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7 December 2022

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 15 December 2022 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Democratic Services on (01304) 872303 or by e-mail at democraticservices@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nicky', written over a white background.

Chief Executive

Planning Committee Membership:

J S Back (Chairman)
R S Walkden (Vice-Chairman)
M Bates
D G Beaney
E A Biggs
T A Bond
D G Cronk
D A Hawkes
P D Jull
C F Woodgate

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.
- 3 **DECLARATIONS OF INTEREST** (Page 5)

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

4 **MINUTES**

To confirm the minutes of the meeting of the Committee held on 17 November 2022 (to follow).

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING

(Pages 6-10)

5 **APPLICATION NOS DOV/20/01566 AND DOV/20/01567 - WHITE CLIFFS HOTEL, HIGH STREET, ST MARGARET'S-AT-CLIFFE** (Pages 11-33)

DOV/20/01566 - Change of use to and conversion into three dwellinghouses with associated parking, first-floor extension to one side with double-hipped roof and associated external/internal alterations (application for planning permission)

DOV/20/01567 - Alterations to facilitate conversion to three residential units including first-floor extension (application for listed building consent)

White Cliffs Hotel, High Street, St Margaret's-at-Cliffe

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

6 **APPLICATION NO DOV/21/00141 - BARN AT STAPLE FARM, DURLOCK ROAD, STAPLE** (Pages 34-42)

Change of use and conversion into four dwellings, associated parking and landscaping

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

7 **APPLICATION NO DOV/21/01683 - SITE AT CROSS ROAD, DEAL** (Pages 43-58)

Reserved matters application for details of layout, scale, landscaping and appearance for the erection of 100 dwellings pursuant to outline planning permission DOV/20/01125

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

8 **APPLICATION NO DOV/20/00623 - CHURCH FARM, THE STREET, STAPLE** (Pages 59-77)

Conversion of Kent barn and stable block to two residential dwellings (with associated works), erection of two semi-detached and one detached dwelling with associated parking (existing Dutch barn and side extension of Kent barn to be demolished)

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

9 **APPLICATION NO DOV/22/00781 - HALFORDS LTD, GRANVILLE STREET, DOVER** (Pages 78-90)

Change of use to gym (Use Class E(d)), in addition to existing non-food retail use, with external alterations to building (existing entrance lobby to be demolished)

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

- 10 **APPLICATION NO DOV/22/00935 - 32 ALISON CRESCENT, WHITFIELD** (Pages 91-101)

Change of use of outbuilding to gym for business use (Use Class E(d)) (retrospective)

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

- 11 **APPLICATION NO DOV/21/01581 - FELDER LODGE, DEAL ROAD, WORTH** (Pages 102-114)

Erection of two detached dwellings with associated parking (existing garage, outbuildings and swimming pool to be demolished)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

- 12 **APPEALS AND INFORMAL HEARINGS**

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

- 13 **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 step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
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- In order to facilitate the broadcast of meetings there have been cameras set up in the Council Chamber that communicate with Microsoft Teams Live. This enables meetings held in the Council Chamber to be broadcast for public viewing through the Council's website.

The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) General Purposes Committee; (d) Electoral Matters Committee; (e) Governance Committee; (f) Planning Committee; (g) General Purposes Committee and (h) Overview and Scrutiny Committee. Only agenda items open to the press and public to view will be broadcast.

These recordings will be retained for 30 days from the date of the meeting. The recordings will be uploaded to YouTube as soon as practicable after the day of the meeting. In normal circumstances this would be within 2 working days of the meeting. However, there may be circumstances where it will take longer. The recordings can be viewed on the Council's YouTube Channel - [Council meetings - YouTube](#)

- When you register to speak at a meeting of the Council, you will be asked whether you want your personal data (name, voice and image) and comments broadcasted on our website as part of the meeting. We will be relying on your consent for this processing; if you do not consent this will not affect your right to speak at a Council meeting. If you do not consent the microphone and camera in the Chamber will be temporarily switched off when you speak.
- 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.
- Members of the Committee may receive confidential information relating to personal data as part of an item of an exempt or confidential business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

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- 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 Democratic Services, democraticservices@dover.gov.uk, telephone: (01304) 872303 or email: democraticservices@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.

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.

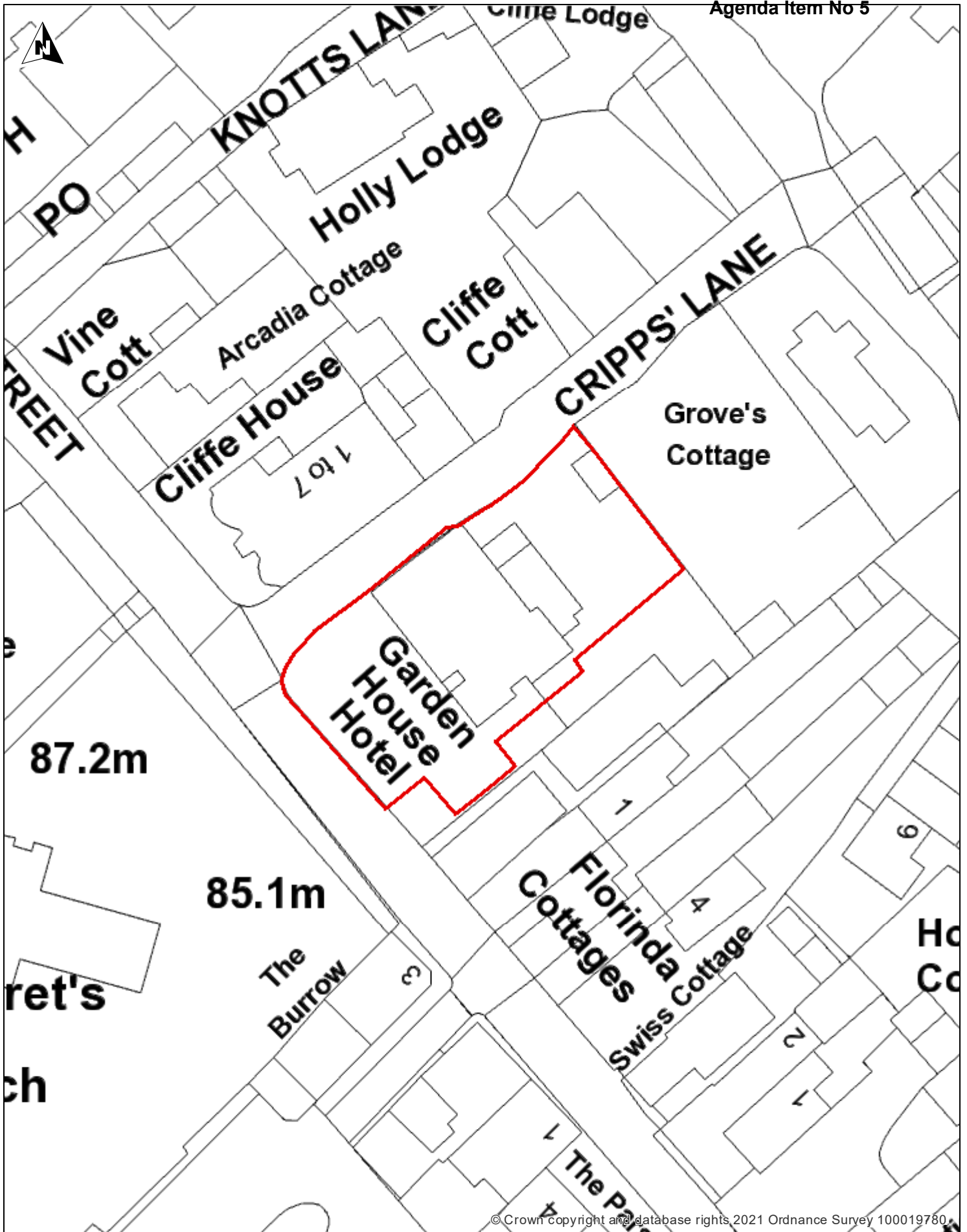
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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



20/01566 & 20/01567
The White Cliffs Hotel
High Street, St Margarets At Cliffe
CT15 6AT

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/20/01566 - Change of use to and conversion into three dwellinghouses with associated parking, first-floor extension to one side with double hipped roof and associated external/internal alterations (application for planning permission)**

DOV/20/01567 - Alterations to facilitate conversion to three residential units including first-floor extension (application for listed building consent)

White Cliffs Hotel, High Street, St Margaret's-at-Cliffe

Reason for referral – number of contrary views (60)

- b) **Summary of Recommendation**

Planning permission be granted for application reference DOV/20/01566, subject to conditions.

Listed building consent be granted for application reference DOV/20/01567, subject to conditions.

- c) **Planning Policy and Guidance**

Development Plan

The statutory development plan comprises:

- Core Strategy (2010) (“**the Core Strategy**”)
- Land Allocations Local Plan (2015)
- Saved Policies of the Local Plan (2002)

Relevant policies of the Core Strategy include:

- CP2: Provision for Jobs and Homes
- CP4: Housing Quality, Mix, Density and Design
- CP5: Sustainable Construction Standards
- CP6: Infrastructure
- DM2: Protection of Employment Land and Buildings
- DM4: Re Use or Conversion of Rural Buildings
- DM11: Location of Development and Managing Travel Demand
- DM13: Parking Provision
- DM24: Retention of Rural Shops and Pubs

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (July 2021) (“**the Framework**”), the weight to be given to them depends on their degree of consistency with the policies of the Framework (paragraph 219).

Other Material Considerations

Other information material to the consideration of the applications includes:

National Planning Policy Framework

The Framework sets out the Government’s planning policies for England and how these are expected to be applied. It is therefore a material consideration, to which significant weight should be attached in determining the application.

At paragraph 8, the Framework states that sustainable development has three overarching objectives – an economic objective, a social objective and an environmental objective. These are interdependent and need to be pursued in mutually supportive ways, seeking net gains across each.

Paragraph 11 identifies a presumption in favour of sustainable development. For decision-taking, development proposals that accord with an up-to-date development plan should be approved without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of footnote 7 policies provides a clear reason for refusing development, or any adverse impacts of doing so would “significantly and demonstrably” outweigh the benefits. Footnote 8 is clear that for applications involving the provision of housing, the most important policies will be considered to be out of date where a local planning authority cannot demonstrate a five year housing land supply.

Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way, and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

Paragraph 60 – to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 81 requires planning policies and decisions to create the conditions in which businesses can invest, expand and adapt. In support of a prosperous rural economy, planning should allow the sustainable growth and expansion of all types of business in rural areas; and the retention and development of accessible local services and community facilities.

Paragraph 93 – planning should provide the social, recreational and cultural facilities/services the community needs. Decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.

Paragraph 110 – applications for development should make appropriate opportunities to promote sustainable mode of transport; provide that safe and suitable access for all users; and seek to mitigate any significant impacts on the transport network (in terms of capacity and congestion) or on highway safety.

Paragraph 111 – development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 – planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 126 – the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 131 – trees make an important contribution to the character and quality of urban environments and can help mitigate and adapt to climate change.

Paragraph 152 – the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources; and support renewable and low carbon energy and associated infrastructure.

Paragraph 180 – if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Paragraph 199 – great weight should be given the conservation of designated heritage assets.

Paragraph 202 – where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Draft Dover District Local Plan

The draft Dover District Local Plan sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. The emerging Local Plan is at Regulation 19 consultation stage and is a material planning consideration in the determination of this planning application. The weight to be afforded to its policies depends (in accordance with paragraph 48 of the Framework) on the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the relevant policies and their consistency with the Framework.

Relevant policies of the emerging Local Plan include:

- Policy SP4: Residential Windfall Development
- Policy CC4: Water Efficiency
- Policy PM1: Achieving High Quality Design
- Policy PM2: Quality of Residential Accommodation
- Policy PM6: Community Facilities and Services
- Policy E4: Tourist Accommodation and Attractions
- Policy TI1: Sustainable Transport and Travel
- Policy TI3: Parking Provision on new Development
- Policy HE1: Designated and Non-Designated Heritage Assets
- Policy HE2: Conservation Areas

Legislation

The combined effect of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) is that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

d) Relevant Planning History

02/01101 & 02/01102 Erection of single storey kitchen extension to inn; external alterations to ancillary buildings; extension/alterations to ancillary building to create two self-catering units; and revisions to forecourt layout. Planning permission and listed building consent granted (02/12/02).

04/00805 Erection of building [to the side of the main hotel building] to form two units of self-contained holiday accommodation. Planning permission granted (14/09/04) and implemented.

04/00875 Raise height of existing boundary wall, rebuild south west and south east facing elevations, replacement windows, insertion of rooflights, external and internal alterations. Listed building consent granted (06/09/04).

07/00466 Erection of detached dwelling [on land to the rear of the main hotel building]. Planning permission granted (19/10/07).

10/00131 Renewal of planning permission 07/0466 for erection of detached dwelling [on land to the rear of the main hotel building]. Planning permission granted (04/05/10).

19/01112 Erection of two dwellings with associated parking [on land to the rear of the main hotel building]; and change of use and conversion of annexe buildings to two dwellings [to the side of the main hotel building]. Planning permission granted (27/03/20) and implemented.

19/01113 Conversion of two annexe buildings from self-catering accommodation to residential units; internal alterations to remove & insert new partitions, infill & insert new openings to form ground floor living accommodation; replace front elevation door with window. Internal alterations to remove & insert new partitions to form ground floor wc & first floor ensuite, bathroom & bedroom. Insert access gate with new piers to boundary wall. Listed building consent granted (27/03/20) and implemented.

21/01249 Erection of a detached dwelling with driveway, associated parking, cycle shed, and recycle store [on land to the rear of the main hotel building]. Planning permission granted (01/04/22).

22/00751 Removal of Condition 15 (restrict bar/restaurant use) of planning permission 19/01112 (erection of two dwellings with associated parking; and change of use and conversion of annexe buildings to two dwellings (application under Section 73). Condition 15 of 19/01112 removed (12/08/22).

(Officer comment: This will be explained further in the assessment part of this report)

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

St Margaret's-at-Cliffe Parish Council

Response of 12/02/21 & 22/02/21

Taken in conjunction with application reference 19/01112, the development would add a total of seven new dwellings to the historic, already crowded centre of the village, which is a Conservation Area. Cripps Lane is a narrow historic lane from which entry onto the High Street is already problematic. The High Street itself is narrow at this point. The proposed conversions of the hotel provide small houses, seeking as many dwellings as possible, and tiny gardens and does not enhance the appearance of this historic building

The Hotel sits in an important cluster of key historic buildings in the heart of the village.

The proposed changes will dramatically alter the hotel's original appearance and fabric.

Development will close a much-loved historic pub both for local residents and for the district's tourism economy. This application seems at odds with DDC's tourism strategy. Draft local plan DM Policy 24 Tourism: *'We will seek to retain and evolve a broad range of high-quality serviced tourist accommodation'*

Claims about viability, and the effect on the heart of the village's Conservation Area, need to be strongly and factually evidenced.

Taken with planning application 19/01112, these proposals crowd the site with 7 dwellings and the proposals should be looked at together as a whole.

The application claims it will provide 'much needed housing' but without any evidence of the specific needs in the village or a review of what is actually needed. The last Village Housing Needs survey (2011) identified a need for 39 affordable homes. Since 2011, nine affordable rented units in the village have been sold by the Bay Trust, removing them from the affordable rented sector. Two previous pub conversions in the village centre remain unsold. What is the evidence of need for houses of the size and type proposed in the application?

This proposal fundamentally changes the nature of the buildings and surrounding site which has had the same function and appearance as a single unit since 1885. There are concerns as to the future maintenance of a building which it is proposed would be in multiple ownership for the first time in its history.

The Parish Council believes that the changes proposed in the applications do cause substantial harm and loss to the community, to the street scene in the centre of the village, to the conservation area.

Claims that the hotel business is no longer viable are unsubstantiated. The applicants admit that the building has been in use for letting since April 2020. Claims made in the original application that it was closed and empty from April 2020 until recently, can therefore be discounted. The applicant claims a deterioration in the business makes the asset unviable. This is disputed by the Parish Council.

A well-managed and marketed hospitality business is a viable use of this building.

The applications will cause substantial harm but even if less than substantial harm is argued there is no public benefit from the applications and that the historic use as a bar/restaurant/hotel is the “optimum viable use” for the building and the community.

Supplementary response (undated)

Application 19/01112, granted in 2020, contained condition 15 which required the bar and restaurant in the White Cliffs Hotel to close if the adjacent properties were occupied by residents. But consider the White Cliffs Hotel remains a viable business as a pub/hotel if managed well, if service was better and prices made reasonable.

Dover Core Strategy Policy DM24 seeks for the retention of rural pubs and shops.

The proposals would cause substantial harm to this sensitive site in the centre of the village and conservation area.

Further Response (undated)

A further detailed response has been received from St Margaret’s at Cliffe Parish Council, raising matters or amplifying previous concerns in respect of:

- lawfulness of condition 15 of planning permission 19/01112;
- loss of pub/restaurant is not justified;
- impact on special interest & setting of listed building;
- impact on character and appearance of the conservation area; and
- impact on amenities of housing granted under planning permission 19/01112.

Response on Viability Assessment (undated)

The Viability Assessment Report is largely based on the issue of onsite parking space (only allowing 4 out of the 9 guest rooms to be occupied at one time and limiting bar restaurant area to residents only) and only analysing the accounts for March 2019 and March 2020.

The Viability Assessment Report has a number of weaknesses:

- the accounts cover a very limited period;
- assumed that the limited profits and the losses are a result of operating conditions but does not allow for managerial inefficiency or absence of effective marketing or business planning as contributory causes;
- the issue of restricted parking space is undermined by the closure of the bar and restaurant to preserve parking spaces at the front of the main building;
- the Parish Council considers that Condition 15 of planning permission 19/01112 is unlawful and should not be used to justify measures in subsequent planning applications;

- the Smugglers Inn has no car park yet remains open and operates very successfully;
- as the village car park is opposite the hotel, parking is not a determinative issue;
- St Margaret's attracts a high number of visitors and tourists in a normal year;
- efficiently managed amenities should have no problem making profits;
- other potential options such hotel/bar or bar/restaurant or pub with food or takeaway provision, which could provide good business opportunities, are not assessed;
- the viability of the sale of the White Cliffs Hotel business as a going concern has not been fully market tested. There has therefore been no real attempt to sell it as a commercial property/business;
- the Viability Assessment Report fails to take into account the expected increase in demand as we come out of pandemic restrictions; and
- the White Cliffs Hotel continues to operate as a hospitality business, as 'The White Cliffs Retreat'. It is not a lost cause.

Response Received 11/10/22

The consequence of the removal of Condition 15 of 19/01112 is that the business must now be assessed as a pub/restaurant/hotel rather than just a hotel.

Focus of objection is on the pub/restaurant business. Policy DM24 (retention of rural shops and pubs) applies to this application.

Previous objections demonstrate that loss of the pub/restaurant provision would harm the economic and social viability of the community and those objections remain.

No evidence that the whole business has been genuinely, let alone adequately, marketed or that the pub/restaurant element has been marketed at all.

Both the new Viability Assessment and the previous one are based on estimated income and costs, in the absence of normal accounts. Neither study is independent, and both are very narrow in their evaluation of business opportunities.

The application fails to meet the requirements of Policy DM24 and would also fail the provisions of Policy PM6 in the new Local Plan.

The Parish Council maintains that the amended Viability Assessment does not provide a valid justification for change of use of the White Cliffs hotel and contains several statements and estimates that undermine its own conclusion. It does not consider a business model as a pub/restaurant only (no hotel) or other ways to use the upstairs floors without impacting the look of the Grade 2 listed building within the conservation area at the centre of the village.

There is no consideration in the Viability Assessment as to how car parking provision is a threat or weakness to the continued operation of the pub/restaurant. The nearby Smugglers Inn operates very successfully with no parking at all.

The inference is that the pub/restaurant could only accommodate 34 guests belittles the size and potential of this facility. For events there have been well in excess of 100 patrons inside the building. This section neglects to mention outside areas.

The alleged difficulties with the road layout/absence of parking etc would not be problematic for the efficient running of the pub.

It is documented in the report that the estimated annual revenue of the pub / restaurant alone is likely to be £320,000 (gross profit would £200,000 i.e. 62%). Whilst this is just an estimate and is not the actual profit, it could be a more profitable business if it was operated more efficiently.

The Viability Assessment claims that a fair maintainable trade would result in a gross profit of £265,000. If the argument concerning primary and ancillary uses etc is considered, the fact that the gross profit of the pub / restaurant alone is estimated at £200,000 and hotel estimated at £65,000 suggests that the primary use of the planning unit would be that of a pub/restaurant and the hotel element is ancillary.

If the first-floor hotel element was rented or sold as flats, the ground floor pub/restaurant would be even more profitable.

The Viability Assessment is very narrow in its thinking and has not considered other options / alternative uses and/or rationalisation with regard to costs / expenses.

The Viability Assessment has not tested the market, so this is not a tried and tested viability report. It's an opinion, it's not independent and it's not objective as it was undertaken on behalf of the applicant and paid for by the applicant.

Core Strategy paragraph 1.78 relating to relating to Policy DM24 requires regard to be had to the way in which the shop or pub has been managed.

This Viability Assessment indicates that the pub / restaurant business is significantly more profitable than the hotel element and could be greater if it was run efficiently. Any viability issues are more a result of ineffective management and poor decision making than an inherent weakness in the business.

It has demonstrated that loss of the White Cliffs pub/restaurant will cause harm to the local community. It reiterates that 10 years ago the village centre of St Margaret's at Cliffe was served by four pubs but these applications would reduce that number to one. It will result in loss of much needed hospitality provision for not just locals but visitors.

St Margaret's is on the Kent Heritage Coast which is ranked as one of the best places to visit in the world. There is no mitigating public benefit.

The change of use to residential would cause permanent harm to the appearance and setting of the Grade 2 listed building and harm to the Conservation Area in the centre of the village.

DDC Heritage (comments relating to the listed building application ref: 20/01567)

The White Cliffs Hotel was originally constructed to provide school classrooms and accommodation as a part of the adjacent Cliffe House School in the C18th & C19th. The main boarding part of the school was in Cliffe House, accessed across Cripps Lane by a walkway at first floor level which still exists. Since the late C19th, the White Cliffs has functioned as a hotel.

The proposal seeks to convert the building into 3no. residential units by subdividing the interior vertically with party walls forming the separation. The works include forming a new front entrance, separate rear gardens and allocated parking to the front. A first-floor extension is proposed by removing the roof of a single storey side addition.

As existing this single storey addition functions as a kitchen to the hotel, as approved and constructed in the early 2000's. The proposed first floor extension is to provide accommodation for the proposed unit 3. The design reflects the character and appearance of the building and replicates the roof form of the existing side additions.

The interior of the building has been significantly altered in the C20th assumed prior to listing. Specific fireplaces appear to survive and are largely unaffected by the proposed works, but the historic plan form and layout does not survive intact. This is particularly of note at first floor level where many of the spaces consist of modern partitioning forming separate bedrooms with ensuite facilities.

Assessment of Impact

The proposal seeks to retain the building's character as much as possible whilst also ensuring it has a viable use forming residential accommodation. The proposed extension is modest and subservient to the listed building, with a simple design with materials that are sympathetic to the character of the listed building.

The building's interior and historic fabric is largely unaffected by the proposed subdivision of the spaces. Also, of note is how the historic spatial quality of the interior is no longer easily read or appreciated due to previous alterations. It is considered that the proposed internal works cause no harm to the significance of the building.

Amended plans have been received that retain a central chimney, which previously was shown to be removed.

Alterations are considered relatively minor but will result in the loss of fabric including inserting a new door and window to the principal south west elevation, alterations to the size of window openings to the 2nd floor side south east elevation, and the re-organisation of internal spaces to form the party wall separation and new stairs access. Due to the extent of alteration to the exterior of the listed building, the very minor amount of fabric affected (majority of which is C20th) and the design of the extension and doors/windows, it is considered that these works would not cause harm.

The proposed first floor extension would form part of the principal south west elevation. It reflects the character of the listed building, with a traditional design and matching materials which is considered appropriate. Its scale and siting do not compete for dominance and is considered to complement the character and appearance of the building. Due to the detailed design and siting of the extension it is considered that there is no harm.

The building's function as a hotel is not considered a significant aspect of its special architectural character.

Impact on the character of the Conservation Area

The White Cliffs Hotel is set back from the main street frontage centrally located within St Margaret's at Cliffe village. The building and its neighbouring 'bunkhouses' are prominent due to their external cladding in white timber weatherboarding, which is distinctive to this site, as the surrounding architecture has a material palate of rendered, brick and in some examples flintwork. Cliffe House is a Grade II listed

building and sits adjacent to the White Cliffs Hotel. Opposite the site and across the main High Street on high ground sits the Church of St Margaret.

The proposed first floor extension is sited such that it would not restrict views from public vantage points. There would be clear views of the extension within the conservation area, but the complementary, high standard of traditional design would add to the overall character of this part of the conservation area. The extension is subservient to the White Cliffs Hotel and surrounding buildings and would preserve the character of the conservation area.

The site plan includes the parking for each new residential unit. This proposal is no different to the existing arrangement which currently provides car parking spaces at the front of the building. The subdivision of the rear garden area to create separate gardens for each unit is proposed with fencing/boundary's indicated including bike sheds, bin stores and additional hardstanding. These items are all located to the rear of the building with no public views affected. This proposal causes no harm and would preserve the character of the conservation area.

DDC Environmental Health

No objection

DDC Strategic Tourism Manager

Consulted, no response

DDC Viability Consultant

Of the opinion that The White Cliffs Hotel High Street St Margaret's at Cliffe is not capable of operating a viable business without any planning conditions imposing restrictions on the manner of use of the restaurant/bar.

Of the view that the business will generate an 'Earnings Before Interest Tax Depreciation Amortisation and Property Costs' (EBITDA) profit of £43,421.

After property costs and depreciation, of the view that the business would generate a small pre-tax profit of £5,921.

At this marginal level of pre-tax net profit, does not consider the business to be viable.

In order for the business to be considered viable, of the view that the business would need to achieve annual revenue of at least £460,000 which is significantly more than the level considered to be achievable.

If the revenue forecasts used by Pinders (acting on behalf of the applicant) were adopted, consider that the EBITDA profit would be in the order of £48,000. This would result in a pre-tax profit after property costs and depreciation, in the order of £10,500 per annum. Consider the business is not capable of operating profitably based on the applicant's expert's assessment of revenue.

Consider the business to not be viable on this financial performance because the owner would not see any return on their labour and financial investment in the business.

Marketability

It is understood that the property has not been formally marketed as available for occupation by another operator, either on a freehold or leasehold basis.

Market conditions are currently weak. The cost of living crisis, recent financial markets uncertainty, expected inflation and interest rates, and lack of consumer confidence means that the outlook for the UK economy is poor. The outlook for hospitality businesses is particularly poor, since the sector is also affected by a major labour shortage as well as large increases in utilities and other input costs.

