

Public Document Pack



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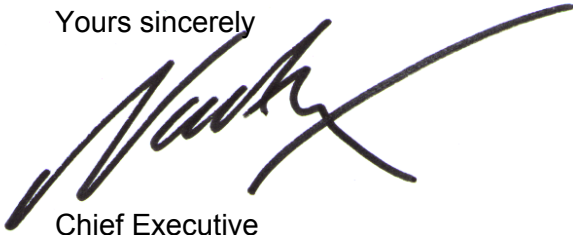
11 April 2018

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 19 April 2018 at 6.00 pm when the following business will be transacted.

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

Yours sincerely



Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)
B W Butcher (Vice-Chairman)
S F Bannister
P M Beresford
T A Bond
D G Cronk
B Gardner
D P Murphy
M J Ovenden
P M Wallace

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

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

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

4 **MINUTES**

To confirm the Minutes of the meeting of the Committee held on 22 March 2018 (to follow).

5 **ITEMS DEFERRED** (Page 5)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 6-9)

6 **APPLICATION NO DOV/17/01515 - LAND BETWEEN HOMELEIGH AND LANSDALE, NORTHBOURNE ROAD, GREAT MONGEHAM** (Pages 10-28)

Erection of 12 dwellings, construction of vehicular access, with associated car parking and landscaping

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

7 **APPLICATION NO DOV/17/01231 - LAND ADJACENT TO CITIZENS' ADVICE BUREAU BUILDING, MAISON DIEU GARDENS, MAISON DIEU ROAD, DOVER**
(Pages 29-43)

Erection of a detached single storey community building incorporating public toilets, access ramps and steps

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

8 **APPEALS AND INFORMAL HEARINGS**

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

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

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

Access to Meetings and Information

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

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

Declarations of Interest**Disclosable Pecuniary Interest (DPI)**

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

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

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 19 APRIL 2018

**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/17/00876 Erection of 120 dwellings, including 36 affordable homes with new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of 0.84 hectares of open space and a locally equipped area for children's play (LEAP) – Woodnesborough Road, Sandwich (Agenda Item 7 of 22 March 2018)**

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.

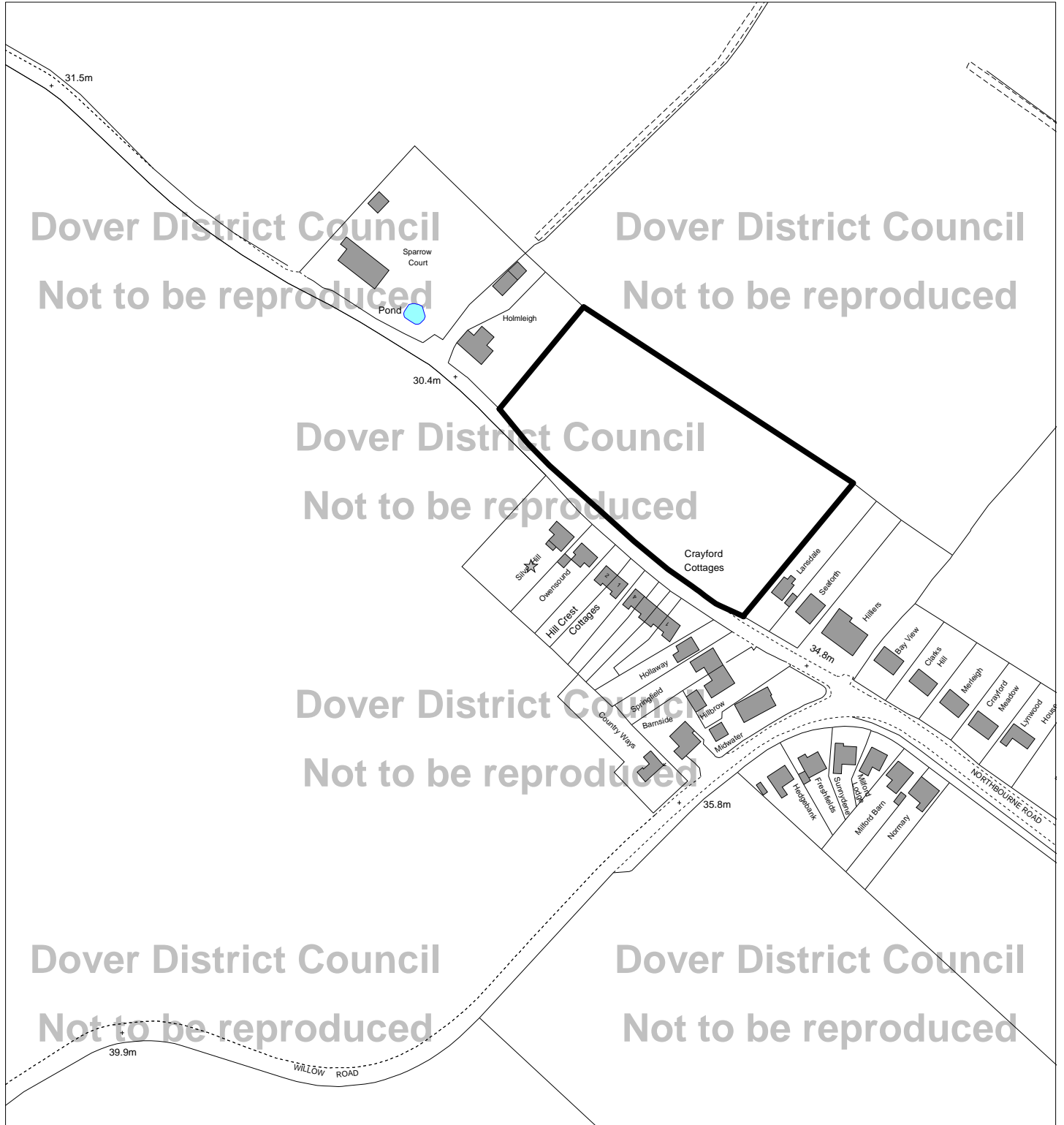
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material 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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Not to scale

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published 2017

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

Application: DOV/17/015151

Land Between Homeleigh & Lansdale

Northbourne Road

Great Mongeham

CT14 0LB

TR34365159



a) DOV/17/01515 - Erection of 12 dwellings, construction of vehicular access, with associated car parking and landscaping - Land between Homeleigh and Lansdale, Northbourne Road, Great Mongeham, Deal

Reason for report: Number of objections (22).

b) Summary of Recommendation

Planning permission be granted.

c) Planning Policies and Guidance

Core Strategy Policies

- CP1 - States that the location and scale of development in the District must comply with the settlement hierarchy. The hierarchy should also be used for infrastructure providers to inform decisions about the provision of their services.
- CP2 - Outlines the provision for jobs and homes from 2006-2026 and a breakdown of land allocations and uses.
- CP3 - Relates to policy CP2 and gives a breakdown of where the allocated sites will be distributed in the District.
- CP4 - 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 Market Assessment and the need to create landmark, foreground and background buildings, vistas and focal points.
- CP6 - Seeks to ensure that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 - States that development will not be permitted outside of the urban/village confines unless specifically justified by other development plan policies, or if it functionally requires such a location.
- DM5 - Sets out the level of affordable housing that should be provided with new development.
- DM11 - States that planning applications that would increase the 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.
- 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.

- DM15 - Development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is: -
 - In accordance with allocations made in Development Plan Documents, or
 - justified by the needs of agriculture; or
 - justified by a need to sustain the rural economy or a rural community;
 - it cannot be accommodated elsewhere; and
 - it does not result in the loss of ecological habitats.
- DM16 - Development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if:
 - It is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or
 - It can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level; and
 - Provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.

Dover District Local Plan

None relevant.

Land Allocations Local Plan

- LA37 - Land allocated for residential development at land at Northbourne Road for approximately 10 units within the application site. This policy states that the following should be provided:
 - Frontage Development Only
 - Retention of Hedgerows
 - Creation of boundary to north west and north east.
 - Provision of new footway fronting the site and connecting with existing footway on Northbourne Road.
- DM27 – Requires planning applications for residential development of five or more dwellings to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand. Where it is considered impractical to provide a new area of open space in the form of an on-site contribution or if there are existing facilities, the capacity of which can be expanded to meet the additional demand, the Council will consider accepting a commuted payment for the purpose of funding quantitative or qualitative improvement to an existing publicly accessible open space.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF sets out the three dimensions to sustainable development: economic, social and environmental.

