, provided it is at a rural service centre or local centre and is consistent with the scale and setting of the settlement, or it is at a village provided it would not generate significant travel demand and is consistent with the scale and setting of the settlement. In all cases the development should be within the settlement confines, unless no suitable site exists, in which event it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere.
- DM4 – Beyond the settlement confines, the re-use or conversion of structurally sound, permanent buildings will be granted: for commercial uses; for community uses; or for private residential use in buildings that are adjacent to the confines. In all cases the building to be converted must be of a suitable character and scale for the use proposed, contribute to the local character and be acceptable in all other respects.

- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.
- DM17 – Within Groundwater Source Protection Zones 1 and 2, certain development which has the potential to cause contamination will not be permitted unless adequate safeguards against possible contamination are provided.

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 states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, conserve heritage assets and focus significant development in locations which are or can be made sustainable.

- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- Chapter three of the NPPF seeks to support a prosperous rural economy.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Of particular note, is paragraph 55 which directs housing in rural areas to be located where they will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided, unless they would: provide essential rural worker housing; provide the optimum viable use of a heritage asset or would secure the future of a heritage asset; re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or be of an exceptional quality or innovative design. Such a design should be: truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eleven requires the that the planning system contributes to and enhances the natural and local environments, by protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.

The Kent Design Guide (KDG)

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

d)

Relevant Planning History

DOV/12/00460 – A) Full application for change of use and conversion of two engine sheds to six live/work units and B) Outline application for the erection of nineteen dwellings, 2352m² of B1(c) accommodation, construction of vehicular access, associated car parking and landscaping (existing buildings/structures to be demolished) – Granted

DOV/14/00642 – Reserved matters application for phase 4 (residential phase) pursuant to outline permission DOV/12/00460 at Hammill Brickworks, Sandwich Road, Woodnesborough - Granted

DOV/15/00153 - Reserved matters application for the layout, scale and appearance of the B1 (C) accommodation buildings pursuant to Condition 33 of planning permission DOV/12/00460 – Granted

DOV/15/00599 - Reserved matters application for A) Full application for change of use and conversion of two engine sheds to six live/work units and B) Outline application for the erection of nineteen dwellings, 2352m² of B1(c) accommodation, construction of vehicular access, associated car parking and landscaping (existing buildings/structures to be demolished) for the layout, scale and appearance of the B1 (C) accommodation buildings (pursuant to Condition 33 of approved outline permission DOV/12/00460) – Granted

DOV/15/00771 – Change of use and conversion of two engine sheds to ten residential dwellings - Granted

e) **Consultee and Third Party Responses**

Crime Prevention Officer: The applicant has considered crime prevention and has applied the seven attributes of Crime Prevention Through Environmental Design in their Design and Access Statement however to date we have had no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including a formal application for BREEAM and Secured By Design if appropriate.

Natural England: No objection. The application site is in close proximity to European designated sites and therefore has the potential to affect their interest features. Whilst the proposals are not necessary for the management of the European sites, subject to appropriate financial contributions being made to strategic mitigation, the proposals are unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment. SSSI's do not represent a constraint to development. Regard should be had for local sites of biodiversity, geodiversity, landscape character and local or national biodiversity priority habitats and species. Regard must also be had for protected species, having regard for Natural England's Standing Advice. Biodiversity enhancements should be secured where possible.

The Coal Authority: The site falls within the defined Development Low Risk Area and, as such, there is no requirement to consult The Coal Authority. The Coal Authorities standing advice should be provided as an informative, should permission be granted.

KCC Highways and Transportation:

Initial response, received 26th September 2017

The location of the site is such that the vast majority of journeys are likely to be made by car and the trip rates identified in the Transport Statement (TS) reflect this. I concur that the additional trips over and above the previously approved scheme are unlikely to have a severe impact on the highway network, with only 2 or 3 additional trips in the network peak hours.

The dimensions of the access road, footway, turning head and parking spaces serving the converted engine sheds should be provided. The plans are confusing as drawing number 4098/1001 Rev. E in the TS shows a 7.15 metre wide road with a 2 metre wide footway on the south side, whereas the Proposed Strategic Layout shown on drawing number 16348/300 appears to show a narrower road with footways both sides. I would suggest that the road width could be reduced to 4.8 metres (after a suitable distance away from Hammill Road to allow for a rigid HGV turning) and a 1.8

metre wide footway provided on the south side only. The extent of road, footway and parking included in the full application for the engine sheds should also be clarified and should include the footpath connection to the approved phase 1 residential site.

The total amount of car parking shown for the engine shed conversions is acceptable; however the proposed separate allocation of parking to the office and residential uses should be clarified, with 11 spaces required for the 5 no. residential units in accordance with Policy DM13.

Subsequent response received 19th December 2017

I refer to the additional information submitted for the above and confirm I now have no objections in respect of highway matters. The location of the site is such that the vast majority of journeys are likely to be made by car and the trip rates identified in the Transport Statement (TS) reflect this. I concur that the additional trips over and above the previously approved scheme are unlikely to have a severe impact on the highway network, with only 2 or 3 additional trips in the network peak hours. The access arrangements shown are acceptable and include improvements to existing visibility. The parking arrangements for the 5 dwellings and office use covered by the full application are also now acceptable. The following should be secured by condition:

(i) Outline Application

- Use of a bound surface for the first 5 metres of private accesses from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of vehicle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the access shown on the submitted plans prior to the use of the site commencing.
- Completion of a paved footpath link between the site and the adjacent residential site to the west prior to first occupation.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- Construction Management Plan to include the following:
 - (a) Routing of vehicles
 - (b) Timing of HGV movements
 - (c) Parking and turning facilities for site personnel and delivery vehicles
 - (d) Wheel washing facilities

(ii) Full Application

- Use of a bound surface for the first 5 metres of private accesses from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the access shown on the submitted plans prior to the use of the site commencing.
- Completion of a paved footpath link between the site and the adjacent residential site to the west prior to first occupation.
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Construction Management Plan to include the following:
 - (a) Routing of vehicles
 - (b) Timing of HGV movements
 - (c) Parking and turning facilities for site personnel and delivery vehicles
 - (d) Wheel washing facilities

An informative has also been recommended

KCC PROW – Do not wish to comment on the application.

Principal Infrastructure Delivery Officer –

The S106 agreement for Hammill Phase II should secure long term maintenance of the play area required by the S106 agreement and condition 55 associated with Hammill Phase I. It appears that the play area will be easily accessible on foot from Phase II. A single management company should be responsible across the entire site for maintenance of the open space because this will help to ensure long term security of the provision. If this can be achieved then there is no need for new play provision within Phase II. I agree with you that the level of amenity open space provision within the site is acceptable, but we should require more detailed proposals to be approved prior to occupation of any unit, in particular the amenity space in Phase II should contain features such as benches and bins.

Regarding an appropriate SPA contribution for Phase II, on the basis of the housing mix in Phase I we should assume that all of the units for which outline permission is sought (15) will be 4+ bedrooms. The conversions will consist of 4 x 3 bed and 1 x 4 bed. Therefore an appropriate level of contribution is £1,373.52.

Environmental Health –

Initial response received 21st September 2016

The information submitted by the applicant regarding contamination adequately justifies that no further investigation or remedial works are justified on the Phase 2 area. Recommendations are provided regarding the historic septic tank and deep water well, and details of the remediation of these, if located, will be submitted as an Addendum Report following groundworks.

Subsequent response received 11th May 2017

Looking at my comments (September 2016) to the Ecologia letter report submitted in support of the site, I agree that condition 1 recommended by the EA would most certainly be surplus to requirements. Just to recap, my comments were as follows:

‘I have reviewed the Ecologia letter report and appendices. I feel adequate justification has been provided by Ecologia to warrant no further investigative or general remedial works being required on the phase 2 area, resulting from the proposed change of use to a more sensitive use. Residential SSRUCs were used in the original verification of phase 2 rather than commercial, as a conservative approach, and although the sample grid sizes were larger than recommended for residential, I do not consider this to be an issue.’

There was however the following potential outstanding issue:

‘Recommendations are provided regarding the historic septic tank and deep water well, and details of the remediation of these will, if located, will be submitted as an Addendum Report following groundworks.’

I therefore think it would be useful, for completeness, to include condition 2 in order that a post groundworks validation letter report is submitted, to confirm the status of these outstanding issues. You may wish to include somewhere in the condition what is specifically being referred to, for ease of reference, for example, submission of a validation letter report on the remediation of the historic septic tank and deep water well, as recommended in the Ecologia letter report reference 10.493.13 dated 26/7/16.

Environment Agency - No objection. However, a series of six conditions have been recommended, should permission be granted, to avoid harm to the aquifer and the environment. Informatives have also been recommended.

Southern Water - The Environment Agency should be consulted regarding the use of a private wastewater treatment works. Surface water drainage will be via Sustainable Urban Drainage Systems. The LPA should consider the acceptability of these details, including future maintenance.

DDC Head of Inward Investment – Planning Committee will be aware that Economic Regeneration remains the Council's top priority and that significant progress is being made on the delivery of a range of regeneration projects across the Dover district.

The vision for this Council is to ensure we create the environment to attract investment to the district that will stimulate growth and enterprise thereby creating much-needed jobs and delivering the overall ambitions and priorities in the Council's Adopted Core Strategy, alongside the Council's key Corporate Objectives.

Historical experiences around the development of the then Pfizer Pharmaceutical Complex at Sandwich and McLaren Motor Racing at Lydden were instrumental in founding the need to grow the scale, range and quality of accommodation across the district. While progress has been made on housing developments in a number of locations across the district, it is evident that the district continues to face challenges with delivery and supply of housing. Through work being undertaken on an East Kent basis by Lichfield's, refreshing the East Kent Growth Framework, it is evident that analysis of the Local Authority Annual Monitoring Reports indicate that Ashford, Canterbury and Thanet have consistently outperformed Shepway and Dover. The trend has been for housing completions falling consistently short of anticipated trajectory, with the exception of the last reported year.

The draft report also indicates that “Housing stock has a key role to play in influencing housing market choices, particularly for those people moving into East Kent....” As an example, by comparison to Ashford at 33%, Canterbury at 31% and Shepway at 27% Dover has only 22% of detached housing stock (according to the ONS 2011 Census).

With this backdrop, the Council has been actively promoting the district through the ‘Enterprise Coast Brand – Dover, Deal, Sandwich’ as a great place to live, work and play. Our inward investment website www.investindover.co.uk continues to develop as platform for potential investors, and local businesses, to find out more about key locations, financial incentives, and news and information for business. This is complemented by a Twitter feed (@InvestInDover) that has over 900 followers. Along with this, working in partnership, the Council has exhibited at the MIPIM UK exhibition at London Olympia for the past 3-years. This has provided an excellent showcase for the district at the most prominent investment and property exhibition in the UK.

It is evident that as a number of significant, unprecedented economic challenges have been addressed over the past few years, as a combination of factors such as the changes at the Pfizer site and the deficit reduction programme have taken hold, we cannot afford to be complacent and miss opportunities to sustain forward growth. While good progress has been made at the former Pfizer site, Discovery Park, the district will face further challenges through the changes to public sector finance. Consequently, the need to provide for future high end housing and jobs across the district remains of paramount importance in growing the future economy.

In the case of Hammill, Planning Committee will no doubt recall the recent site history which has led to the current development on site and which has been recognised in a number of different ways. The site has received strong market recognition and has resulted in a unique self-build development bringing a scale and quality of development to the district which is not repeated elsewhere. It is also understood that a significant number of occupants of the 19 units previously permitted are new to Dover district, which endorses the point that the housing offer has influenced market choice while also freeing-up other units across the district as occupants have upgraded. In addition to this, the scheme is a finalist after being shortlisted from hundreds of entrants in the ‘Development Of The Year’ category at the prestigious Property Week Resi Awards.

<http://www.resiawards.com/resiawards2017/2017-shortlist>

The current application seeks to extend the offer at Hammill. I understand that Kent Highways and Transportation has confirmed that the proposal is unlikely to have a severe impact on the highway network over and above the approved scheme. It is recognised that the location of the site will result in the majority of journeys being made by car. That is, of course, likely to be the case in many other localities across the district as car ownership will be closely aligned to the scale and quality of development. It is further understood that there is positive support from the adjacent Parishes where facilities will be supported by the development.