If this property were to be marketed, expected that there would be very little demand to be forthcoming from the market from potential operators. It is difficult for would-be purchasers or lessees to secure funding for new ventures. The fact that the business needs to be established and is not in existence today and already operating, with a customer base, workforce, reputation and the like, would make this a high risk start up situation. This increases risk to a prospective purchaser/operator and further reduces likely market demand.

KCC Highways

Confirmed no comments

Southern Water

No objection

Public Representations

A total of 60 letters of objection to the proposed development across the applications for planning permission and listed building consent have been received which raise the following comments:

- loss of employment opportunities
- loss of important pubs
- increase in traffic
- over development of the site
- lack of community engagement by applicant
- harmful to the conservation area
- viability case has not been made
- loss of vibrant community facility and amenity
- better management of hotel is needed
- lack of parking in the village
- loss of tourism opportunities
- lack of visitor accommodation in the area
- could be a suitable wedding venue
- split ownership will harm the listed building
- other pub conversions difficult to sell

The Site and the Proposal

The Site

- 1.1 The site comprises the White Cliffs Hotel, located on the corner of High Street and Cripps Lane in the centre of St Margaret's at Cliff.

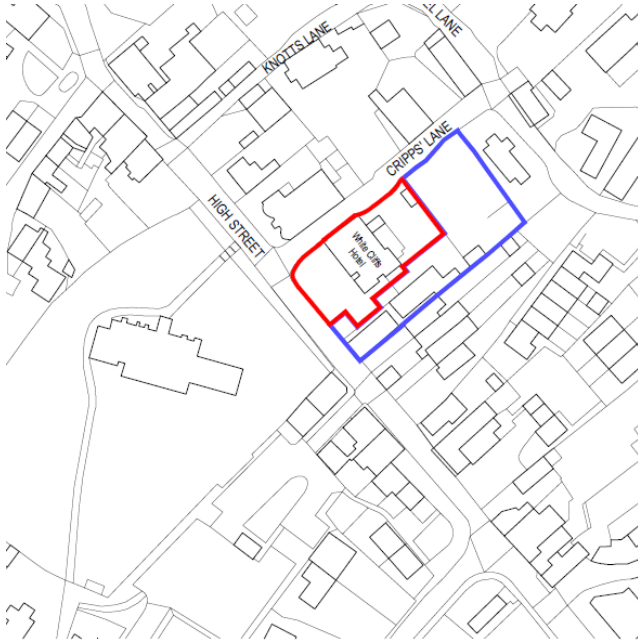


Figure 1: Application Site

- 1.2 The hotel building has two distinctive three-storey gables facing High Street, with an asymmetric profile and hipped roof form at the rear. Adjoining the south east flank is a two-storey structure (an older part of the building) with a more recent single storey extension in front, each with a simple pitched and hipped roof over.



Figure 2: Street Scene

- 1.3 The planning unit and application site comprises the hotel building described above, along with a gravel forecourt (served by an existing vehicular access from the south western end of Cripps Lane) and garden to the rear. This is consistent with development approved under planning permission reference 19/0112, which allowed

the construction of two new houses on land (to the rear) formerly used for car parking, and the change of use / conversion of annex buildings (to the south east) as two independent dwellings.

- 1.4 The hotel building is Grade II listed; and the site is within the St Margaret's at Cliffe Conservation Area. A fuller description of the listed hotel building and conservation area is provided in the comments of DDC Heritage above.

Surrounding Area

- 1.5 Centrally located in the village, the site is within walking distance of local amenities including convenience shop, pub, primary school and public car park.
- 1.6 Opposite the site is the Church of St Margaret (Grade I listed), but generally screened from High Street by a treed hedge; to the rear beyond the former hotel car park is a single storey cottage; to the north west is the more imposing (three storey) building of Cliffe House (Grade II listed); and to the south east, beyond the former hotel annex buildings, is a row of terraced houses.

Proposed Development

- 1.7 Planning permission and listed building consent is sought (as two separate applications) for (i) the change of use and conversion of the hotel building to three residential dwellings; (ii) a first floor addition to the adjoining single storey extension; and (iii) other internal and external works / alterations to the listed building.
- 1.8 The building would be divided vertically, with:
- unit 1 (four bed) on the north western side, over three floors, which would utilise the existing main front door and staircase;
 - unit 2 (four bed) in the centre, again over three floors, for which a new front door and new staircase would be provided; and
 - unit 3 (three bed) on the south eastern side of the building, over two floors, including a new front door and internal staircase.
- 1.9 Other alterations to the exterior of the building include a new ground floor window on the front elevation for unit 2, a set of doors on the rear elevation for unit 1, and the enlargement of two first floor windows on the south eastern flank elevation.



Figure 3: Proposed Front Elevation

1.10 Internally, main alterations include:

- ground floor: removal of ground floor bar fittings and toilets, some partition walls and kitchen facilities; construction of new dividing walls between the three units; and installation of two new staircases;
- first floor: removal of hotel bathrooms and some partition walls, as well as removal of area of floor to accommodate the new staircases;
- second floor: removal of hotel bathrooms and some partition walls.



Figure 4 Proposed Ground Floor

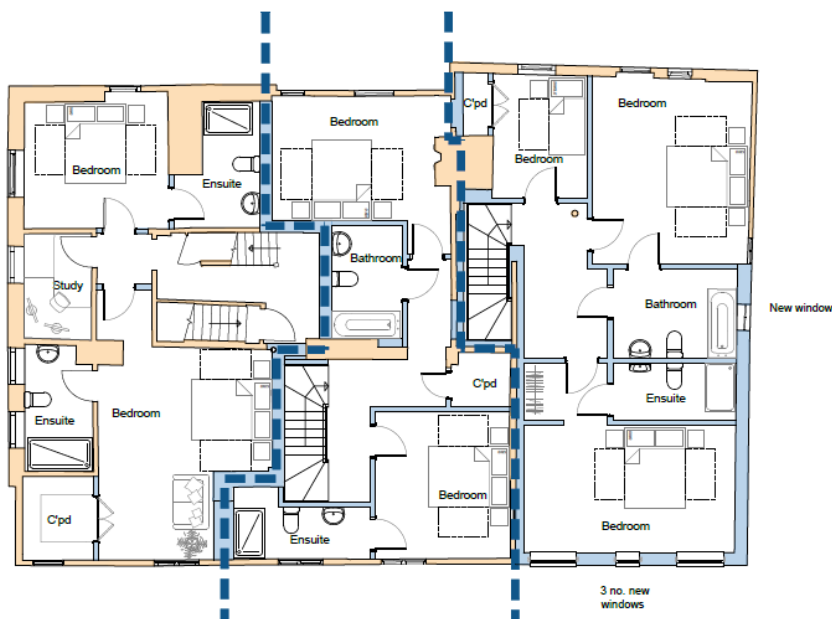


Figure 5: Proposed First Floor

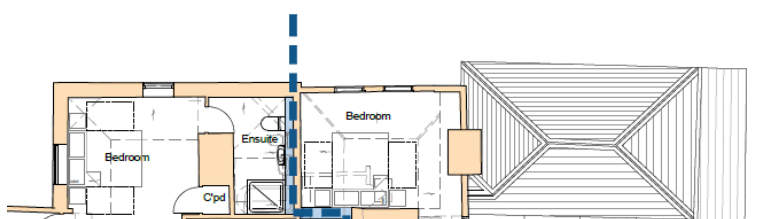


Figure 6: Proposed Second Floor

- 1.11 Existing vehicular access to the site would be retained, with six car parking spaces to be provided for the three dwellings in an arrangement similar to the current situation.
- 1.12 To the rear, the existing garden would be divided into three, with each divided area providing for cycle and bin storage.

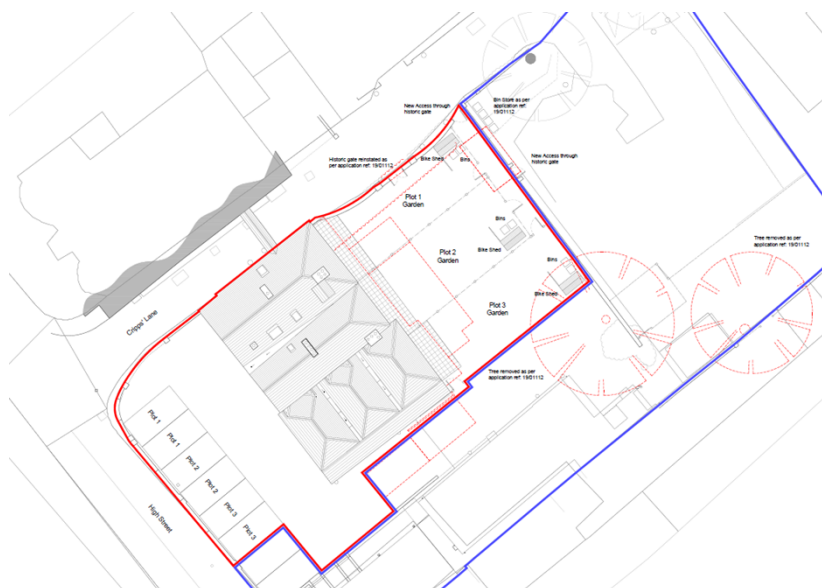


Figure 7: Proposed Site Layout

- 1.13 The reinstatement of a historic gate on the north western boundary wall is proposed, as is a new gate onto Cripps Lane to provide rear access to each of the gardens.
- 1.14 Supporting information for the application include:
 - Heritage Statement
 - Design & Access Statement
 - Viability Assessment Report (November 2021)
 - Viability Assessment Report (September 2022) (revised to take account of removal of restriction of use of bar / restaurant)

2. Background

- 2.1 These applications for planning permission and listed building consent (20/01566 and 20/01567) were considered by the Planning Committee in March 2022 (for the same development as presented here) where it resolved that both be approved.
- 2.2 Following that resolution, and before decision notices could be issued, the Local Planning Authority received a planning application (reference 22/00751) from St Margaret's Parish Council (under s.73 of the Town and County Planning Act 1990 (as amended)) to remove a specific condition (Condition 15) of an operative planning permission (reference 19/01112) relating to the application site.

- 2.3 That planning permission was for the erection of two dwellings (on land to the rear of the main hotel building) and change of use and conversion of annexe buildings to two further dwellings (to the side of the main hotel building). Condition 15 read as follows:

Upon the first use of either unit 4 or 5 as an independent self-contained dwelling, or the first occupation of either unit 1 or 2, whichever of these events occurs first, the bar and restaurant facilities within the hotel/bunkhouse shall cease to offer facilities to non-residents and shall thereafter only be available for the use of resident guests of the hotel.

Reason: To ensure that adequate car parking facilities are available to serve the proposed residential dwellings, in the interests of highway safety.

- 2.4 As the restriction of Condition 15 was material in the consideration of the undetermined applications as reported here, the Local Planning Authority held back issuing any decision notice until the application to remove Condition 15 had been determined.
- 2.5 That application (for the removal of Condition 15) was considered and approved by the Planning Committee at its meeting in August 2022 and the decision notice issued.
- 2.6 Planning and listed building applications 20/01566 and 20/01567 are now referred back to Planning Committee for further consideration in light of the removal of Condition 15 of 19/01112 which is considered to be a material change in circumstances.
- 2.7 Since Planning Committee in March 2022, the Council's emerging Local Plan has been published for consultation at Regulation 19 stage, with increased weight now being applied to its draft policies. That weight is informed by the extent to which there are unresolved objections and the degree of consistency of that policy to the Framework.

Main Issues

- 2.8 Against this background the main issues in the consideration of this application are:

- Loss of the existing use
- Suitability of the site for residential
- Impact on listed building and conservation area
- Residential Amenity
- Highway Safety
- Other matters
- Planning balance / conclusion

Assessment

Loss of the Existing Use

Hotel Accommodation

- 2.9 The proposed loss of the hotel use is considered in the context of the challenges facing Dover's local economy, as highlighted by the Core Strategy (paragraph 2.67): that the economy lags behind other parts of the county, is polarised between low and higher

value businesses and has an underdeveloped tourism sector (with the District seen as a transit location rather than destination).

- 2.10 The Core Strategy identifies (paragraph 3.25) the considerable opportunity to encourage economic growth through tourism, including by enhancing the overall hotel offer and better promotion of the District's historic and natural assets.
- 2.11 The Council's more recent 'Growth strategy for tourism and the visitor economy' sees hotel development as an important component of a wider economic strategy, although with greatest focus on new larger 4/5* schemes.
- 2.12 The draft Local Plan is consistent with this economic strategy, promoting new hotels, or improvements to existing ones, to enhance the quality of accommodation and increase the number of visitors and their length of stay.
- 2.13 The importance of tourism, and in particular larger scale hotels, to Dover District is reflected in draft Local Plan Policy E4 (Tourist Accommodation and Attractions). This seeks to prevent the loss of existing tourist accommodation of 10 or more bedrooms unless it can be demonstrated the use is no longer suitable or viable. This threshold of number of bedrooms is considered to reflect the greater economic importance of larger hotels.
- 2.14 Given the smaller size of the White Cliffs Hotel with seven guest bedrooms, the tests of Policy E4 for the loss of a greater amount of hotel accommodation do not apply to this application.

Viability

- 2.15 Notwithstanding the position with Policy E4 of the emerging Local Plan, the applicant has provided a Viability Assessment Report (September 2022) relating to the existing use on the site, which considers the guest accommodation and the ground floor bar / restaurant facility together. Viability Assessment Report presents that the hotel is not a commercially viable enterprise for a number of key reasons – that:
- on site car parking is limited to six spaces;
 - due to a lack of car parking only four guest rooms are likely to be occupied at any one time; and
 - the upkeep of the listed building is relatively expensive.
- 2.16 The applicant's Viability Assessment Report considers the hotel (including the bar / restaurant) would deliver a 'fair maintainable operating profit' of £40,000 per year, which would represent a very low rate of pay; and if the owners had some form of debt finance that would likely take earnings to below the National Minimum Wage.
- 2.17 The Council has sought independent advice in respect of the applicant's Viability Assessment Report, to review the robustness of its findings. This Viability Review considers viability using the applicant's revenue assumptions as well as making its own assessment of viability that includes all seven hotel rooms being available.
- 2.18 The Viability Review considers the business would make a 'earnings before interest tax depreciation amortisation and property costs' profit of £43,421, which after property costs and depreciation would generate a small pre-tax profit of £5,921. Notably, this figure is without any wages or return on investment to the proprietor.

- 2.19 At this level, the Viability Review considers that the existing business on the site is not viable.
- 2.20 As to what the minimum level of revenue would need to be for the business to be considered viable, the Viability Review considers at least £460,000 per annum which it considers unlikely to be achievable.

Rural Shops and Pubs

- 2.21 Core Strategy Policy DM24 presents that the loss of a rural shop or pub would only be allowed if (i) that loss would not harm the economic or social viability of the community or (ii) it has been adequately demonstrated that the use is no longer commercially viable including the marketing of the premises as an ongoing use.
- 2.22 Whether the bar / restaurant is ancillary to the hotel or vice versa as the Parish Council alleges, it is considered (as it was in the reporting of planning application 19/01112 to Planning Committee) that the loss of the bar / restaurant would not “*significantly harm the viability of the settlement or mean that it fails to meet its day-to-day needs.*” For this reason, Policy DM24 is therefore satisfied.
- 2.23 If a different view is taken on Policy DM24 limb (i), regard is had to the viability position set out above. For this, both the applicant’s Viability Assessment Report and the Council’s Viability Review come to the same conclusion that the existing business, as a whole, is not financially viable.
- 2.24 Whilst under limb ii) Policy DM24 seeks for a premises to be realistically marketed, and noting Parish Council representations that the White Cliffs Hotel has not been, regard is had to the Viability Review advising that:

“If this property were to be marketed, I would expect very little demand to be forthcoming from the market from potential operators. It is difficult for would-be purchasers or lessees to secure funding for new ventures. The fact that the business needs to be established and is not in existence today and already operating, with a customer base, workforce, reputation and the like, would make this a high risk start up situation. This increases risk to a prospective purchaser/operator and further reduces likely market demand.”

- 2.25 The Viability Review is a material consideration that demonstrates compliance with Policy DM24 limb ii) or otherwise indicates that objection on the grounds of that policy could not be sustained.
- 2.26 The detailed responses from the Parish Council include that other alternative developments or business models should be pursued, but it is considered only reasonable to consider the existing site against its current lawful use. With regard to text in the Core Strategy that “*the Council will have regard to the way in which a shop or pub has been managed*” the viability advice received does not assess the business when last in full operation as that would be during periods of Covid restrictions or before the annexe accommodation was separated from the hotel (converted to residential) and so representing circumstances not directly applicable to the existing use today. Rather, the viability advice considers how the existing use could operate in the future were it to reopen.

Community Facilities and Services

- 2.27 Policy PM6 of the emerging Local Plan identifies pubs to be a community facility and seeks to retain that facility unless there is alternative provision in the local area

(amongst other circumstances); and where that pub is in a rural area that community would be left without or with seriously diminished such facilities unless the use is demonstrated to be no longer commercially viable. Policy PM6 is generally considered consistent with the Framework as national policy.

- 2.28 If the bar / restaurant of the hotel is considered in this context (against Policy PM6) regard should be had to the nearby 'The Smugglers' pub (also serving food) in the village and other places to eat and drink in St Margarets Bay such that it is considered the village would not be without or with a seriously diminished offer of such facilities that the proposed development would be contrary to Policy PM6. (In respect of St Margarets Bay, Framework paragraph 78 highlights that development in one village may support services in a village nearby in terms of their overall sustainability.)
- 2.29 The viability test of Policy PM6 has been addressed above.
- 2.30 The proposed development is considered compliant with draft Local Plan Policy PM6.

Suitability of the Site for Residential Use

- 2.31 Core Strategy Policy DM4 encourages the re-use or conversion of buildings (including for private residential use) within villages, especially where that building positively contributes to the local character.
- 2.32 As the existing building clearly contributes to the special character of the St Margret's at Cliff Conservation Area, as well as being Grade II listed and of significant architectural merit, its conversion and reuse (where it is demonstrated the hotel is unviable) is consistent with the objectives of Core Strategy Policy DM4.
- 2.33 Draft Local Plan Policy SP4 (Residential Windfall Development) allows for residential development within and adjacent to St Margarets at Cliffe as a sustainable settlement.
- 2.34 In terms of being within the built-up area of the village, walking distance of local services/amenities and with opportunities for the use of sustainable modes of travel (with regular bus services between Dover and Sandwich), the site is considered a suitable location for the small number of houses that would be created.
- 2.35 Each house would have a reasonably sized and private garden to the rear, as well as a suitable arrangement for the storage of refuse bins and cycles.
- 2.36 The new and enlarged windows at first and second floor height on the south eastern elevation can reasonably be conditioned to be obscured glazed and so would not result in a material loss of privacy to the adjacent houses to the south east.

Impact on the Listed Building and Conservation Area

- 2.37 Externally, proposed changes to the listed building and its curtilage are considered limited.
- 2.38 The first floor extension on the south eastern flank is subservient to the main building, and sympathetic in its roof form and proposed use of materials. Other external alterations of the insertion of new doors and windows are minor, and again sympathetically detailed, and would not have more than a limited impact on the appearance of the building.

- 2.39 The Heritage Officer also advises that the building's function as a hotel (given it previously was part of a school) is not considered a significant aspect of its special architectural character. The building does not display any historic features that can be considered to define its function either as a hotel or as originally designed (as school rooms) and, therefore, it is considered that there is no harm to the significance of the listed building as a result of the change of use.
- 2.40 The division of the rear garden and introduction of domestic accoutrements is considered to have a minor and limited impact upon the setting of the listed building.
- 2.41 With all aspects of the proposed development taken together, it is considered that no harm would be caused to the significance of the listed building.
- 2.42 In relation to the surrounding conservation area, the proposed development (with regard to the comments of the Heritage Officer) would cause no harm and preserve its recognised and special character.

Listed Building Consent Application

- 2.43 Paragraph 195 of the NPPF requires the local planning authority to assess the significance of a heritage asset and take this into account when determining proposals which affect a heritage asset. Under paragraph 197 a local planning authority is required to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make and the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.44 The White Cliffs Hotel was originally constructed to provide school classrooms and accommodation as a part of the adjacent Cliffe House School and has functioned as a hotel since the late 19th Century. The interior of the building has been significantly altered in the 20th Century with alterations to the historic planform to facilitate the hotel function, including large open plan spaces to the ground floor, and in respect of internal features, only some historic fireplaces survive.
- 2.45 The proposal seeks to convert the listed building into three residential units, provide a new front entrance and first floor extension to the rear over an existing modern addition which currently forms the hotel kitchen.

Assessment of Harm

- 2.46 Paragraph 199 of the NPPF requires that, when assessing the impact of a proposal on the significance of a listed building, great weight should be given to the asset's conservation.
- 2.47 Due to the extensive previous alterations to the interior of the listed building and consequential impact on the original character of the spaces, as well as advice from the Council's heritage officer that 'the building's function as a hotel is not a significant aspect of its special architectural character', the proposed subdivision is not considered to cause harm. Amended plans have been secured that retain a prominent central chimney that originally was shown to be removed. The proposed extension has been designed sensitively so that it forms a natural addition to the listed building. Other external alterations will result in very limited loss of fabric of which the majority is 20th Century in date. The detailed design of the door and windows is traditional. It is therefore considered that there will be no harm to the significance of the listed building.

- 2.48 As a conversion of an existing building, with limited external changes, there is no impact upon neighbouring residential amenities.
- 2.49 For future occupants, the layout and size of the units is informed by an appropriate approach to the conversion of the listed building and would provide a suitable internal living environment along with outdoor amenity space.

Highway Safety

- 2.50 For three houses, six car parking spaces (positioned across the front of the site as is the existing arrangement) is considered appropriate to accommodate the likely level of parking demand.
- 2.51 Vehicular access close to the corner of High Street / Cripps Lane remains unaltered.

Other Matters

- 2.52 There is no objection from Southern Water re foul drainage, with general infrastructure demand being similar or no greater than the existing use.

3. Conclusion

3.1 Dealing first with the loss of the existing use: as the size of the hotel is below the 10 bedroom threshold, there is no breach of draft Local Plan Policy E4; and if the bar / restaurant was considered to be a rural pub or community use, Core Strategy Policy DM24 and draft Local plan Policy PM6 are satisfied with regard to other nearby facilities and the conclusions of the financial viability assessments.

3.2 In these circumstances, Core Strategy Policy DM4 encourages the reuse/conversion of existing buildings in general; and as a listed building paragraph 190 of the Framework identifies (for plan making, but also considered an important objective when assessing planning applications) the desirability of sustaining and enhancing the significance of a heritage asset, seeking a viable use consistent with its conservation.

3.3 The change and conversion of the listed building from a hotel to three dwellings is considered a viable use – one that will conserve its heritage significance (as a public benefit) as well as making effective use of previously developed land in a suitably sustainable location. The proposed works would cause no harm to the historic or architectural character or appearance of the listed building. In turn, the development would preserve the character and appearance of the designated conservation area and there would be no harm to residential amenity and highway safety.

g) Recommendation

Application 20/01566

- I That PLANNING PERMISSION BE GRANTED subject to conditions to include:
1. Standard time limit
 2. List of approved plans
 3. Material samples
 4. Details of improvements to north west boundary wall
 5. Fencing details for internal gardens
 5. Fenestration and new door details, including joinery

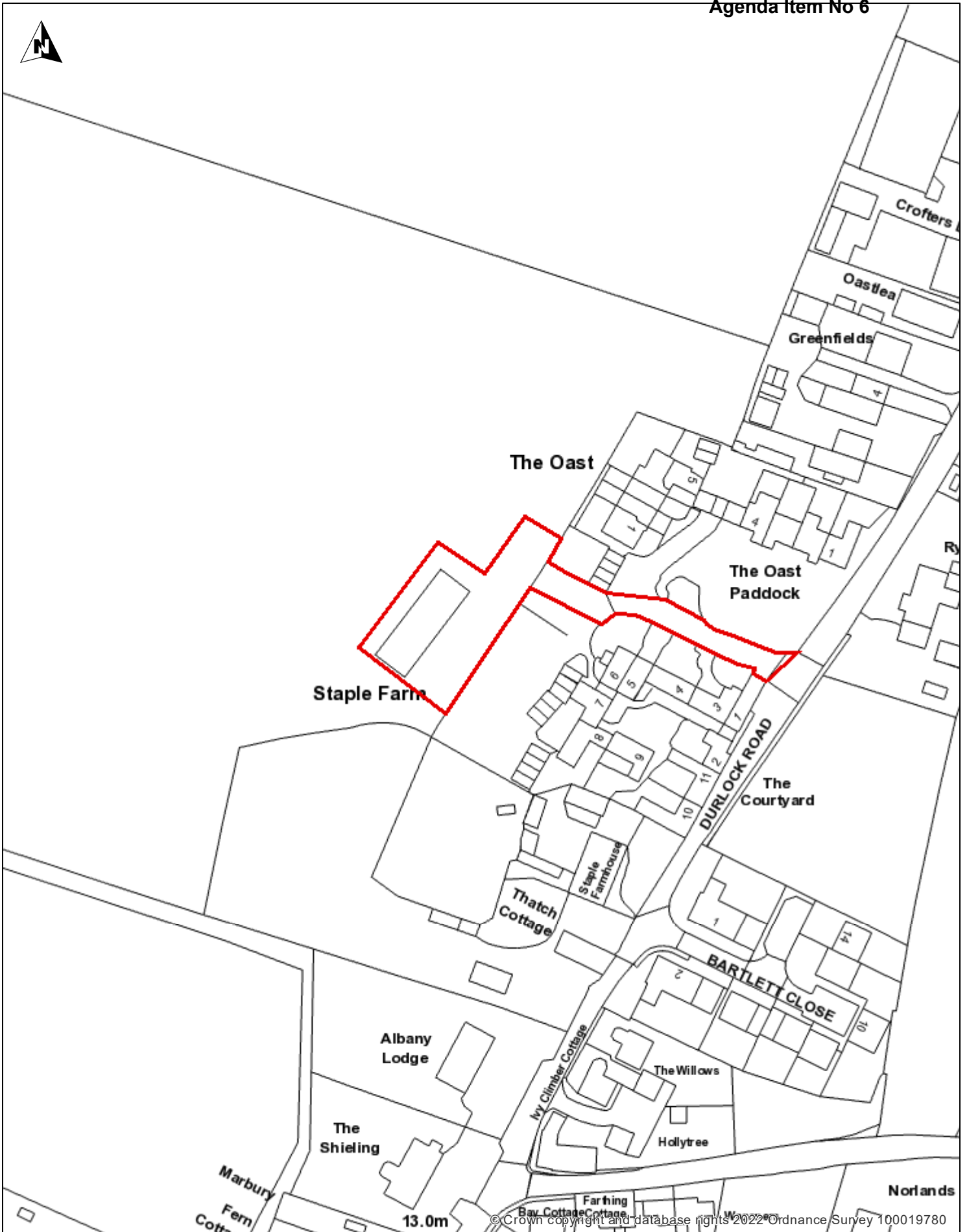
7. Construction Management Plan
 8. Surface water drainage details
 9. Parking spaces – provision and retention
 10. Bin and cycle storage in accordance with approved plans
 11. Water efficiency of 110 litre per person per day
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Application 20/01567

- I That LISTED BUILDING CONSENT BE GRANTED subject to conditions to include:
1. Standard time limit
 2. List of approved plans
 3. Material samples
 4. Fenestration and new door details, including joinery
 5. Details of new staircase to house on plot 2 and plot 3
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Somerville



21/00141

Barn At Staple Farm
Durlock Road
Staple

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

a) **DOV/21/00141 - Change of use and conversion into four dwellings, associated parking and landscaping - Barn at Staple Farm, Durlock Road, Staple**

Reason for referral: Number of contrary views (11)

b) **Summary of Recommendation**

That planning permission be granted subject to conditions.

c) **Planning Policy and Guidance**

Development Plan

The statutory development plan comprises:

- Core Strategy (2010) (“**the Core Strategy**”)
- Land Allocations Local Plan (2015)
- Saved Policies of the Local Plan (2002)

Relevant policies of the Core Strategy include:

- CP1: Settlement Hierarchy
- CP4: Housing Quality, Mix, Density and Design
- CP5: Sustainable Construction Standards
- CP6: Infrastructure
- DM1: Settlement Boundaries
- DM4: Re-use or Conversion of Rural Buildings
- DM11: Location of Development and Managing Travel Demand
- DM13: Parking Provision
- DM15: Protection of the Countryside
- DM16: Landscape Character

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (July 2021) (“**the Framework**”), the weight to be given to them depends on their degree of consistency with the policies of the Framework (paragraph 219).