- Paragraph 8 states that the three dimensions should not be undertaken in isolation, because they are mutually dependent and therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 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 outlines the overarching role that the planning system ought to play, and a set of core land-use planning principles which should underpin both plan making and decision taking.
- Paragraph 47 refers to the responsibility of each LPA to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. It goes on to state how the LPA should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure competition in the market for land.
- Paragraph 49 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.
- Paragraph 50 states that the local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities through plan making and decision taking.
- Paragraph 56 states that The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 65 states that local Planning Authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns are mitigated by good design.
- Paragraph 117 seeks to ensure that planning policies minimise impacts on biodiversity and geodiversity.
- Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles.
- Paragraph 139 states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

- Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

The Kent Design Guide (KDG)

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

d) Relevant Planning History

PE/15/00168- Pre-application advice.

The principle of development is something that could be supported, however there are a number of issues that's would need to be addressed prior to submission.

DOV//16/00986 - Erection of 12 dwellings, construction of vehicular access, with associated car parking and landscaping | Land Between Homeleigh & Lansdale, Northbourne Road, Great Mongeham, CT14 0LB.

This application was withdrawn on the advice of officers with the main concerns being the loss of the hedgerow and the external appearance of the gable ends of the proposed dwellings.

e) Consultee and Third Party Responses

KCC Highways and Transportation:

- Visibility splays of 43 metres x 2 metres x 43 metres are required at the proposed access points, unless measured vehicle speeds indicate a lesser requirement. There should be no obstructions over 1 metre above carriageway level within the splays and they should be over land within the control of the applicant and/or the highway authority. It should be demonstrated that appropriate splays can be achieved.
- There should be a pedestrian route available for proposed residents along the frontage of the site. This can be a footway adjacent to the carriageway or a route behind the proposed boundary hedge, but details need to be shown on the plans. Ideally this would continue along Northbourne Road to the junction with Willow Road however, it does not appear possible to provide a footway between the site and Willow Road due to the land ownership and highway boundary issues. On balance this is acceptable bearing in mind this is only a short section of the lane within a low speed environment; it has good visibility (the lane is straight); the lane is not heavily trafficked; and there is unlikely to be a significant number of pedestrians.
- It is not clear if plots 1-4 have the necessary two independently accessible parking spaces each. Spaces should be 5 metres long x 2.5 metres wide, increased to 2.7 metres where bounded by walls/fences/landscaping on one side. It should be demonstrated that such parking spaces are available.

Environment Agency: have no comments to make on this application as it falls outside our remit as a statutory planning consultee.

Natural England: made the following comments on the previously withdrawn application:

“Statutory nature conservation sites – no objection based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.”

In addition to the above, Natural England have also published their recommendation in relation to protected species, local sites, biodiversity enhancements, landscape enhancements; and sites of special scientific interest impact zones.

Given that this application only seeks minor changes to the previously withdrawn scheme, officers did not require updated comments from natural England.

Environmental Health: have made no observations in relation to contaminated land for this development, however to protect residential amenity for houses in the immediate area of development in Northbourne Road they recommend that a condition be imposed requesting a method statement to control and mitigate noisy construction works.

Southern Water: responded to the consultation, stating that they require a formal application to be made by the developer/applicant for a connection to the public sewer. Should the application be approved they also asked that a number of conditions be imposed on the permission.

Kent Police (CPDA): ask that a condition is imposed should planning permission be approved and contact made with the DOCO team by the applicant or agent. This would ensure their future involvement in addressing crime prevention and would also meet the statutory duties under section 17 of the Crime and Disorder Act 1998 and should a clear audit trail for Design for Crime Prevention and Community Safety.

KCC Archaeology: responded to the consultation request recommending that a condition be imposed in the event that planning permission is granted to ensure that a programme of archaeological works is carried out prior to the commencement of development.

Southern Gas Networks: made comments on the previous application submitted in relation to safe digging practices and safety risks associated with poor digging practices. It is stated that it is the responsibility of the applicant/developer to ensure that safe practice is carried out and that damage to any pipes will be charged to the liable organisation. Whilst Southern gas did not respond to the consultation request on this particularly application, officers consider that their previous comments remain applicable.

DDC Regeneration Delivery: raised no objection to the previously withdrawn application.

KCC Development Contributions: comments from KCC development contributions were sought in relation to the proposed development. These contributions will be discussed within the body of this report.

Kent Wildlife Trust: No response.

National Grid Plant Protection: No response.

EDF Energy: No response.

Fire Safety Service: No response.

Tree and Horticultural Officer: no trees are affected by the proposed development.

DDC Ecology: not a local wildlife or priority habitat site

Great Mongeham Parish Council: The Parish Council objects to this applications as part of it is outside the agreed site listed in the Land Allocation Document, in addition the proposal is for 12 properties not the 10 agreed in the LDF policy LA37.

The members are happy for the site to be developed in principle but feel that too many houses are being proposed and that insufficient parking had been allocated on site for residents and visitors.

The existing residents in Northbourne Road already park on the road making it difficult to pass. The Council would like the road widened to allow sufficient room for vehicles to pass parked cars, they would also like parking restriction on the north east side of the road to prevent parking on both side of the road leading to obstructions.

They would like to see a footpath installed on the site to allow pedestrian access from the site towards the main village.

There is already a major issue with surface water runoff in the vicinity of Sparrow Court were the road regularly floods during heavy rain. Arrangements should be made to help with the existing issue and prevent additional water adding to the problem.

Third Party: Neighbouring occupiers were notified of this application and 22 letters of objection have been received. The concerns raised within these letters are summarised below:

- Very narrow lane which is not suitable to accommodate the level of development proposed;
- Insufficient off-street parking leading to pressure on the available on street parking;
- Concerns over highway safety;
- Application site extends beyond the village confines;
- Road not widened enough and no provision of footpath;
- The development would appear crowded and incongruous in the street scene which would not be adequate in terms of amenity or adhering to existing area character;
- Erosion of rural character;
- Unsatisfactory affordable housing provision/ contribution;
- Concerns over increased flooding and surface water;
- Lack of shops and facilities in the area to serve the new development.
- Environmental concerns over the impact on wildlife, local habitats;
- Development would detract from openness and view of countryside;
- Concerns over damage to hedgerow and future maintenance of proposed ecological corridor;

- Gas and water supply issues;
- Development on grade 1 agricultural land;
- Ribbon development;
- Development could be accommodated elsewhere that could also provide a better level of affordable housing.

There are also 6 letters of support. The reasons for support are summarised below:

- The applicant has addressed the concerns raised at the previous committee site visit;
- There is a requirement for new housing in the local area;
- The site is allocated for residential development;
- The proposed dwellings are in keeping with the character of the area;
- The proposed development is in accordance with policy.

f) 1. The Site and the Proposal

- 1.1 Most of the site is allocated and falls within the defined settlement boundaries and the other section is beyond the settlement boundaries and therefore by definition in the countryside. Approximately, two thirds of the application site is allocated for housing and the other third is beyond the settlement boundaries.
- 1.2 The site consists of agricultural land and adjoins residential dwellings (Homeleigh and Lansdale) at the east and west ends of the site. These are well contained within the hedgerows and trees. There are no features along the north eastern boundary that delineate the line indicated on the plan submitted.
- 1.3 Northbourne Road runs along the south west boundary. This is a single width rural lane which is derestricted. There is a hedgerow running the length of the boundary with telegraph poles located within it. There are residential properties to the east, west and south of the site, whilst beyond the northern boundary is open countryside.
- 1.4 This application seeks full planning permission for the erection of 12no. dwellings and the construction of a new vehicular access with associated parking and landscaping. Vehicle access will be provided at two separate points along Northbourne Road.
- 1.5 The proposed development comprises 2no. 4-bedroom detached dwellings, 6no. 3-bedroom semi-detached dwellings and 4no. 3-bedroom terraced properties. The combination of 3 and 4-bedroom dwellings offer living areas, bathrooms and bedrooms, large private gardens, parking space for at least two cars per dwelling, refuse storage facilities and two cycle parking spaces are also provided.

2. Main Issues

- 2.1 The main issues in the determination of this planning application are:

- The principle of development;
- Countryside and landscape impact;

- Design and appearance and impact on street scene;
- The impact upon highway safety;
- The impact upon residential amenity;
- Ecology;
- Archaeology;
- Planning obligations/contributions;
- Other matters.