The first phase has a Section 106 pot of £320,000, the second phase adds a further £450,000, the vast majority of this £770,000 sum is to be used for the construction of affordable housing in sustainable locations.

From an Inward Investment perspective, there is a clear desire to demonstrate that Dover and East Kent is 'open for business' and able to secure private sector investment in the current challenging economic climate.

I would, therefore, strongly support the application and recommend that consent should be granted in such a way that allows it to facilitate early and maximum delivery of the various components thereby ensuring the benefits are captured at the earliest time.

Eastry Parish Council - Eastry Parish Council has no objections to this application; however the Council feels that an additional contribution to the local community should be made to take into account the additional strain on local services. As the proposed site is uncontaminated they would expect a contribution of a similar level to that made with the original application.

Woodnesborough Parish Council - The Council has no objections in principle, however they would expect an additional contribution to the local community, as this site is uncontaminated it would expect a similar level of contribution as had been made with the original application.

Sandwich Town Council - Positively support the application.

Eythorne Parish Council - No objections.

Public Representations - Fifteen letters of support have been received, raising the following points:

- Provision of much needed housing land
- Provision of employment
- The development will provide a lasting legacy for the town
- The first phase of Hammill Park has been successful, being well designed and delivered quickly
- The renovation of the engine sheds (a part of the districts history) is welcomed
- The development will benefit Woodnesborough aesthetically and economically
- Provision of self-build plots
- Creation of green space

f)

1. The Site and the Proposal

- 1.1 The application site is located outside of the settlement confines within the Countryside. The surrounding area is predominantly in agricultural use, with farmsteads and small groups of buildings dotted across the landscape. The nearest defined settlement, Eastry, is located 1.4km to the south east, whilst Woodnesborough is located around 1.6m to the north east and Staple around 2.1km to the west. The site lies within Groundwater Protection Zone 1
- 1.2 The site extends to approximately 2.7ha and forms the southern part of a larger site (of around 5.8ha) which formed Hammill Brickworks. Following the commencement of development which related to the larger site (which will be explained below), the current application site has been decontaminated and cleared. All that remains are two 'Engine Sheds' which date from the early C20th. The Dover Heritage Strategy describes the site as follows:

Woodnesborough (aka Hammill) Colliery was started in 1910 by another of Arthur Burr's syndicates. It was mothballed in 1914 and was relatively

complete when sold to Pearson & Dorman Long in 1923. They sold the colliery on to the Hammill Brick Company who developed the site as brickworks. Examination of the historic maps of the site indicates that an important collection of four of the original colliery buildings survive on the site

None of the buildings on the site are listed; however, the two Engine Sheds have previously been considered to be non-designated heritage assets. Production at the brickworks ceased in around 2009.

- 1.3 The sounding countryside is relatively flat, rising very gradually roughly from north to south. The site is also relatively flat, albeit there is a bank adjacent to the northern parcel of the Hammill Brickworks site and a balancing pond associated with the development of the wider site has been constructed to the north eastern corner of the site.
- 1.4 Following the closure of the brickworks, the wider site has been the subject of numerous planning applications, relating to the provision of dwellings and business uses. The original outline permission (DOV/12/00460) split the site, with the northern half of the site providing 19 dwellings and the southern half (the current application site) providing 8 buildings (including the two converted engine sheds) for use as 2352sqm of B1 use. The second application (DOV/14/00642) related solely to the provision of 19 dwellings on the northern half of the site and did not relate to the current application site. Application DOV/15/00153 granted permission for the erection of three buildings to the south of the current application site, which would have provided 10 B1 office units totalling approximately 1200sqm. Application DOV/15/00599 sought to provide a similar type and amount of accommodation, albeit in different arrangement, together with a surface water attenuation pond. The most recent application, DOV/15/00771, related to the conversion of the engine sheds within the current application site to 10 dwellings. All of these applications were granted. In addition to these directly relevant applications, application for reserved matters approval and discharge of conditions relating to the originally permitted 19 dwellings have been received and determined; however, it is not considered that these applications are directly relevant to the determination of the current application.
- 1.5 The current application seeks permission to erect a further 18 dwellings within the application site (this part of the application being submitted in outline), convert one engine shed into 5 dwellings and convert the second engine shed to offices (with details of these conversions being submitted in full). The proposed dwellings would occupy the land which had previously been granted planning permission for business uses. An area of open space would be provided to the western corner of the site which would provide a receptor site for reptiles.

2. **Main Issues**

2.1 The main issues are:

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

Assessment

Principle

New Dwellings

- 2.2 The site lies outside of the settlement boundaries, where Policy DM1 applies. Having regard to the wording of this policy, it is considered that the erection of dwellings in this location is contrary to Policy DM1, as the development is not supported by other development plan policies, does not functionally require a rural location and would not be ancillary to existing development or uses.
- 2.3 Following publication of the Authority Monitoring Report 2015/2016 (March 2017), the Council is able to demonstrate a five year housing land supply. Specifically, the report confirms that the Council has a 6.02 year supply of housing land. At the time that the application was submitted, the Council was unable to demonstrate a five year housing land supply; however, regard must be had for the material circumstances at the time that a decision is made. As such, the Councils housing policies are up-to-date and carry full weight.
- 2.4 Paragraphs 11 and 12 of the NPPF, expanding upon Section 70(2) of the Town and Country Planning Act, confirm that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, whilst development that conflicts with an up to date plan should be refused unless other material considerations indicate otherwise. The pre-amble to Policy DM1 states that any development which “would be a departure from this policy (sic) would require unusual and compelling justification for permission to be given”. Whilst the principle of the new dwellings is contrary to the development plan, regard will be had later in this report for whether there are any material considerations which indicate that permission should exceptionally be granted in this instance.

Conversion of Engine Shed to Dwellings

- 2.5 The conversion of one of the existing engine sheds to five dwellings necessitates consideration of Policy DM4 of the Core Strategy. Under this policy, permission will be given for the re-use or conversion of existing, structurally sound, permanent buildings to residential uses only where they are located within the settlement confines. The site is a significant distance from the nearest settlement and is not within or adjacent to settlement confines. This element of the application is not, therefore compliant with Policy DM4 and is not supported by any other development plan policy. However, permission was granted just over one year ago (DOV/15/00771) for the conversion of both engine sheds to residential, providing ten dwellings. This permission was granted on the basis that the Council were, at that time, unable to demonstrate a five year housing land supply and, consequently, the change of use of these sheds were on balance considered to be sustainable. Whilst the balance has, subsequently, shifted, it is considered that this permission presents a realistic fall-back position. In addition, the re-use of redundant or disused buildings in the rural area, subject to providing an enhancement of their setting, and providing an optimum viable use of a heritage asset, are circumstances where the NPPF (paragraph 55) supports residential development in the countryside. Having regard for these material considerations, it is concluded that the conversion of one engine shed to five dwellings is an acceptable departure

from the development plan. This principle of this aspect of the application is, on balance, therefore accepted.

Conversion of Engine Shed to Offices

- 2.6 Policy DM3 of the Core Strategy supports new commercial development in the rural area, provided it is within settlement confines. Outside settlement confines, new commercial development will only be permitted under this policy where it can be demonstrated that no suitable alternative site exists or where the use functionally requires the proposed location. As confirmed above, the site is not within or adjacent to any defined settlement, whilst no compelling evidence has been submitted to demonstrate that no suitable alternative sites exist. The application has not, therefore, demonstrated that the commercial element of the application complies with Policy DM3.
- 2.7 Policy DM4 of the Core Strategy allows the re-use or conversion of structurally sound, permanent buildings for commercial uses, even outside of settlement boundaries, provided the building to be converted is of a suitable character and scale for the proposed use, the development contributes to the local character and the scheme is acceptable in all other planning respects. The engine shed to be converted has been assessed as being structurally sound and capable of conversion, whilst the S106 agreement attached to the implemented permission (DOV/12/00460) required that the engine sheds be renovated to avoid structural deterioration prior to the occupation of the 15th dwelling of the permitted phase of development. Subject to other material considerations, which will be discussed later in this report, the principle of converting an engine shed to offices is acceptable. It should also be noted that permission DOV/12/00460, which is extant, allows for the conversion of both engine sheds to commercial use. This permission provides a fall-back position, although the applicant's submissions suggest that the conversion of both units is unviable which, consequently, diminishes the likelihood of this conversion taking place under that permission.

Character, Appearance and Heritage

- 2.8 The site lies within the countryside, where Policy DM15 applies. This policy states that development which would result in the loss of, or adversely affect the character or appearance of the countryside will only be permitted in exceptional circumstances. In addition, Policy DM16 generally resists development which would harm the character of the landscape.
- 2.9 Whilst the site itself does not contain any listed buildings and is not within a conservation area, the development is relatively close to two listed buildings, Denne Court Farm and Hammill Farm, both Grade II Listed. Furthermore, the engine sheds on the site are considered to be non-designated heritage assets, having historic and social value. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be had for the desirability of preserving the listed buildings and their settings or any features of special architectural or historic interest they possess. Notwithstanding this statutory duty, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset (both designated and non-designated), whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.

- 2.10 The topography of the area is relatively flat, although much of the site itself is set above the level of road. The boundaries of the site contain patches of vegetation. The site is relatively secluded within the broader landscape, due to the topography and vegetation of the area, the prevalence of hedges to the sides of roads and the screening provided by the now partially complete Phase 1 of the site. The site would, however, be highly visible from Hammill Road, particularly around the entrance to the site. Whilst the site would be visually exposed from the south, the closest public viewpoint would be around 500m away. In assessing the visual impact of the development, regard must be had for the development which has been approved, which could include the retention of the two existing engine sheds and the erection of an additional six large commercial buildings. The applicant has submitted evidence to demonstrate that there is little demand for such units, which are therefore unviable. Consequently, it is not considered that the previous commercial permissions represent realistic fall-back positions and, therefore, carry little weight. However, having regard for the general seclusion of the site and the lack of views of the site in the wider landscape, whilst the development would result in a suburbanisation of the countryside it is not considered that the development would cause substantial harm to any important views.
- 2.11 The listed buildings, Hammill Farm and Denne Court Farm are located approximately 200m to the south west and 375m to the east respectively. The development would be seen in the context of the approved development. It is considered that the separation distances to these heritage assets are significant, whilst the impact caused by the proposed dwellings would likely be less than the impact caused by the six commercial buildings which have been approved. Consequently, it is not considered that the settings of these designated heritage assets would be harmed. It is not considered that any other listed buildings, or their settings, would be harmed.
- 2.12 Whilst the layout of the development is reserved at this outline stage, the access road has been submitted in full. Consequently, whilst the precise location of dwellings is currently unknown, the location of housing will be informed by the road layout. As such, the final layout will closely resemble that of the indicative plan. This layout creates two long and one short cul-de-sacs, arranged around the retained and converted engine sheds. This layout aligns with the layout of the consented development at Phase 1 and is therefore not considered to be inappropriate, although this layout would perpetuate a suburban form of development in a rural location.
- 2.13 Whilst scale is reserved at this stage, the submitted Design and Access Statement suggests that each dwelling would have ridge heights of around 8.2m above ground level. Such a height would allow for houses of between 2 and 2.5 storeys. This scale of development would be similar to the scale of the existing engine sheds, the approved development in Phase 1 and other buildings in the vicinity. However, as has been said above, the site is highly visible from certain surrounding locations. Due to the rise of the land from the north east to south west, it is likely that the development of this site would result in greater prominence in the landscape than the adjacent site (or the approved commercial developments). In this regard the proposals are unacceptable and would result in a level of intrusiveness that be alien within this rural area.
- 2.14 The detailed design and materials to be used are also reserved at this stage. The Design and Access Statement provides examples of the type of dwelling which could be accommodated on the site and materials which could be used;

however, as the applicant has also confirmed an intention to sell serviced plots, it is likely that the detailed design of properties will vary from the examples suggested (which has happened on Phase 1). Notwithstanding this, given that Phase 1 provides a strong context for the development of this site, it is considered that the variety of house types in Phase 1 provides latitude for the detailed design of houses in Phase 2. Consequently, it is considered that, subject to acceptable reserved matters details being submitted, the detailed design of the scheme would not give rise to unacceptable visual harm.