Other Material Considerations

Other information material to the consideration of the planning application includes:

National Planning Policy Framework

The Framework sets out the Government’s planning policies for England and how these are expected to be applied. It is therefore a material consideration, to which significant weight should be attached in determining the application.

Sections of the Framework are referred to, as relevant, in the assessment section of this report below.

Draft Dover District Local Plan

The draft Dover District Local Plan sets out planning policies and proposals for new development in the District over the period from 2020 to 2040 and when adopted will replace the existing development plan. The emerging Local Plan is at Regulation 19 consultation stage and is a material planning consideration in the determination of this

planning application. The weight to be afforded to its policies depends (in accordance with paragraph 48 of the Framework) on the nature and extent to which there are unresolved objections and their consistency with the Framework.

Relevant policies of the emerging Local Plan include:

- Policy SP4: Residential Windfall Development
- Policy CC4: Water Efficiency
- Policy CC6: Surface Water Management
- Policy PM1: Achieving High Quality Design
- Policy PM2: Quality of Residential Accommodation
- Policy TI1: Sustainable Transport and Travel
- Policy TI3: Parking Provision on new Development
- Policy NE2: Landscape Character
- Policy HE1: Designated and Non-Designated Heritage Assets

Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, where regard is to be had to the statutory development plan in determining an application for planning permission, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.

d) Relevant Planning History

17/00916 Prior approval for the change of use of an agricultural building into three dwellinghouses. Prior approval not required (29/09/17)

18/00212 Creation of hardstanding. Planning permission granted (13/07/18)

19/01055 Change of use and conversion to three dwellings, associated parking and landscaping. Planning permission granted (17/12/19)

e) Consultee Responses and Third-Party Representations

KCC Public Rights of Way

Confirmed no comments.

DDC Environmental Health

No objections subject to condition to ensure a watching brief for any potential ground contamination.

Third Party Representations:

11 letters of objection have been received as summarised below:

- Loss of privacy and dominating impact on views;
- Lack of sufficient parking;
- Grade 1 agricultural land;
- Annoyance, nuisance or disturbance;
- Details of foul sewerage needed

- Applicant has right to access driveway (owned by Staple Farm Mews Management, not the applicant) with agricultural vehicles only. Safety concerns for access (construction and occupation phase) if used for residential;
- Private covenant that any alterations to Staple Farm must not interfere with other residents or cause annoyance, nuisance or disturbance;
- Concern the applicant has no right to dig up the drive to lay services.

(Officer comment: The final three points above are not material to the outcome of the planning application, relating to civil matters.)

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

The Site

- 1.1 The application site comprises an existing agricultural barn clad in corrugated sheeting. The red line of the site defines a proposed curtilage area around the barn and includes an existing driveway between the barn and Durlock Road.



Figure 1: Site location

- 1.2 The site lies outside but adjacent to the west of the settlement confines of Staple.
- 1.3 To the north and west of the site is open farmland; to the south are smaller enclosed fields / paddocks; and to the east is a cluster of residential properties including some that were former agricultural buildings.
- 1.4 To the south east of the site are two listed buildings fronting Durlock Road – a Grade II listed thatched cottage and a two storey farmhouse.

- 1.5 On the opposite side of Durlock Road is new build residential development – a series of chalet form bungalows.

Proposed Development

- 1.6 Planning permission is sought for the change of use and conversion of the existing barn to create four dwellings, along with associated parking and landscaping.
- 1.7 The four dwellings would comprise: 2no. 4-bed units at either end of the barn and 2no. 2-bed units in the centre to complete the terrace.
- 1.8 The elevations of the building would be clad with brick and weatherboarding, with vertically proportioned windows at first and ground floor level and series of rooflights above. The elevations would be similar to those approved under 19/01055.



Figure 2: Proposed Front Elevation

- 1.9 To the rear and northern flank of the building, terrace / garden areas would be created for each dwelling; and to the front of the building is car parking and associated vehicle manoeuvring space along with areas of soft landscaping.



Figure 3: Proposed Site Plan

2. Main Issues

2.1 The main issues for consideration of this planning application are:

- Principle of development
- Character and appearance of the area
- Residential amenities – those of neighbouring properties and future occupants
- Highway safety
- Other matters

Assessment

Principle of Development

- 2.2 Core Strategy Policy DM4 allows the reuse and residential conversion of structurally sound and permanent buildings that are located within rural settlements or adjacent to their defined confines.
- 2.3 As the application site is considered adjacent to the settlement boundary of Staple, the development is afforded in principle support from Policy DM4.
- 2.4 The proposed development is also compliant with draft Local Plan Policy SP4 (residential windfall development) in that it would result in the re-use of a redundant / disused building, and would enhance its immediate setting with landscape improvements / planting at the front.

- 2.5 Policy DM4 and Policy SP4, in respect of the proposed development, are consistent with paragraph 80 of the Framework in that both encourage the effective reuse of disused buildings in rural areas.
- 2.6 Core Strategy Policy DM11 seeks to limit development outside rural settlement confines to help establish a sustainable pattern of development, unless that development is justified by other development plan policies.
- 2.7 The in-principle support of Policy DM4 to the proposed development therefore satisfies Policy DM11.
- 2.8 It is noted that if there had been conflict with Policy DM11 this would attract only limited weight. The blanket restriction of Policy DM11 to development outside of settlement boundaries does not follow the approach of the Framework, which instead seeks to actively manage patterns of growth to support sustainable modes of transport (considering the location of development on its specific merits).
- 2.9 With regard to emerging Local Plan Policy TI1 (sustainable transport and travel), the application site is in walking distance of bus stops which serve route 44 (between Eastry, Sandwich and Canterbury) and Sandwich Connects (between Staple, Sandwich and Deal). The location of the site is sustainable in these terms, in the context of a rural area.
- 2.10 Relevant to the principle of development is also the recent planning permission (19/01055) granted for the change of use / conversion of the same building to three dwellings. What is now proposed is utilising the same building and extent of land as this extant permission. The only change being that an additional dwelling is to be created with additional parking provision.

Character and Appearance

- 2.11 The development would maintain the existing built envelope of the barn, with its simple gabled and pitched roof form. Whilst the conversion would require new windows and doors, these would not unduly detract from the rural character or appearance of the wider area.
- 2.12 In views from the open landscape to the west, the converted building would be seen against a backdrop of the existing village.
- 2.13 Final brick and cladding materials for the change to the exterior of the building can be secured by condition, to ensure it remains in keeping with the surrounding area.
- 2.14 Car parking would be sensitively located between the barn and existing buildings to the east. Whilst each dwelling would have a defined garden / curtilage area, which would take on a more domestic appearance, this does not excessively extend into the open fields and would generally preserve the wider landscape character.
- 2.15 Details of fencing to the rear (to avoid more suburban close board fencing) and landscaping to the front of the building can reasonably be secured by condition.

- 2.16 Overall, the development would be sympathetic in appearance to the surrounding rural village character, in accordance with emerging Local Plan Policy PM1 (achieving high quality design).

Residential Amenity

- 2.17 The nearest properties to the barn are positioned some 30m away, across an existing area of car parking, such that there would be no material impact upon their amenities. The use of the shared driveway off Durlock Road by residents of the converted barn also does not raise any issues of amenity.
- 2.18 As the conversion would not increase the size / envelope of the barn, there would be no change in the general outlook or views from neighbouring properties. There would therefore be no harm to residential amenity.
- 2.19 The proposed dwellings, together with their individual rooms would be of a good size, with all habitable rooms naturally lit. Along with proposed garden areas, the internal living conditions of the future occupiers are considered acceptable.

Highway Safety

- 2.20 Emerging Local Plan Policy TI3 relates to car parking for new development, with reference to Parking Standards for Kent SPD: a minimum of 1.5 spaces for 2 bed dwellings and 2 spaces for 4 bed dwellings, plus 0.2 spaces per dwelling for visitors. Although the number of shown parking spaces differs between the proposed site plan (11 spaces) and proposed floor plan (7 spaces), as either shows sufficient space for car parking alongside soft landscaping, this matter can be addressed by a condition requiring final parking and planting details to be approved.

Other Matters

- 2.21 Electric vehicle charging infrastructure and cycle parking for each dwelling can also be secured by condition.
- 2.22 With regard to the two listed buildings fronting Durlock Road, given the minor external changes to the barn, distance of separation (of some 60m) and other intervening buildings/curtilages, the proposed development is considered to have no impact upon their historic significance. This is consistent with previous planning approvals on the site.
- 2.23 The application site is located beyond the 9km zone of influence of the Thanet Coast and Sandwich Bay SPA, defined by emerging Local Plan Policy NE3.
- 2.24 The barn conversion would not result in the significant loss of best and most versatile agriculture land.
- 2.25 Details regarding surface water and foul drainage can be secured by condition.

3. Conclusion

- 3.1 In light of the assessment above, the residential change of use/conversion of the existing building would represent sustainable development adjacent to the existing settlement confines of Staple (served local bus services) and would

maintain the general character and amenities of the area. It is therefore considered that planning permission should be granted.

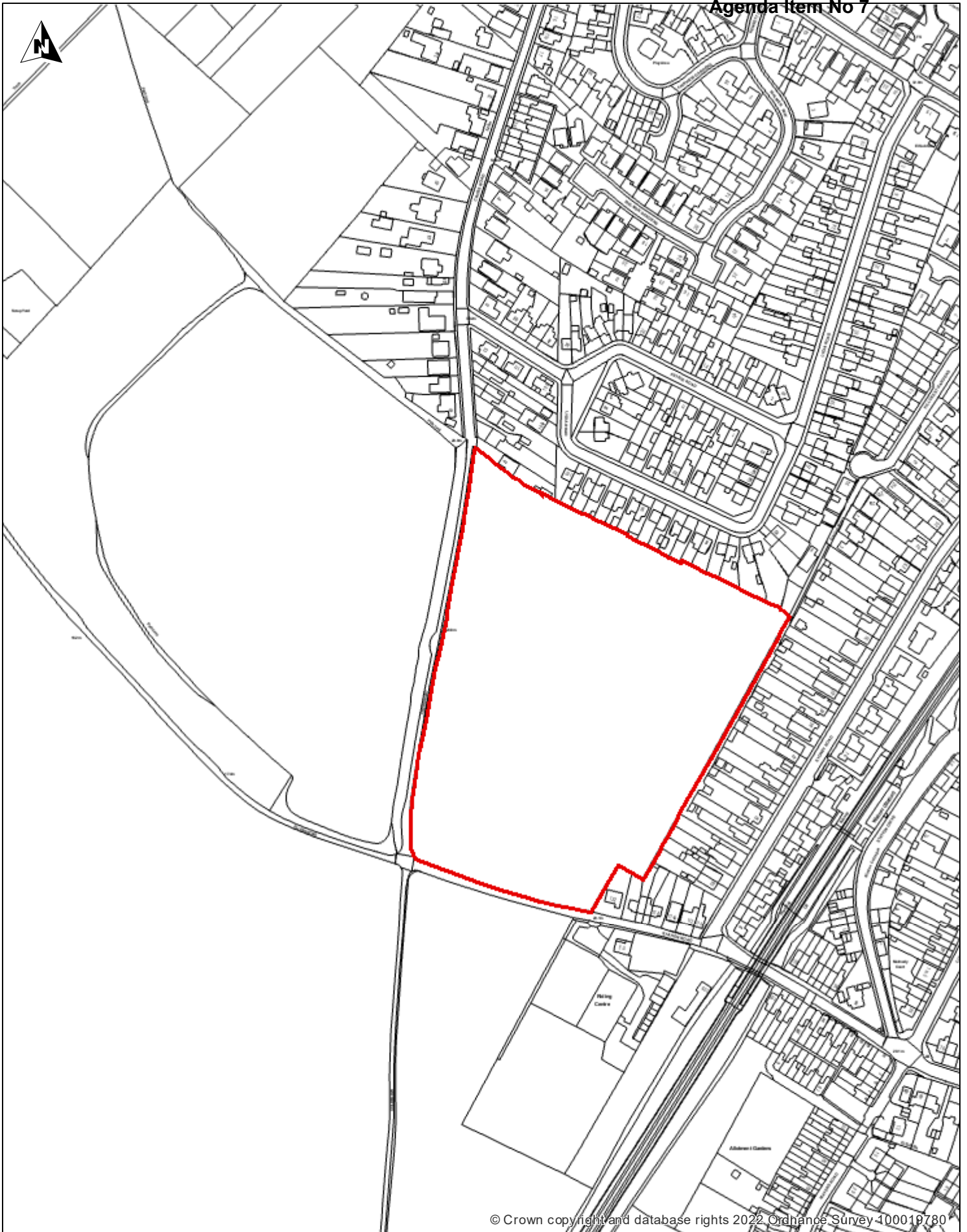
g) Recommendation

- I PLANNING PERMISSION BE GRANTED subject to conditions:
 - 1. Standard time limit – 3 years
 - 2. List of approved plans
 - 3. Material samples to be approved
 - 4. Parking spaces – details, provision and retention
 - 5. Hard and soft landscaping – details to be approved
 - 6. Restriction of permitted development rights for extensions
 - 7. Bin and cycle storage – details
 - 8. Electric vehicle charging
 - 9. Water efficiency of 110 litre per person per day
 - 10. Scheme for the disposal of foul sewage
 - 11. Unforeseen contamination
 - 12. Construction management plan

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

Case Officer

Andrew Somerville



21/01683
Site At Cross Road
Deal
CT14 9LA

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/21/01683 - Reserved matters application for details of layout, scale, landscaping and appearance for the erection of 100 dwellings pursuant to outline planning permission DOV/20/01125 - Site at Cross Road, Deal**

Reason for report – Number of contrary views (34)

- b) **Summary of Recommendation**

Grant planning permission, subject to conditions.

- c) **Planning Policy and Guidance**

Dover District Core Strategy Policies (2010):

CP1 – Settlement Hierarchy
CP3 – Distribution of Housing Allocations
CP4 – Housing Quality, Mix, Density and Design
DM1 – Settlement Boundaries
DM5 – Provision of Affordable Housing
DM11 – Location of Development and Managing Travel Demand
DM12 – Road Hierarchy and Development
DM13 – Parking Provision
DM15 – Protection of Countryside
DM16 – Landscape Character

Land Allocations Local Plan (2015):

DM27 – Providing Open Space

Regulation 19 Dover District Local Plan:

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF. The relevant policies are for this application:

SP3 – Housing Growth
SP5 – Affordable Housing
SP11 – Infrastructure and Developer Contributions
SP14 – Enhancing Green Infrastructure
CC1 – Reducing Carbon Emissions
CC2 – Sustainable Design and Construction
CC4 – Water Efficiency
CC8 – Tree Planting and Protection
PM1 – Achieving High Quality Design, Place Making and the provision of Design Codes
PM2 – Quality of Residential Accommodation
PM3 – Providing Open Space
NE2 – Landscape Character and the Kent Downs AONB
H1 – Type and Mix of Housing
TI1 – Sustainable Transport and Travel
TI3 – Parking Provision on new Development

National Design Guide & National Model Design Code (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

d) **Relevant Planning History**

20/01125 – Outline application for the erection of up to 100 dwellings (with landscaping), appearance, layout and scale to be reserved) – Grant Outline Permission – 17/02/2021

e) **Consultee and Third-Party Representations (summarised)**

Consultee Responses

KCC Highways

Final Response No objection - (25/11/2022):

- Further tracking information has been submitted, which includes the s278 works and this is considered to be acceptable
- The issues of overrun have been addressed, which is acceptable
- Traffic calming has been proposed and is acceptable

Second Response (05/10/2022):

- Additional tracking information is still required and potential conflict on Cross Road
- Details of the proposed adoptable highway
- Areas of slight conflict within the layout and this will need to be addressed
- Further traffic calming measures for the central road are required
- Additional visitor parking has now been proposed which offsets the tandem parking proposed and is acceptable

Initial Response (15/12/2021):

Further information and evidence required of:

- Widening of the access road
- Vehicle tracking for larger vehicles throughout the development
- Details of the proposed adoptable highway
- Details of traffic calming measures
- Details of the footway between the site access and the existing footway network on Cross Road
- Details of the removal of the on-street parking bays to the north of access
- the provision of offsite parking places between the site access and south to Station Road and additional visitor parking is required
- Additional visitor parking is required to compensate for the number of tandem parking spaces within the layout

Tree Officer

No objection – Request a condition for 5-year management plan and replacement of any trees that die or are removed within 3 years.

Housing Manager

A policy compliant scheme would require 30 affordable properties, of which 7 would be first homes, 6 would be shared ownership and 17 would be affordable rent. No objection to unit location or sizes.

Environment Agency

No comments.

Crime Prevention Officer

Clear from the documents provided that site specific crime prevention measures and our recommendations have been applied to this proposal.

National Highways

No objection.

Natural England

Further information required due to the impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result in increased recreational disturbance.

DDC – Senior Natural Environment Officer

Satisfied that the amended landscaping proposals provide greater opportunities for connectivity around the site's open spaces, and advise that, from a biodiversity perspective, the reserved matters submission is acceptable. The potential ecological impacts, ecological enhancements and the management of habitats will be addressed through the Ecological Mitigation and Management Plan, secured in condition 5 of the outline planning permission. There are no further requirements for biodiversity conditions at this time.

KCC Ecology Service

Support the landscaped areas on the southern and western parts of the application site, which include native grass, tree and hedgerow mixes. Condition 5 relates to ecological mitigation and management, and they are unable to advise whether the mitigation/enhancement requirements have been incorporated into the landscaping plan.

KCC Local Flood Authority – No objection.

Southern Water – The submitted drainage layout is acceptable.

Network Rail – No comment.

Local Representations

Great Mongeham Parish Council – Objects on the following summarised grounds:

- Impacts on local infrastructure, including roads, sewerage, schools and medical services
- Impact on the local highway network, particularly on the singletrack lanes; and

- Increase in traffic in Great Mongeham

Deal Town Council – Objects on the following summarised grounds:

- Access is inadequate
- Ecological study is incomplete
- Insufficient consideration has been given to flood mitigation

Walmer Town Council – Requests the following amendments:

- Cross Road needs to be widened from a single lane road to a minimum of a single carriageway, allowing traffic to pass unobstructed up and down Cross Road
- Improvements to foot and cycle ways
- Request a bus stop/shelter to be located at the side of Cross Road estates
- Design of the buildings should include more local vernacular and improvements to energy efficiency
- Flooding due to soakaways into chalk will only allow slow percolation of water
- An enhanced shelter belt of trees and bushes should be planted to deal with climate change and to deliver a more attractive look to the estate
- A community garden or allotment space should be provided within the development or nearby
- Infrastructure: the mains drainage network needs to be considerably enhanced to allow for the level of development that can be expected

Cllr David Hawkes – made the following summarised comments:

- Considers that the layout is overdevelopment of the site and requests that 15% of dwellings are removed
- Concern that the local sewerage system will be unable to cope with 100 additional properties being constructed. Potential additional impact of 140 dwellings should planning permission be granted on the adjacent field

34 Representations objecting have been received and are summarised below:

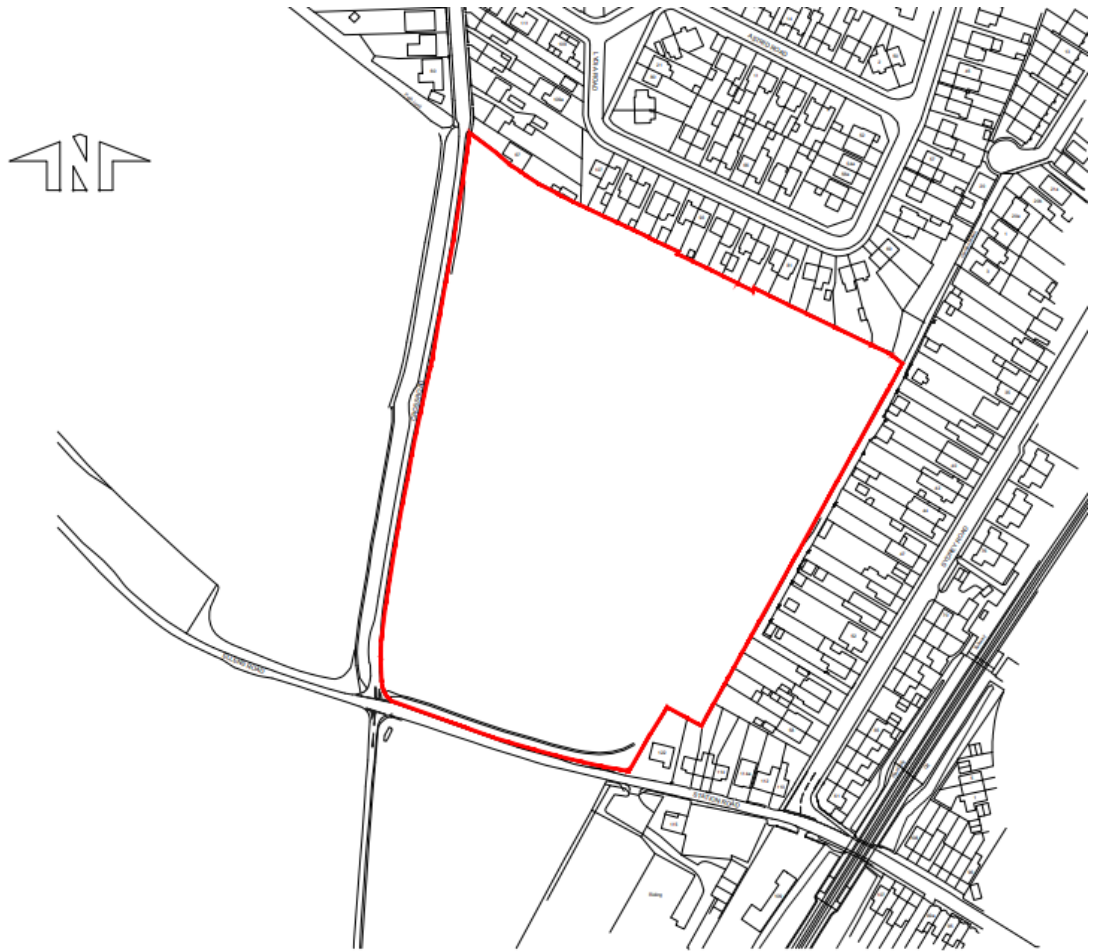
- Infrastructure impacts
- Soil and drainage are not suitable
- Over development of the site
- Local highway is not suitable for additional vehicles and HGV construction vehicles
- Impact on local animals
- Loss of privacy to existing residents
- Houses are not affordable
- Loss of local green space
- Loss of farmland
- Request a gap of 2m from rear gardens on Lydia Road
- Air pollution
- Concerns that the adjacent field will also be built on for residential development
- Site is not allocated in the development plan
- Lack of detail of when trees will be planted – southern boundary planting must be completed prior to 50% occupation of the dwellings, with other landscaping before 75% occupation
- Impact of local sewerage network

- South-eastern pedestrian access would result in pedestrians crossing the road on to the site access for the riding school. Request that this is altered
- How will existing landscape boundaries be retained
- Proposed access on Cross Road is inadequate
- Request that electric vehicle charging facilities are provided for future residents

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

Description of the Site

- 1.1 The site is located on the southern boundary/edge of Deal, located off Cross Road, west of properties fronting on to Sydney Way, to the south of properties that front on to Lydia Way and to the north of Station Road. The site benefits from outline planning permission for up to 100 dwellings with access approved off Cross Road under application reference 20/01125.
- 1.2 The site is 3.94 hectares in area which rises from south to north around 14.5m across the site. The western boundary with Cross Road comprises sections of hedgerow or are open on to adjacent fields. The eastern boundary is formed of garden boundaries with properties off Sydney Road backing onto the site with some tree planting. The northern boundary is largely formed by the residential garden boundaries on Cross Road and Lydia Road and is mixed, consisting of various forms of wooden fencing and landscaping. The northern and eastern boundaries abut the settlement confines (identified in the CS) and the rear gardens of adjacent properties with a mixture of property styles and ages; these comprise mostly two storey dwellings and some single storey properties. To the south, on the opposite side of Ellens Road/Station Road, is open farmland with no defined field boundaries.



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Figure 1: Site Location Plan

- 1.3 The site is in Flood Zone 1 and is situated within a Groundwater Source Protection Zone 1 and located upon a Principal Aquifer. There are no nearby constraints in terms of landscape, listed buildings or conservation areas.

Proposal

- 1.4 The application seeks permission for the reserved matters of appearance, landscaping, layout and scale for 100 dwellings, with the principle of the development and access approved under the outline permission. The scheme has a mix of mainly two, 2.5 storey detached, semi-detached and terraced dwellings of traditional design along with a two-storey maisonette block. Affordable housing would be provided at 30% in line with the outline permission. The layout and design will be discussed in more detail in the assessment below.