3. Assessment

Principle

- 3.1 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.
- 3.2 The NPPF states that any development that accords with an up-to-date development plan should be approved and that which conflicts should be refused unless material considerations indicate otherwise.
- 3.3 At the heart of the NPPF is a presumption in favour of sustainable development and for decision making this means approving development that accords with the Development Plan.
- 3.4 Policy LA37 states that the sit (part of) is allocated for residential development. It states that planning permission will be permitted provided that; the proposal reflects the characteristics of the surrounding built form both in terms of density and rural character.
- 3.5 The key issues highlighted for this site include:
 - Frontage Development.
 - Retention of Hedgerows.
 - Creation of boundary to north west and north east.
 - Provision of new footway fronting the site and connecting with existing footway on Northbourne Road.
- 3.6 Officers note that the application site comprises land which is not included in Land Allocation Policy LA37. The site area extends beyond the western boundary of the allocated site area and adjoins the residential curtilage of Homeleigh. This means that part of the site also falls outside of the existing settlement confines of Great Mongeham.
- 3.7 It will be noted though that pre-application discussions took place with officers of the Council who advised that subject to the submission of a suitable design, the further infilling of the site would be acceptable, and make best use of land.
- 3.8 Policy DM1 of the Core Strategy states that development will not be permitted outside of the settlement confines unless it is justified by any other development plan policies.
- 3.9 Whilst part the proposal lies beyond the area identified for housing in the development plan, contrary to Policy DM1, this larger application site area

has allowed for a lower density development to occur and does not result in an unacceptable level of harm to the openness of the countryside and character of the area.

- 3.10 In addition, the number of residential units provided (12) is in keeping with Great Mongeham's status as a village, suitable for a scale of development that would reinforce its role as a provider of services to its home community, in accordance with Policy CP1.
- 3.11 The scheme is a departure from Policies DM1 and LA37 of the Development Plan. The harm arising from the extension beyond the allocated site, contrary to policy, must be weighed in the context of the 'tilted balance' (NPPF, Paragraph 14) which is engaged by virtue of the Plan as a whole not being up to date (associated with a decision to review the Core Strategy and Land Allocations Local Plan) and through the absence of a 5 year housing land supply, as recently confirmed in the appeal decision dated 4th April 2018, for DOV/17/00487 (Land off Dover Road, Walmer) where the Council's five year supply was adjudged to now stand at just over 4.5 years. The 'tilted balance' means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole.

Countryside and Landscape Impact

- 3.12 The land allocations document indicates that development within this site should be designed sensitively in order to ensure that it reflects the characteristics of the surrounding built form and development density. The policy also states that any proposal should be 'frontage development only', to ensure that it is consistent with the characteristics of the surrounding built environment and also to ensure that a sense of openness is retained.
- 3.13 Policy DM15 states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted in very specific cases, one of which being when development is in accordance with allocations made in the Development Plan. The proposed development would result in the loss of some countryside; however it was established during pre-application discussions that further infilling would be acceptable subject to design. Therefore, the loss of countryside is acceptable in this case as long as there is not an adverse impact on the character of the landscape or appearance of the street scene. These will be addressed in the body of this report.
- 3.14 Policy DM16 of the Core Strategy states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if; it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

- 3.15 Pre-application advice was sought prior to submission. Within the written response emphasis is placed on retaining the character of the area through the good design and a low-density development. The retention of the hedgerow was mentioned explicitly as making a huge contribution to the open character of the area. Following some extensive amendments, officers are now satisfied with the design, layout and landscaping scheme proposed.
- 3.16 In this instance, extending the area of the site allocation to provide a high-quality development in a sustainable location is considered appropriate in this case to outweigh the minimal harm (the loss of countryside) that would be caused, subject to the other material considerations discussed below.
- 3.17 The hedgerow that runs along the southern boundary of the site is a key design feature of the site, which functions to preserve a sense of openness and the rural character of the area. The dwellings are all situated behind this hedge, meaning that it still makes a significant contribution to the street scene in this edge of settlement location and will act as a privacy buffer. Officers are pleased to see that the hedgerow now forms an integral part of the design approach and that a smaller percentage of the hedgerow will be removed to facilitate vehicle access points. Not only does this amendment help assimilate the proposed development into the existing environment and preserve the areas semi-rural character, it also provides biodiversity enhancements, as discussed separately within the body of this report.
- 3.18 A full landscaping scheme should be secured by condition to ensure that the edge of the site facing onto the Northbourne Road will be hedged and tree/shrub planting carried out to create natural screening which will enhance the setting of the development.
- 3.19 Subject to the imposition of appropriate safeguarding conditions, it is considered that the design of the proposed dwellings and the associated landscaping scheme is now acceptable for the site and would not have an unduly adverse impact upon the character of the countryside or wider landscape.

Design and Appearance and Impact on Street Scene

- 3.20 The NPPF identifies that good design is indivisible from good planning (paragraph 56) and section 7 of this document sets out how policies should not seek to impose architectural styles or tastes and should not stifle innovation (paragraph 60).
- 3.21 The proposed development includes a mix of dwellings types, which have all been designed to respond positively to the architectural style prevalent in the local area. Whilst this architectural style is by no means consistent or identifiable to a certain period, certain features such as hipped roofs and the dominant use of stock brick work, contribute toward upholding the areas rural appearance. Whilst slightly larger than some of the properties in the immediate vicinity, the scale and form of all 12 no. dwellings are in keeping with the parameters of nearby dwellings and would not appear incongruous in the street scene.

- 3.22 The proposed development includes a mix of dwellings types, which have all been designed to respond positively to the architectural style prevalent in the local area. The dwellings are of a high quality and comparatively modern design, whilst still of a form and design that would not appear as out of keeping. The proposed materials reflect the architectural style and materials used within Great Mongeham, including plain slate tiles, local red stock brickwork, and composite cladding.
- 3.23 Officers are also pleased to see a reduction in the use of gable ends and the introduction of hips, which was recommended by officers and councillors in the interim of the application being withdrawn and resubmitted. The increased use of timber cladding as an external material is also welcomed as it helps to create visual interest and break up the elevational appearance. Officers also welcome the use of permeable block paving for the main site roadways, with each driveway constructed with a different coloured variant. Details of proposed hard surfacing materials, soft landscaping and boundary treatments should be secured by condition in the interest of securing good design and general amenity.
- 3.24 Northbourne Road is characterised by a mix of detached and semi-detached residential dwellings which are set back from the highway and interspersed by open countryside. There is adequate spacing between the dwellings, which adds to the sense of openness on the edge of the settlement boundary. Moreover, whilst there is no architectural style there is a fairly consistent pattern of development seen within the confines of Great Mongeham, which defines area character more so than the architectural style of the dwellings.
- 3.25 The proposed development seeks to retain the majority of the existing hedgerow, with the exception of two small areas which would be removed to allow access onto the site. In comparison to the previously withdrawn scheme where it was proposed to remove three areas of the hedgerow, this is viewed as a welcome improvement. Officers consider that the retention of this landscape feature would contribute to preserving the character of the area, whilst also ensuring the development site is functional and safe from a highways perspective. The dwellings all front Northbourne Road and conform to the pattern of development in the area, which is characterised by clusters of 2-storey dwellings, which occupy larger plots on the periphery of and outside of the settlement confines. The frontage typology also adheres to the requirements of Policy LA37.
- 3.26 The proposed development seeks to retain the majority of the existing hedgerow, with the exception of two small areas which would be removed to allow access onto the site. In comparison to the previously withdrawn scheme where it was proposed to remove three areas of the hedgerow, this is viewed as a welcome improvement. Officers consider that the retention of this landscape feature would contribute to preserving the character of the area, whilst also ensuring the development site is functional and safe from a highways perspective. The dwellings all front Northbourne Road and conform to the pattern of development in the area, which is characterised by clusters of 2-storey dwellings, which occupy larger plots on the periphery of and outside of the settlement confines. The frontage typology also adheres to the requirements of Policy LA37.