- 2.15 The site provides opportunities for the provision of landscaping across the site. To the east of the site would be an attenuation pond with a landscape buffer around its peripheries; Phases 1 and 2 would be separated by a generous strip of landscaping; and the retained reptile receptor site to the west would provide areas of meadow grassland and structural landscaping. The density of the development would also allow for the provision of generously sized plots and landscaped areas around the access road. Together, whilst landscaping is reserved at this stage, it is considered that the development could provide scope for reasonable landscaping to be provided to reduce the visual impact of the development as a whole.
- 2.16 Overall, the new dwellings to be constructed, which have been submitted with appearance, landscaping, layout and scale reserved at this stage, would increase the sprawl of the Phase 1 development, causing harm to the character of the countryside. It is considered that this impact adds weight to the concern already expressed regarding the principle of constructing eighteen dwellings in this rural location.
- 2.17 One of the engine sheds would be converted to five dwellings, whilst the second would be converted to two offices. This part of the application has been submitted in full.
- 2.18 The conversion to dwellings would rely upon splitting the building vertically to create a terrace of two storey properties. The interior of the building is not protected, as it is not listed, but provides few if any features of interest. Externally, the conversion would require the insertion of windows and doors; however, it is considered that this has been done sensitively, with the ground floor windows and doors utilising or replicating the existing bow topped window and door detailing. Where first floor windows have been inserted, they have been kept as small as possible and located above ground floor openings to adhere to the rhythm of the fenestration.
- 2.19 The conversion to offices would rely on splitting the building vertically, roughly in half, and erecting a mezzanine. This conversion would require few significant alterations to the building but, where required, these respect the existing character of the building.
- 2.20 The design of the conversions closely matches the design of the approved conversions for commercial, under application DOV/12/00460, and residential, under DOV/15/00771. It is considered that the conversions retain the industrial character and appearance of these buildings, whilst providing them with new uses which will ensure their future maintenance. This part of the scheme is therefore supported.
- 2.21 There have been numerous finds within the vicinity of the site, particularly within the fields to the north. The site is also located between two listed buildings. Given this context, it is considered that there is a reasonable

likelihood that non-designated heritage assets of archaeological interest may be present at the site. Whilst archaeological work has taken place within Phase 1, such work has not been completed on the application site, as confirmed in a letter submitted by the applicant from SWAT Archaeology. In accordance with the previous permissions for the site, it is considered that the proportionate response would be to attach a condition to any grant of permission requiring an archaeological watching brief to be undertaken.

Impact on Residential Amenity

- 2.22 The engine sheds are well separated from the approved development within Phase 1 and would not be extended or enlarged. As such, the conversion of these building has no potential to cause overlooking, loss of light, or a sense of enclosure.
- 2.23 The access road would be well separated from the nearest properties within Phase 1, whilst the vehicle movements along this road would be comparable with those of the approved development. As such, it is not considered that any unacceptable noise or disturbance would be caused.
- 2.24 The precise location of the new build dwellings is unknown at this stage, with this element being submitted in outline. However, the proposed access roads have been submitted in full and will inform the final location and layout of these dwellings. Consequently, the final layout, which will be the subject of an application for approval of reserved matters, will be likely to closely align with the layout shown on the indicative plan. This plan demonstrates that the proposed development can be accommodated in a manner which would ensure that reasonable separation distances between properties and reasonable a standard of accommodation can be achieved.
- 2.25 Given the location of the site and the substantial separation distances to other properties, it is not considered that the living conditions of any properties would be harmed by the development.
- 2.26 Each of the dwellings to be provided within the converted engine shed would be well sized, with windows providing natural light and ventilation to rooms and private gardens. It is considered that the living conditions of occupants of the dwellings would be acceptable. Whilst the living conditions of the proposed new build dwellings cannot be established at this stage, with this element submitted in outline, the size of the site and the density of the development are more than sufficient to demonstrate that the 18 dwellings could be accommodated in a manner which would ensure a high standard of accommodation, particularly when regard is had for the indicative layout of the development.

Impact on the Local Highway Network

- 2.27 This section will not consider the sustainability of the sites location and whether the development would be balanced in favour of sustainable modes of transport. These considerations will instead be laid out within the 'Other Material Considerations' section which will follow. This section will focus upon the access, turning and parking arrangements for vehicles.
- 2.28 The proposal would use the same access point which was granted under previous applications, most recently under application number DOV/15/00771, whilst the development would generate a similar, albeit slightly higher, number

of vehicular journeys. This access is located on the outside of a 90 degree bend where Sandwich Road meets Hammill Road. Due to the bend in the road, vehicle speeds are expected to be approximately 25mph, which is comparable to the speeds recorded by the applicant of 23.5mph. Based on the expected speeds, the proposed junction requires visibility of 33m in either direction. The proposed access, subject to regrading works to verges which are within the applicant's ownership (and can be secured by condition) would achieve visibility splays of 33m by 2.4m by 56m. As such, it is considered that the visibility from this access is acceptable, in accordance with the findings of previous permissions.

- 2.29 Vehicle tracking plans have been submitted to demonstrate how vehicles (up to and including a HGV) are able to access the site, manoeuvre around the interior and exit the site in a forward gear. The access to the site from Hammill Road would be 7.15m in width, allowing vehicles to enter and exit the site concurrently.
- 2.30 Details of car parking have only been provided at this outline stage for the commercial and residential engine shed conversions. The office units would be provided with fifteen car parking spaces, one of which would be suitable for a disabled driver. The five residential units would also be provided with fifteen spaces, two of which would be suitable for a disabled driver.
- 2.31 There are no parking standards for non-residential uses within the development plan; however, some guidance is provided within KCC's SPG4: Kent Vehicle Parking Standards, albeit this dates from 2006. This guidance suggests a maximum provision of 1 space per 20sqm of office space. Given the size of the units, this would equate to a maximum provision of around 23 spaces. Whilst the development would provide eight spaces below this amount, it is not considered that the overall provision is unreasonable, particularly as the guidance is expressed as a maximum provision. Within this rural location Table 1.1 of the Core Strategy advises that four three bedroomed and one four bedroomed dwellings should be provided with a minimum of two car parking spaces each, with an additional two communal spaces provided for visitors; although, it must be noted that this table is for guidance only, whilst Policy DM13 states that parking provision should be a design led process. The proposed dwellings would have slightly in excess of the minimum requirements suggested by Table 1.1. This parking area could provide additional visitor parking to visitors of the wider development if required. Overall, it is considered that the level of car parking is appropriate.
- 2.32 The car parking to be provided to the new build dwellings is not known at this outline stage. However, the indicative details demonstrate that two spaces could be provided to each dwelling (excluding the garages which have also been indicatively shown). As such, it is considered that, subject to acceptable details being submitted at reserved matters stage, the application has demonstrated that provision in accordance with core strategy can be achieved.
- 2.33 Kent County Council Guidance SPG4, which is referenced within Policy DM13, recommends that dwellings provide one cycle parking space per bedroom for residential development and around 3 spaces in total for the commercial development. The application does not confirm what level of cycle parking will be provided, although the Planning Statement does confirm that such provision will be policy compliant. It is considered that the site contains ample space for the provision of cycle parking facilities, with each dwelling

having, or capable of having, a private garden and open space available around the commercial buildings. Consequently, it is considered that it would be reasonable to attach a condition to any grant of permission to require details of the provision of secure, covered cycle parking spaces.

Ecology

- 2.34 An ecological report has been submitted with the application, which assesses the likelihood of protected species or their habitats being impacted by the development and suggests possible ecological enhancements.
- 2.35 It is considered that the methodology and findings of the ecological report are acceptable. This report concludes that whilst the habitats on the site are of low to moderate ecological value, these habitats support roosting bats and reptiles. Accordingly, mitigation measures have been proposed including the provision of bat boxes and the provision of a reptile rector area to the west of the site, which will be maintained to provide a suitable habitat. Ecological enhancements have also been proposed. The mitigation and enhancements proposed align with those which were considered to be acceptable under the previous applications for the site. Consequently, subject to being secured by condition, it is not considered that the development would cause any harm to habitats or species.
- 2.36 The site is over the threshold of 15 units where development would be expected to provide mitigation against the cumulative impacts of development on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site. The Land Allocations Local Plan sets out a mitigation strategy to avoid potential impacts brought about by cumulative development within the district, comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study. The applicant has agreed to pay this contribution, amounting to £1,373.52. Consequently, subject to being secured by legal agreement, it is not considered that the development would cause a likely significant effect on the SAC or SPA.

Contamination

- 2.37 The site has an industrial history and, as such, the potential contamination of the site must be considered. The remediation of contamination formed part of the justification for the first grant of permission at the site (DOV/12/00460). The site has now been decontaminated to a level which would make the site suitable for the end uses (the validation reports for which were submitted in June 2015). The decontamination which took place was carried out to residential standards, as opposed to lower commercial standards. The remediation of the land included the excavation and decommissioning of tanks and the remediation of areas of 'hot-spot' contamination. Consequently, the site is now considered by the applicant to be at low risk of contamination.
- 2.38 Environmental Health have considered the applicants submissions and have concluded that they provide adequate justification to warrant no further investigative or general remedial works on the application site. The submitted reports recommend that historic septic tank and deep water well, if located during development, are remediated. The details for, and confirmation of, such should be submitted and approved within an Addendum Report following groundworks.

- 2.39 The Environment Agency have requested a raft of conditions relating to contamination. The conditions relating to previously unidentified contamination, oversight of demolition and foundation work, details of foundation design, recommendations regarding the historic septic tank and deep water well and details of surface water drainage are reasonable and necessary for the prevention of pollution and environmental harm. However, as confirmed by Environmental Health, the conditions requiring a broader risk assessment, site investigation, remediation strategy and verification plan are not considered to be reasonable or necessary, as these details have previously been provided to, and approved by, the Council for the site (and to a standard suitable for residential occupation) pursuant to the previous application.
- 2.40 The site lies within Groundwater Source Protection Zone (GWPZ) 1, where potential sources of contamination to groundwater would have the most significant impact. Within this zone, certain types of development will not normally be permitted, including septic tanks, activities which involve the disposal of liquid waste to land and sustainable urban drainage systems, unless adequate safeguards against possible contamination are provided. The site would be served by the same package treatment plant which currently serves Phase 1 of the Hammill site. This plant has been sized to accommodate both the approved development and the development which is the subject of this application. The treated water is then piped to land within the applicant's ownership but is within GWPZ2 where the treated water will be discharged. The existing system benefits from a licence granted by the Environment Agency for this discharge, although a new licence will need to be sought by the applicants separately to increase the discharge.
- 2.41 The environmental benefits of the development at the Hammill Brickworks site were an important factor in the approval of that application and it is appropriate to consider whether the current scheme would provide similar benefits. The south western portion of the Hammill Brickworks site was identified as having significant concentrations of contamination present, whilst fuel storage areas were also of concern. The decontamination of the site has already taken place and it is unlikely that further decontamination will take place. The development would not, therefore, produce significant benefits, in terms of remediation of contamination, compared to the benefits provided by the development of Phase 1.

Drainage

- 2.42 The details of surface water drainage and foul drainage replicate the details which have been approved as part of Phase 1. Surface water would be channelled to a large surface water attenuation pond located to the west of the site. Permeable paving will also be utilised. There are no public sewers in the vicinity of the site and, as such, to facilitate Phase 1, the applicant constructed a private sewerage treatment plant which, once treated, pumps the water outside of Source Protection Zone 1 to discharge to ground. The current application would also utilise this system, which has been designed to cope with the both Phase 1 and 2. Notwithstanding that the system is appropriately designed to accommodate the development, the applicant will need to obtain a separate licence from the Environment Agency to increase the rate of discharge to ground from 25cum/day to 31.65cum/day.