Figure 2: Proposed Site Layout

- 1.5 It is important to note that under the outline permission, the principle of 100 houses and the associated outward impacts on matters such as traffic and infrastructure have been accepted. Therefore, this application cannot re-visit the principle of housing at the site or the access but can consider whether the layout, scale, landscaping and design are acceptable.



Figure 3: Detached House Elevation Example

2. Main Issues

- 2.1 The principle of up to 100 houses at the site has already been accepted by the Council under the outline planning consent.
- 2.2 The reserved matters application is only to consider the detailed issues of appearance, landscaping, layout and scale. There are a number of requirements under the outline permission and the key issues to consider are the following:
- Design, layout, scale, landscaping and compliance with the outline consent.
 - Highways issues relating to the layout, parking provision, ecology and other matters.

Landscaping, Layout and Design

Landscaping

- 2.3 The outline permission seeks the provision of undeveloped landscape buffers to mitigate the impact of the development on the wider countryside, consisting of woodland and hedgerows planting to the south-west and north-west of the site as well as retaining and enhancing the existing trees. The outline consent, in summary, requires robust landscaping including tree planting along the southern and western boundaries of the site, along with the retention and enhancement of the existing landscaping.
- 2.4 The NPPF (2019) has a chapter dedicated to design (12 – Achieving Well-designed Places) and there is specific reference to the design assessment framework 'Building for Healthy Life (BFHL)'. BFHL is for anyone from developers to community groups to local authorities, to assist in creating better places to live, and this application has been assessed against the principles outlined within this document. The Draft Local Plan

policy PM1 (Highway Quality Design) attracts moderate weight and requires new developments achieve a high-quality design.

- 2.5 In terms of the impact on the wider landscape policies DM15 and DM16 of the Core Strategy are most relevant. Draft policy NE2 attracts moderate weight and requires proposals to demonstrate that they have had particular regard to the Landscape Character Area in which the proposal is located. The site is not situated within a designated landscape but consideration of the impact on the existing landscape, its character and visual amenity is necessary to ensure the proposed development does not affect the character of the wider landscape and countryside. It is also necessary to consider paragraph 174 of the NPPF that relates to the need to enhance the natural and local environment, ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.
- 2.6 Draft Local Plan policy CC8 (Tree Planting and Protection) attracts little weight at this time due to the draft policy requirement for two new trees to be planted for each new dwelling. The draft policy also seeks to encourage new tree planting, the submission of a detailed landscaping scheme and the protection of existing trees. The indicative layout, which was considered under the outline permission, requires robust landscaping to protect the countryside. In terms of the boundaries to the countryside, the proposed layout would have a significant open space landscape buffer along the southern and southwestern boundaries. This would vary in depth with the narrowest part in the south eastern corner, to its widest part (approx. 50m) in the south western corner of the site. The open space landscape buffer would be a mixture of woodland planting, wildflowers and hedgerow and would provide sufficient screening from medium range views from the southwest. In terms of the western boundary, particularly the north-western area of the site, this is where the open space landscape boundary is at its narrowest and would consist of tree planting, orchard and wildflower planting. The properties in this area of the proposed layout are set back sufficiently from the road frontage of Cross Road which would assist in providing a softened attractive frontage when viewed from the surrounding area. These buffer areas would also include additional planting of numerous trees, hedgerows and shrubs, which will in time soften views of the development from the surrounding countryside. As such, the southern and western boundaries are considered to comply with the outline planning permission.
- 2.7 The eastern boundary is formed of garden boundaries with properties off Sydney Road backing onto the site with some tree planting. The planting on the eastern boundary would be retained and enhanced through additional hedge planting and a number of new trees will also be provided.
- 2.8 The northern boundary is also largely formed by the residential garden boundaries on Cross Road and Lydia Road and is mixed, consisting of various forms of wooden fencing and some landscaping. This area would consist of a landscape buffer which would be planted with 5-7 species native hedgerow mix. Some additional tree planting is also to be provided.
- 2.9 Crucially, for both the northern and eastern boundaries, these areas would remain outside of the ownership of individual properties and would be managed by an estate management company ensuring that this landscaping would remain in perpetuity.
- 2.10 In conclusion, the planting along the site's boundaries, particularly along the southern and western boundaries, is in line with the outline consent, Core Strategy policies DM15 and DM16 and the Regulation 19 draft policies PM1 and CC8. The proposal would provide an appropriate setting to the development.

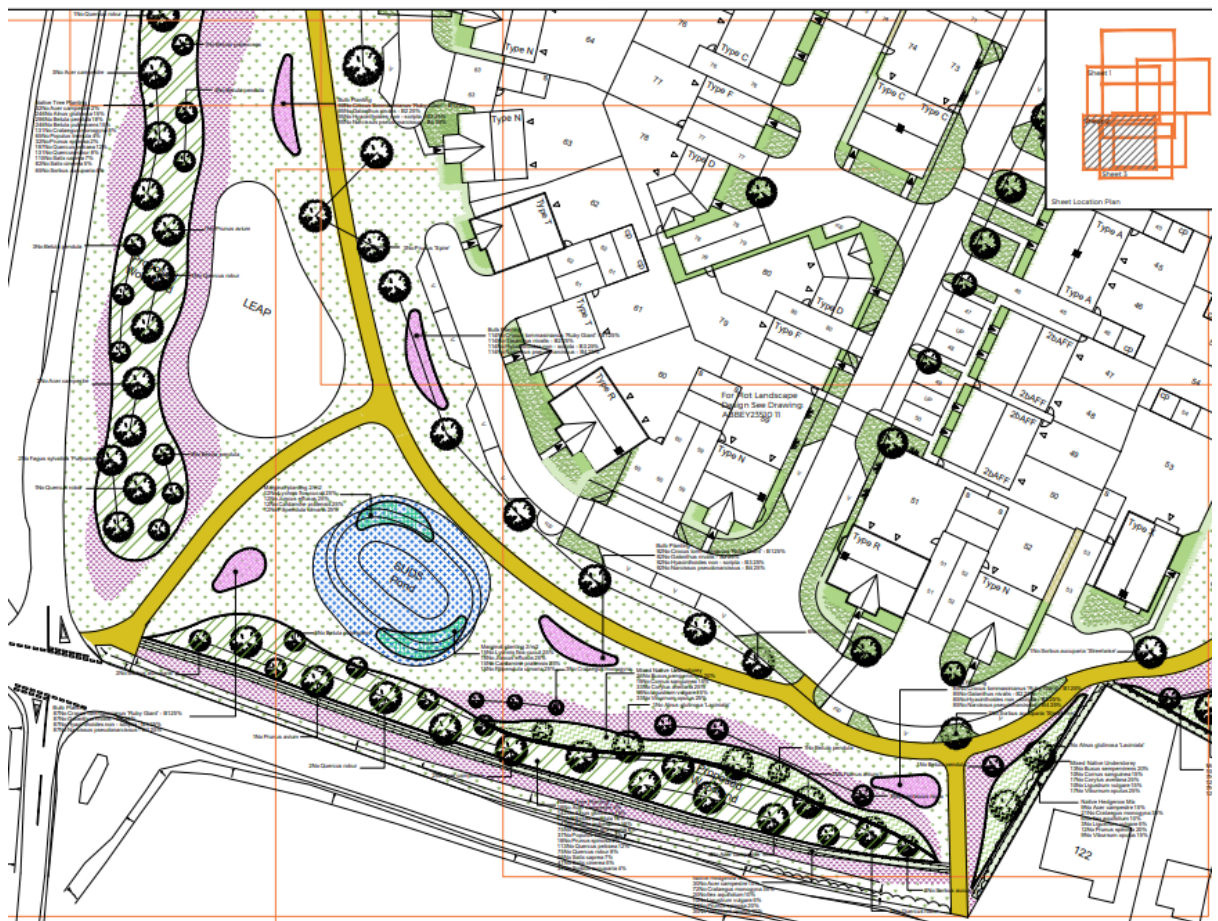


Figure 4: Southern Boundary Landscaping

Layout

- 2.11 Turning to the layout of the proposal, at the entrance to the development there would be buildings on both sides of the main access that would create a gateway. These units would address two aspects being views when entering the site and facing on to the two roads, providing active frontages due to their fenestrations and architectural detailing. These are key entrance buildings and have been well designed to address public viewpoints. Along the main road through the site from Cross Road travelling west to east, dwellings are set back sufficiently to provide opportunities for tree planting on both sides of the road. The main access road from north to south is also sufficiently spaced to allow tree planting on either side of the highway. This is in accordance with NPPF paragraph 131 that requires new streets are tree lined.
- 2.12 The layout within the site is made up of a number of perimeter blocks with buildings fronting streets and buildings turning/addressing corners either through siting and/or architectural detailing/windows so providing active frontages and strong street scenes. Where boundaries are exposed, they would be brick walls. Space for front gardens is provided and room for tree planting to some plots which would provide an attractive frontage. The use of perimeter blocks and street fronting development responds to the character of the area, provides attractive street and provides natural surveillance of public areas to aid in reducing crime and disorder.

- 2.13 Within the middle of the site going west to east, again, units would be set back providing areas of new tree planting on both sides of the road. In the eastern part of the site along the central road, there would be a central green area with trees, wild meadow flowers and grassland areas. This central area would be overlooked by the adjacent units and would provide a central green space within the centre of the development and would act as a wayfinding feature as advocated by BFHL – Easy to Find Your Way Around.
- 2.14 In the outline consent, there is a requirement to mitigate the impact of development on the wider countryside and to provide opportunities for biodiversity habitat creation and enhancement, with retention of existing landscape along the southwest of the site. This requirement was also outlined under the outline permission to provide the open space for the development with a total amount of open space across the site of 1.20 hectares with formal open space in the south of the site as well as natural/semi natural open space in the form of tree planting along the south, and west of the site. As set out above within the landscaping section of this report, this open space and landscape buffer has been sufficiently provided in the detailed layout.
- 2.15 The density of the development is 25.3 dwellings per hectare (dph), which is below the core strategy policy CP4 requirement of 40 dph. This lower density allows for undeveloped areas around the boundaries of the site and allows for significant areas of open space and tree planting, particularly along the south and west boundaries. The density is lower in the southern and western part of the site to the countryside with sufficient spacing between dwellings, which when viewed from outside of the development, will give the appearance of a spacious development. The density is considered to be acceptable for this edge of settlement site, particularly given the net developable area.
- 2.16 Overall, the layout is considered to be of a high standard with buildings creating a quality entrance, and the tree lined roads, leading to the centre open space strip, which all provides a sense of place. Houses would suitably address the streets and there is good space for landscaping and tree planting within the site, and around the boundaries. The layout follows the principles of BFHL well and the proposals comply with the outline permission requirements.

Appearance and Scale (Design)

- 2.17 Section 12 of the NPPF sets out the aims for development to achieve well-designed places. Paragraph 130 sets out that planning decisions should ensure that developments:
- will add to the overall quality of the area
 - are visually attractive
 - are sympathetic to the local character
 - optimise the potential of the site and sustain an appropriate mix of development (including green and other public space)
 - create places that are safe, inclusive and accessible which promote health and wellbeing.
- 2.18 In terms of the outline consent, whilst there is no specific condition restricting the building heights, the submission documents set out that the maximum height of the dwellings would be up to 2.5 storeys. Condition 4 of the outline consent requires details of ground levels, sections and ridge heights prior to the commencement of development on the site.

- 2.19 The house designs are ‘traditional’ in form and appearance. The supporting Design & Access Statement outlines that the designs of the buildings draw from the local context, with features such as bay windows, windows with vertical emphasis, window headers and cills, tile hanging, brick quoins and some units with part render. The variation in height between 2-2.5 storey buildings would provide some interest at roof level in the majority of street scenes and this complies with the details set out at the time of the outline planning permission.



Figure 5: Proposed Street Scene – Southern Section of the site

- 2.20 Overall, it is considered that the appearance and scale of the buildings to be of a good standard in accordance with NPPF paragraph 130, the outline planning permission and the Regulation 19 Local Plan.

Surfacing, Boundary Treatments & Play Area

- 2.21 Hard surfaces are predominantly block paving for roads, parking spaces and parking courts with some tarmac used mainly on the larger entrance road into the site from Cross Road. Boundary treatments are predominantly hedges or shrubs to front gardens, brick walls on exposed boundaries and timber fencing between rear gardens of properties that are not visible from public vantage points.
- 2.22 The play area is required to be for younger children and details of the play equipment are required by condition under the outline planning permission.

Residential Amenity

- 2.23 Policy PM2 of the draft Local Plan attracts limited weight as the Nationally Described Space Standards (NDSS) set out that their use is for when the Local Plan is adopted. The applicant has provided the internal space for each house that shows the majority of the house types for the private and affordable units would meet those standards. Whilst the Reg 19 Local Plan is a material consideration, the NDSS sets out that the space standards should be used “if a local authority has adopted the space standard in its Local Plan”. Given that the Reg 19 Plan is yet to be formally adopted and doesn’t carry full weight, it is not considered that the shortfalls of some units would be sufficient to warrant a robust reason for refusal, albeit it counts against the scheme. It is however important to consider the layout, location, and orientation of the units, particularly for the house types below the standard, to ensure that they provide sufficient useable space, light, and that sufficient outdoor amenity space is available for future residents. The proposed layout and house designs, demonstrate a good standard of accommodation is proposed for the future residents, and ensures an acceptable level of amenity for future residents can be accommodated within the layout. The Council’s Housing Manager has not objected to the house types and size of the affordable units.

- 2.24 In terms of existing residents, the nearest existing houses are to the north at Lydia Road which are in excess of 25m back-to-back from the proposed residential dwellings. Properties to the east at Sydney Road are in excess of 50m front to back distances. Both boundaries have established landscaping and will have additional landscaping planted. With these distances, and the height of the new dwellings, there would not be a significant impact upon these properties in terms of privacy, light and outlook.

Landscaping and Ecology

- 2.25 As set out above, the landscaping scheme provides for new trees across the development, including along the main road and within some front gardens. Space for front gardens is provided with shrub planting and landscape buffers would be provided along the site boundaries. The landscaping scheme is considered to be acceptable. Condition 37 of the outline planning permission requires specific details of the landscaping as well as its implementation, and replacement for trees or plants that either die or are removed within 5 years. Paragraph 19.3 of the S106 Agreement requires the woodland on the southern boundary to be complete prior to 50% occupation of the site, with paragraph 19.4 setting out that the remainder of the open space is to be completed by 75% occupation. In terms of future management, this will be managed by a management company and will be transferred to their ownership by 95% occupation of the site, as required by paragraph 19.8 of the S106 Agreement.
- 2.26 In terms of ecology, the revised proposals provide greater opportunities for connectivity around the site's open spaces. The potential ecological impacts, ecological enhancements and the management of habitats will be addressed through the Ecological Mitigation and Management Plan, secured in condition 5 of the outline planning permission. There are no further requirements for biodiversity information to be submitted at this time. The Council's Senior Natural Environment Officer has been consulted on the proposals and is satisfied with the detail that has been submitted, including the landscaping and layout, and has no objection to the proposal.
- 2.27 Natural England has requested further information to manage the potential impacts from the development on European Designated Sites. This is a principle issue and so a financial contribution cannot be secured at this stage. Notwithstanding this, the outline planning permission secured an appropriate financial contribution of £6,066.43, addressing to issue which Natural England have raised.

Highway Issues Relating to the Layout

- 2.28 Kent Highways raise no objections to the layout in terms of highway and pedestrian safety and manoeuvrability for vehicles. The impacts of traffic on the local area were considered under the outline application as a principle matter and the committee considered the scheme to be acceptable in these respects. The off-site highway works were secured under the outline consent. Consequently, the off-site highway impacts of the development are considered to be settled. In their second response, KCC Highways requested that additional information be provided for clarity. This included additional tracking information, confirmation of the areas which the applicant proposes to offer for adoption, and minor tweaks and traffic calming to the internal layout. This additional information has been received, accords with the requirements set out in KCC's letter and is considered to be acceptable. Consequently, it is considered that the layout of the development is acceptable in highway terms.
- 2.29 In terms of parking, Core Strategy policy DM13 and policy T13 of the Draft Local Plan, which attracts moderate weight, set out the parking requirements for new development

within the District. KCC Highways have raised no objections considering there to be suitable levels of parking across the site. One- and two-bedroom maisonette and two-bedroom houses would have one parking space. Three- and four-bedroom houses would have two spaces. A total of 49 visitor spaces located within on-street parking bays and lay-bys are also provided. The residents' parking spaces would either be drive, car port, or where there are rows or terraced houses, parking spaces are located to the front of the units. Some of the spaces are in tandem but this allows more space for landscaping. Whilst such a parking arrangement can lead to additional pressure for on street parking, an additional 0.5 space is provided per tandem space to reduce the risk of pavement parking. It is considered that the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM13 of the Core Strategy and policy T13 of the Reg 19 Local Plan.

- 2.30 Requirements for the provision of cycle parking and EV charging for each dwelling are dealt with by condition under the outline planning permission.

Other Matters

Affordable Housing

- 2.31 Affordable housing is secured at 30% under the outline permission S106 agreement and of this 70% would be affordable rent and 30% shared ownership. The three-bedroom and one-bedroom affordable units would be located in the north eastern part of the site, with the two-bedroom units located in the centre of the site. The Housing Officer has requested that seven of the units be First Homes. The requirement for 25% of all of the affordable housing to be First Homes does not apply for this application as the outline planning permission was granted prior to 28 December 2021 (outline permission was granted on 17 February 2021). No objection is raised by the Housing Officer regarding the location, size, or appearance of the affordable units.

Surface Water Drainage

- 2.32 Surface Water Drainage was considered at the outline stage. The proposed drainage for the site would involve water draining to a proposed attenuation pond on the southern part of the site, which would then discharge into groundwater to replicate existing discharge features. KCC SUDS raise no objections and condition 10 of the outline consent secures the detailed design of the drainage scheme for the development.

Representations

- 2.33 Pedestrian safety and highways impacts were considered under the outline application and were deemed to be acceptable. These matters cannot be revisited as this application is solely considering the reserved matters. A local resident has objected on the layout, specifically on the location of where the south eastern pedestrian access will exit on to Station Road and pedestrians crossing the road causing safety issues with vehicles entering and egressing from the riding school. It is noted in the representation that the resident has drawn a diagonal line from the path to their access, as opposed to a line at a 90 degree angle crossing the road, which would then not cause a conflict with the riding school access. No objection is raised to this by KCC Highways.
- 2.34 Whilst the pedestrian access in the south east of the site is altered slightly from that shown on the plans at the outline stage, the proposed access would avoid a footpath through the centre of the proposed woodland and would reduce the amount of hedge required to be removed. In addition, the detailed design of off-site highways works will be secured by S278 agreement with the local highway authority. Condition 29 of the

outline consent requires these details to be finalised and agreed prior to the commencement of any development on site.

- 2.35 Matters relating to infrastructure provision were considered under the outline application and deemed to be acceptable, with funding secured through the S106 agreement. These matters cannot be revisited and have already been decided.

3. Conclusion

- 3.1 Having considered all of the representations received on the application and for the above reasons, the proposals, which address the Appearance, Landscaping, Layout and Scale of the development, are considered to be acceptable and provide a high-quality development in accordance with the outline planning permission, and other relevant policies with the adopted Core Strategy, the draft Local Plan and the NPPF. Permission is therefore recommended subject to the following conditions.

g) Recommendation

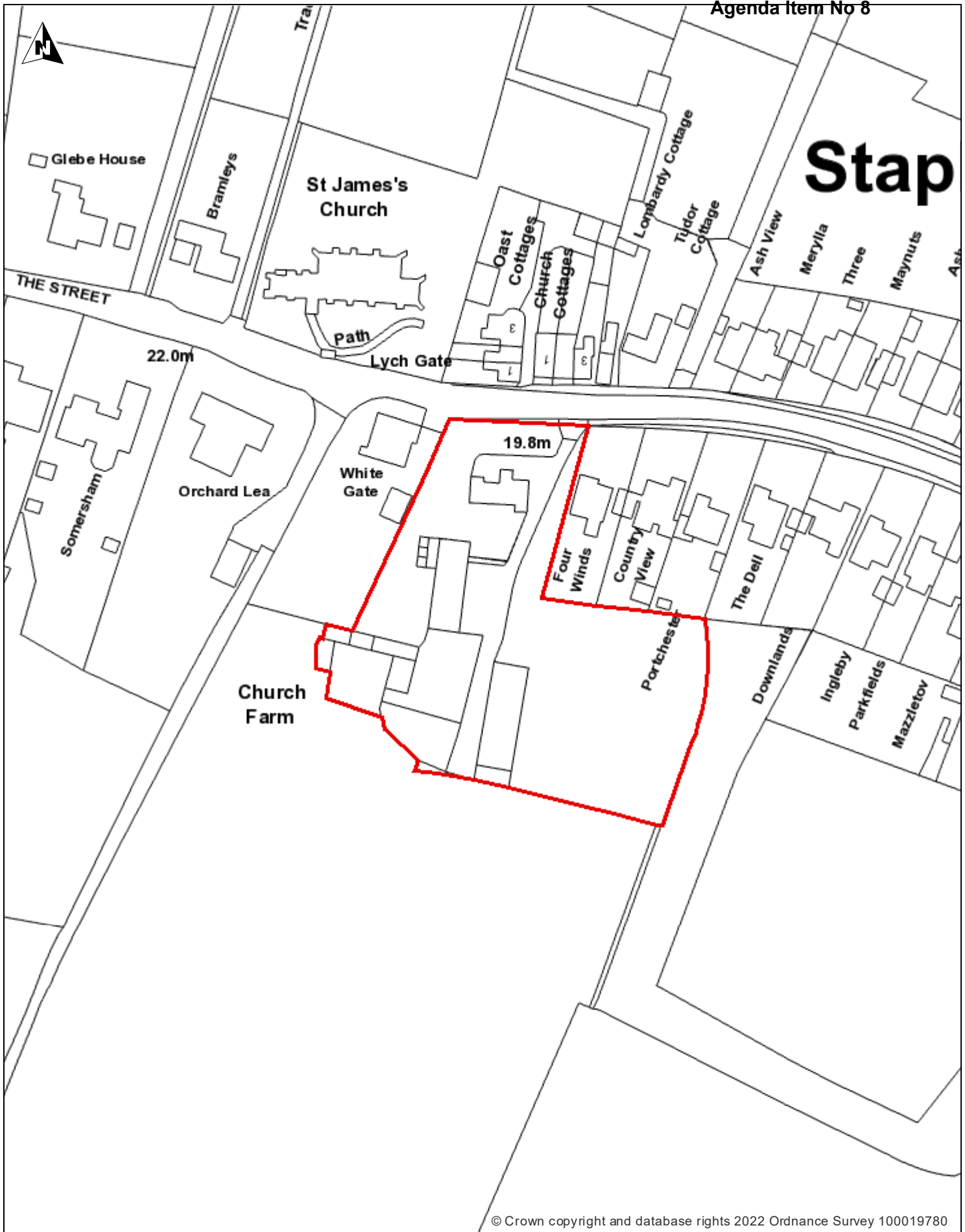
I Reserved Matters be APPROVED subject to the following conditions:

- (1) Approved plans
- (2) Details and samples of materials – external surfaces of the dwellings
- (3) Details and samples of materials – hard surfacing
- (4) Window reveals
- (5) Details of locations of external meter cupboards, vents or flues – limit visibility from public viewpoints
- (6) External lighting of public realm areas – low level lighting where acceptable

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

Case Officer

Adam Reynolds



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20/00623
Church Farm
The Street, Staple
CT3 1LN

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/20/00623 – Conversion of Kent barn and stable block to two residential dwellings (with associated works), erection of two semi-detached and one detached dwelling with associated parking (existing Dutch barn and side extension of Kent barn to be demolished) - Church Farm, The Street, Staple**

Reason for report – Number of contrary views (9)

- b) **Summary of Recommendation**

Grant planning permission subject to conditions

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010) (CS)

CP1/DM1 – Settlement Confines
DM4 – Conversion of Rural Buildings
DM11 - Travel demand
DM13 – Parking Provision
DM15 - Protection of the countryside
DM16 - Landscape Character
Land Allocations Plan 2015

National Planning Policy Framework (NPPF) (2021)

Paragraphs: 7, 8, 11, 60, 78, 79, 80, 110, 111, 119, 120, 130, 174, 180, 181, 185, 195, 197, 202

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

The most relevant Draft Local Plan policies for this application are:

SP1: Planning for Climate Change
SP4: Residential Windfall Development
SP13: Protecting the District's Hierarchy of Designated Environmental Sites and Biodiversity Assets
SP14: Enhancing Green Infrastructure and Biodiversity
CC4: Water Efficiency
CC6: Surface Water Management
PM1: Achieving High Quality Design
PM2: Quality of Residential Accommodation
TI1: Sustainable Transport and Travel
TI3: Parking Provision on new Development
NE2: Landscape Character
NE3: Thanet Coast and Sandwich Bay SPA Mitigation and Monitoring Strategy
HE1: Designated and Non-Designated Heritage Assets

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that considers context as part of the evolution of the design.

Other

Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006

Technical Housing Standards – nationally described space standards

Planning (Listed Building and Conservation Areas) Act 1990

d) **Relevant Planning History**

17/01133 | Prior approval for the change of use of agricultural buildings (Dutch Barn) to three residential dwellings – Prior approval refused for the following reasons:

- The building operations necessary to convert the building referred to in paragraph (a) to use falling within Class C3 (dwellinghouse) of that Schedule go beyond the extent of works that were envisaged by the terms of Class Q (b) and Q.1 (i).
- The LPA is of the opinion that on the balance of probability the development is not in any case permitted by the Order, by virtue of the conditions, limitations and restrictions envisaged by Class W (3) (b)

Nearby housing developments:

19/00120 (Land East Of The Courtyard Durlock Road Staple) - Erection of 8 dwellings (6 affordable rented units) with associated parking and vehicular access – Approved January 2020. Approved following a local housing needs survey which identified a local need for 6 affordable rented houses. The two market dwellings were permitted to cross subsidise the affordable rented homes following a viability assessment. The site is located outside but adjacent the village boundary. This planning permission has been implemented.

19/01055 (Barn At Staple Farm Durlock Road Staple) - Change of use and conversion into 3no. dwellings – Approved December 2019. Prior approval fall-back for conversion to three dwellings under 17/00916. Permission has not yet been implemented and a new application has been submitted for a conversion to four houses under application 21/00141 which is to be considered on this agenda.

16/00442 (Three Tuns The Street Staple) - Erection of eight dwellings, change of use and conversion of the existing public house into a single residential dwelling, creation of vehicular access, parking area and associated works – Approved April 2017. The pub has been converted and construction works for the new dwellings has recently commenced. The new houses are located outside but adjacent the village boundary.

15/00899 (Orchard Lea The Street Staple) - Erection of four detached dwellings – Approved Sept 2015. The village boundary was extended to include this site. This site was identified for housing in the Land Allocations Plan 2015 Policy LA 45. This planning permission has been implemented.