- 3.27 The proposed development comprises 2no. 4 bedroom detached dwellings, 6no. 3 bedroom semi-detached dwellings and 4no.3 bedroom terraced properties. This mix of dwelling types reflects the dwelling mix in the locality. The dwellings proposed are all two storey form, and fit comfortably on the plot to form a coherent and well-structured development. The layout of the dwellings ensures that the smaller terraced dwellings remain within confines to respond directly to the neighbouring properties, whilst the larger detached dwellings are located outside confines to the west of the site, where plot sizes and the size of dwellings are seen to increase.
- 3.28 Whilst no definitive architectural style is prevalent in the wider area, the scheme has taken architectural influences from Great Mongeham, the wider Kent vernacular and barn/agricultural style buildings. The use of feature elements such as gable ends, hipped roof elements and defined changes in materials tie the site in with the surrounding built form.
- 3.29 Overall, the proposal represents a high-quality development, which is suitable in terms of scale and form in this edge of village location. On balance, the small loss of countryside is negligible when weighed up against the positive benefits of providing housing in a sustainable location which responds to the rural character of Great Mongeham.
- 3.30 In light of the alterations to the scale, layout and form of the dwellings, and the retention of the majority of the hedgerow, it is considered that the proposed development would not lead to an unacceptable level of harm to the character of the area or an undue loss of countryside. To this end, officers are satisfied that the proposed development is compliant with policies DM15 and DM16 of the core strategy, as well as the NPPF.

Impact on Residential Amenity

- 3.31 Paragraph 17 of the NPPF outlines that one of the core principles of sustainable development is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 3.32 The application site is relatively self-contained, insofar as it does not back on to any existing properties. There are a number of dwellings fronting the south side of Northbourne Road, opposite the proposed development. However there is ample separation between these dwellings and the ones proposed and the retention of most of the hedgerow along the southern boundary ensures there is an appropriate privacy buffer. The proposed building heights are no greater than the surrounding two storey properties and are set back from the road by approximately 17m, minimizing direct impact to the neighbours opposite.
- 3.33 The west and east boundaries of the site adjoin existing residential properties (Lansdale and Homeleigh). However, there is adequate landscaping proposed to run along these boundaries, and the separation between the dwellings is considered acceptable.
- 3.34 In light of the above, it is considered that the proposal would have no significant impact upon the residential amenity of the existing properties within

the locality, in terms of overlooking, overshadowing, or the creation of a sense of enclosure.

- 3.35 The erection of these properties would give rise to an element of additional noise and disturbance, but this would not be of a level that would be considered inappropriate.
- 3.36 It is therefore considered that there would be no detrimental impact upon the existing amenities of neighbouring occupiers.

Parking, Access and Highways

- 3.37 Policy DM13 of the Core strategy states that provision for parking 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.
- 3.38 The proposed development would provide a total of 24 car parking spaces, which works out at 2 spaces per dwelling. This adheres to the requirements of Policy DM13. Officers are also satisfied that the car parking spaces adhere to the design requirements outlined by KCC Highways in their comments.
- 3.39 A suitable pre-commencement condition will be imposed to ensure that car parking is provided in adherence with the comments made by KCC Highways in respect of car parking spaces.
- 3.40 There are two access points to the proposed development along Northbourne Road, which would be facilitated by cutting into the existing hedgerow to form vehicle crossovers at the east and west corner of the site. Officers note the concerns raised by KCC Highways with respect to the visibility splays that need to be achieved (in the interests of highway safety), however it is considered that these could be achieved given that the road is straight and the vehicle speed limits along this stretch. The required splays are annotated on the proposed site block plan, however notwithstanding this a suitable safeguarding condition should be imposed to ensure that details of the visibility splays are submitted to and approved by the planning authority prior to commencement.
- 3.41 Whilst the development will inevitably increase the volume of traffic on the road, officers consider that this will not have a significant impact on highway safety and that the existing road network can accommodate the additional vehicle journeys that will be generated. Indeed, this was considered at the allocation stage when deciding on land which is suitable for residential development.
- 3.42 A pedestrian footway is not being provided as part of this proposal, despite it being a requirement outlined within the land allocation plan (policy LA37). Constructing a footway would compromise the future of the hedgerow, which has been identified as a key landscape feature, central to upholding rural character and a sense of openness. In addition, KCC Highways have highlighted that it may not be possible to provide a footway linking the development along Northbourne Road to the shared junction with Willow Road to the east. Indeed, it is difficult to see where the footway would connect to without carrying out substantial engineering works and officers consider that a heavily engineered feature would appear out of place in this

edge of village location and would have an adverse impact on the rural character of the area.

- 3.43 On balance, not providing a footway is considered acceptable bearing in mind this is only a short section of the lane, which has good visibility splays. The lane is not heavily trafficked and there is unlikely to be a significant number of pedestrians. As the proposed development would not be unsafe in highway terms, officers have given preference to preserving the rural character of the area.
- 3.44 In light of the above, Officers are satisfied that, subject to compliance with conditions, that the proposed development is acceptable with respect to parking provision, highway safety and the impact on highway capacity.

Ecology

- 3.45 Paragraph 109 of the NPPF outlines the importance of contributing to and enhancing the natural and local environment. Paragraph 118 states that's when determining application, local authorities should aim to conserve and enhance biodiversity at all times.
- 3.46 The hedgerow which aligns the southern boundary of the site is the main feature of ecological interest of the site. A hedgerow report was submitted to the local planning authority, confirming that this particular landscape feature is classed as an 'important' hedge in line with Part II of Schedule 1 of the Hedgerow Regulations 1997. The hedgerow is also shown to be of biodiversity interest as it provides a green corridor for a range of species including birds, bats, invertebrates, flora and potentially reptiles.
- 3.47 An ecological scoping survey has also been submitted with the application that identified the species native to the site and the mitigation measures that might be imposed both to mitigate against impacts of the proposal and enhance biodiversity opportunities in the local area. Further survey work was not recommended for any of the identified ecology interests, with the exception of amphibians, where there might be scope for further work upon receipt of relevant additional information.
- 3.48 A summary of the proposed mitigation is below:

Flora:

Existing planting schedule for new gardens to be supplemented by garden plants recommended by Royal Horticultural Society to ensure that a range of year-round flowering plants are available for invertebrates;
In the event that the hedgerow that runs along Northbourne Road is removed (fully or partially) mitigation work should be undertaken, which would include reptile mitigation and planting a replacement connected hedgerow elsewhere within the site. The replacement hedgerow should consist of mixed native species that reflect species within the original hedgerow.

Birds:

Structures likely to support nesting birds should only be removed between September and February
Nest boxes suitable for biodiversity enhancements should be provided

Bats:

If external lighting is proposed the Bat Conservation Trust's Bats and Lighting in the UK guidance should be adhered to in the lighting design

Provision of bat boxes

Reptiles:

Mitigation work should be undertaken to ensure that reptiles are not directly killed or injured by proposed development works. Ideally vegetation along the base of the hedgerows should remain undisturbed, however if this is not possible capture and relocation work may be required.

- Identify suitable receptor site in local area
- Habitat enhancement work to create terrestrial sheltering spaces at strategic locations around the receptor site;
- Areas proposed for development should be cleared of animals in advance of construction.
-

Invertebrates:

Recommended planting will provide a nectar source for insects such as butterfly and bees, but this could also be supplemented through the provision of invertebrate boxes in suitable locations.

- 3.49 The majority of the existing hedgerow is being retained to ensure that any native species present are protected. Moreover, subject to compliance with the mitigation measures outlined in the ecological scoping survey, officers are satisfied with the impact that the proposed development would have from an ecological perspective.
- 3.50 The inclusion of an ecological corridor along the northern boundary of the site is a particularly welcome feature, given that this will provide opportunities to enhance biodiversity and mitigation for the small loss of hedgerow along the site frontage, providing a transition between the countryside and proposed residential garden land. The planting plan from proposed ecological corridor, as conveyed on drawing number HCL-17-0018-GA1002, would include mixed native hedgerow planting, wildflower planting and a number of native trees.
- 3.51 A condition will be imposed to the planning permission requiring an ecological management plan to be submitted prior to the commencement of development, to ensure that recommended biodiversity enhancements and mitigation is implemented across the site. Further details are also required with respect to the proposed ecological corridor to ensure that it supports

local wildlife and provides appropriate mitigation to the minor loss of hedgerow.

Archaeology

- 3.52 KCC Archaeology have commented on the application saying that the site lies in an area of archaeological potential, associated with a rich archaeological landscape around the village of Great Mongeham. It is possible that construction of the proposed dwellings could affect remains of archaeological interest and therefore relevant safe guarding conditions should be imposed on any permission granted.

Planning Obligations/Contributions

- 3.53 Any requests for contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements:
It is:
- a) Necessary to make the development acceptable in planning terms
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 3.54 Paragraph 203 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 3.55 The applicant has agreed to enter into a section 106 agreement so that the necessary financial contributions can be secured to make the development acceptable in planning terms. Planning permission is subject to the completion of a Section 106 agreement.