Contributions

- 2.43 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. However, the policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.44 The applicants have submitted a financial viability assessment which seeks to demonstrate that the development is unable to provide all of the contributions which have been requested. This assessment, attached at Appendix 1, concludes that contributions of more than £320,000 would render the development unviable.
- 2.45 In these circumstances the Council will expect 'open book' negotiations and that specialist independent advice in assessing the economic viability of development will be sought. In this instance the Council has instructed the Savills to carry out the assessment on behalf of the Council. A copy of Savills viability report is provided at Appendix 2.
- 2.46 The council's viability consultant initially disagreed with the conclusions of the applicant's viability appraisal, concluding that the development could support a significantly greater contribution. However, this conclusion was based on incomplete evidence regarding the costs of the development (in particular the abnormal costs which would be borne to provide sewerage to the site). Having reassessed the scheme on the basis of the additional information and justification which was provided by the applicant, the Council's viability consultant reassessed the scheme, concluding that the development could support the on-site provision of three affordable dwellings (two provided as affordable rent and one as shared ownership) or contributions of £450,000, whilst retaining an industry standard profit of 20% (a level which is usually required in order to gain bank finance). The provision of three affordable units is unlikely to attract registered providers of affordable housing, who typically seek groups of at least 8-10 affordable units. As such, it is unlikely that the on-site provision would be deliverable and, consequently, it is considered that a contribution for off-site provision should instead be sought. The applicant has confirmed that they would accept a contribution of £450,000 being provided, which will be secured by legal agreement.
- 2.47 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 increase demand for use of the children's play area which was approved as part of the Phase 1 development. It appears that the play area will be easily accessible on foot from Phase 2. The Council's Principle Infrastructure and Delivery Officer has advised that, in order to ensure that the development meets this demand, the application should secure the long term maintenance of this play area. In particular, the S106 agreement for Hammill Phase 2 should secure long term maintenance of the play area; with a single management company responsible for the entire site which will help to ensure long term security of the provision. Subject to this being secured, there is no need for new play provision within Phase 2. Whilst the quantity of Open Space proposed is considered to be acceptable, its quality should be secured through a condition requiring full details to be submitted.

Other Material Considerations

- 2.48 The principle of the change of use of one of the engine sheds to offices and dwellings is considered to be acceptable; however, the principle of erecting of 18 new dwellings is not considered to be acceptable, being contrary to the development plan. In such circumstances, permission must be refused unless material considerations indicate otherwise.
- 2.49 An important material consideration is the NPPF, which must be carefully considered to determine whether it provides any “unusual and compelling justification” to depart from the development plan. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Sustainability is defined in the NPPF, at paragraph six, as paragraphs 18 to 219 of the NPPF taken as a whole. However, the assessment of sustainability can also be separated into three dimensions: economic, social and environmental. As confirmed above, the Council can demonstrate a five year housing land supply and it is in this context that the NPPF must be read.
- 2.50 Of particular relevance is paragraph 55 of the NPPF. This paragraph states that isolated dwellings in the countryside should be avoided, although it also provides examples of unusual circumstances where new dwellings in the countryside may be supported. It is therefore first necessary to consider whether this site is isolated, in relation to facilities and services and, in particular, the extent to which the development would support existing facilities and services in rural settlements. This consideration also links to paragraph 29 of the NPPF, which requires that development provides people with a real choice about how they travel (albeit, opportunities will vary from urban to rural areas).
- 2.51 The nearest defined settlement, Eastry, is located 1.4km to the south east. The route to Eastry (2km by road) does not include footpaths or street lighting along the vast majority of its length. Given the distance and the attractiveness of the route for walking or cycling, it is considered that it is highly unlikely occupants of the development would travel to Eastry by means other than a car. The submitted Transport Statement confirms that the vast majority of journeys are likely to be made by car. Furthermore, the nearest bus stop providing regular services to neighbouring settlements is in Eastry. Reference has been made in the applicant’s submissions to the No.542 bus, which passes the site and the closest bus stop for which is around 700m away. This route provides just one service per week in each direction. The next nearest settlement, Woodnesborough, is located around 1.6km to the north east, whilst Staple is located around 2.1km to the west and, for the reasons set out above, the development is also poorly connected to these settlements. Consequently, the site is isolated from facilities and services. Whilst the site would be co-located with the existing development at Hammill, the development and its vicinity provide no day-to-day facilities and services.
- 2.52 Now that it has been established that the site is in an isolated location, it is necessary to consider whether the application meets any of the exceptional circumstances identified by paragraph 55 of the NPPF. These circumstances include:

- where there is the essential need for a rural worker to live permanently at or near their place of work in the countryside;
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- where the development would be of exceptional quality or innovative design; reflect the highest standards of architecture; significantly enhance its immediate setting and be sensitive to the defining characteristics of the area.

The first criterion is not relevant to the determination of the current application. The second and third criteria, whilst not relevant to the new build dwellings, are relevant to the conversion of the existing engine shed to five dwellings, providing support for this element of the proposal. However, for the reasons set out in paragraph 2.5 of this report, the principle of this aspect of the application has been accepted.

2.53 The final criterion relates to the development being of an exceptional quality or innovative nature. Such design should itself meet four criteria, requiring the design to:

- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- Reflect the highest standards in architecture;
- Significantly enhance its immediate setting; and
- Be sensitive to the defining characteristics of the local area.

These four criteria must be jointly achieved. No substantive case has been made in respect of the fourth criterion, whilst, as this element of the application is submitted in outline, it would be very difficult to demonstrate that the requirements of this criterion have been met, with appearance, landscaping, layout and scale being reserved. The applicant has confirmed that some sustainable features will be incorporated into the build (which will be discussed in more detail later in this section). However, these features are well established technologies, the sum of which falls significantly below the threshold of 'truly outstanding or innovative' envisaged by paragraph 55. Consequently, it is not considered that the development meets the high threshold of being of exceptional quality or exceptionally innovative. As such, the new build element of the application does not meet any of the special circumstances specified by paragraph 55 to substantiate granting permission for a new isolated home in the countryside. Whilst the four exceptional circumstances identified by paragraph 55 have not been met, the wording of paragraph 55 does allow for other exceptional circumstances to be presented, as the list of exceptional circumstances is not exhaustive.

2.54 The applicant has stated that the site could provide plots self-build/custom build' houses, as some of the plots within the consented phase were constructed by their eventual occupants. The Self-build and Custom Housebuilding Act 2015 (at Section 2) requires that district councils must have regard to self-build registers that relate to that councils area when carrying out its planning functions. In furtherance, the PPG advises that "self-build registers that relate to their area may be a material consideration in decision-taking". The Council's self-build register went online at the start of April 2016 and includes 54 individuals and 2 associations. At present, the Council have no

policy for the supply of self-build plots and no land has been allocated for such a purpose, although the Council will be addressing this matter in its Local Plan review. Given the lack of self-build plots and the demand for plots, weight must be given in favour of the provision of such plots. However, it is not considered that this is of sufficient weight to demonstrate an unusual and compelling case for approval, particularly given the concerns raised regarding the location of this site.

- 2.55 The applicant has presented a case that the provision of high value housing will provide additional benefits to the local economy which are not realised by 'standard' housing types. In particular, it has been proposed that the first phase of the Hammill site has allowed large, executive houses to be built which will help to encourage high earners, and thus businesses, to the area. Such a model would be replicated in this phase, supporting the nearby Discovery Park and other sites. The benefits of providing such housing types have been acknowledged by the Councils Head of Inward Investment, who has written in support of the application, commenting that the lack of such housing has been cited by potential investors as a reason for not locating in the District whilst the provision of this type of housing offer has attracted new residents to the district. The Head of Inward Investment has also drawn attention to the wider Corporate Objectives and the overall ambitions and priorities of the Core Strategy. The Core Strategy sets out 14 objectives which, broadly, align with the relevant priorities in the Councils Corporate Plan 2016-2020. These objectives include fostering population growth and delivering additional housing to broaden the range and improve the quality and market perception of the District. However, the objectives also includes a need to improve ease of travel to, from and within the District and concentrate development where it can best align with facilities and reduce the need for travel. It is considered that these matters have been addressed within this report. Whilst it is agreed that encouraging inward investment should carry weight, having regard to Chapter 1 of the NPPF, the scale of such benefits are intangible and could not be secured. Notwithstanding the strong support from the Head of Inward Investment, the planning weight provided by these economic benefits is, accordingly, considered by officers to be limited. The comments of the Councils Head of Inward Investment are reproduced in Section (e) of this report.
- 2.56 The site is considered to be previously developed land and has been included on the Councils Brownfield Register. The preference is that previously developed or brownfield land is developed before non-previously developed land. These factors add some weight in favour of the development.
- 2.57 The applicant has confirmed that the development would include the provision of charging points for electric vehicles, which would increase the likelihood of occupants owning such vehicles. Whilst this does not overcome the isolation of the site and the need to travel for facilities and services, the potential to increase the use of such vehicles would reduce the carbon footprint of such journeys. The application also proposes the provision of ground or air heat source pumps. The provision of such technology would allow the dwellings to exceed current building regulations requirements, also reducing the carbon footprint of the development, albeit the scale of this benefit is unknown as details of the systems to be installed has not been provided. Subject to being secured by condition should permission be granted, these factors provide some, albeit limited, weight in favour of the development.

- 2.58 The application would provide a new use for engine sheds, which are considered to be non-designated heritage assets. Although securing the use and future maintenance of heritage assets will aid in the conservation of the assets, it is noted that the reuse of the buildings, for either commercial (DOV/12/00460) or residential (DOV/15/00771), has already been permitted, albeit the applicants have submitted that these schemes are unviable. The site has already been decontaminated to a level appropriate for residential use. As such, the development would be unlikely to provide significant further decontamination.
- 2.59 The applicant has advised that the development would create around 139 direct and 97 indirect jobs during the construction phase of the development, whilst the commercial floor space, if delivered, would create 60 jobs. Notwithstanding the previous permissions for the site which would have provided significantly greater levels of long term employment, the applicant has provided evidence which demonstrates that extensive marketing of the approved units has taken place, but little interest has been shown. Whilst this raises some doubt as to whether the unit currently proposed will be attractive to the market, it is more likely to draw interest due to the reduced scale of office space proposed. The applicants have also opined that the development would provide an economic output of £1.5 million per year. The employment and economic output which would be generated by the development, whilst highly variable and uncertain until an end user is found, adds some weight in favour of the development.
- 2.60 The applicant has also advised that the development would deliver a New Homes Bonus which would total £126,000 over a four year period whilst the development, once built, would provide between £35,000 and £45,000 of additional council tax payments. The LPA must have regard for local financial considerations, as far as they are material to the application. In this case, the New Homes Bonus and council tax receipts would not make the development acceptable in planning terms and, as such, are not material considerations in the determination of this application. In reaching this conclusion, it is noted that the Planning Practice Guide states that “it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body”. Therefore this is not a material consideration and cannot be attributed weight. The development would provide a contribution of £450,000 towards off-site affordable housing which, whilst equivalent to less than the 30% which is sought by Policy DM5, is a material consideration.
- 2.61 The development would increase the local population and, accordingly, spending power. The applicant has submitted that, based on a summary report by Barton Willmore, this would equate to a spend of £400,000 per household per year (spent on convenience, comparison and leisure). This figure seems extraordinarily high, whilst no evidence has been provided in the report to justify this figure. The development would increase spending power and provide potential additional custom for local businesses, albeit it is highly questionable that the expenditure would be of the order suggested.
- 2.62 The development would provide a short term economic benefit, by providing employment during the construction phase. The development would also provide a small increase in the local population, which would produce a corresponding increase in spending in the local economy, and commercial floor space, which would provide longer term employment. However, it is not

considered that the residential development of the site represents development in the right place to support sustainable growth.