The nearby housing developments are shown on the below map in relation to the application site and village confines.

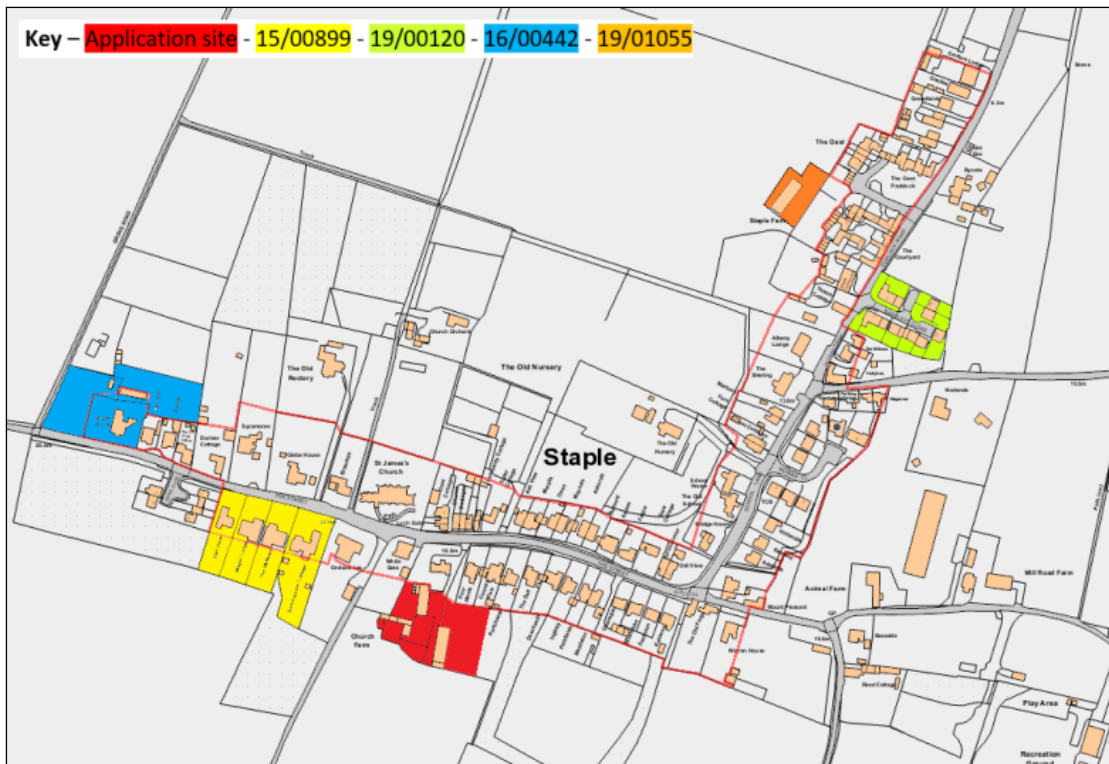


Figure 1: Recent developments in Staple

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

DDC Waste Services – Provide information on the size and number of bins required.

Rural Planning Ltd – Advised that this proposal involves the re-development of an old range of farm buildings that are no longer in active agricultural use. There does not appear to be any requirement for a detailed agricultural assessment in this case

Natural England – Advise there is no 'likely significant effect' on the Stodmarsh SAC/SPA/Ramsar as a result of nutrient discharge from future development in the local authority area.

KCC Highways – Advise that it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Southern Water – Advise that a formal application is required for a connection to the public foul sewer.

Environmental Health - Advise that they have considered this site in terms of contamination, and no further observations.

Staple Parish Council – Support

Third Party Representations:

10 objections have been received as summarised below. Material considerations are summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are not material planning considerations and are not included below.

- Impact on wildlife.
- Potential impact on bats.
- Dangerous roads through the village.
- Noise from vehicles passing adjacent ground floor bedroom windows.
- Light and noise pollution.
- Loss of privacy.
- Increased traffic in the village.
- Impact on the setting of listed buildings.
- The Church Farm driveway may not be wide enough to allow 2 vehicles to pass each other simultaneously.
- No objection to the development of brownfield land and proposed plans.
- Impact on trees adjacent to the development, a very large Tulip tree is right on the boundary of our listed garden. We have no desire to lose such a beautiful specimen but can foresee a future problem with it should this dilapidated building be developed.
- The Oak Tree on Church Farm is not shown on the plans. Will this tree be retained.
- What are the proposed boundary treatments.
- As this is a working arable farm at present, with farm machinery, there will be no buildings to house the farm equipment.

1 Comment in support of the application on the following summarised ground:

- Proposal will make use of existing buildings for residential use

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

The Site

- 1.1 The application site comprises a collection of farm buildings located in the rural area adjacent to the village boundary of Staple. The site contains a historic Kent Barn and single-storey stable block dating from the 19th Century and a large open steel frame Dutch Barn dating from the 1950s. The central area within the site forms the original farmyard and serves as a parking and turning area. Church Farmhouse is located to the north of the site and fronts onto The Street. The farmhouse is a modern two-storey detached dwelling with a vehicle access to the east of the farmhouse which is shared with the application buildings. There is no defined boundary between the farmhouse and application site. The application site contains a number of trees and grass amenity areas adjacent to the buildings and there are a number of trees located on or adjacent to the site boundary.

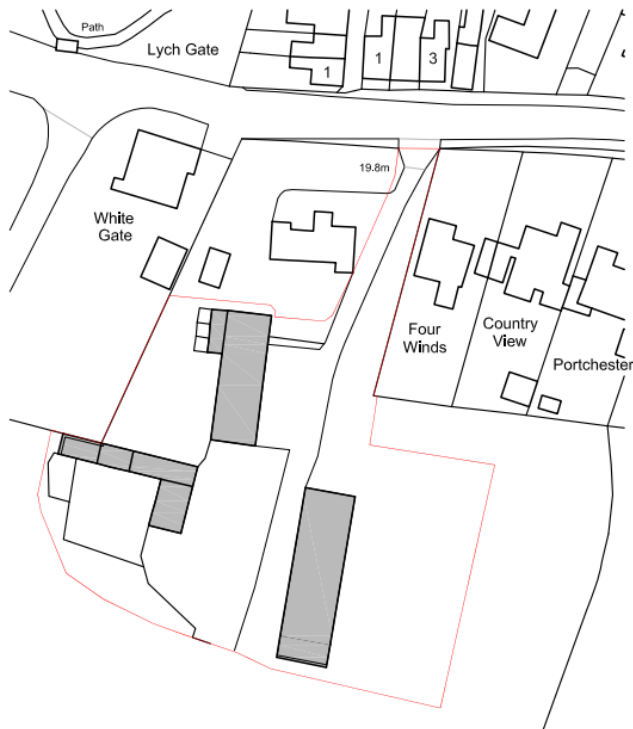


Figure 2: Site Location Plan

- 1.2 The houses to the north of the site form part of the linear pattern of residential development along the south side of The Street and fall within the village boundary, including the farmhouse. To the northwest of the site is a grade II listed building known as White Gate which was the original farmhouse for Church Farm but was separated prior to the Historic England listing. The side and rear boundary of White Gate adjoins the application site. To the northeast are three detached single storey properties fronting onto The Street. The rear gardens of these properties face onto the application site and the side/west boundary at Four Winds is located adjacent the established vehicle access. To the rear/south of the site are agricultural fields with direct access from the site into the adjoining field. The grade I listed Church of St James is located to the northwest of the site on the opposite side of The Street within a largely linear pattern of development.
- 1.3 As can be seen from Figure 1 planning permission has been granted for a number of small-scale housing developments adjacent to the village boundary, including the development of the former Three Tuns Pub comprising a small backland development of eight dwellings behind the converted public house and outside the village boundary.
- 1.4 The two listed buildings located in proximity to the site are White Gate, a grade II residential house and the grade I Church of St James.

The Proposal

- 1.5 Conversion of Kent barn and stable block to two residential dwellings (with associated works), erection of two semi-detached and one detached dwelling with associated parking (existing Dutch barn and side extension of Kent barn to be demolished).
- 1.6 The Kent Barn is located to the rear of Church farmhouse and the proposals seek to convert the building into one dwelling with an extended first floor which would be served

by high level conservation rooflights. Several new openings are proposed at ground floor level and timber casement windows and doors would also be inserted into the existing openings. The corrugated roof would be replaced with traditional tiles. No additional footprint/extensions are proposed and the non-original lean-to extension would be removed. Two parking spaces are proposed to the front of the barn with a private garden space to rear/west of the barn.

- 1.7 The Stable block is located to the rear / south of the Kent Barn and the proposals seek to convert the existing building to one single storey dwelling with no increase in footprint. The non-original single-storey flat and curved roof additions would be replaced with new pitched tiled roofs which would result in an increased roof height but no additional footprint. The proposed timber casement doors and windows would utilise existing openings with the exception of one new window on the north elevation. New conservation rooflights are also proposed. Two parking spaces proposed to south of stable building.



Elevation 3
Scale 1:100 @ A1



Elevation 4
Scale 1:100 @ A1

N

Figure 3: Proposed Elevation Kent Barn (Conversion)

- 1.8 Three new build dwellings are proposed to replace the Dutch Barn and comprise a semi-detached pair and detached dwelling with a similar cumulative footprint as the existing Dutch Barn at approx. 270sqm. The existing Dutch Barn is approx. 7.6m high while the replacement houses would be approx. 8.1m (Farmers Cottage) and 8.3m (The Dairy) high. These comprise:
- 1.9 Farmers Cottage 1 & 2 proposes a two-storey semi-detached pair of dwellings located to the east of the Kent Barn and Stable. The proposed plans indicate a simple rural Kentish vernacular design with eaves rafter details, curved brick window courses and brick plinths, timber casement windows and doors, and full-length external chimney stacks and a gabled roof with a lower pitched roof two-storey rear addition. Two parking spaces are proposed for each house; one to the side of each house and two at the front on the opposite side of the shared access drive.



Proposed West Elevation
Scale 1:100 @ A3



Proposed North Elevation
Scale 1:100 @ A3



Proposed East Elevation
Scale 1:100 @ A3



Proposed South Elevation
Scale 1:100 @ A3

Figure 4: Proposed Farmers Cottages (New Build)

- 1.10 The Dairy comprises a two-storey dwelling with an L-shaped footprint located to the south of the Farmer's Cottages. The dwelling would be of a simple rural Kentish vernacular design with eaves rafter details, curved brick window courses and brick plinths, timber casement windows and doors and a hipped / half-hipped roof. Two parking spaces are proposed opposite the house on the other side of access drive.

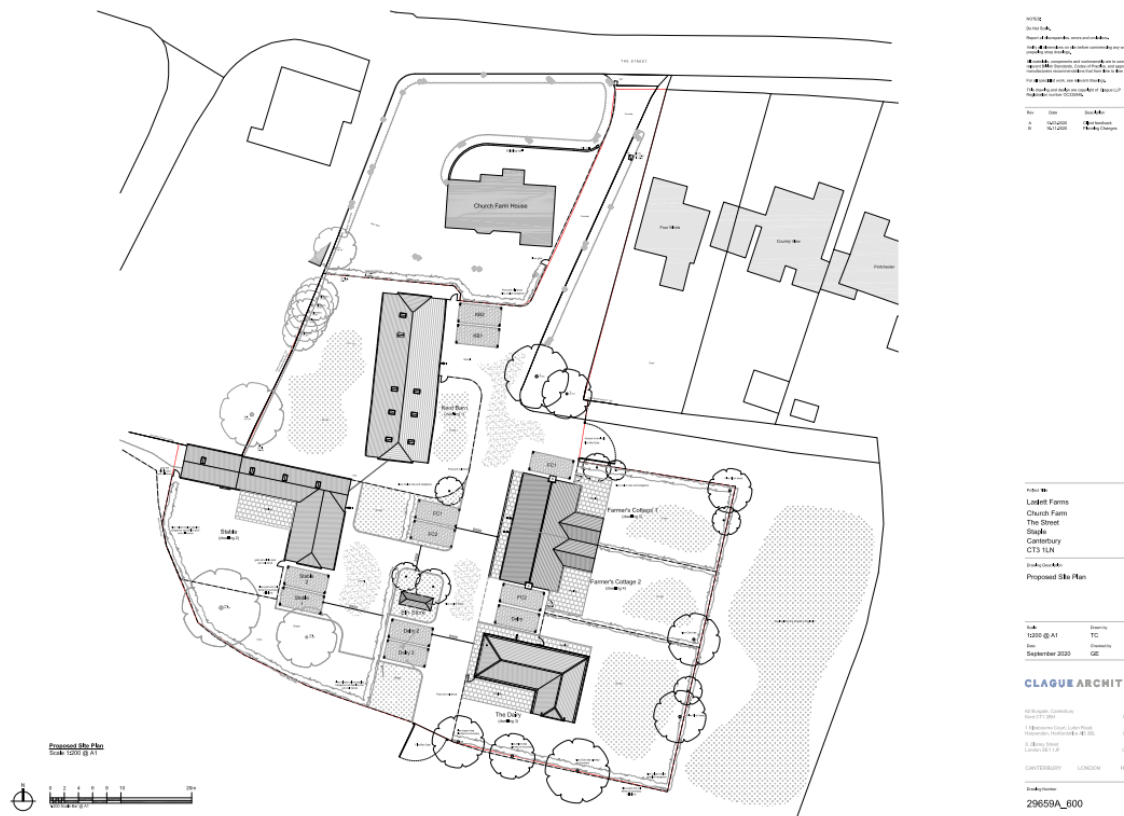


Figure 5 – Proposed Block Plan

1.11 The application is supported by a structural survey which indicates the Kent Barn and Stable buildings are capable of being converted to dwellings whilst maintaining the main structural elements.

Amendments During the Course of the Application

1.12 Following negotiations with the applicant amended plans have been submitted as follows:

- Submission of a structural survey for the Kent Barn and Stable.
- All new fenestration for the Kent Barn and Stable to be recessed.
- Increased landscaping and tree planting in the form of a native hedge and tree planting along the eastern, southern and western boundaries. This additional planting provides an additional screening buffer to the countryside.
- Chimney removed and hipped roof introduced on the Dairy building to reduce bulk.
- Reduction in the size of the gardens for the new builds.
- Reduction in site area to 0.4HA by removing the existing farmhouse and curtilage from the red line site boundary.

2. Main Issues

- 2.1
1. Principle
 2. Design and visual impact
 3. Heritage
 4. Highway safety and parking
 5. Residential amenity

6. Ecology

Assessment

Principle of Development

- 2.2 For the purpose of the policy assessment the proposal can be split into two parts, 1; the conversion of the historic Kent Barn and Stable buildings and 2; the three new build dwellings that would replace the large Dutch Barn. The site is located directly adjacent to the defined village boundary of Staple and the northern boundary of the site abuts the village confines.
- 2.3 In terms of the Draft Local Plan, draft policy SP4 (Residential Windfall Development) is of most relevance to the new dwellings element of this application. Policy SP4 of the emerging plan concerns 'Residential Windfall Development' and applies to proposals for residential development on unallocated sites. At the time of the publication of the plan, objections raised to the policy (through the previous regulation 18 process) are considered to have been resolved. In accordance with paragraph 48 of the NPPF the policy does not attract full weight but it is considered that the Council may now give moderate weight to the policy, as a material planning consideration, when determining relevant applications for development. The impact of this policy on the proposal is discussed in further detail below.

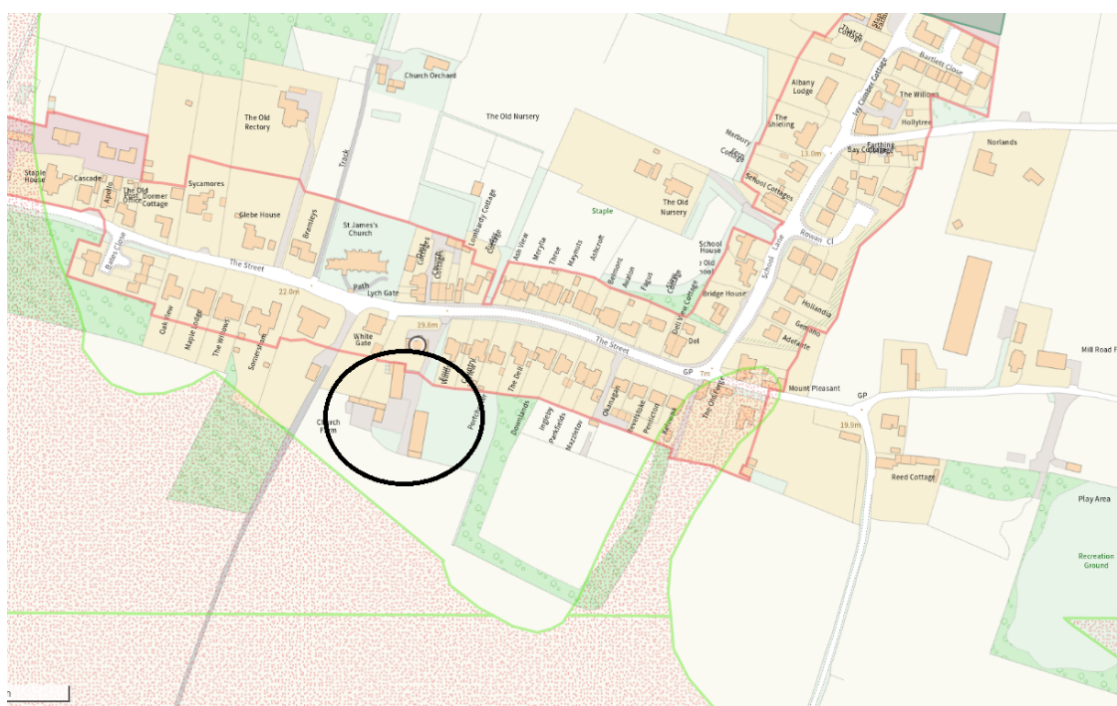


Figure 6 – Staple settlement boundary and application site

Conversion of the Kent Barn and Stable

- 2.4 Policy DM4 relates to the re-use or conversion of rural buildings and states that beyond the confines of rural service centres, local centres and villages, permission will be given for the re-use or conversion of such buildings as follows:
 - i. For commercial uses

- ii. For community uses in buildings that are closely related or adjacent to the confines
 - iii. For private residential use in buildings that are adjacent to the confines
- 2.5 In all cases the building to be re-used or converted must be of suitable character and scale for the use proposed, contribute to local character and be acceptable in other planning respects.
- 2.6 The pre-text to policy DM4 states private residential uses will only be acceptable in buildings that are located in or adjacent to the village confines and contribute to local character.
- 2.7 Draft policy SP4 sets out under criterion 3 that new dwellings in the countryside will be acceptable where (inter alia):
- ii) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - iii) the development would re-use redundant or disused buildings and enhance its immediate setting
- 2.8 Draft policy TI1 (Sustainable Transport and Travel) carries moderate weight and requires that development, in so far as its size, characteristic and location is concerned should make provision for and be capable of being accessed by sustainable transport modes, including walking.
- 2.9 The application site is located directly adjacent to Staple village and the Kent Barn and Stable buildings are considered to be rural buildings with historic and visual interest that add to the character of the area and are therefore worthy of conversion to dwellinghouses in accordance with policy DM4 criteria (iii) and draft policy SP4, subject to a sensitive conversion that contributes to local character.
- 2.10 The application site is located in a sustainable edge of village location and the conversion of the Kent Barn and Stable to residential units would enhance the vitality of Staple village in accordance with paragraph 79 of the NPPF. The site is not isolated in terms of paragraph 80 of the NPPF, however the proposals would be in accordance with paragraph 80(c) in terms of converting / re-using redundant and disused rural buildings, subject to enhancing the immediate setting through a sensitive design and conversion.
- 2.11 In summary the proposed re-use and conversion of the Kent Barn and Stable are considered to be in accordance with Core Strategy policy DM4, draft Local Plan policies SP4 and TI1 and the aims and objectives of the NPPF, subject to a sensitive design and all other material planning considerations.

New Dwellings

- 2.12 Policies CP1 and DM1 act together to confirm that the defined urban area and villages are intended to be the focus for new development in the district. Policy DM1 states that development will not be permitted outside the urban area and defined villages unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- 2.13 Policy DM1 and the settlement confines were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now

deliver 557 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight.

- 2.14 Policy DM11 seeks to manage travel and states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport. However, the blanket approach to restrict travel generating development outside of settlement confines is inconsistent with the NPPF.
- 2.15 The site is located outside the settlement confines and the proposals would therefore be contrary to policy DM1 and DM11, although it should be noted that these policies carry limited weight and the new build proposals therefore need to be assessed primarily against the NPPF in terms of the sustainability of the site and proximity to the village.
- 2.16 The site access is existing and is within the settlement boundary of Staple, which is a smaller settlement. The new residential development element of the proposal is outside (Figure 6 above) but adjacent to the settlement boundary of Staple. Criterion 1 relates to residential development within or immediately adjoining the settlement boundaries of larger settlements, to which Staple is not one. Criterion 2 of the draft SP4 policy states that residential development will be permitted within the settlement boundaries of Staple. The new dwelling is outside the settlement boundary and would therefore not meet this point. The new residential dwellings would also not meet the exceptions criteria set out within part 3 of the draft policy, which relate to rural workers, heritage assets, re-use of redundant farm buildings that enhance the immediate setting, subdivision of existing residential buildings or a design of exceptional quality. The proposal would therefore be considered contrary to the draft policy SP4.
- 2.17 Paragraph 79 of the NPPF sets out that that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The site is located immediately adjacent to the village confines and the provision of additional residential development in this location is therefore considered to be in accordance with paragraph 79 of the NPPF. The village is readily accessible from the site by foot and there is a pedestrian footpath directly outside the site on The Street which runs through Staple and provides access to bus stops located within 100m of the site. It is acknowledged that Staple village does not benefit from any facilities at present and there are no schools, shops or pubs/restaurants within the village confines. There is church, a small village hall and recreation ground although this is located outside the village boundary. However, the NPPF recognises that new residential development can enhance the vitality of rural communities when sustainably located and the NPPF also seeks to identify opportunities for villages to grow and thrive, especially where this will support local services.
- 2.18 The site with its existing access is located within the centre of Staple, with existing residential development adjacent to the east, west and to the north of The Street. There is no defined boundary between the farmhouse and the application site and the site is seen with its existing buildings and hardstanding in the context of the existing built development of Staple. Although not Previously Developed Land (PDL), the existing agricultural buildings are seen in the context of the existing built development within the village. The existing southern boundary has existing landscaping and is seen as the boundary between the built village and the surrounding open countryside. Draft policy SP4 sets out a number of criteria to ensure residential development does not

harm the character and appearance of the area. Whilst visual impact is discussed in further detail below within this report, this proposal is considered to safeguard the rural character of the District.

- 2.19 Notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), 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 taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted. At the present time the council has a demonstrable 5 year housing land supply of 6.03 years and have not failed to deliver the housing delivery test requirement (delivering 88%). As a whole, it is considered that the main policies for assessing the three new build dwellings are not up-to-date and as such the 'tilted balance' (paragraph 11, NPPF) is engaged, but the Council have met all the housing supply tests and therefore the presumption in favour of sustainable development is not fully engaged. In terms of the tilted balance, the site is sustainably located adjacent the village and new residential development would provide an opportunity to enhance the village in accordance with the NPPF. In addition, the large Dutch Barn proposed for demolition is of no visual interest and its removal would benefit the setting of the historic Kent Barn and Stable building and the rural edge of settlement location, subject to an appropriate design / scale for the new dwellings which will be assessed in greater detail below.
- 2.20 Given the proximity of the site to Staple village and for the reasons set out above, the aim of the Draft Local Plan of delivering development at the most sustainable locations would not be undermined. The proposal does not meet the requirements of draft policy SP4, but due to other considerations, the proposal is considered to be an exception that is acceptable subject to the detailed design.

Design and Visual Amenity

- 2.21 The proposals for the Kent Barn comprise a sensitive conversion and the physical works would visually enhance the building and locality. All the new fenestration would be recessed to enhance the historic character of the former agricultural building and the rooflights would be conservation style and fitted flush to the roof to limit the visual impact on the historic building.
- 2.22 A similarly sensitive conversion is proposed for the Stable building and the ad-hoc later additions would be sensitively incorporated by replacing the flat and curved roofs with a traditional tile pitched roof. In addition, the conversion would utilise the existing openings for the new recessed fenestration and the conservation rooflights would not dominate the roof slope of the building.
- 2.23 In summary the proposals constitute sensitive conversions of the Kent Barn and Stable building which would visually enhance the appearance of the buildings and character of the surrounding area.
- 2.24 As set out above the removal of the large Dutch Barn would visually enhance the setting of the historic farmstead buildings and the setting of the rural locality at this edge of the village location. The proposed new dwellings have been designed with a rural character in mind, with simple and sympathetic detailing to complement the Kent Barn and Stable to form a small farmstead style development which would not appear incongruous in this location. In addition, the cumulative footprint of the three new dwellings would be similar to the footprint of the Dutch Barn and whilst there would be

a small increase in height compared to the Dutch Barn, amendments have been secured altering the roof design to reduce the bulk and additional landscaping is now proposed on the edge of the site adjacent to the open countryside to provide an appropriate buffer to the countryside. Landscaping and boundary treatment details could be secured by condition to ensure appropriate rural boundary treatment is provided along the south and east boundary of the site adjacent to the countryside. On balance the proposals are considered to be an acceptable replacement for the Dutch Barn in terms of the design, scale and siting and would be visually attractive and sympathetic to the edge of village location in accordance with paragraph 130 of the NPPF.

- 2.25 The application proposes a small backland housing development behind the linear pattern of development within The Street. This backland pattern of residential development would be in keeping with recent housing approvals in Staple, in particular the redevelopment of the Three Tuns Pub (a grade II listed building) which has permission for five new houses behind the former public house and is also located on the edge of the village confines.
- 2.26 DM15 relates to the protection of the countryside and states development which would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted subject to certain criteria and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character.
- 2.27 DM16 relates to landscape character and states development that would harm the character of the landscape will only be permitted if the site is allocated in the Local Plan or the development can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.28 Draft Local Plan policy PM1 (Achieving High Quality Design and Place Making) attracts moderate weight. The policy sets out detailed principles and criteria which development must adhere to, to deliver high quality of design that promotes sustainability, and a positive sense of place.
- 2.29 Draft Local Plan policy NE2 (Landscape Character and the Kent Downs AONB) carries moderate weight. The draft policy requires development to demonstrate regard for the Landscape Character Area as defined by the Dover District Landscape Character Assessment 2020
- 2.30 The proposals would not result in the direct loss of the countryside and for the reasons set out above the conversion of the existing buildings and replacement of the Dutch Barn with three new dwellings are not considered to adversely affect the character or appearance of the countryside. Amended plans incorporating a reduction in roof bulk and an increased landscape buffer are considered to reduce any harmful effects on the countryside such that the proposals are considered to be in accordance with policy DM15 and DM16 and Draft Local Plan policies PM1 and NE2.
- 2.31 Accordingly, the development is considered to be acceptable in terms of its impact on the character and appearance of the countryside and edge of village location.