Financial contributions are sought by KCC for the following:

- Extension to Primary School: £3,324 per house
 - Extension to Secondary School: £2,359.80 per house
 - Increasing the book stock for local library: £48.02 per dwelling
 -
- 3.56 In addition to the above, there is an informative for the developer to work with the telecommunications provider at the early stage of development.
- 3.57 The proposed development is for 12 dwellings and is therefore below the 15-dwelling threshold that would require consideration to be given to the provision of on-site affordable housing in line with Policy DM5. The applicant has submitted an affordable housing statement which agrees to make the appropriate financial contribution of £140,000 for affordable housing, which is considered to comply with this policy. This will be secured through the provision of a suitable section 106 legal agreement.

- 3.58 Further, the development is required to contribute towards the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy in order to deliver enhanced management of the SPA and to ensure that it will not lead to an adverse effect on the integrity of the SPA, either alone or in combination with other projects and plans. These contributions will also be secured within the section 106 legal agreement.

Other Matters

- 3.59 The general layout ensures good neighbourhood surveillance which in turn will assist in attaining a 'Secure by Design' accreditation. However, full details of crime prevention measures will need to be sought by condition.
- 3.60 In accordance with the requirements of Policy DM27, the development does not provide any accessible green space, outdoor sports facilities, children's equipped play area or allotments/community gardens on site. Based on Policy DM27 the total amount of on-site open space would be 0.129 hectares however due to the size and layout of the site it is not considered that on-site provision is readily achievable. Therefore, an off-site contribution towards open space provision might be required through the section 106 legal agreement. An update on this matter will be provided at committee.
- 3.61 In addition to the above, a number of safeguarding conditions should be imposed to ensure that the development is acceptable in planning terms, including various conditions sought in relation to highways and utilities including drainage and sewage disposal.

Conclusion

- 3.62 As outlined in this report the proposal is contrary to Policy DM1 of the Core Strategy and Policy LA37 of the LALP (2015), in so far as it would involve development beyond the limits of the LA37 allocation and falls to be determined against the 'tilted balance' (NPPF Paragraph 14) whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 3.63 The proposal would involve an extension beyond the LA37 allocated area into the countryside. While this would cause some harm, this report indicates that the impact of such would be limited. This conclusion is influenced by the retention of the majority of the hedge fronting the site and the fact that the development would take place on land sandwiched between existing residential frontage development, rather than appearing as an overt protrusion into an otherwise undeveloped rural landscape. The quality of the scheme design and its impact on the street scene is also judged to be acceptable. Ecological benefits are also cited, particularly through the inclusion of an ecological corridor along the northern boundary. The development would read as an appropriate extension of the rural settlement with residents having access to nearby services, facilities and transport modes commensurate with the 'village' (Policy CP1) status of Great Mongeham. The limited harm associated with the loss of a small area of countryside adjoining the existing plan allocation is acknowledged, however

the wider/overall environmental impact of the proposal is considered acceptable. Social benefits would arise through the support of local services and the financial contribution towards affordable housing provision. A contribution would be made to the current 5yr housing land supply deficit, albeit at a very modest level (over and above the allocation estimate of 10 units). Some modest economic benefit would also occur from employment etc. associated with the build-out of the scheme. These matters also weigh in favour of the proposal.

- 3.64 Other financial contributions/obligations are also proposed which make the development acceptable in planning terms, and in accordance with policy CP6.
- 3.65 The proposal is considered acceptable in other respects including transport impacts.
- 3.66 On balance, officers consider, notwithstanding the conflict with policy (DM1 & LA37), the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits and as such proposal would constitute a sustainable form of development that would accord with the requirements of the NPPF.

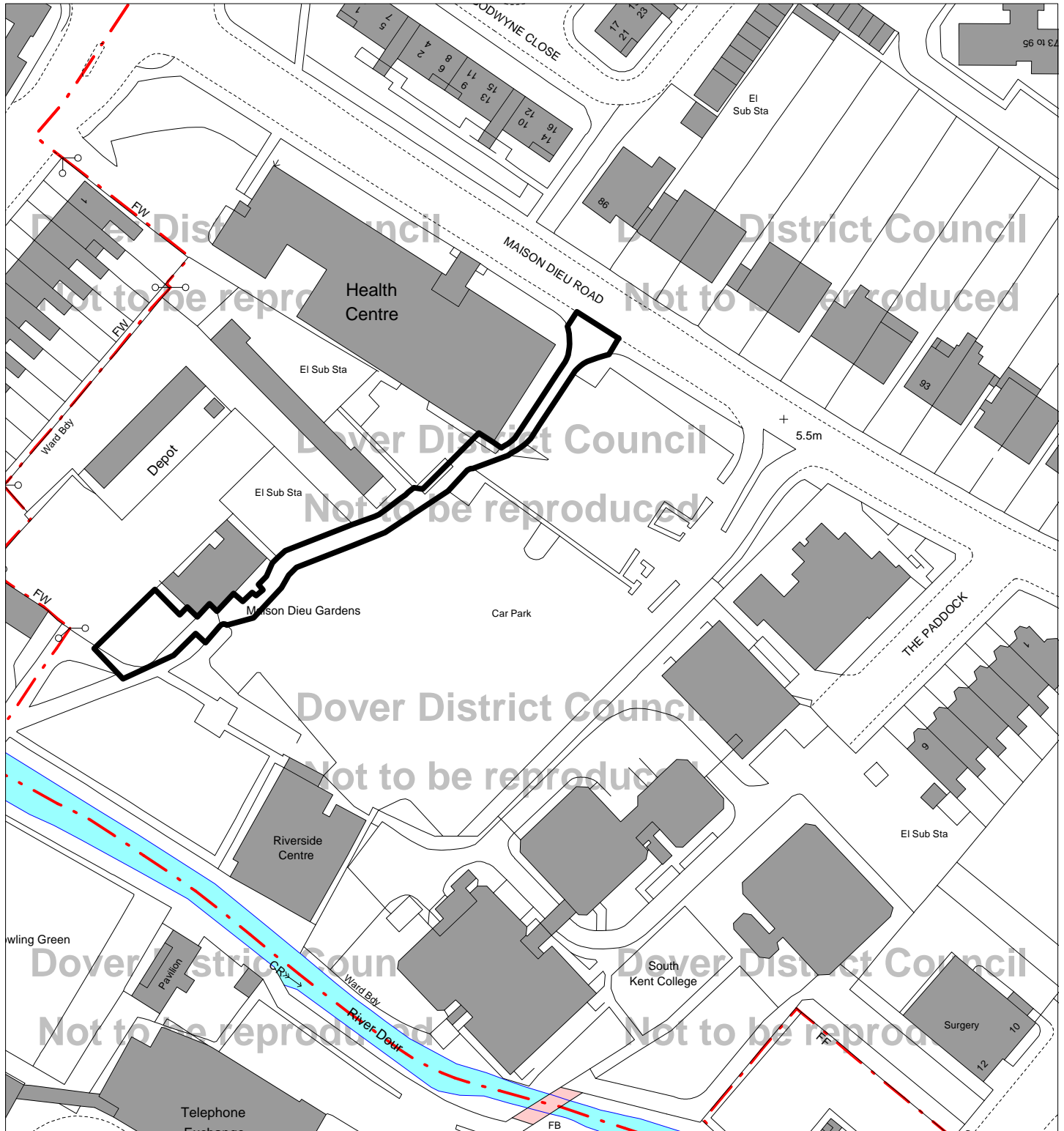
g) Recommendation

- I SUBJECT TO the completion of a S.106 agreement to secure the financial contributions outlined in this report, planning permission BE GRANTED subject to conditions to include: i) commencement within 3 years; ii) carried out in accordance with the approved drawings; iii) submission of Construction Management Plan; iv) submission of material samples; v) submission of details of proposed on-site highway works (including parking); vi) finished surfacing to vehicle and pedestrian access routes; vii) submission of details sight lines (private driveways); viii) submission of details related to vehicle parking; ix) submission of details of hard and soft landscaping; x) hard and soft landscaping carried out in accordance with approved details; xi) no damage to trees or hedgerows within phased development; xii) submission of external lighting scheme; xiii) submission of details of refuse storage areas and recycling facilities; xiv) programme of archaeological works; xv) contamination xvi) details of finished ground floor levels; xvii) carried out in accordance with ecological enhancements; xviii) drainage and infiltration surface water; xix) submission of sustainable water drainage scheme; xx) details of crime prevention; xxi) foul and surface water sewage details.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary conditions and legal agreement in line with issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Chris Hawkins

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Application: DOV/17/01231

Land Adjacent CAB Building

Maison Dieu Gardens

Maison Dieu Road

Dover, CT16 1Tg

TR31794183



- a) **DOV/17/01231 – Erection of a detached single storey community building incorporating public toilets, access ramps and steps - Land adjacent to Citizens' Advice Bureau Building, Maison Dieu Gardens, Maison Dieu Road, Dover**

Reason for report: Application called in by Ward Member (Cllr Wallace) to consider objections raised about flooding

- b) **Summary of Recommendation**

Planning permission be refused.