- 2.63 With regards to the social role, the development would provide additional dwellings, co-located with offices, which would, to a moderate degree, contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing, albeit the site does not fall within the definition of a windfall site. However, this benefit is qualified by the Councils ability to demonstrate a housing land supply of 6.02 years. The development would also be located in a relatively remote location, which would provide a limited ability to access sustainable modes of transport and limited support for local facilities and services. The application, a substantial portion of which is submitted in outline, has not demonstrated that the development would secure a high quality built environment, whilst it is considered that the scheme would adversely affect the character of the countryside.
- 2.64 Turning to the environmental role, the development would cause significant suburbanisation of this part of the countryside. Whilst this is balanced against the previous permissions for the site which would have produced a relatively high density commercial development the likelihood of those permissions being implemented is low. The development would mitigate the potential impacts on protected species (reptiles and bats) and, subject to conditions, would provide for modest ecological enhancements. The development would re-use a previously developed site and would provide some features (heat pumps and charging points for electric vehicles) which would reduce energy consumption. However, the location of the site would necessitate journeys to access day-to-day facilities and services.
- 2.65 The development would be located within the countryside in an isolated location. Whilst the development would provide benefits, it is not considered that these benefits, either alone or in combination, are of sufficient weight to justify the application as a departure from the development plan, which requires “unusual and compelling” justification.
- 2.66 Whilst the NPPF has been considered holistically to reach this conclusion, in particular, it is considered that the development is contrary to NPPF paragraphs 29, which seeks to facilitate sustainable modes of transport, and 55, which seeks to direct housing in rural areas to locations at settlements and restricts isolated residential development in the countryside.

Overall Conclusions

- 2.67 The principle of converting the existing engine sheds to offices and five dwellings is considered to be acceptable, being supported by Policy DM4 of the Core Strategy, extant permissions and the NPPF. However, the principle of constructing eighteen dwellings in this isolated, countryside location is contrary to the development plan (in particular policies CP1 and DM1), does not benefit from any extant planning permissions and is not supported by the NPPF. It is not considered that other material considerations direct that planning permission be granted. Furthermore the development would introduce further suburbanisation into the countryside.
- 2.68 Whilst the development is acceptable in other material respects and would provide some benefits, it is not considered that these benefits are sufficient to outweigh the in principle objection to the erection of new dwellings, which is

contrary to Core Strategy Policies CP1, and DM1. It is therefore recommended that this application is refused permission.

g)

Recommendation

I PERMISSION BE REFUSED for the following reason:

(1) The site is located outside of any urban boundaries or rural settlement confines, in an isolated rural location. If permitted, the construction of eighteen dwellings, by virtue of their location, form and scale, would result in an intrusive form of development, adversely affecting the character and appearance of the countryside. As such, these dwellings represent an unjustified, unsustainable and inappropriate form of development within the countryside, contrary to Dover District Core Strategy Policies CP1, DM1, and DM15 and the National Planning Policy Framework paragraphs 17, 29, 55, 56, 58, 61 and 64.

Case Officer

Luke Blaskett

Appendix 1 – Applicants Viability Assessment



Former Hammill Brickworks, Hammill Road, Woodnesborough, Kent - Viability Report

Prepared for: Quinn Estates Ltd

Date: 09th September 2016

Prepared by: Tim Mitford-Slade MLE MRICS

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1. Executive Summary

- 1.1 I have been instructed by Quinn Estates Limited to carry out an independent financial appraisal of the proposed development of the former Hammill Brickworks near Woodnesborough in Kent ("the Property"). This report is required to assess the viability implications of the currently consented scheme(s) and the proposed scheme, in respect of affordable housing and other Section 106 costs. Full details relating to the Property and proposed development can be found in the Design & Access Statement and Planning Statement.
- 1.2 This Viability Report accompanies and supports an application for **Hybrid application for development at The Former Hammill Brickworks. Application for outline permission (with all matters reserved except access) for the erection of 18 dwellings, accesses/roads, parking, associated services, infrastructure, groundworks and landscaping. Full application for the re-use of the two engine sheds for office accommodation (524.1m2 GIA) and 5 dwellings, associated parking, services, infrastructure, substation, landscaping, ground works, attenuation features and earthworks.**
- 1.3 The application scheme ("**Proposed Scheme**") is to vary an already consented scheme of 10 residential units and 2,352 sq.m (25,317 sq.ft) of B1(c) accommodation as granted under references DOV/12/00460 and DOV/15/00771 ("**Amended Original Consented Scheme**") and an earlier original consented hybrid scheme with six live/work units ("**Original Consented Live/Work Scheme**"), both of which were ultimately unviable. The new application proposal seeks to redevelop the Property to provide 5 residential dwellings and two office units within the existing engine sheds together with 18 self-build residential plots.
- 1.4 This Viability Report seeks to establish whether or not the Proposed Scheme can tolerate a full package of policy compliant contributions in respect of affordable housing and Section 106 costs. If not, the quantum of Section 106 costs and affordable housing which can be tolerated whilst maintaining an acceptable level of viability is considered.
- 1.5 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.

- 1.6 Having undertaken detailed analysis of the Original Consented Live/Work Scheme and Amended Original Consented Scheme I have reached the conclusion that the schemes deliver a 1.59% and 6.39% profit margin/developers' return on Gross Development Value ("GDV") with a fixed land value of £1,111,250 representing the purchase price of the Property in 2014/5, whilst still allowing for agreed S106 costs of £320,000. These margins are unviable and fall significantly below the 20% margin on GDV required for such a complex mixed scheme.
- 1.7 I have then undertaken detailed analysis of the Proposed Scheme and I have reached the conclusion that this delivers a 16.36% profit margin on GDV with a fixed land value of £1,111,250 representing the purchase price of the Property in 2014/5, whilst still allowing for agreed S106 costs of £320,000. This is considered to be unviable in market terms but nevertheless deliverable by the developer as it represents a significant improvement on margin over the consented schemes, albeit one that is below the technical threshold of 20%.
- 1.8 However, having analysed the tolerance in respect of other costs it is confirmed that the scheme cannot deliver any additional Section 106 costs or affordable housing over and above that already allowed for in the consented schemes whilst maintaining an acceptable level of viability in planning terms.

2. Background

- 2.1 The Property comprises part of a former brickworks site of approximately 3.44 hectares (8.5 acres) located on Hammill/Sandwich Road within close proximity to the villages of Woodnesborough and Eastry and about 10 miles east of Canterbury in Kent. The brickworks ceased production in 2006 and finally closed down in 2008.
- 2.2 The site is part built upon and comprises to the north, 19 self-build residential plots which have been remediated, serviced and sold away together with an area of remediated and serviced land ready for commercial development. The remainder of the site to the south comprises two engine sheds surrounded by undeveloped previously industrial land. Access into the north of the site is off Hammill Road with a separate access to the south of the site directly off Sandwich Road. Full details relating to the Property can be found in the Design & Access Statement and Planning Statement.
- 2.3 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

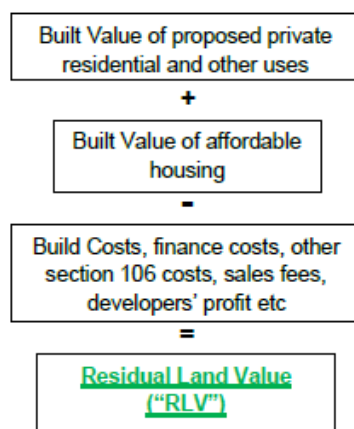
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values and/or component valuation appraisals are provided. More to the point, the appraisals are in direct line with the RICS Guidance on Financial Viability in Planning.

- 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:



RLV is then compared to a **Viability Benchmark Sum ("VBS")**. If RLV is lower and/or not sufficiently higher than the VBS – project is not technically viable.

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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.

Former Hammill Brickworks, Woodnesborough, Kent

- 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 proper 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 Extensive details relating to the Property can be found in the Design & Access Statement and Planning Statement which accompany the planning application. In essence, however, the Property comprises of a former brickworks with 19 serviced and sold self-build plots and consent for a mixed use scheme comprising 10 residential units (previously 6 live/work units) and 2,352 sq.m (25,317 sq.ft) of B1(c) accommodation. Given the current commercial market conditions this consent is not deliverable in its current composition and does not represent a viable development scheme.
- 6.2 We are of the opinion that there would be insufficient demand for the Property in its current consented use. While demand for industrial and office space in Kent is strengthening, 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 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 surrounding services.

- 6.3 In order to demonstrate this we have run day one appraisals for the Original Consented Live/Work Scheme and Amended Original Consented Scheme, copies of which are attached at **Appendix B**. These show a margin on GDV of 1.57% and 6.39% respectively. In our appraisals we have phased the development in to two phases to show the actual cost and revenue for the remediation of the site for the current consented schemes as supplied to us by Quinn Estates Ltd. Phase 1 includes known costs, revenue and timescale for the remediation and servicing of the north of the site and the subsequent sales of the 19 self-build residential plots. Phase 2 then inputs the next undeveloped phase of the scheme for the 10 residential units and 25,317 sq.ft of commercial accommodation using pro-rata costs from known Phase 1 costs. A speculative developer would look for at least a 20% margin for their risk for such a commercially weighted scheme, rendering the site in its current consented nature entirely undeliverable.
- 6.4 We have then run a day one appraisal for the existing 19 self-build residential plots and the Proposed Scheme to provide 5 residential dwellings and two office units within the existing engine sheds together with 18 self-build residential plots, which looks to replace the consented 10 residential units and 25,317 sq.ft of commercial accommodation. The appraisal (attached at **Appendix B**) shows a margin of 16.36% of GDV. In our appraisal we have phased the development as above substituting the proposed scheme into Phase 2. As previously mentioned a developer/speculator would look for at least a 20% margin for their risk, rendering the proposed scheme only marginally viable and deliverable for the simple reason that the developer is already imbedded into the site, albeit technically well below the threshold required by the market.
- 6.5 Therefore a viable, residential led, planning permission is sought to inject life back into this extensive rural brownfield site whilst retaining a feasible commercial element and with significant added benefits as detailed in the conclusion of the Design & Access Statement. Such revision to the consented schemes is required as the site is no longer viable as a commercially weighted scheme given its rural location and lack of market appetite.
- 6.6 Given the Government's recent Planning Bill the provision of self-build residential plots within the scheme further lends itself to being policy compliant and supporting the regeneration of a previously developed brownfield site.

7. Market Value of Existing Site (Viability Benchmark)

- 7.1 The Property was acquired as two assets being the former brickworks site and Onion Beds, a property intrinsically linked to the brickworks. The purchase prices were £1,111,250 and £430,000 respectively.
- 7.2 The conclusion of the extensive marketing exposure was that the Property was sold after a prolonged marketing period in an open market, arm's length transaction for a sum of £1,541,250 on an entirely unconditional basis. However, Onion Beds has subsequently been sold on, with part of the land retained for service infrastructure. As such, only the purchase of the brickworks site is taken into account in assessing the benchmark. Given the nature of the transaction it is considered entirely appropriate that the figure of £1,111,250 is adopted as the Market Value for the Property, thus establishing the Viability Benchmark. Market Value is defined by the RICS as, "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 proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.”

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

- 8.1 In looking at the market solution for the site detailed we make reference to our conclusions in Section 6 of the report, whereby we demonstrate that the current consented schemes are unviable and undeliverable and that the new Proposed Scheme provides a viable and deliverable option for the developer whilst also providing the agreed £320,000 of S106 contributions.

9. Development Value Appraisal

- 9.1 As mentioned in Section 6 I have undertaken a detailed analysis of the current consented schemes and the Proposed Scheme in order to assess their viability whilst providing the agreed level of S106 costs. In order to do this it is necessary to run development appraisals using the Argus Software Package, a widely used and recognised appraisal tool.
- 9.2 Having established the Viability Benchmark Sum I have then run the appraisals which are attached in Appendix B, which seeks to establish the profit margin generated by Original Consented Live/Work Scheme, Amended Original Consented Scheme and Proposed Scheme. The appraisals are summarised as follows:

Original Consented Live/Work Scheme and Amended Original Consented Scheme:

Revenue (Gross Development Value) – we have been provided with known sales evidence for the 19 individual self-build plots, which equates to a total of £4,047,000 to which I add the commercial units and the commercial plots.

Construction Costs – constructions costs have been analysed against not only the Building Cost Information Service (BCIS) but also known costs as provided by Quinn Estates Ltd to date and adjusted pro-rata.