Heritage

- 2.32 Draft Local Plan policy HE1 (Designated and Non-Designated Heritage assets) carries moderate weight. The draft policy sets out that proposals which conserve or enhance the heritage assets of the District, sustaining and enhancing their significance and making a positive contribution to local character and distinctiveness will be supported. This policy mirrors the aspirations of the NPPF and statute.

- 2.33 The Kent Barn and Stable building are not listed individually and are not curtilage listed although they are considered to be non-listed heritage assets and therefore any conversion must respect their character as former agricultural buildings as set out above.
- 2.34 The closest listed building to the site is White Gate which is the former farmhouse for Church Farm and has been separated from the application buildings/site for some time. The physical works to the stable building closest to this boundary have been described above as sensitive and are considered to preserve the setting of the grade II building..
- 2.35 Given the separation distance involved, the proposed siting and orientation, the proposals would not affect the setting of the grade I St James Church located on the north side of The Street.
- 2.36 It is therefore concluded that the proposals would preserve the setting of the heritage assets in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims and objectives of Section 16 of the NPPF and draft policy HE1.

Highway Safety

- 2.37 The proposals would utilise the existing vehicle access which has historically been used to access the farm buildings and main house and the continued use of the access is therefore considered to be acceptable. In addition, the proposed site plan indicates there would be sufficient turning areas within the site to allow vehicles to enter and leave the site safely in forward gear. Policy compliant parking provision is proposed in accordance with Core Strategy Policy DM 13 and Draft Local Plan policy TI3, which carries moderate weight, with two spaces proposed for each property. The proposal does not provide any allocated on-site visitor parking, however additional parking could be accommodated adjacent to the Kent Barn and Stable for this purpose, and this approach is considered to be appropriate due to the number of dwellings proposed and edge of village location.
- 2.38 The existing farm buildings / use would have historically generated vehicle movements to and from the site and the conversion to five houses would not result in a significant increase in vehicle trips compared to the historic lawful use of the site.
- 2.39 Neighbours have raised concerns regarding the width of the shared vehicle access. The access would be approx. 3.5m wide which is in accordance with Kent Design Guide which sets a minimum width of 3m for a shared private vehicle drive.

Residential Amenity

- 2.40 Draft Local Plan policy PM2 attracts moderate weight and sets out that all new residential development must be compatible with neighbouring buildings and not lead to unacceptable living conditions. For future occupants, the policy requires new development to meet the Nationally Described Space Standards.
- 2.41 The new dwellings would be located approx. 12m from the rear boundary and approx. 30m distance from the nearest neighbouring property at Four Winds. Given these separation distances the proposals would not appear overbearing when viewed from the neighbouring property and there would be no significant adverse loss of amenity as a result. A first floor flank window proposed in the north elevation of Farmers Cottage 1 would afford views towards the rear garden of Four Winds. However, this window would be located approx. 16m from the shared boundary and therefore would not result in any significant adverse loss of privacy.

- 2.42 The conservation style rooflights proposed for the Kent Barn would all be high level and therefore would not provide any direct overlooking and subsequent loss of privacy towards the neighbouring property. A condition could be attached to ensure the lower sill of the rooflights are at least 1.7m above the internal first floor level. The Stable building comprises a ground floor conversion only therefore the high-level roof windows would not result in any loss of privacy. A new en-suite window (within an existing opening) in the north elevation of the Stable, adjacent the shared boundary with White Gate, would be obscure glazed and fixed shut to safeguard neighbour amenity.
- 2.43 A neighbour has commented on the potential for increased noise and disturbance and light pollution due to the proximity of the vehicle access to the shared boundary. The access is already in situ and has been used historically by the application farm buildings for agricultural related vehicle movements and the residential farmhouse. The proposal would not result in a significant increase in vehicle movements compared to the historic use of the site and residential vehicles are likely to generate less noise and disturbance than farm vehicles. In addition, there is a high-level mature hedgerow along the shared boundary adjacent the access which screens the access from the neighbouring residential property. As a result the continued use of the access would not result in any significant adverse amenity impacts over and above the historic lawful use of the site.
- 2.44 Whilst the Reg 19 Local Plan is a material consideration, the Nationally Described Space Standards set out that the space standards should be used "if a local authority has adopted the space standard in its Local Plan". Given that the Reg 19 Plan is yet to be formally adopted an assessment against space standards at this time is for guidance only. However, considering the proposed layout and house designs, the proposal demonstrates a good standard of accommodation is proposed that ensures an acceptable level of amenity, including space, for future residents.
- 2.45 The proposal is in accordance with Draft Local Plan policy PM2 for both existing and future residents.

Trees

- 2.46 There are several trees within the site and adjacent to the site in neighbouring properties and the conversion of the Kent Barn and Stable would require construction works adjacent to trees located on the shared boundary. A neighbour has raised concerns regarding a tree located in proximity to the Stable building and the potential for construction works to damage the tree and future pressures to fell the tree due to the proximity to the proposed new house. Construction impacts could be controlled through appropriate tree protection conditions to safeguard the existing trees along the shared boundary. In terms of the future pressure to fell the tree adjacent to the Stable block, it is noted that the tree in question does not overhang the Stable block and no habitable windows are proposed in the north elevation of the conversion. The roof lights closet to the tree in question serve the master bedroom and living room, however, the rooflights are secondary openings and the primary openings and main source of light and outlook would be afforded from the windows in the south and west elevation of the Stable conversion. As a result it is considered that the nearby tree would not result in any significant adverse loss of outlook or light that would likely warrant any future pressure to fell the tree.
- 2.47 A tree located behind / to the east of the Dutch Barn would be removed to facilitate the development of The Dairy building. The loss of this tree would be mitigated through additional tree planting throughout the site including the boundary adjacent to the countryside, which could be secured by appropriate landscaping conditions.

Ecology

- 2.48 The application is supported by a Preliminary Ecology Appraisal and Bat Survey which concludes the existing buildings are not considered as being used as a bat roost and indicates the proposals would not result in any significant adverse negative ecology impacts. The Ecology Appraisal recommends a number of ecology enhancements (hedgehog boxes, ecological sensitive boundary treatment, bird/bat boxes/bricks and additional planting) which can be secured by an appropriate condition in accordance with the aims and objectives of the NPPF.

Drainage

- 2.49 Foul sewerage would be connected to the existing mains located on The Street and a formal application to Southern Water would be required. With regard to surface water, Draft Local Plan policy CC6 (Surface Water Management) carries moderate weight and requires all new development to replicate natural ground and surface water flows and decrease surface water run-off through the use of Sustainable Drainage Systems.
- 2.50 The proposals would not result in an increase in built footprint within the site as the three new dwellings would have a similar footprint as the Dutch Barn, therefore the brownfield runoff rate would not significantly increase. Surface water would be controlled via SUDs which is considered acceptable in principle and further specific details can be secured by condition. The proposals would be in accordance with draft policy CC6.

Habitats Regulations

- 2.51 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.52 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.53 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.54 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.55 Draft Local Plan policy SP13 sets out that Measures to mitigate against an increase in recreational pressure arising from development resulting in impacts to the Thanet Coast and Sandwich Bay SPA are addressed in the Strategic Access Mitigation and Monitoring Strategy, for which contributions are required in accordance with Policy NE3. The site is outside the 9km zone of influence set out in draft policy NE3, so no contribution is required. In addition, the application site is outside of 500m from the Thanet Coast SPA so an appropriate assessment is not required.

- 2.56 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.57 Having had regard to the proposed mitigation measures, were the application to be considered acceptable, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Stodmarsh

- 2.58 Concerns had been raised following studies by NE that increases in wastewater from new developments coming forward have resulted in increased nutrient levels in Stodmarsh Lakes and which are causing water quality issues as a result. The lakes have high international ecological value for wetland habitats and the rare and special wildlife they support. They are protected through a combination of designations including A Special Area of Conservation, A Special Protection Area, A Ramsar site, A site of Special Scientific Interest and a National Nature Reserve. As such they are protected under the Habitat Regulations which requires an Appropriate Assessment to be carried out to show there would be no adverse effect of a proposal on the integrity of the site.
- 2.59 The local planning authority, as the 'competent authority' is now satisfied (following consultation with Natural England), that discharges of wastewater would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site.

3. Conclusion

- 3.1 The conversion of the Kent Barn and Stable block constitute sensitive residential conversions adjacent to the village boundary in accordance with policy DM4 of the Core Strategy and Draft Local Plan policy SP4.
- 3.2 The replacement of the large Dutch Barn with three new dwellings complies with the sustainability objectives of the NPPF in terms of the location of the site adjacent to the village boundary. In addition, the three new dwellings would replace the existing Dutch Barn with a similar footprint and only a marginal increase in height, which would be mitigated by additional landscape buffer planting adjacent the open countryside and the visual enhancements compared to the appearance of the large Dutch Barn. The three new dwellings would be contrary to policy DM1 and DM11 of the Core Strategy, however these policies are considered to be out-of-date. The new dwellings element of the proposal would also be contrary to draft Policy SP4 but given the significant benefits of the proposal set out within this report, the status of the Draft Local Plan and the weight afforded to the draft policy at this time, the new dwellings are considered to be acceptable as the benefits are considered to significantly outweigh the harm. The proposals are considered to comply with the aims and objectives of the NPPF and policy DM15 and DM16 of the Core Strategy and would not result in any adverse impacts that would warrant refusal.
- 3.3 In addition, the proposals would constitute an efficient use of a redundant site and the proposed dwellings would make a valuable contribution to the housing stock in the

borough. The proposed pattern of development would be in keeping with recent small scale housing developments located on the edge of the village and the site is sustainably located adjacent the village boundary which would help enhance the vitality of the Staple village in accordance with the NPPF.

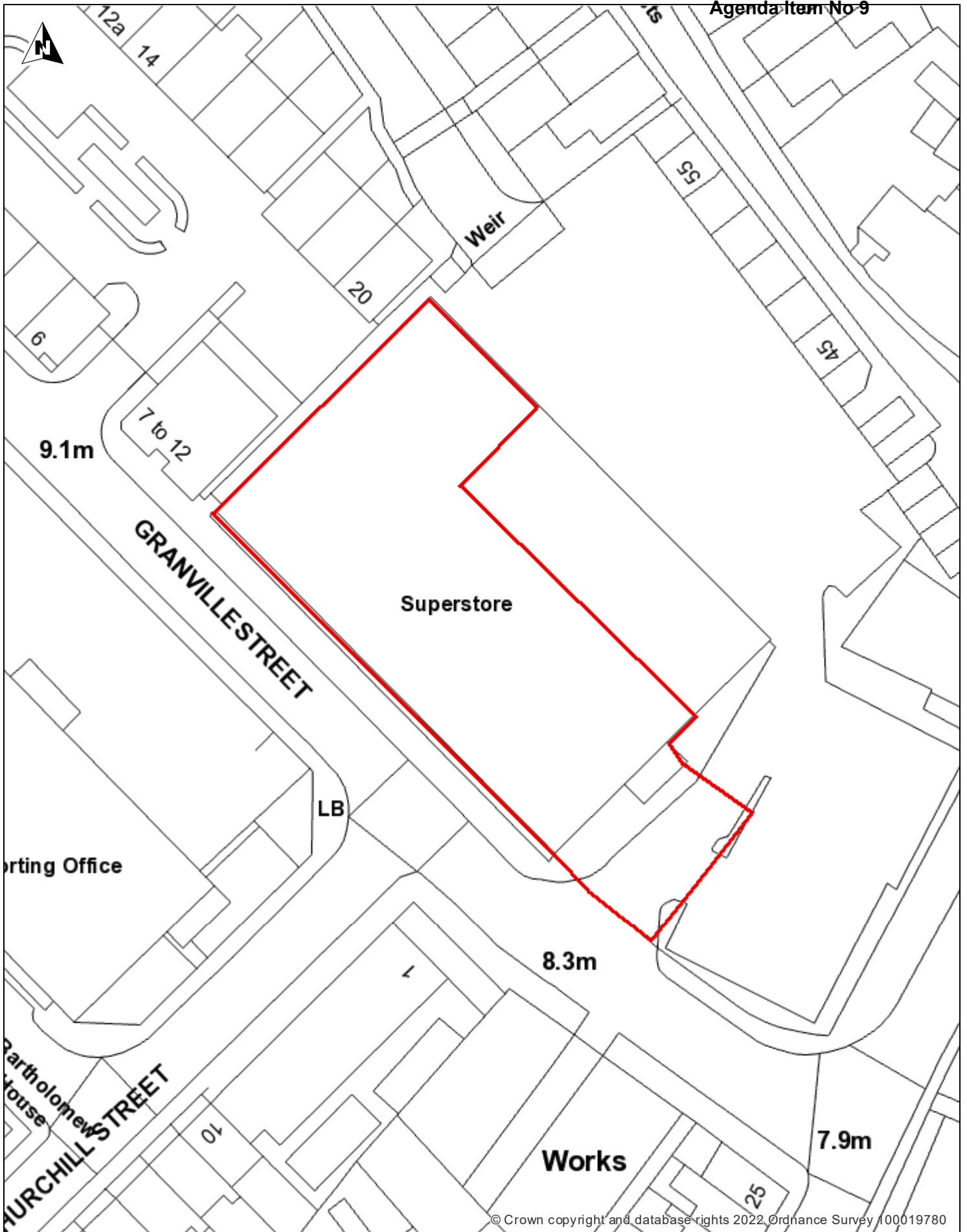
- 3.4 The proposed development would not result in any severe impact on the local highway network in terms of the increase in vehicle movements, policy compliant parking is proposed and there are no highways safety objections.
- 3.5 There would be no significant adverse neighbour amenity impacts. Ecology and tree impacts could be appropriately mitigated by way of conditions. Ecology enhancements and additional tree planting / landscaping could also be secured by condition.

g) **Recommendation**

- I. Approve planning permission, subject to the following conditions:
 - 1. Time limit
 - 2. Approved Plans
 - 3. Materials samples
 - 4. Window details – recesses
 - 5. Obscure glazing / fixed shut ensuite north facing window Stable block
 - 6. No additional windows in the first floor north elevation of The Dairy
 - 7. Retention of parking spaces
 - 8. Electric charging
 - 9. Cycle parking and bin storage details
 - 10. Landscaping details
 - 11. Tree protection
 - 12. Ecology enhancements
 - 13. Surface water drainage details
 - 14. Removal of PD rights
- II. Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Andrew Jolly



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22/00781
Halfords Ltd
Granville Street, Dover
CT16 2LG

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/22/00781 - Change of use to gym (Use Class E(d)) in addition to existing non-food retail use, with external alterations to building (existing entrance lobby to be demolished) – Halfords Ltd, Granville Street, Dover**

Reason for report – Number of contrary views (9)

- b) **Summary of Recommendation**

Planning permission be granted, subject to safeguarding conditions.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010):

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM2 – Protection of Employment Land and Buildings

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

DM20 – Shopfronts

National Planning Policy Framework (NPPF) (2021)

Paragraphs 7, 8, 11, 130, 197, 199, 202

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF:

SP6 – Economic Growth

CC5 – Flood Risk

PM1 – High Quality Design

E2 – Loss or Redevelopment of Employment Sites and Premises

R2 – Sequential Test and Impact Assessment

R4 – Shop Fronts

T13 – Parking Provision on new Development

HE2 – Conservation Areas

d) **Relevant Planning History**

DOV/89/00491 – The erection of a Class A1 non-food retail warehouse including car service centre, car parking and access – Granted 17/05/1989

DOV/05/01118 - Change of use of car service centre (part) to non-food retail within use class A1 – Granted 12/01/2006

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

Environment Agency – As the proposal is for a change of use of an existing building with no increase in vulnerability classification or building footprint, no objection to the proposal.

Environmental Health – Primary concerns with the gym use are amplified music and impact noise from weights, together with noise from external fixed plant use. Noise breakout could affect adjacent residential properties and the adjoining commercial unit. In response to these concerns a thorough Acoustic Design Report was provided. Following review of the report, EH concur with its findings, and require the proposed development to accord with the recommended internal fit out and mitigation measures proposed. Provided these are adhered to, together with the inclusion of a relevant condition to mitigate any potential noise nuisance from the external plant, and the new external doors remaining closed at all times except for emergencies or operation purposes (in the case of the plant room), no objection is raised to the proposal.

Dover Town Council – Support

KCC Highways - The applicant has demonstrated parking provision for 62 vehicles which exceeds the minimum requirement of 50 spaces, this is based on unit size of the proposed gym. Confirms the surrounding roads to the proposed development have existing parking restrictions. Given the on-street parking restrictions controlling the ability to park on the highway it is not considered that parking associated with the development proposals will have an impact on highway safety.

Public Representations:

8 letters of objection and 1 letter of representation have been received in response to the proposal. The material considerations included within the letters of objection have been summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are non-material considerations and are not included below.

- Concern regarding the noise and disturbance impacts of the proposed gym, for example from air conditioning, noise of equipment, noise of cars and comings and goings. This will be detrimental to residential amenity in the surrounding area.
- There is limited parking in the vicinity of the site with associated parking pressure. The parking provisions for the proposed gym are insufficient and will add more pressure to the already busy roads in this area.
- There are 3 schools in this area and this road is already dangerous. This could get worse with the extra traffic associated with the proposed gym.
- It is important that only the car park is used by gym members with no parking in adjacent roads.
- There are already 4 existing gyms in Dover and another opening. The proposed gym is unnecessary.

- The unit is large and will necessitate a large number of members, many of who are likely to be young and gather in groups. The proposal could result in antisocial behaviour at the site and its vicinity, particularly given the proposed 24 hour opening.
- The space should be used for something that is more beneficial for the local community, such as children's indoor play or retail shops.
- The proposal could result in the closure of existing gyms in the town.

1 letter of representation has been received stating that they are happy that a company are looking at using this building, however, concerned about the associated noise and parking.

f) 1. The Site and the Proposal

1.1 The application relates to an existing single storey, functional 'big box' commercial unit, which was formerly occupied by Halfords for non-food retail purposes. The unit previously formed part of a single larger unit, which was subdivided some time ago, with Carpetright formerly occupying the attached smaller unit. Both these units are currently vacant.

1.2 The building comprises a simple design and form, with a glazed front elevation and metal clad side elevation with brick elements and brick piers at intervals facing Granville Street, containing no openings, with car parking to the frontage of the building. The site is located on Granville Road, outside of the town centre approximately 650m from Dover Town Centre (an 8 minute walk), but in close proximity to other commercial uses and the main routes through the centre of town. Adjacent to the car park to the north is the River Dour which also forms the edge of the Charlton Green Conservation Area. To the south of the site on Granville Road are predominantly single storey commercial buildings, and the two storey Post Office depot. To the front of the site is the side elevation of Morrisons and the river Dour and soft landscaping, and to the rear of the site is predominantly residential terraced dwellings and flats.

1.3 Planning permission was recently granted under application DOV/22/01020 for the change of use of the adjoined former Carpetright unit to a veterinary surgery (Use Class E(e)) in addition to the existing non food retail use, including external alterations to the building. The location of the application building in relation to its surrounding built environment is included in Figure 1 and Figure 2 below.

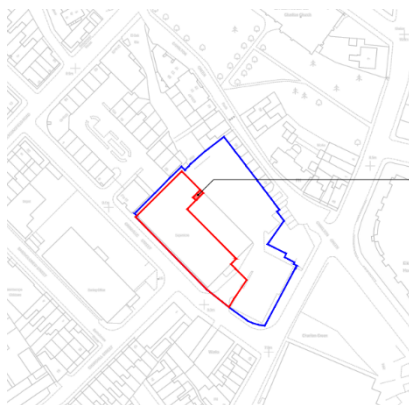


Figure 1: Site Location Plan

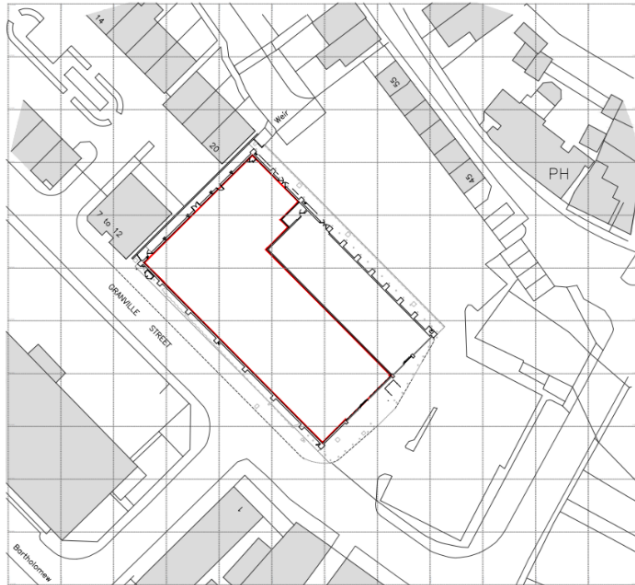


Figure 2: Proposed Block Plan

- 1.4 The application proposes the change of use of the existing non-food retail use to a gym (Use Class E(d)) in addition to the existing non-food retail use, together with external alterations to the building. The proposed change of use would not normally require planning permission as it falls within Use Class E, however the former planning permission restricted the use of the building to non-food retail, and for no other purpose. As such the proposed change of use requires permission as sought. There are currently no restrictions on the existing non-food retail use of the unit to operate 24 hours a day, and the gym proposes to continue this, with 24 hour proposed opening times. The proposed gym would form a low cost gym offering a range of cardio-vascular and resistance equipment, together with studio/spin classes, and the intention is for the unit to be occupied by Pure Gym. The interior proposes a predominantly open plan layout, with a separate studio room, changing rooms and other associated ancillary rooms/storage spaces. The internal layout is detailed in Figure 3 below.

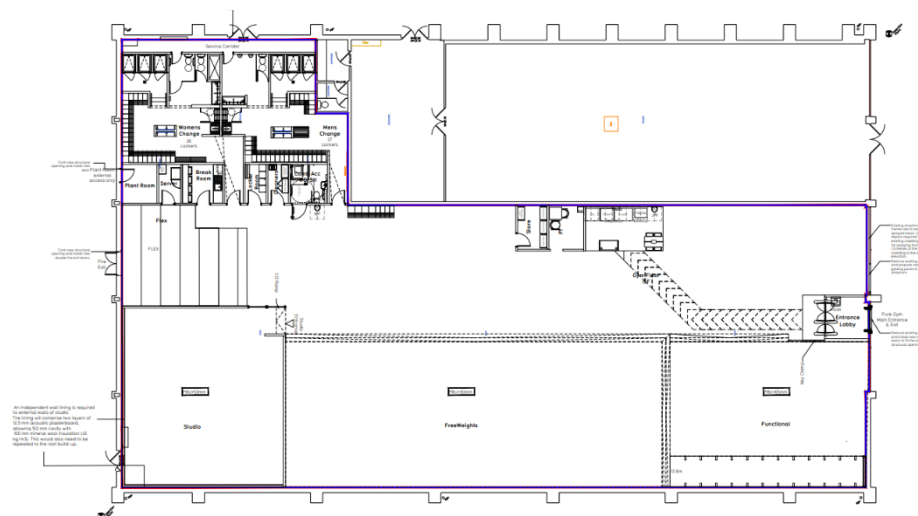


Figure 3: Proposed Internal Layout

- 1.5 The proposed external alterations to the building includes the demolition of the existing entrance lobby, and the installation of bi-folding doors to the front

elevation of the building to provide the main entrance. An external brick built electrical cupboard enclosure is proposed to be sited in front of the south west side elevation, adjacent to Granville Street. No external alterations are proposed to the north east side elevation. A pair of fire doors roughly to the centre and a further door serving the proposed plant room to the east are proposed to be inserted to the rear elevation. The proposed elevations are included in Figure 4 below.