- 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.

Policy CP9 - Dover Mid Town

The Dover Mid Town Area is allocated for mixed use development of C2 uses (residential institutions), C3 uses (residential of at least 100 homes), A1 shop uses, A3 restaurants and café uses and A4 Drinking establishments uses (of up to 15000 sqm), D1 (non-residential institutions), the redevelopment of South Kent College (around 5000sqm), and parking to serve the development and the town centre.

National Planning Policy Framework (NPPF)

- Paragraph 17 states that securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings is one of the 12 core planning principles set out in the NPPF.
- Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 64 states that 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 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- Paragraph 101 states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development

should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

- Paragraph 102 states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
 - it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.
- Paragraph 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
 - within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- Paragraph 104 states that for individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test.
- Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Paragraph 131 states that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- Paragraph 132 states that 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. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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'.

Sections 66(1) and 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, 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 it possesses.'

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**

Dover Town Council – strongly support the planning application.

Environmental Health Manager – no objection subject to the following condition.
In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved

remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

County Archaeologist

The site lies in an area of archaeological potential associated with the ancient course of the River Dour and the subsequent infilling and reclamation of its estuary. The actual impacts that will arise from the scheme remain somewhat uncertain and it is understood that the precise foundation design is dependent on detailed soil analysis. Given the site's potential I would suggest that it would be appropriate to include a condition requiring a programme of archaeological works as part of any forthcoming planning consent.

PROW Office KCC

No comments made.

Environment Agency

Comments received on 10 November 2017

The submitted Flood Risk Assessment (FRA) demonstrates that the site on which the proposed building will be erected would presently flood to a depth of approximately 200-250mm during a 1% AEP fluvial flood event; this depth would increase in-line with the predicted effects of climate change.

Section 5.14 of the FRA states that:

"The proposed development will reduce the potential capacity of the storage zone although the impact through displacement of water is considered to be insignificant."

Section 5.18 of the FRA goes on to state that:

"There is no increased risk associated with this development and there should be no impact on any neighbouring properties. There is an insignificant increase in displaced flood water generated by this development site."

We are unfortunately unable to agree with the assertion that there will be an 'insignificant' increase in displaced flood water, as any uncompensated loss of floodplain capacity or conveyance is unacceptable.

Any loss of flood storage must be compensated for by the reduction in level of nearby ground, such that the same volume is available at every flood level before and after the works and it can freely fill and drain. In other words, in order to mirror the existing situation for a particular flood, each stage (or level) is provided with the same storage volume, cut and fill must equate on a level for level basis, i.e. at each level (say at 0.2 metre vertical intervals for example) the excavated and filled volumes are equal. The timing at which the storage effect comes into operation is significant. If this volume is reduced for any stage of a flood then the lost storage results in flood waters being diverted elsewhere, leading to third party detriment. The detriment caused by a small encroachment may not be significant, or even measurable, when taken in isolation but the cumulative effect

of many such encroachments will be significant. It is not adequate compensation to:

- excavate holes in the floodplain
- create landlocked areas of lower ground, even if connected to the main floodplain by channels or culverts
- provide low level volumes to replace high level floodplain and vice-versa

Overcoming our objection

In order to overcome our objection the applicant should submit an FRA which covers the deficiencies highlighted above. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection

Re-consultation

Comments received on 09 January 2018

Thank you for sending in a revised Flood Risk Assessment (FRA) for the above planning proposal. We are unfortunately unable to withdraw our outstanding objection to this development. The proposed compensatory scheme for the loss of floodplain capacity arising from the construction of these facilities cannot be considered to be adequate or appropriate at this location. The 'indirect' provision of flood storage in a pumped subterranean tank does not comply with our general recommendations for any loss of floodplain capacity to be replaced on a level-for-level, volume-for-volume basis in order to ensure the floodplain functions in a way that closely mimics the pre-developed situation. Whilst 'indirect' schemes can be exceptionally acceptable, they should not be reliant on pumps to operate, and should not serve to exacerbate the flooding from other sources. In this instance we would have concerns over the implications for the underlying groundwater, the level of which would be in continuity with the water levels within the adjacent and groundwater fed River Dour. The submitted design shows that the flood storage tank proposed would be in excess of 2m below the existing ground level, and would therefore have an invert level below the bed of the Dour. This tank would therefore have to be lined to prevent groundwater ingress, and would subsequently displace a corresponding volume of groundwater elsewhere. There would also be potential problems associated with a lined tank being forced upwards by the hydrostatic pressure from the groundwater (i.e. the tank could try to 'float' on the groundwater and be forced upwards and out of the ground).

We would also have concerns about the on-going management, maintenance and operational parameters for the pumped scheme.

Rather than seeking to address these potentially significant shortcomings, we would suggest that the proposed building is redesigned to incorporate carefully designed floodable voids beneath the ground-floor level. These should be designed to minimise the loss of floodplain capacity, minimise the potential for silt and debris accumulation and should be constructed to be easily cleaned and maintained.

Heritage Team

The proposed new development would cause no harm to the significance of the built heritage.

Kent Police - Crime Prevention Design Advisor

To date we have had no communication from the applicant/agent and there are issues that may need to be discussed should this application be approved. If this planning application is to be approved and no contact has been made with the CPDA team by the applicant/agent, then we suggest that a condition is included to ensure our involvement and to ensure crime prevention is addressed. The use of a condition will address both our statutory duties under Section 17 of the Crime and Disorder Act 1998 and will show a clear audit trail for Design for Crime Prevention and Community Safety.

Approved Document Q (ADQ) and SBD – ADQ building regulations for doorsets and window specification only require products to be tested to PAS 24 2016. But, to meet SBD requirements, the doorsets and windows must be tested and certified by a recognised 3rd party certification authority.

Southern Water – comments awaited.

Public Representations:

Three (3) representations received objecting to the planning application and raising the following relevant planning matters:

- unisex amenity that is a good idea on paper but unsettling to people in reality
- concern raised regarding the potential of the proposed building to be used as the Soup Kitchen , Drug/Alcohol Rehabilitation facility or retail activity
- could encourage anti-social behaviour
- would cause noise and disturbance
- the use of the proposed building is unclear
- the last serious and damaging flooding on Maison Dieu car park took place in 2007
- overuse of the area

Two (2) representations received neither objecting nor supporting the planning application making the following comments:

- Who is going to run this public building?
- Who is going to be using it? Is it a general community building, or for one section of the community?
- There are public toilets very nearby, are they closing?
- Who will run these public toilets and be responsible for them?
- Will these toilets be open at all times, or only when Centre is open?
- Unisex toilets in a public building? It doesn't sound safe to us, are there other unisex public toilets in Dover?
- The suggested passage between CAB and this building looks like it could be used for hiding in.

1 letter of support received, however, no comments have been made in relation to the proposal.

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

- 1.1 The application site relates to a parcel of land located approximately 30m north-east of the River Dour, adjacent to Citizens Advice Bureau and midway between the police station to the northwest and Riverside Centre to the southeast. Across the River Dour to the west lies the Grade I listed building 'Biggin Hall' which is approximately 17m from the application site and the nearby Conservation Area, some 30-35m distant. The total area of the site covers approximately 300m² (0.03ha). The site forms part of Maison Dieu Gardens, adjacent to Maison Dieu Car Park. Maison Dieu

Gardens are designated as "Open Space" although the specific location of the new building falls just outside the designated area of open space. The site falls within flood zone 3 and also lies in an area with archaeological potential.