Other Construction Costs – all other construction costs have been provided by Quinn Estates Ltd and take into account significant demolition, asbestos removal, road and site works and other costs associated with remediation, site strip and servicing.

Fees and Finance – acquisition costs include not only stamp duty land tax, agent's fees and legal fees but also an allowance for town planning costs, professional fees and sales and marketing costs incurred to date. A finance rate of 7% has been adopted over a total construction period of 36 months and a sales period of 42 months with cash activity over a 55 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.

Former Hammill Brickworks, Woodnesborough, Kent

- 9.3 With a fixed land value of £1,111,250 being the viability benchmark sum, the Original Consented Live/Work Scheme generates a profit on GDV of 1.57% and the Amended Original Consented Scheme a margin of 6.39%. As can be seen from the attached appraisals, this is entirely unviable.

Proposed Scheme:

Revenue (Gross Development Value) – we have been provided with known sales evidence for the 19 individual self-build plots, which equates to a total of £4,047,000 to which I have added £1,860,000 for the 5 residential units within the engine sheds equating to an average of £250 psf. Finally I have added the 5 commercial office units and £3,560,000 for the 18 self-build residential plots representing an average of £198,000 per plot in line with the known sales of the previous 19 plots and the current uncertain market conditions.

Construction Costs – constructions costs have been analysed against not only the Building Cost Information Service (BCIS) but also known costs as provided by Quinn Estates Ltd and prorated accordingly.

Other Construction Costs – all other construction costs have been provided by Quinn Estates Ltd and take into account significant demolition, asbestos removal, road and site works and other costs associated with remediation, site strip and servicing.

Fees and Finance – acquisition costs include not only stamp duty land tax, agent's fees and legal fees but also an allowance for town planning costs, professional fees and sales and marketing costs incurred to date. A finance rate of 7% has been adopted.

- 9.1 With a fixed land value of £1,111,250 being the viability benchmark sum, the Proposed Scheme generates a profit on GDV of 16.36%. As can be seen from the attached appraisal, the profit is only acceptable to the developer due to their commitment to the scheme and the fact that this represents a significant improvement on margin over the consented scheme, albeit technically well below the threshold of 20%.

In Summary:

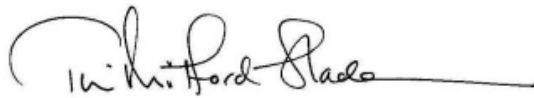
Original Consented Live/Work Scheme	1.57%
Amended Original Consented Scheme	6.39%
Proposed Scheme	16.36%

10. Analysis and Commentary

- 10.1 Having run the appraisals and included £320,000 for Section 106 costs within each scheme we conclude that the current consented schemes are unviable in their current form and requires revision to the Proposed Scheme in order to deliver a viable margin reflecting the risk profile of the proposed development.
- 10.2 Furthermore the Government has recently confirmed the doubling of self and custom build sites to 20,000 by 2020 within the new planning bill further strengthening the policy compliant nature of the Proposed Scheme.

11. Conclusion

- 11.1 The conclusion that I have reached is that the Original Consented Live/Work Scheme and Amended Original Consented Scheme are both unviable in their current form and requires revision to the Proposed Scheme in order to deliver an acceptable proposal for the developer at 16.36%, with the agreed S106 costs of £320,000. Any additional costs or affordable housing requirements over and above this will push the viability below an acceptable level within the realms of the NPPF.



.....
Tim Mitford-Slade MRICS
Partner Development & Valuation
Strutt & Parker LLP

09th September 2016

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Development Appraisal

Hammill Brickworks

Original Consented Live/Work Scheme

Former Hammill Brickworks
Hammill Road
Woodnesborough
Kent

Report Date: 14 September 2016

Prepared by Tim Mitford-Slade MRICS

APPRAISAL SUMMARY**LICENSED COPY**

Hammill Brickworks
Original Consented Live/Work Scheme

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft²	Rate ft²	Unit Price	Gross Sales
Resi Plot 1	1	1,800	125.00	225,000	225,000
Resi Plot 2	1	1,800	122.92	221,250	221,250
Resi Plot 3	1	1,800	122.92	221,250	221,250
Resi Plot 4	1	1,800	87.78	158,000	158,000
Resi Plot 5	1	1,800	97.22	175,000	175,000
Resi Plot 6	1	1,800	97.22	175,000	175,000
Resi Plot 7	1	1,800	116.67	210,000	210,000
Resi Plot 8	1	1,800	122.92	221,250	221,250
Resi Plot 9	1	1,800	136.11	245,000	245,000
Resi Plot 10	1	1,800	122.92	221,250	221,250
Resi Plot 11	1	1,800	125.00	225,000	225,000
Resi Plot 12	1	1,800	131.94	237,500	237,500
Resi Plot 13	1	1,800	150.00	270,000	270,000
Resi Plot 14	1	1,800	133.33	240,000	240,000
Resi Plot 15	1	1,800	97.22	175,000	175,000
Resi Plot 16	1	1,800	118.06	212,500	212,500
Resi Plot 17	1	1,800	125.00	225,000	225,000
Resi Plot 18	1	1,800	82.78	149,000	149,000
Resi Plot 19	1	1,800	133.33	240,000	240,000
Engine Shed Live Work	6	12,464	194.16	403,333	2,420,000
Commercial Plot Type A	16	16,816	28.54	30,000	480,000
Commercial Offices Type B	8	8,408	160.00	168,160	1,345,280
Totals	49	71,888			8,292,280

NET REALISATION

8,292,280

OUTLAY**ACQUISITION COSTS**

Fixed Price - Hammill & Onion Beds		1,111,250	
Stamp Duty	5.00%	55,563	
Legal and Surveyors Costs		16,949	
Planning Costs		180,591	
Viability Costs		4,950	
			1,369,303

CONSTRUCTION COSTS

Construction	ft²	Rate ft²	Cost
Engine Shed Live Work	12,464 ft²	99.00 pft²	1,233,936
Commercial Offices Type B	8,408 ft²	110.00 pft²	924,880
Totals	71,888 ft²		2,158,816

Contingency	5.00%	107,941	
Demolition		269,847	
Site Works		40,783	
Statutory/LA		320,000	
			738,571

Other Construction

Asbestos & Site Remediation		380,653	
Ecology		103,824	
Services & Infrastructure		389,531	
Landscaping and groundworks		1,317,019	
Archaeology		17,879	
Site and access roads		131,742	
Additional site assembly		298,812	
			2,639,460

PROFESSIONAL FEES

All Prof Fees	9.00%	407,013	
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ARGUS Developer Version: 6.00.005

Date: 14/09/2016

APPRAISAL SUMMARY**LICENSED COPY**

Hammill Brickworks
Original Consented Live/Work Scheme

		407,013
MARKETING & LETTING		
Marketing	126,910	126,910
DISPOSAL FEES		
Sales Agent Fee	116,805	
Sales Legal Fee	58,403	175,208
FINANCE		
Debit Rate 7.000% Credit Rate 0.500% (Nominal)		
Land	289,331	
Construction	170,122	
Other	87,745	
Total Finance Cost		547,197
TOTAL COSTS		8,162,478
PROFIT		129,802
Performance Measures		
Profit on Cost%	1.59%	
Profit on GDV%	1.57%	
Profit on NDV%	1.57%	
IRR	7.96%	
Profit Erosion (finance rate 7.000%)	0 yrs 3 mths	

TIMESCALE AND PHASING GRAPH REPORT

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Hamhill Brickworks
Original Consented Live/Work Scheme

Project Timescale Summary

Project Start Date	Jun 2013
Project End Date	Dec 2017
Project Duration (Inc Exit Period)	55 months

Phase Phase 1



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Development Appraisal

Hammill Brickworks

Amended Original Consented Scheme

Former Hammill Brickworks
Hammill Road
Woodnesborough
Kent

Report Date: 14 September 2016

Prepared by Tim Mitford-Slade MRICS

APPRAISAL SUMMARY**LICENSED COPY**

Hamill Brickworks
Amended Original Consented Scheme

Summary Appraisal for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft²	Rate ft²	Unit Price	Gross Sales
Resi Plot 1	1	1,800	125.00	225,000	225,000
Resi Plot 2	1	1,800	122.92	221,250	221,250
Resi Plot 3	1	1,800	122.92	221,250	221,250
Resi Plot 4	1	1,800	87.78	158,000	158,000
Resi Plot 5	1	1,800	97.22	175,000	175,000
Resi Plot 6	1	1,800	97.22	175,000	175,000
Resi Plot 7	1	1,800	116.67	210,000	210,000
Resi Plot 8	1	1,800	122.92	221,250	221,250
Resi Plot 9	1	1,800	136.11	245,000	245,000
Resi Plot 10	1	1,800	122.92	221,250	221,250
Resi Plot 11	1	1,800	125.00	225,000	225,000
Resi Plot 12	1	1,800	131.94	237,500	237,500
Resi Plot 13	1	1,800	150.00	270,000	270,000
Resi Plot 14	1	1,800	133.33	240,000	240,000
Resi Plot 15	1	1,800	97.22	175,000	175,000
Resi Plot 16	1	1,800	118.06	212,500	212,500
Resi Plot 17	1	1,800	125.00	225,000	225,000
Resi Plot 18	1	1,800	82.78	149,000	149,000
Resi Plot 19	1	1,800	133.33	240,000	240,000
Engine Shed Residential	10	14,557	238.03	346,500	3,465,000
Commercial Plot Type A	16	16,816	28.54	30,000	480,000
Commercial Offices Type B	8	8,408	160.00	168,160	1,345,280
Totals	53	73,981			9,337,280

NET REALISATION**9,337,280****OUTLAY****ACQUISITION COSTS**

Fixed Price - Hamill & Onion Beds		1,111,250
Stamp Duty	5.00%	55,563
Legal and Surveyors Costs		16,949
Planning Costs		207,680
Viability Costs		9,900
		1,401,342

CONSTRUCTION COSTS

Construction	ft²	Rate ft²	Cost
Engine Shed Residential	14,557 ft²	120.00 pft²	1,746,840
Commercial Offices Type B	8,408 ft²	110.00 pft²	924,880
Totals	73,981 ft²		2,671,720

Contingency	5.00%	133,586
Demolition		269,847
Site Works		40,783
Statutory/LA		320,685
		764,901

Other Construction

Asbestos & Site Remediation	380,653
Ecology	103,824
Services & Infrastructure	389,531
Landscaping and groundworks	1,317,019
Archaeology	17,879
Site and access roads	131,742
Additional site assembly	298,812
	2,639,460

PROFESSIONAL FEES

All Prof Fees	9.00%	453,174
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ARGUS Developer Version: 6.00.005

Date: 14/09/2016

APPRAISAL SUMMARY**LICENSED COPY**

Hammill Brickworks

Amended Original Consented Scheme

453,174

MARKETING & LETTING

Marketing

133,256

133,256

DISPOSAL FEES

Sales Agent Fee

1.50%

140,059

Sales Agent Fee

66,240

206,299

FINANCE

Debit Rate 7.000% Credit Rate 0.500% (Nominal)

Land

263,787

Construction

156,712

Other

49,627

Total Finance Cost

470,127

TOTAL COSTS

8,740,279

PROFIT

597,001

Performance Measures

Profit on Cost%

6.83%

Profit on GDV%

6.39%

Profit on NDV%

6.39%

IRR

12.77%

Profit Erosion (finance rate 7.000%)

0 yrs 11 mths

TIMESCALE AND PHASING GRAPH REPORT

LICENSED COPY

Hammill Brickworks
Amended Original Consented Scheme

Project Timescale Summary

Project Start Date	Jun 2013
Project End Date	Dec 2017
Project Duration (Inc Exit Period)	55 months