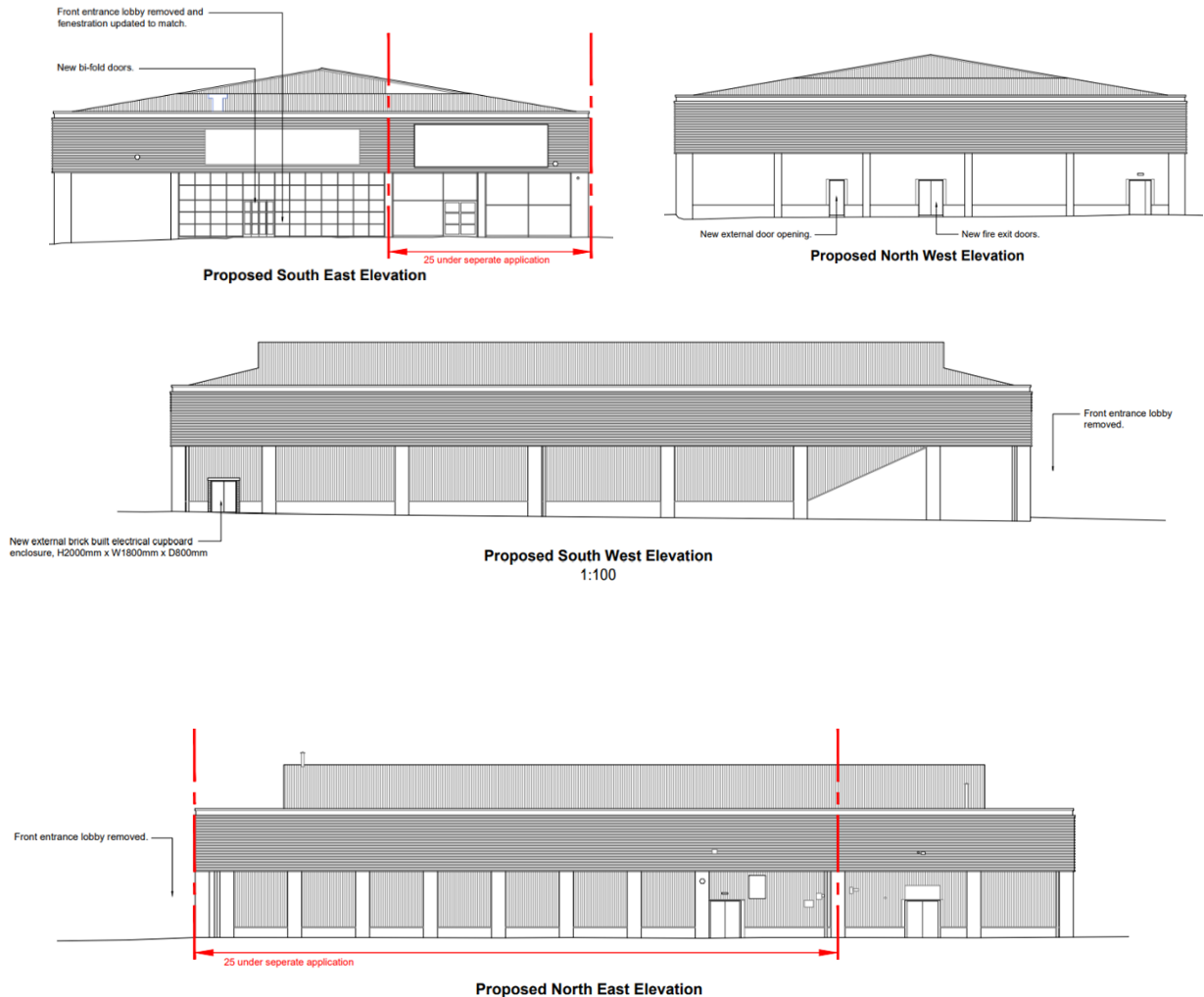


Figure 4: Proposed Elevations

1.6 The application is supported by a Planning Statement, a Transport Statement and a Flood Risk Assessment. Further information and clarification has been provided through the application process in response to Environmental Health's comments and concerns in the form of an Acoustic Design Report and a plan of the proposed internal layout.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on visual amenity

- Impact on residential amenity particularly regarding noise and disturbance
- Highway safety and amenity

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan unless material considerations indicate otherwise.
- 2.3 The site lies within the urban boundaries of Dover. Policy CP1 seeks to direct the location and scale of development in compliance with the settlement hierarchy, with Dover forming the major focus of development in the district. Policy DM1 permits development within the settlement boundaries. Policy DM2 seeks the protection of employment land and buildings and states permission for changes of use of buildings last in use for employment purposes will only be granted if the buildings are no longer viable or appropriate for employment use. Policy DM11 seeks to manage travel demand and locate development within sustainable locations. There are no policies within the current development plan which directly relate to the creation of commercial development within the settlement confines. The National Planning Policy Framework (NPPF) proactively encourages sustainable economic growth. The proposed gym use would constitute a main town centre use, and the NPPF requires the LPA to apply a sequential test to planning applications for main town centre uses which are not located within an existing centre, with main town centres uses directed to town centres, and then edge of town centre locations.
- 2.4 Policy SP6 of the Draft Dover District Local Plan supports economic growth within the district, including the retention of existing commercial/business land and premises. Policy E2 seeks to restrict the loss of existing employment sites and provides specific criteria which allows for acceptable loss. Policy R2 sets out that development for retail uses or main town centre uses which are not located within the boundaries of Dover, Deal or Sandwich Town Centres, and are not supported by other policies in the plan, are only permitted if a sequential assessment has been carried out that demonstrates that no suitable sites are available, with preference given to sites which are well connected to the town centre; and the proposal will not have a significant adverse impact on investment of the vitality and viability of the town centre. These policies have moderate weight given the stage of the Draft Local Plan and the limited unresolved objections.
- 2.5 The application seeks the change of use of the building to a gym (Use Class E(d)) in addition to the existing non-food retail use. The proposal will therefore reinstate the commercial use and employment purposes of the vacant building. The application site is located within the urban confines of Dover, outside the town centre, but within close proximity of similar commercial development, the main routes through town and several bus stops and is therefore considered to be suitably sustainably located.
- 2.6 The proposed use forms a main town centre use and therefore the application of a sequential test is required in accordance with paragraph 87 of the NPPF and the emerging Policy R2 of the Draft Dover District Local Plan. The application is supported by a sequential test, which has been carried out on the basis of

meeting the requirements of the intended operator, for a low cost 24 hour gym operation, with the floor area, car parking and servicing arrangements of the unit forming the most relevant requirements. The sequential test outlines that there are 3 vacant units which fall within the identified minimum and maximum floor area for the operational requirements, which includes the application building. These relevant units, a possible amalgamation of adjoined units, and the leisure allocations of Dover Waterfront are considered and assessed in turn. The sequential test concludes that the other relevant units are not suitable for the development, with the application building being the next most suitable location for the requirements of the operator. The test further states that the site is located within a highly accessible location, approximately 650m from the town centre/an 8 minute walk, in an established commercial area and concludes that the application site is the most sequentially preferable location for the development proposal. The proposed application and conclusion of the submitted sequential test is considered to be suitable and acceptable, and no objections are raised on this basis.

- 2.7 Overall, the proposed change of use will reinstate a commercial and employment use to the application building and is compatible with the majority of the applicable policies within the current development plan and the emerging Draft Dover District Local Plan. The application proposes a main town centre use in an out of town centre location, however it is considered that the submitted sequential test in relation to this development is passed and the proposal is acceptable in this regard. The proposal would also accord with the approach and overarching principles of the NPPF. The development is therefore considered to be acceptable in principle, subject to the consideration of all other material planning considerations.

Visual Impact

- 2.8 The application building forms part of the subdivided 'big box' single storey commercial building which is set under a low pitched roof, of a simple design, with forecourt parking to the frontage. The application proposes external alterations to the building, including alterations to the shopfront.
- 2.9 As the site is located adjacent to a Conservation Area the Local Planning Authority must have regard for Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of the area. Policy DM20 states that alterations to existing shopfronts will only be given if the proposals respect the composition, materials and detailed design of the building and the context provided by the street in which they are located. Policy R4 of the emerging Draft Dover District Local Plan continues this approach. Policy PM1 requires all development to achieve a high quality of design, which promotes sustainability and fosters a positive sense of place.
- 2.10 The proposed external alterations are relatively minor in scope. The glazed entrance porch proposed to be removed is not considered to be a key feature of the building, nor of architectural merit, and the proposed flush shop front would accord with the adjoined shopfront. The proposed replacement bi-folding doors are suitably compatible with the existing glazed shopfront and will be fitted within a cohesive opening to the existing glazed pattern. The proposed external brick built electrical cupboard enclosure to the south west side elevation is a compact, ancillary structure which is suitably discreetly located and would not encroach upon the adjacent pavement. The proposed double external fire doors and door to the proposed plant room to the rear elevation would have limited visibility by

virtue of their position and the limited separation to the adjacent buildings, and would form minor additions to this elevation. The change of use of the building to a gym in addition to the existing non-retail food use would provide a fitness/leisure element to the existing commercial use which is not considered to significantly alter, or be out of character with the site or wider locality, particularly given the mixed commercial and residential character of the area and proximity of the application building to surrounding large commercial units. The development is therefore considered to be acceptable in terms of the character and appearance of the area and would not result in harm to the setting of the adjacent Conservation Area, in accordance with Policy DM20 of the Core Strategy, Policies R4 and PM1 of the Draft Dover Local Plan and the National Planning Policy Framework.

Impact on Residential Amenity

- 2.11 Section (f) of Paragraph 130 of the NPPF identifies that development should ensure a high standard of amenity for existing and future users. The use of the site as a 24 hour gym has the potential to generate adverse noise and disturbance to surrounding adjacent neighbouring properties from traffic movements, amplified music, vibrations from weights and associated activity. Concern regarding this has been raised by several members of the public and local community who have commented on the application. The nearest residential properties to the application building are located to the rear (north) of the site, with limited separation distance of approximately 3m between the rear elevation of the application building and their side elevations. The location of the application site in relation to its surrounding built environment is shown in Figure 1 and 2 below.
- 2.12 The submitted planning statement recognises the potential noise and disturbance impacts of the proposed use and details mitigation measures to address this such as studio activities/exercise classes limited to 06:00-22:30, together with their experience of the operation of similar Pure Gym units in residential areas. This details that whilst the gym would operate on a 24 hour basis, in practice there are usually very few visitors during the overnight period, and these visitors would be able to park close to the gym within the frontage car park, with the noise level generated at a level which would not have an adverse effect on the existing noise climate. The statement further advises that a detailed acoustic assessment is undertaken for each new site.
- 2.13 The application site is located in a mixed commercial and residential area, in close proximity to main routes to/from town, with an established existing degree of vehicular movements, activity and associated noise and disturbance. The main entrance and car park is located to the front elevation/frontage which will be the location and focus of the majority of external activity associated with the proposed use. The nearest residential properties are located to the rear of the application building, with the application building providing a barrier to this car park/frontage area. Immediately adjacent to the frontage parking area is existing commercial development, the remainder of the car park for the two units, Granville Street and Bridge Street, and the River Dour/landscaping, which will provide a buffer of non-residential development and uses which will limit the impact of the activity and vehicular movements associated with the proposal upon the surrounding residential neighbours. The application building and car park is an existing commercial unit and the former non-food retail use would have had associated activity and noise and disturbance impacts and it is necessary to consider the proposal in the context of this. There were no opening hour

restrictions on the former use, however it is likely that these were largely limited to sociable hours. It is considered that the proposed activity and vehicular movements related to the comings and goings of users of the proposed gym would be largely comparable to customers of the former retail unit during sociable hours.

- 2.14 In relation to the proposed 24 hour opening hours, it is considered likely that the users of the proposed gym at night would be limited and would park in close proximity to the proposed gym within the frontage car park, in accordance with the applicants assessment and details of their experience of existing operations. It is considered that this would result in limited noise and disturbance impacts, particularly given the position of the frontage car park and entrance in relation to surrounding residential properties. Given the location and context of the application site and the nature of the surrounding environment, in close proximity to main routes to/from town, and the presence of adjacent commercial units with associated activity, the former use of the site and the likely limited use of the proposed unit during unsociable hours, it is not considered that the external activity associated with the proposal would result in undue harm to the residential amenity of adjacent neighbours.
- 2.15 Environmental Health have reviewed the proposal and raised that their primary concerns are noise breakout and the impact on nearby residential dwellings. It was requested that the proposed acoustic assessment was provided up front for review to provide sufficient information to fully assess the proposal. In response to this, an acoustic assessment for the proposal has been submitted. This proposes a series of mitigation measures to address potential noise and disturbance impacts at the nearest residential receptors such as works to the external doors to minimise noise breakout, areas for noise generating activities contained within internal separating walls and located away from both the shared wall with the adjoined unit and the external walls to the north and north east, and where this cannot be achieved, the provision of wall lining to provide sufficient noise insulation. Following further environmental health comments, an additional plan showing the proposed internal layout and design of the lobbied entrance has been provided.
- 2.16 Environmental Health have confirmed that they agree with the findings of the submitted acoustic assessment, and accept the proposed internal layout and design, with the addition of noise insulation lining to be provided to the ceiling of the studio in addition to the walls as proposed. Subject to the implementation and maintenance of the recommended mitigation measures and internal fit out as set out within the Acoustic Design Report, the external fire doors and external door to the plant room remaining closed except for emergencies/operational purposes respectively and a condition restricting the noise levels of the proposed plant, then no objections are raised to the application by Environmental Health. These requirements will be secured by relevant safeguarding conditions should permission be granted. As such, the proposed development is considered to incorporate sufficient mitigation measures, within the context of the location and environment of the development to prevent unacceptable harm to the residential amenity of surrounding neighbours.
- 2.17 The proposal proposes minimal external alterations to the application building, and there are not considered to be any adverse impacts to residential amenity of adjacent neighbours deriving from the design changes. 2No. additional door openings are proposed to be inserted to the rear elevation. In accordance with the submitted acoustic design report, all external doors will be made good and

lobbied, and these doors will remain shut except for emergencies or operational purposes (in the case of the plant room) which will be infrequent. These restrictions and requirements would be secured by condition. As such, the provision of the additional doors is not considered to result in significant harm to residential amenity.

- 2.18 The proposed development is therefore considered to be acceptable in terms of the residential amenity of adjacent neighbours, in accordance with paragraph 130 of the NPPF.

Highways

- 2.19 The existing unit and adjoined unit are served by frontage parking and parking to the north east of the building which provides 63 parking spaces. The application is supported by a transport statement which considers the combined impact of the proposed change of use of the application building and the adjoined building which is subject of permission under reference DOV/22/01020. This transport statement concludes that there could being an additional 13 two way trips during the weekday morning peak hour, no material change during the weekday peak hour and a potential reduction on Saturdays. It is stated that there is unlikely to be a material change to the parking demand at the site and highlights the accessible location of the site.

- 2.20 The parking demand associated with the proposed use is considered to be comparable to the existing use, and is considered capable of being sufficiently accommodated by the existing parking provision to the forecourt/north east of the building. The site is located in close proximity to main routes through the town, several bus stops and is an approximately 8-10 minute walk from the town centre. The application building is therefore considered to be sited in a suitably sustainable location, and users of the proposed gym would not be reliant on the private car to access this facility. KCC Highways have reviewed the proposal and state that there are no highway implications from the proposal, with the existing parking provision sufficient to accommodate the proposed use, and the on-street parking restrictions controlling the ability to park on the highway, confirming that it is not considered that parking associated with the development proposals will have an impact on highway safety. We note the submitted transport statement and KCC Highways comments, and consider that the proposal is unlikely to result in an increase in vehicular movements or parking demand which would be detrimental to the surrounding highway network. The proposed development is therefore considered to be acceptable with regards to highway amenity and highway safety, in accordance with Policies DM11 and DM13 of the Core Strategy and the National Planning Policy Framework.

Flood Risk

- 2.21 The application site is located predominantly within Flood Zone 2 and partially within Flood Zone 1, in close proximity to the river Dour. The proposed development has been supported by a Flood Risk Assessment. This identifies that uses falling within Use Class E as a less vulnerable use from a flood risk perspective, which constitutes appropriate development within Flood Zone 2. The development does not propose any increase in floor area or the footprint of the building and does not include any external alterations which would affect flood risk. The proposal falls within the definition of minor development and is therefore not required to be subject to the Sequential or Exception Tests. Given the proposed commercial and service use of the building, which will be an addition to the existing use, and that no changes are proposed to the size or floor

area of the building, the development is considered to have an acceptable impact with regards to the flood impacts, in accordance with the National Planning Policy Framework.

3. **Conclusion**

- 3.1 The application site is located within a mixed commercial and residential area, outside the town centre, but within an accessible location, in close proximity to other commercial uses and main routes to/from town. The proposed gym use in addition to the existing non-food retail use would reinstate a commercial and employment use to the vacant application building which is supported by applicable policies within the current and emerging development plan and the approach and overarching principles of the NPPF. The proposal would constitute a main town centre use, and the application is supported by a sequential test which is considered to be acceptable.
- 3.2 The proposed external alterations are minor in scope and are considered to be suitably compatible with the host property and the surrounding built environment. The proposed development has the potential for increased noise and disturbance, however subject to a number of conditions to control this impact which have been agreed in conjunction with Environmental Health, together with the location and context of the application site, and given the former commercial use of the building, it is considered that this increase would not be significantly harmful. The parking demand associated with the proposal is considered capable of being accommodated by the existing car parking provision and it is considered that the proposal is unlikely to result in an increase in vehicular movements or parking demand which would be detrimental to the surrounding highway network. Given the proposed use of the building, with no alteration to the building footprint, the proposal is considered to have an acceptable impact with regard to flood impacts. When considering the proposal, no adverse impacts of granting permission have been identified that would significantly and demonstrably outweigh the benefits of the proposal. The development is therefore considered to represent sustainable development in accordance with the applicable Local Plan Policies and the NPPF, and it is recommended that planning permission is granted.

g) **Recommendation**

I PERMISSION BE GRANTED subject to the following conditions:

- 1) 3-year commencement;
- 2) In accordance with the approved plans and details;
- 3) Prior to the first use of the development, the mitigation measures and internal fit out recommended within the approved acoustic design statement, with the addition of sound insulated lining to the roof of the studio area as required shall be implemented and thereafter maintained;
- 4) Studio activities and exercise classes shall only be carried out between the hours of 06:00-22:30;
- 6) Noise resulting from the use of plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-1990, at a point one metre external to the nearest noise sensitive premises;
- 7) The external rear fire escape doors and door to the plant room will remain closed at all times except for access/egress in an emergency or for operation purposes respectively;

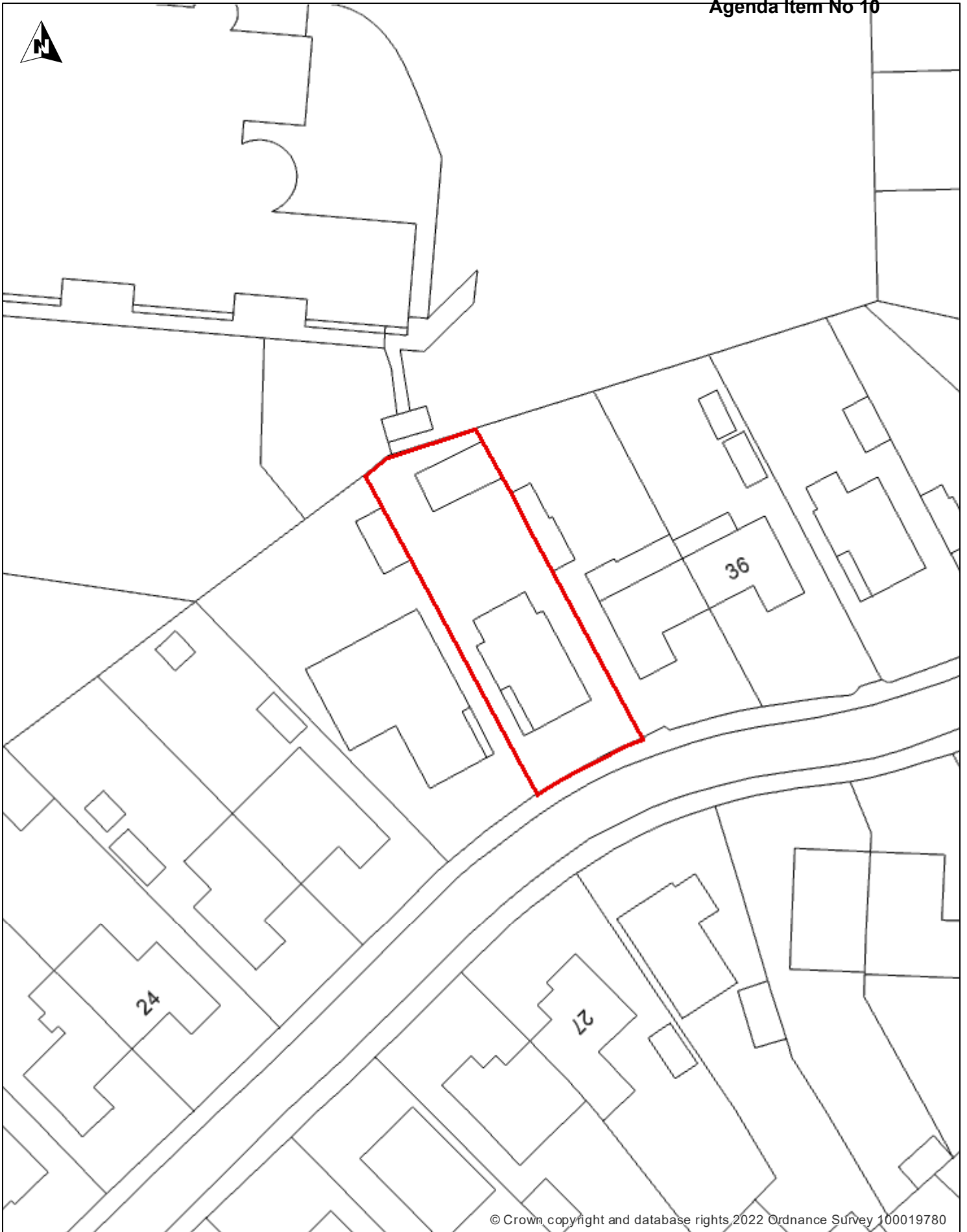
8) The site shall be used for the particular use classes hereby permitted, namely Class E(a) non-food retail and E(d) indoor sport, recreation or fitness, and for no other purpose;

9) The parking area to the forecourt and north east of the application building within the blue line shall be provided for parking for the use hereby approved and the adjoined commercial unit and thereafter maintained for the lifetime of the development.

- II Powers be delegated to the Head of Planning and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Jenny Suttle



22/00935
32 Alison Crescent
Whitfield
CT16 3LN

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/22/00935 - Change of use of outbuilding to gym for business use (Use Class E(d)) (retrospective) – 32 Alison Crescent, Whitfield**

Reason for report – Number of contrary views (13)

- b) **Summary of Recommendation**

Planning permission be granted, subject to safeguarding conditions.

- c) **Planning Policy and Guidance**

Core Strategy Policies (2010):

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM11 – Location of Development and Managing Travel Demand

DM13 – Parking Provision

National Planning Policy Framework (NPPF) (2021)

Paragraphs 7, 8, 11, 130

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF:

SP6 – Economic Growth

E3 – Businesses Operating from a Residential Property

PM1 – High Quality Design

R2 – Sequential Test and Impact Assessment

T13 – Parking Provision on new Development

HE2 – Conservation Areas

- d) **Relevant Planning History**

N/A

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

Environmental Health – Final Comment 27/09/22: (In response to an amended Noise Management Plan (NMP) and proposed 7am- 8.30pm operating times) This meets our concerns and operation to the NMP should be conditioned.

Updated Comment 31/08/22: The NMP meets many of our concerns. The only items I would add or change would be that during change-overs music shall be switched off, a section on high temperature weather conditions where they can mention the use of air conditioning (or air temperature control) to allow for door and windows to remain closed during sessions and more information on the control of customers who may cause disturbance on arrival or departure. If they can make these changes, I foresee that the NMP would be accepted by us and could then be conditioned for them to operate to for the life of the development.

In terms of times, while the NMP covers most noise it would reflect a daytime operation (07:00am until 23:00pm). We agree to the 20:00pm termination during the week and a 13:00pm termination on a Saturday. The sticking point is the 06:00am start. Given that this is a residential area there would be an expectation of a certain amount of amenity prior to 07:00am where sleep would be expected. While the NMP adds controls the possibility of disturbance from patrons arriving, transferring to the building, and then using facilities is still there albeit reduced. Even the school to the rear of the site would not be in operation until at least 07:00am for staff. Environmental Protection could not support a 06:00am start on this basis and would object to the application on this point. Further to this, while Environmental Protection will not raise further comment with the application if certain changes are made, we are still concerned that the use has the possibility to cause disturbance if badly managed. The control of Impact noise is certainly a key consideration and if justified complaints are received further controls may be needed to alleviate such issues.

Original Comment 17/08/22: Environmental Protection have been asked to comment on the above application. When first reading the application and the objections, we were certainly concerned and requested a site visit to review the application site. Following that site visit we request the following controls through conditions:

1. Prior to first use, the site operator shall provide to the local planning authority a Noise Management Plan (NMP). The NMP shall be agreed in writing by the local planning authority before the use commences. The NMP, once accepted, shall be operated to by the site for the life of the development. The NMP shall cover all aspects of the use of the site as a commercial operation and provide means to mitigate or remove significant noise, including but not limited to: the use of music, human voice and the use of exercise equipment and specifically impact noise.
2. The site shall only operate as a commercial gym / commercial personal training site between the hours of 07:00am and 19:00pm Monday to Friday and 07:am until 11:00am on Saturday.
3. There shall only be a maximum of two visiting clients at the site in any operational hour.
4. All commercial gym and commercial personal training activities shall be confined to the internal garden building. There shall be no use of the external space by patrons other than for access and egress.
5. During commercial gym and commercial personal training activities all door and windows to the garden room shall remain closed other than for access and egress. For times of the year where high temperatures are expected the operator shall ensure that some form of air-cooling mechanism is present to allow for windows and door to remain closed.

While we have requested 5 conditions it is feasible that the applicant can include conditions 2-5 in the NMP and negate the need for their inclusion. As long as this is enforceable, we are happy with either approach. If our requests above are accepted, we would not object to the application.

Whitfield Parish Council – Whitfield Parish Council object to this change of use due to the lack of additional parking provision for customers of the business and the local problems this may cause. The application states that the current 2 parking spaces will remain at 2 spaces and there is no information about the number of people who may be visiting the business at any one time. For example group or individual classes? How often will client sessions overlap with parking required for those using the facility while others arrive early for the next session?

Alison Crescent is quite narrow and parking is a problem with people frequently parking on the pavement to allow buses to get through but hindering any pushchairs and mobility scooters from using the pavement. The customer parking availability/acceptability for the potential parking problems needs to be addressed before this retrospective permission can be granted.

Public Representations:

13 letters of objection and 4 letters of support have been received in response to the proposal. The material considerations included within the letters of objection have been summarised below. Matters such as impact on an individuals' property value, financial intentions of the applicant etc. are non-material considerations and are not included below.

- The gym has been disruptive to this quiet residential neighbourhood and has resulted in detrimental noise and disturbance impacts.
- There have been instances of groups of people turning up for dance exercises in the garden with music being played resulting in detrimental noise impacts to the surrounding neighbours.
- Equipment results in vibrations which can be felt inside my property.
- Cars associated with the gym are coming and going from 5am to 9pm at night, with associated noise from radios, doors slamming and activity.
- The gym has caused several traffic issues on this narrow and bendy road, which is a main bus route through Whitfield, with a bus stop in close proximity, and on a school route.
- There have been several instances where cars associated with the proposal have partially blocked the road. This has resulted in car and buses having difficulty negotiating the parked cars and occasionally having to mount the footway to get passed the parked cars.
- Users of the gym have parked directly opposite, or partially across driveways resulting in difficulty accessing and egressing resident's driveways.
- The parked cars together with the bends to the road have resulted in the loss of the line of sight of vehicles approaching which is detrimental to highway safety.
- Parked cars associated with the gym are often parked partially on the pavement, meaning persons with pushchairs, wheelchair users etc. have to walk out in the road, which is dangerous.
- The parked cars could prevent emergency services vehicles getting to their destinations.
- If there was a condition that meant patrons of the gym parked their vehicles on their drive and did not block surrounding driveways, I would no longer object to the application.
- This is a residential road not a business estate.

4 letters of support have been received and the material considerations are summarised below.

- Support the application and have no objections to the proposed change of use.
- The proposed gym would be excellent for the local community.

- Good to see a small local business expand and increase facilities for those wanting to improve their health in the area.
- As the next door neighbour of this property, I support the application. The owners are proactive in minimising noise and parking and are conscientious to the neighbours.

f) 1. The Site and the Proposal

1.1 32 Alison Crescent is a single storey detached bungalow sited on a moderate, linear plot. Alison Crescent is a residential road in the village of Whitfield. To the north of the site is Whitfield Aspen School. The application relates to the existing single storey rear outbuilding located towards the end of the rear garden of the application site. The application seeks retrospective planning permission for the change of use of this rear outbuilding to a gym (Use Class E(d)) for business use. No external alterations are proposed to the outbuilding.