- 1.2 The site is accessed via the Maison Dieu Road car park with alternative pedestrian route via the footbridge from the southern side of the River Dour from the High Street/Biggin Street and Ladywell.
- 1.3 This application has been submitted by 'Dover Community Association' and seeks permission to erect a detached single storey community building incorporating public toilets and a multi-purpose hall. It is also proposed to widen the existing footpath by reducing the area of the existing planting bed. The proposed building would be accessed via ramps and steps. The proposed hall/room would be approximately 44m² and would incorporate a small inbuilt office kitchenette. The new toilets have been designed to offer a unisex foyer and individual WC cubicles. The 'foyer' is linked to the additional space by a sliding glass door providing visibility and security.
- 1.4 The Design and Access Statement (D&AS) accompanying the application sets out the justification for the proposal, as follows:

"The existing public toilets are located just across the gardens within Biggin Hall. They are in very poor condition, offer poor value for money and are subject to problems such as anti-social behaviour and vandalism. Another prime factor to consider is that by reason of its size and condition, they are very expensive to operate, using vast quantities of water and are in need of an extensive overhaul. The current operators of Biggin Hall intend to close the existing toilets as funding is not in place to secure them. It is intended that the proposed building will provide the replacement facility. It is purpose designed and built for current needs."

Having discussed the proposal with DDC's Property Services, it is understood that a local need for public toilets has been identified in the area and that the proposal is designed to cater for that need.
- 1.5 The proposed building would have two entrances – one from the southwest elevation and the second entrance would be from the southeast elevation. Large sections of glazing are proposed to the southwest (front) and southeast (side) elevations. The majority of the front elevation would be clad in iroko/cedar hardwood cladding with yellow multi-stock brickwork to the base. The southeast elevation would be clad in yellow multi-stock brickwork with iroko/cedarwood cladding above the hall entrance with part of the elevation covered in metal seam cladding which is a continuation of the proposed galvanised standing seam roof. The northeast (rear) and northwest (side) elevations would be finished in yellow multi-stock brickwork. It is also proposed to have solar panels (8 units) within a part of the southeastern roofslope.
- 1.6 The submitted D&AS provides further clarification as to why the precise site was chosen for the development. It states that it was carefully selected to ensure that the building would not interrupt the feeling of open space in the gardens and would not overly interfere with existing footpaths and walk ways. The site was further restricted by the presence of large underground power cables that form part of the electrical infrastructure for Dover Town. Its location was chosen to avoid impact on these, with one cable requiring

alteration. The wider site is somewhat restricted but the proposed location was chosen having regard to its proximity to the existing CAB building and services including drainage; its ease of access from current footpaths; and its position which enables a degree of separation from the neighbouring properties.

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 flood risk
 - The impact on residential amenity
 - The impact on the highway network
 - The impact on Heritage Assets

Principle of the Development

- 2.2 The application site falls within Dover Mid Town area which is allocated for mixed development of public sector uses, retail and residential under Policy CP9 of the Core Strategy. It is relevant to refer to point (i) of the policy CP9 which states that planning permission will be granted provided any application for development is preceded by, and is consistent with, a masterplan for the whole site which has been agreed by the Council as a Supplementary Planning Document, or it (the application) otherwise would not jeopardise the masterplanning of the whole site. Whilst no masterplan has been submitted as part of the proposal, having regard for the limited scale of the development proposed, it is not considered that such a submission would be warranted i.e. its absence would not jeopardise any future masterplanning of the site. The proposal would therefore comply with point (i) of policy CP9 of the Core Strategy.
- 2.3 The suitability of the proposal is considered to turn primarily on the site specific impacts of the scheme which are considered in detail in this report.

Impact on the Character and Appearance of the Area (including heritage assets)

- 2.4 The application site lies at approximately 17m from the Grade I listed building to the west across River Dour and approximately 35m and 30m from neighbouring Conservation Area to the northwest and southwest respectively. Having regard for the significant separation distance with the nearby Conservation Area and the listed buildings, the limited scale of the proposal, detailed design and the existing neighbouring development, it is not considered that the proposed development would cause harm to the character and appearance of the nearby Conservation Area and the listed buildings. Comments from the Council's Heritage Officer confirm that no harm would arise to the listed building or conservation area. As far as NPPF is concerned, the impact of the development on these heritage assets is considered to be neutral. The proposal would accord with Sections 66(1) and 72(1) of the Planning Act.
- 2.5 The application site is immediately surrounded by buildings built in 1960/70s including Riverside Centre, The Well (KCC Community facility) and CAB Building (immediately adjacent to the application site). It is noted that the buildings in the vicinity do not follow any particular architectural

style. Riverside Centre has a shallow pitched roof with red brick and rendered walls. The Well has a flat roof, with parapet walls and red brickwork whilst the CAB Building appears to have Victorian architectural features and is finished in yellow stock brickwork.

- 2.6 The proposed building would be single storey and would have a pitched roof. It would have contemporary features such as large sections of glazing, a metal roof and utilises a combination of cladding materials including iroko/cedarwood and yellow multi-stock brickwork. Whilst the proposed building design does not exhibit features in keeping with the neighbouring buildings, given the variation in the design of the buildings in the immediate vicinity, the design of the proposed building is considered appropriate in this context.
- 2.7 By virtue of its siting, the proposed building would be readily visible from the Maison Dieu Car Park to the east and some views of the proposed building would be achievable from Maison Dieu Road (east). Whilst visible, by virtue of its scale, design and taking into account the design of the buildings in the vicinity, it would not appear out of character in the area. Furthermore, given the proposed use of high quality materials in the construction of the building, it is considered to raise the bar of design in the area.
- 2.8 For the foregoing reasons, your officers are satisfied that the proposal would not cause harm to the character and appearance of the area. It is considered to enhance the overall quality of the area by introducing a well-designed building on a site surrounded by buildings with little architectural merit.

Impact on Flood Risk

- 2.9 The application site lies within Flood Risk Zone 3. Where development within areas at risk of flooding is proposed, the NPPF requires that the Sequential Test is applied and, if necessary, the Exception Test. The aim of the Sequential Test is to steer development to areas with the lowest risk of flooding before sites in higher risk areas are utilised. Paragraph 101 states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 2.10 Policy CP9 (iii) of the Core Strategy (the site specific policy covering Mid Town) requires that all development be located within the site *in accordance with national policy on the degree of flood risk and compatibility of specific use and, where necessary, include design measures to mitigate residual risk*. In this case, the proposal should be subject to a detailed flood risk assessment including a site specific sequential test.
- 2.11 The application has been supported by a site-specific flood risk assessment (FRA) however it has not been accompanied by a sequential test as such, rather the FRA states that following investigations with a number of local estate agents, no similar/comparable sites (sites of a similar size) were found to be currently available. No evidence has been provided to elaborate on this conclusion, such as the Estate Agents contacted, period and/or area of search.

- 2.12 Paragraph 102 of the NPPF indicates that the objective of siting within an area with a lower probability of flooding (the objective of the Sequential Test) might be legitimately set aside where it is not possible, consistent with wider sustainability objectives, to locate the development within such an area. In the circumstances of this case, it is recognised that it would be desirable to seek a new siting that is reasonably well related to the former toilets at Biggin Hall. The Mid Town site provides a logical option, which is central (for ease of public use) and located adjoining a public car park. The site proposed is grouped with other community buildings and near to the intersection of walking routes into the town, including the riverside walk. Any alternative site, further away from the river, would be less 'connected'/central and might result in a more exposed siting, away from existing buildings, which would be a less acceptable 'fit' in townscape terms.
- 2.13 Information provided as part of the D&AS (referenced in 1.6 above) provides further clarification on the site selection criteria: Visual impact on the surrounding area; impact on residential amenity; proximity to the existing services such as drainage; and its ease of access from the existing footpaths. Taking these factors into account, your officers are satisfied that the merits of the location proposed meet wider sustainability objectives and as such set aside the need for a more detailed Sequential Test submission.
- 2.14 In conclusion, whilst it is acknowledged that no alternative sequentially preferable sites have been identified, the site chosen for the proposed development is deemed acceptable and compliant with the requirements of paragraph 102 of the NPPF.
- 2.15 The flood risk assessment document refers to the proposed use as 'Less Vulnerable'. According to Table 3 of the NPPG for Flood Risk Vulnerability and Flood Zone Compatibility, the development falling within Zone 3a classed as 'Less Vulnerable' does not require an exception test to be carried out. Whilst an exception test is not required, the FRA includes recommendations of appropriate flood mitigation measures to be incorporated in the proposed development which includes the following
- The walls are to be built as cavity brick/blockwork to mitigate against potential flood impact.
 - The construction of the new building would utilise flood resilient construction methods and include a solid concrete ground slab to avoid potential flood water ingress below suspended floor voids.
 - The types of materials used in the construction of the development would be chosen to prevent or reduce the risk of structural damage caused by flood or surface water runoff to prevent the growth of wet rot spores.