Phase Phase 1



Licensed Copy

Development Appraisal

Hammill Brickworks

Proposed Scheme

Former Hammill Brickworks
Hammill Road
Woodnesborough
Kent

Report Date: 14 September 2016

Prepared by Tim Mitford-Slade MRICS

APPRAISAL SUMMARY**LICENSED COPY**

Hammill Brickworks
Proposed Scheme

Summary Appraisal for Merged Phases 1 2

Currency in £

REVENUE

Sales Valuation	Units	ft²	Rate ft²	Unit Price	Gross Sales
Resi Plot 1	1	1,800	125.00	225,000	225,000
Resi Plot 2	1	1,800	122.92	221,250	221,250
Resi Plot 3	1	1,800	122.92	221,250	221,250
Resi Plot 4	1	1,800	87.78	158,000	158,000
Resi Plot 5	1	1,800	97.22	175,000	175,000
Resi Plot 6	1	1,800	97.22	175,000	175,000
Resi Plot 7	1	1,800	116.67	210,000	210,000
Resi Plot 8	1	1,800	122.92	221,250	221,250
Resi Plot 9	1	1,800	136.11	245,000	245,000
Resi Plot 10	1	1,800	122.92	221,250	221,250
Resi Plot 11	1	1,800	125.00	225,000	225,000
Resi Plot 12	1	1,800	131.94	237,500	237,500
Resi Plot 13	1	1,800	150.00	270,000	270,000
Resi Plot 14	1	1,800	133.33	240,000	240,000
Resi Plot 15	1	1,800	97.22	175,000	175,000
Resi Plot 16	1	1,800	118.06	212,500	212,500
Resi Plot 17	1	1,800	125.00	225,000	225,000
Resi Plot 18	1	1,800	82.78	149,000	149,000
Resi Plot 19	1	1,800	133.33	240,000	240,000
Engine Shed One	1	2,157	231.80	500,000	500,000
Engine Shed Two	1	1,380	239.13	330,000	330,000
Engine Shed Three	1	1,442	242.72	350,000	350,000
Engine Shed Four	1	1,382	238.78	330,000	330,000
Engine Shed Five	1	1,434	244.07	350,000	350,000
Commercial Offices	2	5,641	160.00	451,280	902,560
Ph 2 - Resi Plot 1	1	1,800	116.67	210,000	210,000
Ph 2 - Resi Plot 2	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 3	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 4	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 5	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 6	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 7	1	1,800	116.67	210,000	210,000
Ph 2 - Resi Plot 8	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 9	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 10	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 11	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 12	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 13	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 14	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 15	1	1,800	105.56	190,000	190,000
Ph 2 - Resi Plot 16	1	1,800	116.67	210,000	210,000
Ph 2 - Resi Plot 17	1	1,800	111.11	200,000	200,000
Ph 2 - Resi Plot 18	1	1,800	105.56	190,000	190,000
Totals	44	80,036			10,369,560

NET REALISATION **10,369,560**

OUTLAY**ACQUISITION COSTS**

Fixed Price		1,111,250
Stamp Duty	5.00%	55,563
Legal and Surveyors Costs		16,949
Planning Costs		229,921
Viability Costs		11,900
		1,425,583

CONSTRUCTION COSTS

Construction	ft²	Rate ft²	Cost
--------------	-----	----------	------

File: \\StruttAndParker.Local\\Canterbury1\\New Circle\\Data\\Hammill Proposed 120916.wcfx
ARGUS Developer Version: 6.00.005

Date: 14/09/2016

APPRAISAL SUMMARY**LICENSED COPY****Hammill Brickworks****Proposed Scheme**

Engine Shed One	2,157 ft²	120.00 pf²	258,840
Engine Shed Two	1,380 ft²	120.00 pf²	165,600
Engine Shed Three	1,442 ft²	120.00 pf²	173,040
Engine Shed Four	1,382 ft²	120.00 pf²	165,840
Engine Shed Five	1,434 ft²	120.00 pf²	172,080
Commercial Offices	<u>5,841 ft²</u>	<u>110.00 pf²</u>	<u>620,510</u>

Totals 115,717 ft² 1,555,910

Contingency 5.00% 77,795

Demolition 269,847

Site Works 40,783

Statutory/LA 320,000

2,264,336

Other Construction

Asbestos & Site Remediation 380,653

Ecology 116,574

Services & Infrastructure 365,876

Landscaping and groundworks 1,942,019

Archaeology 17,879

Site and access roads 210,480

Additional site assembly 298,812

3,332,293

PROFESSIONAL FEES

All Prof Fees 9.00% 415,107

415,107

MARKETING & LETTING

Marketing 158,256

158,256

DISPOSAL FEES

Sales Agent Fee 1.50% 94,838

Sales Legal Fee 0.75% 47,419

142,258

FINANCE

Debit Rate 7.000% Credit Rate 0.500% (Nominal)

Total Finance Cost 935,094

TOTAL COSTS

8,672,925

PROFIT

1,696,635

Performance Measures

Profit on Cost% 19.56%

Profit on GDV% 16.36%

Profit on NDV% 16.36%

IRR 15.03%

Profit Erosion (finance rate 7.000%) 2 yrs 7 mths

TIMESCALE AND PHASING GRAPH REPORT

LICENSED COPY

Hammill Brickworks
Proposed Scheme

Project Timescale Summary

Project Start Date	Jun 2013
Project End Date	Aug 2019
Project Duration (Inc Exit Period)	75 months

All Phases

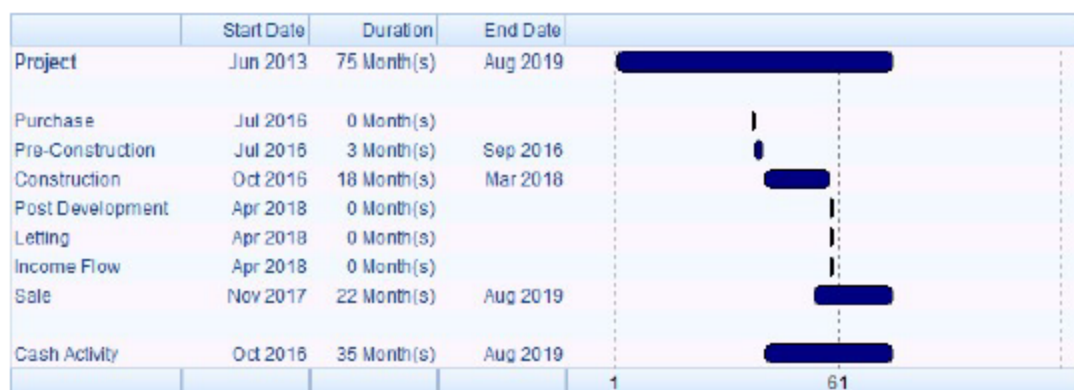
	Start Date	Duration	End Date	
Project	Jun 2013	75 Month(s)	Aug 2019	
Purchase	Jun 2013	0 Month(s)		
Pre-Construction	Jun 2013	40 Month(s)	Sep 2016	
Construction	Sep 2013	55 Month(s)	Mar 2018	
Post Development	Sep 2016	0 Month(s)		
Letting	Sep 2016	0 Month(s)		
Income Flow	Sep 2016	0 Month(s)		
Sale	Jul 2014	62 Month(s)	Aug 2019	
Cash Activity	Jun 2013	75 Month(s)	Aug 2019	
				1 61

Phase Phase 1

	Start Date	Duration	End Date	
Project	Jun 2013	75 Month(s)	Aug 2019	
Purchase	Jun 2013	0 Month(s)		
Pre-Construction	Jun 2013	3 Month(s)	Aug 2013	
Construction	Sep 2013	36 Month(s)	Aug 2016	
Post Development	Sep 2016	0 Month(s)		
Letting	Sep 2016	0 Month(s)		
Income Flow	Sep 2016	0 Month(s)		
Sale	Jul 2014	42 Month(s)	Dec 2017	
Cash Activity	Jun 2013	55 Month(s)	Dec 2017	
				1 61

Hammill Brickworks
Proposed Scheme

Phase Phase 2



Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill
Brickworks including conversion of Former Engine
Houses, Woodnesborough, Kent CT13 0EJ

Planning Ref. 16/01026

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



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12 May 2017

Ref: DGP/DAC

Dover District Council
Council Offices
White Cliffs Business Park
Whitfield
Dover
CT16 3PJ

For the attention of Luke Blaskett, Principal Planner

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Dear Sirs

FINANCIAL VIABILITY ASSESSMENT REVIEW
HYBRID PLANNING APPLICATION AT FORMER HAMMILL BRICKWORKS INCLUDING CONVERSION OF FORMER
ENGINE HOUSES, WOODNESBOROUGH, KENT CT13 0EJ
PLANNING REF. 16/01026

1.0 Introduction

1.1. Instructions

In accordance with your instructions conveyed by your email of 28 November 2016, we have considered the design access and planning statements submitted on behalf of the applicant, together with the viability assessments carried out by Tim Mitford Slade of Messrs Strutt & Parker on behalf of the applicant, dated 9 September 2016. We previously reviewed two viability assessments, one in association with the original planning application for overall redevelopment of the Hammill Brickworks (case no. 12/00460) on 23 October 2012; and a financial viability assessment review was carried out on an amendment to the proposed conversion of the former Engine Houses, planning ref. 15/00771, dated 7 January 2016.

Since issuing our initial draft review of the latest scheme on 23 December 2016, there has been further correspondence in terms of the infrastructure costs already constructed for the benefit of this phase, together with a private drainage easement which can only serve the subject site. Huw Evans of Quinn Estates emailed me on 10 February 2017, setting out the various costs which could be apportioned to the subject site, amounting to £1,072,683.21. We attach a copy of the email as **Appendix 5**. We have carried out a further review based on the email and also your response dated 7 March 2017 by email requesting us to take these costs into account.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited, Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2605138.
Registered office: 33 Margaret Street, London, W1G 0JD

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



1.2. Previous Planning Consent

The original consent (case no. 12/00460) related to a scheme of 19 houses; 10 live/work units within the former Engine Houses, and new commercial B1/B8 premises in lieu of existing but disused industrial buildings, on this brownfield site. The total site then extended to about 5.79 hectares/14.3 acres, the existing buildings extending to close to 96,500 sq ft/8,966 sq m. We estimated the existing use value of the site as a whole was in the region of £380,000. The Land Registry at the time indicated the original price paid was £300,000 and with an uplift following planning consent for change of use of £200,000, together with an overage payable on the gross internal area of the residential accommodation, which included, unusually, garaging and outbuildings. The applicant at the time assessed the potential house sale prices ranging between £495,000 for an 1800 sq ft unit to £750,000 for a unit of 2,809 sq ft, reflecting approximately £267 - £285 psf. We considered that the site value was in the region of around £1,115,000 which was higher than the applicant's own estimates.

We understand the Section 106 Agreement did, however, include an affordable housing contribution of around £250,000 plus S106 payments of around £87,178; and it was covenanted with the District Council to complete the external renovation of the Engine House sheds together with landscaping prior to the occupation of the 15th residential dwelling.

Our second viability assessment review was confined to an alteration of accommodation in the former Engine Houses, converting each of the Engine Houses to five dwellings – a total of 10 units. The remaining commercial site was to remain with the benefit of the original planning consent. Strutt & Parker considered the land value with the benefit of such consent would be £375,000 as opposed to the original live/work consent of £300,000. Our own view was that the land value with the benefit of the revised consent would be in the region of £1 as it would be virtually unviable in terms of the applied for scheme.

1.3. Summary Proposal

The two Engine Houses are to remain, with one being converted to five residential dwellings as before and the other building being converted to office space with mezzanine office accommodation as well. The other proposed commercial units would be aborted and instead, the majority of the land would be used for development of 18 detached family houses, on a serviced individual plot basis. This follows the lines of the main brickworks site which is being developed for 19 houses, of which the majority appear to be being developed as serviced plots – that is, most services are installed together with access dropped kerbs for each of the individual plots. The development relates to the southern part of the site; the larger northern section is screened by a high earth bund and there is an attenuation pond already formed on the subject site. It is understood that contamination remediation has been carried out and the former Nissan commercial buildings have been demolished.

1.4. Inspection

The property was re-inspected on 1 December 2016 by David Parry FRICS.

This review has been prepared by David Parry FRICS who is a consultant with Savills and has extensive experience in valuing and appraising development properties across the South East region. He is an RICS Registered Valuer.