The EA recommends that the finished floor levels should be set at a minimum of 600mm above the design flood level of sleeping arrangements are provided at ground floor level or 300mm above the design flood level for habitable accommodation. The finished floor level of the proposed building would be approximately 500mm above the ground level. Furthermore, having regard for the detailed design of the building which seeks to incorporate the above-mentioned flood mitigation measures, it is

considered that the proposal is acceptable in terms of meeting the flood resilience criteria as outlined within EA's standing advice on flood risk.

- 2.16 The FRA also confirms that the site falls within an area assessed as having a 1 in 100 or greater annual probability of river flooding (greater than 1%), or a 1 in 200 or greater annual probability of flooding from the sea (greater than 0.5%) in any year. Flood defences reduce but do not completely remove the likelihood of flooding and can be over topped or fail in extreme weather conditions.
- 2.17 Regard must also be had for surface water drainage. The proposed development would introduce approximately 120sqm of impermeable surface finishes and therefore would increase the quantity of surface water runoff generated by this site. The FRA suggests that surface water runoff from the new development would be collected via a suitable network of drainage and discharged via suitable infiltration methods within the site or attenuated within a controlled discharge to match the Greenfield rate into the public system. A soakaway should be sited 5m away from any building. In this instance, should planning permission be granted, a condition would need to be attached requiring submission of details of surface water drainage for the site.
- 2.18 The NPPF states that where development is necessary in areas at highest risk, the development should be made safe without increasing the flood risk elsewhere.
- 2.19 The site lies within a 'floodplain' and the proposal, as submitted, would result in the loss of flood storage capacity. Any reduction in storage capacity would involve flood waters being diverted elsewhere, leading to third party detriment. The Environment Agency (EA) object to the proposal on this basis, stating that any uncompensated loss of floodplain capacity would be unacceptable. They advise that the proposals would need to be implemented in a manner that would secure the same floodplain storage capacity and in a manner that would allow water to freely fill and drain. The EA acknowledge that the detriment caused by a small encroachment in this case may not be significant, or even measurable, when taken in isolation but the cumulative effect of many such encroachments would be significant.
- 2.20 In response to the EA's objection, an amended Flood Risk Assessment (FRA) was submitted which concluded that the proposed building to be erected would currently flood to a depth of approximately 200-250mm during the 1% AEP (Annual Exceedence Probability) fluvial flood event. Due to the level limitations at this site, the FRA indicated that compensatory storage would be unlikely to work naturally under gravity and that therefore a pumped solution would be required.
- 2.21 Following the receipt of the amended FRA, the EA confirmed that it was unable to withdraw the objection and raised strong concerns regarding the appropriateness and feasibility of the pumped solution in the long run. It did however advise that rather than seeking to address these potentially significant shortcomings, the applicant should look at redesigning the building to incorporate carefully designed floodable voids beneath the ground-floor level. The EA advised that these should be designed to minimise the loss of floodplain capacity, minimise the potential for silt and

debris accumulation and should be constructed to be easily cleaned and maintained.

- 2.22 Following further discussions with the applicant's agent, concerns were raised about the additional costs associated with the suggested modifications to address the EA's objection, which were seen as currently financially unviable. As a consequence, no further modifications have been made to the proposal. It falls therefore to determine the application based on the scheme as submitted and the EA's advice.

Impact on Residential Amenity

- 2.23 There are no residential properties in the vicinity that would be directly affected by the proposal.

Impact on Archaeology

- 2.24 The application site lies in an area with archaeological potential associated with the ancient course of the River Dour and the subsequent infilling and reclamation of its estuary. KCC Archaeology have advised that the actual impacts likely to arise from the scheme remain somewhat uncertain and it is understood that the precise foundation design is dependent on the detailed soil analysis. As such, given the site's potential, KCC Archaeology have suggested that it would be appropriate to include a condition requiring a programme of archaeological works as part of any forthcoming planning consent.

Impact on Highways

- 2.25 The proposed community building would be sited adjacent to Maison Dieu Car Park and in close proximity to the bus stops on Maison Dieu Road. Having regard for the above, it is not considered that the proposed development would result in an unmanageable parking demand and would not cause harm to the free flow of traffic.
- 2.26 A private footpath runs adjacent to the site. Whilst it is acknowledged that the proposed building would encroach upon a part of the existing footpath, the proposed widening of the existing footpath at that point would ensure that the footpath would have adequate width to facilitate unobstructed pedestrian movement.

Other Matters

- 2.27 The NPPF requires the planning system to take into account the delivery of sufficient community and cultural facilities and service to meet local needs. In this case, the building would provide public toilets for which a need has been identified, following the closure of the Biggin Hall facility. It also includes a multi-purpose hall which would be used to provide a place to meet, hold social, cultural and educational activities for all ages and a place for people to get involved in community life. In this respect, the proposal would deliver recognised planning benefits. Information provided in the application form suggests that the proposed development would give rise to job opportunities for 2 new part-time employees, thereby supporting the economic objectives of the NPPF relating to building a strong economy.

- 2.28 The proposed opening times for the facility are 08:00 to 22:30 from Monday to Saturday and 09:00 to 22:30 on Sundays. The public toilets are proposed to remain open from 08:00 to 18:00 from Monday to Saturday and 09:00 - 16:00 on Sundays. 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 application site. As such, the proposed hours of operation are not objected to.
- 2.29 Concerns were raised regarding the possibility that the proposed unisex toilet block and the alleyway that would be formed between the CAB Building and the proposed building which may give rise to anti-social behaviour. It should be noted that the alleyway between the proposed building and CAB Building is gated and would be monitored with the help of a CCTV mounted at the CAB building's entrance. Furthermore, the design of the proposed building includes large sections of glazing which would allow for full visibility into the toilet foyer and would discourage any potential antisocial behaviour.
- 2.30 Kent Police have been consulted on this application. No objections have been raised. However, they have suggested that a condition be included to ensure their involvement and to ensure crime prevention is addressed. It has been highlighted in this report that the proposal is well sited and designed and is unlikely to encourage anti-social behaviour. The use of a condition as suggested by Kent Police would not satisfy the six tests (including necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects) for the planning conditions as outlined within National Planning Practice Guidance (NPPG), however, as an alternative, an informative could accompany any permission advising the applicant to contact Kent Police to discuss appropriate crime prevention measures.

3. Conclusion

- 3.1 This report identifies that the principle of providing a community building, incorporating public toilets, can be fully supported. The external design of the building is considered to enhance the local character and raise the bar of design in the immediate area. No concerns have been identified in respect of the impact on residential amenity (neighbouring residential occupiers being some distance from the site) or community safety. The proposed development is also considered acceptable in highways terms of its impact on the highway network and archaeology.
- 3.2 Notwithstanding the above, the proposed development would result in the loss of flood storage capacity and as such it would increase the risk of flooding. This would be contrary to the NPPF which clearly states (paragraph 101 & 103) that, *when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere*. The Environment Agency (EA), as a Statutory consultee has raised an objection to the proposal on this basis and recommend that the application be refused. The proposal would also be contrary to Policy CP9 (iii) which requires development on the site to accord with national policy on flood risk. National planning policy guidance states that all local planning authorities will be expected to follow the policy approach in the NPPF on

flood risk and that where it is not met, new development should not be allowed.

- 3.3 Negotiations with the applicant have not led to modified proposals coming forward that would address the EA's objection. Set against this and as acknowledged by the EA, the displacement of flood water storage (which could lead to third part detriment) might not be significant in the circumstances of this case, nevertheless harm would still arise which would be contrary to national planning policy. In light of this, and the EA's objection, your officers conclude that the planning recommendation in this case must be, for the reasons set out in part g) of the report, that permission be refused.

g)

Recommendation

- I PLANNING PERMISSION BE REFUSED for the following reason:
1. The proposed development would result in the loss of flood storage capacity in the floodplain and would thereby increase the risk of flooding elsewhere which could be detrimental to life and property, contrary to Policy CP9 (iii) of the Core Strategy and paragraphs 100 and 103 of the National Planning Policy Framework.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Benazir Kachchhi