1.5. Guidance

We have followed the RICS Professional Guidance publication "Financial Viability in Planning" GN94/2012 (1st Edition) which sets out the principles in determining financial viability. Strutt & Parker have also followed the guidance together with the Harman Report guidance.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



2.0 Location

The property is located in a rural position, fairly isolated, surrounded mainly by farmland and approached by country lanes, within a mile or so of the villages of Eastry, Woodnesborough and Staple, about 10 miles east of Canterbury and 3 miles from Sandwich. To the north of the subject site, a service road has been built and the majority of the building plots are being developed for the consented detached houses.

3.0 Description of Existing Site

We attach a plan at **Appendix 1** showing the application area edged in red, being an extract from the Design & Access Statement submitted on behalf of the applicant. The Planning Statement states that the site extends to about 2.7 ha/6.7 acres. The substantial engine houses are brick built and approximately 1.5 storey/2 storey in height with slate roofs. Shed 1 extends to approximately 374 sq m/4,029 sq ft and Shed 2 to about 322 sq m/3,460 sq ft being on one floor only. The buildings are over 100 years old and have deteriorated since our last visit, with rusty windows, holes in the roofs, spalling brickwork and missing pointing. No works of repair appear to have been carried out in recent years. However, some earth movement has taken place, together with removal of metal road surfaces and the Nissan commercial buildings.

4.0 Benchmark Land Value

We previously valued the engine sheds with their revised consent at approximately £1. We do not perceive any value attributable to the consented commercial new build units as the cost of construction will outweigh the built value in this location, in our opinion. We are of the opinion that the consented scheme will not be built out.

Strutt & Parker refer to the original planning consent and price paid, although the price paid does seem at variance with the initial price paid and therefore might include overage. They conclude that the whole site, including the subject site as a whole, extends to 3.44 ha/8.5 acres, although we understood the area to be 5.79 ha/14.3 acres. Bearing in mind the size of the site which is the subject of this application (2.7 ha), this is clearly less than 50% of the whole site, so that we find their determination of the area confusing and possibly not correct. Clearly the value of the original site with the consent for 19 detached houses was principally bound up by those houses/serviced plots, with the major cost being the potential restoration of the engine houses, still to be restored. The application is clearly geared towards the southern part of the site only, shown in **Appendix 1** attached.

We consider that for the site to come forward, there ought to be an incentive threshold and we are prepared to adopt £150,000 as a suitable threshold, a figure which we adopted for the present consented scheme.

5.0 Proposed Scheme

The proposed development comprises the conversion of the engine sheds to provide 5 residential dwellings of mainly 3 bedroom, 2 storey houses with 2 end units each with 4 bedrooms. The sizes range from approximately 1,080 sq ft up to 2,157 sq ft, therefore being reasonably substantial houses. Each would have its own garden facing southeast and would overlook a communal garden area shared with the office accommodation, to the northwest. The largest unit would have a further garden area to the south. The parking would be at its approach end, with approximately 2 spaces per dwelling. This part of the scheme is unaltered, comparative to the existing planning consent.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



The other engine shed would be devoted to office accommodation. We have been unable to scale off the plans provided exactly but the commercial offices are stated in the Strutt & Parker appraisal to amount to 5,641 sq ft, to include the mezzanine floor and probably including the kitchen and cloakroom areas, entrance halls and staircases. The residual appraisal bases their costs and revenue on that floor area. We have therefore based our assessment of the building on the floor area provided. We note that the Design and Access Statement states that the commercial floor space is around 760 sq m/8,181 sq ft so that the 5,641 sq ft is likely to be the net floor area.

The application is also for the erection of 18 "self-build" residential dwellings, in outline form. It is assumed that this follows, to a degree, the vernacular adopted on the site to the north which effectively will have 19 detached dwellings of a similar nature. In addition, there will be an area of open space, designated as a wildlife meadow, together with the existing surface attenuation pond which is already landscaped to a degree. All but four of the plots are indicated to have single garages and the accommodation based on previous house types will tend to range from 4-5 bedrooms in a fairly orthodox urban layout. The plot sizes are reasonably similar but their locations will vary, with those plots overlooking open areas of countryside or open spaces, being the most desirable.

6.0 Development Value Appraisal

Strutt & Parker has carried out a residual appraisal to assess the value of the development site, although unlike previous exercises, they have included the whole site including the northern section which is nearly fully developed following its planning consent in 2014. They have set out in their appraisal apparent sale prices for the 19 plots already sold off, with prices varying from £149,000 up to £270,000, with the majority of plots selling for over £220,000. The majority of plots sold appear to be in the course of construction, some of the plots having been acquired by developers with a view to resale to private individuals. Clearly, each of the houses is aimed at the executive market, with a fairly urban layout in this relatively isolated country location. We note that Regal Estates is currently offering six of the properties at prices ranging from in excess of £800,000 to in excess of £1.25m. In our view these asking prices appear optimistic, particularly in the light of the volume available for purchase. As an illustration, if it is assumed that the size of the house is, say, 2,000 sq ft on a fully serviced plot basis, the total build costs are unlikely to exceed £200psf which, added to the plot value of, say, £225,000, indicates costs of around £625,000 including fees. However, if the cost of construction is on a BCIS tender basis, the build costs are unlikely to exceed £150psf to which must be added profit, professional and acquisition fees. Clearly, a price of £850,000 would indicate a substantial developer's profit, if that figure could be obtained. We attach as **Appendix 3** an indication of house prices in the vicinity. It should be noted that at the Elmwood Park site at Woodnesborough (which apparently has experienced a slow sales rate) detached four bedroom houses can be obtained at an asking price of £475,000. Nonetheless, individual building plots are sought after and in very short supply and therefore there would be a reasonable demand at the right price, notwithstanding their estate layout location. Strutt & Parker has attributed lower plot values for the 18 proposed plots, ranging from £190,000-£210,000. We agree similar figures and have averaged plots each at £200,000, giving rise to a similar GDV for the plots. The Strutt & Parker average plot value attributable is £197,778.

In terms of the Engine Shed conversion to residential units, these have previously been appraised but since the date of the viability study of the previous consent, there have been slight value rises; we still consider that the lack of garage facility with parking at one end (the furthest away from the largest unit) will diminish its sale value.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



We show below the comparable gross development values adopted by Strutt & Parker and ourselves:

Shed	Unit No.	Floor Area Sq ft	No. of Bedrooms	Strutt & Parker Price	Savills Price
1	1	2157	4	£500,000	£395,000
1	2	1380	3	£330,000	£330,000
1	3	1442	3	£350,000	£335,000
1	4	1382	3	£330,000	£330,000
1	5	1434	3	£350,000	£340,000
	5	7795		£1,860,000	£1,730,000

In relation to the proposed office accommodation within Engine Shed No. 2, the net letting area appears to be 5,641 sq ft which Strutt & Parker has attributed a sales rate of £160psf. However, we consider this should be nearer £111.11psf on the basis of 9.5% yield and a rental basis of £10psf. **Appendix 4** attached indicates a good local example – Almond House, Betteshanger, a small unit of 227 sq ft which was let in July this year for £9.25psf. We also attach details of a former surgery at Deal where there is a sale in progress at £111.91psf. However, regrettably, Strutt & Parker has made an error in their calculations as they have assumed two units of 5,641 sq ft realising a total revenue of £902,560 instead of £451,280. Their total revenue is therefore mathematically incorrect.

Regarding costs, Strutt & Parker has attributed £120psf for the conversion of the Engine Shed to residential, £110psf for the conversion and mezzanine floor of the commercial unit. We can agree that approach. They have allowed a 5% contingency but have also indicated that demolition works would cost just under £270,000; as far as we could ascertain from our site visit there was no further demolition to be carried out. They have allowed other construction costs including asbestos and site remediation (which we believe has already been carried out), ecology and services infrastructure and just under £1.942m for landscaping and groundworks alone; they have also allowed for additional site assembly costs and clearly the costs they have set out relate to the whole site including that part of the site which is substantially constructed upon. The applicant has set out an estimate of costs applying to the whole development site including Phase 1, amounting to around £2,639,460.

They have apportioned £1,072,683.21 to this particular site on a pro rata basis which we consider is reasonably fair and in the nature of a holding cost which should be taken into account. Such a cost, if applied to the existing consented scheme on Phase 2, would thus make the existing consented scheme even less profitable.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



We consider that the professional fees allowance at 9% provided by Strutt & Parker is excessive and have reduced this to 6% bearing in mind that a number of these fees would apply to Phase 1 in terms of the contamination assessment, ecology and transport and other items. We have allowed marketing and disposal fees of around £187,000 for the all private scheme. We have agreed with the finance debit rate adopted by Strutt & Parker of 7%. We have not allowed any credit rate.

We have not made any allowance for S106 contributions.

7.0 Residual Land Value for an All Private Scheme of Housing plus Commercial

The Strutt & Parker analysis suggests that if a fixed price for the site is taken at £1.111m or thereabouts, this would generate a profit on the basis of the proposed scheme, of 16.36% as opposed to the previous schemes where profit was shown at 1.57% or 6.39% for the amended scheme. This return is equivalent to just under 20% on costs, namely a profit of about £1.6966m. However, taking into account the reduced commercial value, the profit is in effect reduced by well over £450,000 – effectively a 12.6% profit return which may, on the basis set out, still be unprofitable.

The major part of the site has been disposed of already, no doubt profitably, so that we are just dealing with the southern area of the original site. Our approach is to value this section of the site as a separate entity, just as we have in terms of considering the altered arrangement for the Engine Sheds in the previous planning consent. However, we have taken into account apportioned abnormal infrastructure costs which would apply to this site.

Attached at **Appendix 6** is a residual appraisal based on an all private housing scheme which indicates a site value of around £700,000. This clearly exceeds the value of the subject property with the benefit of the current planning consent.

8.0 Affordable Housing

We have run alternative appraisals to analyse the impact of a policy compliant affordable housing quota; we have calculated that policy compliance at 30% (say, 5 or 6 affordable houses and just 12 or 13 private dwelling plots) means that the land value would be negative.

We have therefore run alternative scenarios, firstly showing the effect of 4 affordable dwellings of which 3 are affordable rented and 1 is shared ownership on an average 2/3 bedroom basis (average residual price being around £120,452 each) and we have allowed costs for the affordable housing in line with the costs submitted by Strutt & Parker. We set out this appraisal in **Appendix 7** attached which reflects a residual land value of under £120,000 which is lower than the threshold value under the existing scheme (£150,000).

We have therefore run a further appraisal showing just 3 affordable dwellings pro rata which gives rise to a site value of around £260,000 (see **Appendix 8** attached).

9.0 Conclusion

It is our view that the original consent for this part of the site was unviable, and clearly restoration of the Engine Sheds is required very urgently, preferably sustained by a more viable scheme. Without the new build commercial units and replacement by family housing, this part of the scheme would undoubtedly be profitable and indeed from the benchmark of £150,000, an all private scheme would show an uplift of around £560,000. This has not, however, taken into account any S106 contribution.

Financial Viability Assessment Review

Hybrid Planning Application at Former Hammill Brickworks including Conversion of Former Engine Houses, Woodnesborough, Kent CT13 0EJ



The nearest viable affordable housing scenario is that of 3 dwellings on a 70:30 ratio of affordable rented to shared ownership. With a land value of £260,000 there is a differential against the all-private scheme of around **£450,000** which might apply to an offset affordable housing contribution as well as an S106 community contribution, within that amount.

10.0 Confidentiality

In accordance with the recommendations of the RICS, we would state that this Financial Viability Assessment Review is provided solely for the purposes stated above. It is confidential to and for the use only of the party to whom it is addressed and for the Appeal purposes and no responsibility whatsoever is accepted to any third party for the whole or any part of its contents. Any such parties rely upon this report at their own risk. Neither the whole nor any part of this report or any reference to it may be included now, or at any time in the future, in any published document, circular or statement, nor published, referred to or used in any way without our written approval of the form and context in which it may appear.

Yours faithfully

For and on behalf of Savills (UK) Limited

A handwritten signature in blue ink, appearing to read "David Parry".

David Parry FRICS
RICS Registered Valuer
Consultant