1.2 The location of the site and outbuilding, and the surrounding built environment is detailed in Figure 1 and Figure 2, and the elevations of the outbuilding are included in Figure 3 below:

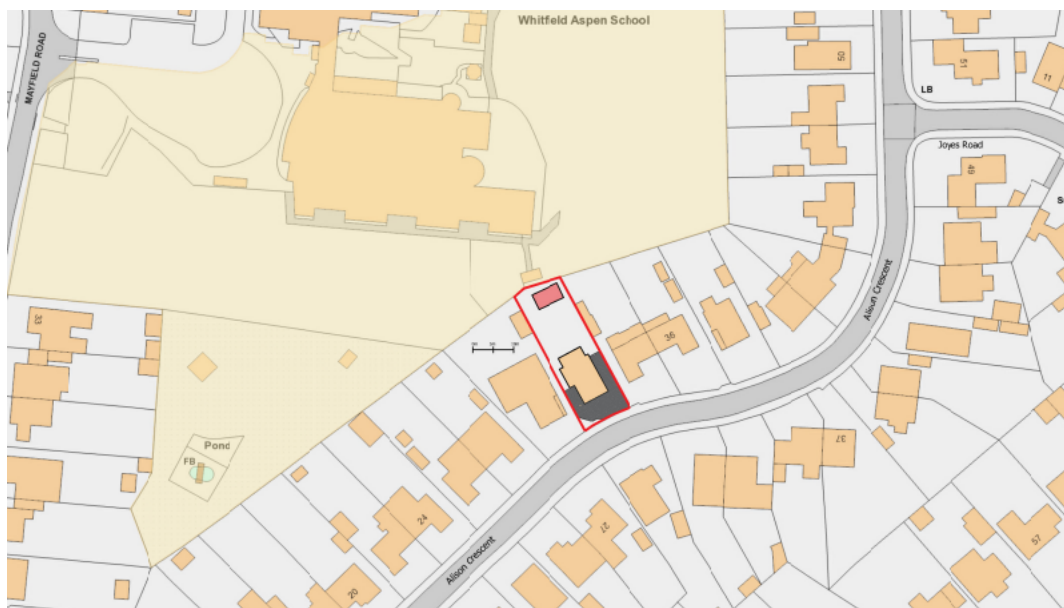


Figure 1: Proposed site location plan

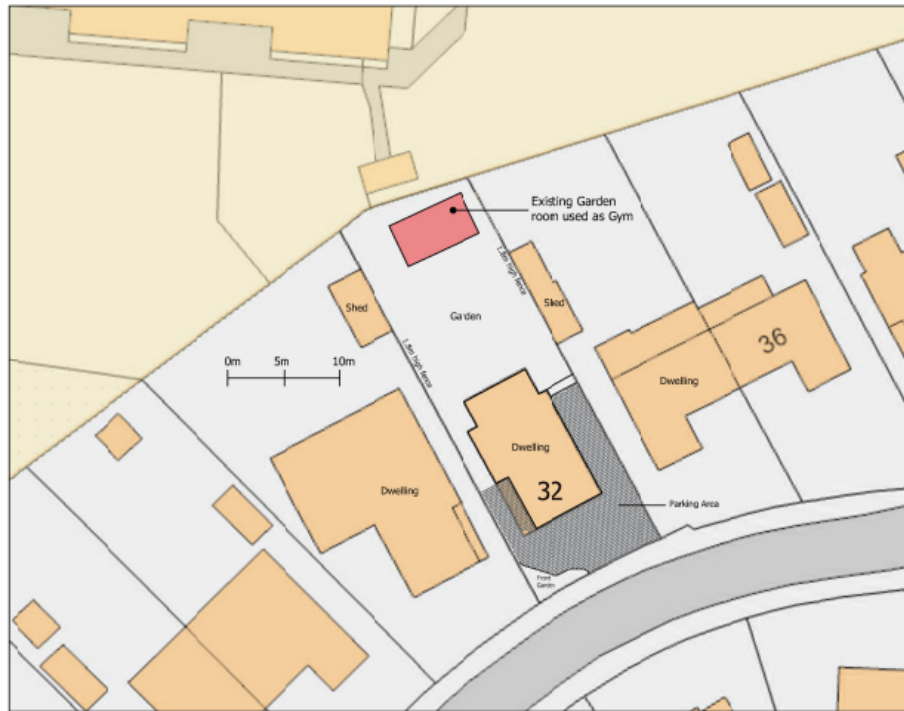


Figure 2: Proposed Block Plan

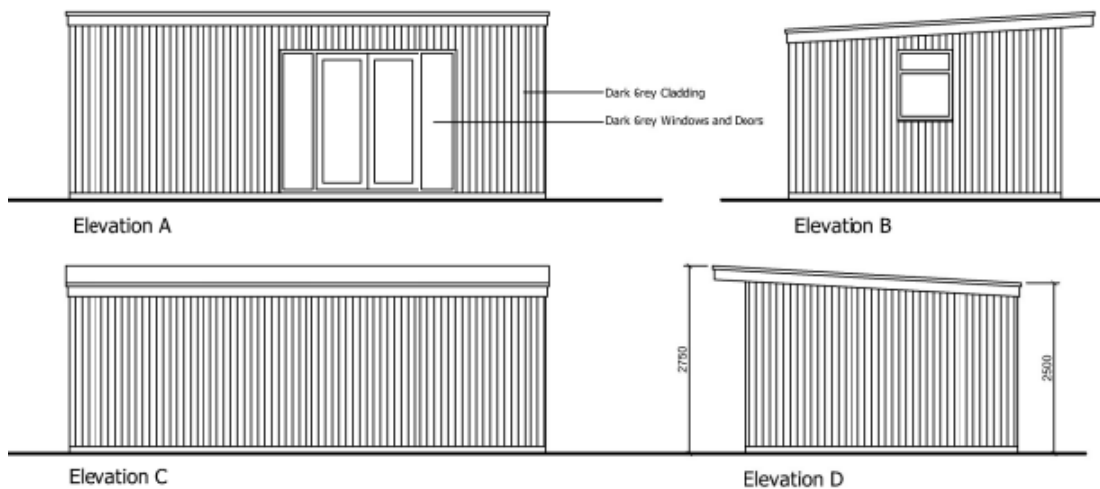


Figure 3: Existing and Proposed Elevations of Outbuilding

- 1.3 The application originally proposed opening hours of 06:00 – 20:00 Monday to Friday and 07:00 – 12:00 Saturdays and provided limited details of the proposed operation. Following a site visit and comments received from Environmental Health further information has been provided and the application has been amended to address concerns raised.
- 1.4 The amended scheme is supported by a Noise Management Plan (NMP) which clarifies and sets out how the proposed operation will be managed and the noise mitigation measures to prevent an unacceptable impact on the residential amenities of the surrounding adjacent neighbours. This includes a maximum of two visiting clients at any one time, all doors and windows closed at all times during sessions, no sessions instructed outside of the outbuilding, the installation

of rubber matting to the floor, and for the production of an agreed statement for clients to accord with the measures of the NMP, among others. The proposed hours of use have been amended in response to Environmental Health's comments to 07:00 – 20:30 Monday – Friday and 7:00 – 13:00 Saturdays. An amended plan has also been provided which details the extension of the existing driveway which can now incorporate 4No. parked vehicles, which will provide 2No. spaces for the visiting clients. The amended scheme now proposes clients utilise the existing drive, with the provision of the 5–10-minute change of time between sessions to avoid crossovers and associated highway implications.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on visual amenity
- Impact on residential amenity particularly regarding noise and disturbance
- Highway safety and amenity

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan unless material considerations indicate otherwise.
- 2.3 The site lies within the settlement boundaries of Whitfield. Policy CP1 seeks to direct the location and scale of development in compliance with the settlement hierarchy. Policy DM1 permits development within the settlement boundaries. Policy DM11 seeks to manage travel demand and locate development within sustainable locations. There are no policies which directly relate to the creation of commercial development within the settlement confines. The National Planning Policy Framework proactively encourages sustainable economic growth and requires planning policies to be flexible enough to allow for new and flexible working practices.
- 2.4 Policy SP6 of the Draft Dover District Local Plan supports economic growth within the district. Policy E3 relates to businesses operating from a residential property and permits business operations provided the proposed use would not be of a scale that would not result in a change of the lawful residential use of the property and is acceptable with regard to its impact on living conditions, highway implications and does not result in the erosion of the residential character of the area. Given the stage of the Regulation 19 Plan then this policy can only be afforded moderate weight at this time but it does mirror the objectives of the NPPF.
- 2.5 The proposed gym use of the outbuilding (Use Class E(d)) constitutes a main town centre use, and paragraph 87 of the National Planning Policy Framework and emerging Policy R2 of the Draft Dover Local Plan requires a sequential assessment, with main town centre uses directed to town centres, and then edge of centre locations and so forth, to be applied. The proposed gym is modest in scale and scope, operating from a compact outbuilding associated with a

residential dwelling, with a maximum of 2No. clients for each session. Given the limited scope of the operation, it is not considered that the proposed development necessitates the application of the sequential test in this instance.

- 2.6 Similarly, whilst the proposed use of the outbuilding as a gym forms a separate use to the residential dwelling, its modest scale and scope and detached siting and arrangement from the dwelling is not considered to result in a change of the residential use of the main dwelling and wider site or result in the erosion of the residential character of the area. As such, the proposal would not conflict with emerging Policy E3, subject to the assessment of its suitability with regards to its impact upon residential amenity and highway implications, which will be considered in the following sections. The development is located within the confines of Whitfield, on a bus route, and whilst the application site is not located in a town or edge of centre location, it is not considered to be unsustainably located. The proposal does not conflict with other applicable policies within the current and emerging Local Plan and would accord with the NPPF approach regarding encouraging sustainable economic growth and the allowance of new and flexible working practices. The development is therefore considered to be acceptable in principle, subject to the consideration of all other material planning considerations.

Visual Impact

- 2.7 The outbuilding to which this application relates is a compact, ancillary outbuilding of a simple and unassuming appearance and design, which is commensurate with the application site and does not form an uncommon feature in the locality. Given the modest scale and location of the outbuilding within the rear garden of 32 Alison Crescent there is limited visibility of the outbuilding within the surrounding public realm, and the proposed development does not alter the appearance of the outbuilding. As such, the proposal is not considered to be detrimental to the appearance of the local area.
- 2.8 The proposed use of the outbuilding as a gym for external clients has the potential to alter the character of the application site and surroundings to a degree through associated activity and comings and goings. The proposed development given its nature and the size of the building, is limited in scope, with no more than 2No. clients being present at any one time and the use is predominantly contained within sociable hours, with no operation on Sundays. Sessions will be confined to within the outbuilding, with no windows and doors openable during, and the existing driveway has been extended to provide parking for 2No. vehicles in addition to the residents' cars, which will largely contain the impact of the development upon the application site. Given these operational restrictions and measures, together with the modest scope of the proposal, the development is considered to have a limited impact on the character of the area, which would not significantly alter the primary residential use of the application site or result in undue harm to the character of the area. Accordingly, the proposal is considered to be compatible with emerging Policies E3 and PM1 of the Draft Dover District Local Plan and the National Planning Policy Framework.

Impact on Residential Amenity

- 2.9 Section (f) of Paragraph 130 of the NPPF identifies that development should ensure a high standard of amenity for existing and future users. The use of the outbuilding as a gym for business use has the potential to generate adverse noise and disturbance impacts above what would be expected from the

residential use of the application site to surrounding adjacent neighbours. The gym shall operate from the existing outbuilding towards the rear of the garden, with adjacent residential neighbours either side, and parking will be located on the extended driveway to the frontage of the dwelling.

2.10 Environmental Health raised concerns with the original proposal and required sufficient controls and restrictions to minimise the impact of the proposed development and prevent unacceptable harm to the residential amenities of the adjacent neighbours. The scheme has been amended in response to these concerns, and controls and mitigation measures are proposed to manage the operation of the use, which are set out within the submitted Noise Management Plan. The most important key measures are as follows:

- Only two visiting clients at any one time
- No sessions held outside of the outbuilding, with doors and windows closed at all times during sessions
- Minimise volume and base of amplified noise/music, no music played outside or when doors are opened for access/egress
- Aircon used to ensure doors and windows can remain closed on hot days
- Provision of rubber matting to floor
- A minimum of two parking spaces available on the drive at all times, with clients directed to park on the driveway
- A 5-10 minute change of time between sessions to minimise crossover
- Hours of operation between 07:00 – 20:30 Monday – Friday and 07:00 – 13:00 Saturdays, with no operation on Sunday.

The application site is bounded by approximately 1.8m high close boarded fencing and some separation distance is provided to each adjacent neighbour by virtue of the detached formation of the surrounding neighbours and siting of the outbuilding, which will provide some limitation on the impact of the proposal.

2.11 The amended scheme has been reviewed by Environmental Health who accept the provisions of the revised Noise Management Plan and have raised no objection to the proposal on this basis, provided the requirements of the NMP are implemented and maintained for the lifetime of the development, which will be secured by condition should the application be approved. The activity and vehicular movements associated with the proposal will result in some impact to the surrounding area, however given the limited number of clients (2) at any one time, the proposed 5-10 minute change of time between sessions and the provision of vehicular parking on the extended driveway which will contain the majority of movements within the application site, it is considered that sufficient controls are in place to prevent a significant or unacceptably harmful impact from this element of the proposal. Given the agreed controls and restrictions, the proposal is considered to incorporate sufficient mitigation measures, within the context of the limited scope of the proposed operation and its surrounding environment, to prevent unacceptable harm to residential amenity of surrounding neighbours.

2.12 The development does not propose any additional built form or alterations that might have the potential to impact upon residential amenity in this regard. The proposed development is therefore considered to be acceptable in terms of the residential amenity of adjacent neighbours, in accordance with paragraph 130 of the NPPF.

Highways

- 2.13 Concerns have been raised by neighbours and members of the community regarding increased vehicular movements and parking demand associated with the proposed use, including on road parking of users of the proposed gym resulting in disruption to the free flow of traffic and restricting the use of resident's drives. These concerns were noted during the assessment of the application, and the scheme has been revised to address concerns regarding the highway implications of the proposal.
- 2.14 The amended scheme now incorporates an extended driveway (understood to have been implemented under permitted development) which provides an additional 2No. parking spaces, in addition to the existing 2No. parking spaces for the residents of the residential dwelling, with no alteration to the existing vehicular access. The revised scheme through the provisions of the submitted NMP, which would be secured by condition should the application be approved, is restricted to a maximum of 2No. clients at any one time, with clients directed to park on the driveway alongside a 5-10 minute change of time between sessions to limit crossover of clients and associated highway implications. These controls and provisions would result in a limited number of vehicular movements associated with the proposed use at any one time, which in the context of the residential street of Alison Crescent, which serves a number of cul-de-sacs and other roads, is not considered to result in a significant increase in vehicular movements which would materially alter the existing situation or be detrimental to highway amenity or safety. The proposed extended driveway is considered to incorporate sufficient parking provision to serve the proposed use, which seeks to contain parking demand at the application site, with likely minimal associated on street parking, which would result in limited additional impacts to the surrounding highway in this regard. The proposed development is therefore considered to be acceptable with regards to highway amenity and highway safety, in accordance with Policies DM11 and DM13 of the Core Strategy and the National Planning Policy Framework.

3. Conclusion

- 3.1 The application is not considered to conflict with the relevant policies of the current and emerging Development Plan and the National Planning Policy Framework and is acceptable in principle. The proposal would have limited impact upon the character and appearance of the area. The amended scheme incorporates a range of operational and mitigation measures and controls through the submitted Noise Management Plan which have been agreed with Environmental Health and are considered to mitigate and manage the impact of the development to an acceptable degree. Subject to these controls being implemented and maintained, which will be secured by condition, together with the modest scope of the proposed operation, the development is not considered to result in unacceptable impacts to the residential amenities of surrounding neighbours. Parking provision shall be provided on site and the number of clients restricted to 2No. clients at any one time, which together with other measures would result in limited associated vehicular movements and parking demand which is considered capable of being sufficiently accommodated at the application site and the existing highway. As such, the proposal is not considered to result in unacceptable impacts with regard to highway safety and residential amenity. When considering the proposal, no adverse impacts of granting permission have been identified that would significantly and demonstrably outweigh the benefits of the proposal. The development is therefore considered to represent sustainable development in

accordance with the applicable Local Plan Policies and the NPPF, and it is recommended that planning permission is granted.

g) Recommendation

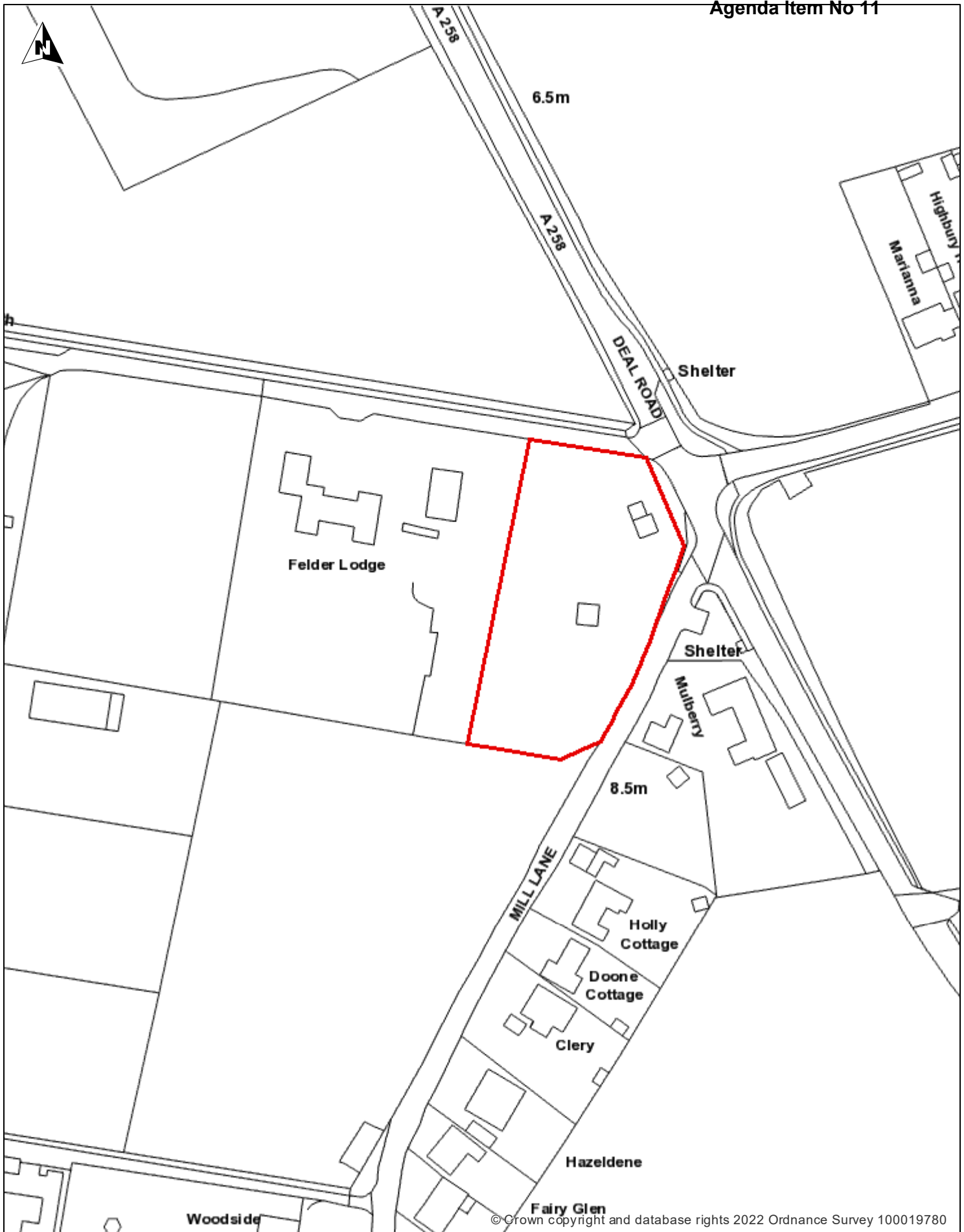
I PERMISSION BE GRANTED subject to the following conditions:

- 1) 3-year commencement;
- 2) In accordance with the approved plans and details;
- 3) The use of the outbuilding as a gym hereby permitted shall operate in accordance with the provisions and mitigation measures as set out in the approved Noise Management Plan for the lifetime of the development;
- 4) An up-to-date register shall be kept of the customers using the gym for each session which shall be made available for inspection by the LPA on request at any reasonable hour for the lifetime of the development;
- 5) Outbuilding to be used as a commercial gym during the hours of 07:00 – 20:30 Monday – Friday and 07:00 – 13:00 Saturdays only and not on Sundays;
- 6) Doors and windows to remain closed during gym sessions;
- 7) No amplified music/noise played externally or when doors/windows are open;
- 8) The 2No. parking spaces to the frontage as shown on the approved plan and detailed in the Noise Management Plan shall be provided for parking for the use hereby approved during operational hours and thereafter maintained for the lifetime of the development;
- 9) The outbuilding shall be used for the particular use class hereby permitted, namely Class E(d) indoor sport, recreation or fitness, and for no other purpose except for that ancillary to the residential use of the dwelling 32 Alison Crescent.

II Powers be delegated to the Head of Planning and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Jenny Suttle



21/01581

Felder Lodge
Deal Road, Worth
CT14 0BD

Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ



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

- a) **DOV/21/01581 – Erection of two detached dwellings with associated parking (existing garage, outbuildings and swimming pool to be demolished) - Felder Lodge, Deal Road, Worth**

Reason for report: Due to the number of contrary views (15) and Councillor call in.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Planning and Compulsory Purchase Act 2004

Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Core Strategy (2010)

CP1, DM1, DM11, DM13, DM15, DM16

Draft Dover District Local Plan to 2040

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process (Regulation 19) the policies of the draft can be afforded some weight, but this depends on the nature of objections and consistency with the NPPF.

Policies relevant to this application are: SP3, SP4, SP14, CC5, CC6, PM1, PM2, T13, NE1, NE2

National Planning Policy Framework (NPPF) (2021)

The most relevant parts of the NPPF are 8, 11, 12, 47, 55, 107, 79, 130, 180

The Kent Design Guide (KDG)

Worth Neighbourhood Plan

WDP02

- d) **Relevant Planning History**

None.

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

Worth Parish Council

Objects to this planning application for the following reasons:

It breaches paragraphs 9, 111, 130 and 174 of the NPPF.

Given the number of contrary views the decision should not be delegated.

Whilst a minor development, the cumulative impact of traffic generated together with other major built/extant development will be severe.

The proposed access would not be safe. The proposed development does not appear to provide for any net diversity gains One objector makes reference to bats in the locality

One objector has raised issue of potential to overlook their property and the shining of headlights directly into their front room.

Potential for breaking building regulations.

Public Rights of Way Officer

No comments to make

Southern Water

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Kent Highway Services

Following the submission of additional plans, Kent Highway Safety have now raised no objections to the proposals, subject to appropriate conditions.

Senior Natural Environment Officer

The appropriate level of ecological surveys works have been carried out. The Ecological Impact Assessment report provides a suite of appropriate ecological impact avoidance and mitigation measures and advises that the implementation of these measures is secured by condition, if planning permission is granted.

Public Representations

15 letters of objections have been received and 3 letters of support. These comments are summarised.

Objections

- Loss of view;
- Overbearing impact on the adjacent properties;
- Cars exiting the development will directly point into the opposite dwelling.
- Not infill;
- Highway safety concerns;
- The proposed access isn't an established access being used;
- Previous applications for dwellings near the vicinity have been refused;
- Loss of wildlife and habitat;
- Worth Neighbourhood plan doesn't allow for houses on the side of Ham.
- The HELAA does not identify any suitable housing in the Mill Lane vicinity;
- Lack of pavement;
- Sewage problem;

Support

- Good size houses on good size plots.
- Lovely scheme.
- In keeping and will blend in seamlessly.
- Demand for these types of large executive homes.
- No issues with drainage.

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

The Site

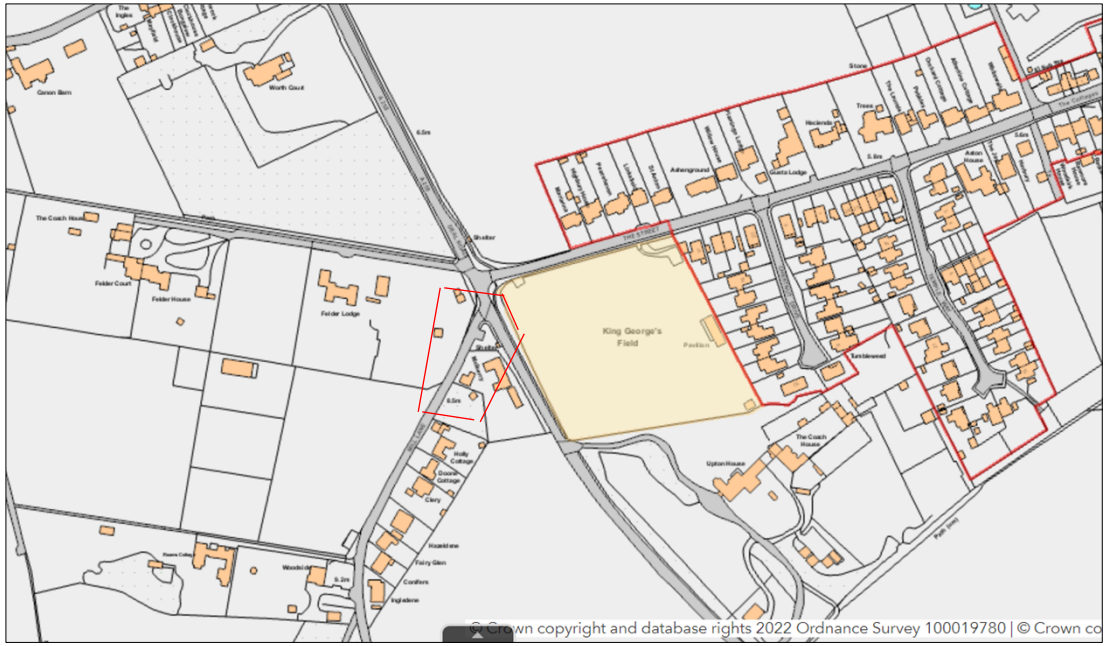


Figure 1: plan showing settlement confines

- 1.1 The application site is located outside of the village confines of Worth (as shown in red to the east) and the Worth Neighbourhood Plan. The site is within an accessible location being able to walk into Worth along a lit footpath and use public transport (namely a bus stop) within Deal Road that has daily regular journeys to Deal, Sandwich and Canterbury.
- 1.2 The application site consists of a plot of land approximately 0.84 hectares in area forming the eastern half of the garden area serving Felder Lodge. Felder Lodge is accessed down a private track located to the north of the site. The dwelling is a substantial, brick-built detached dwelling on a large plot, with a detached garage with accommodation over to the east of the dwelling.
- 1.3 The applicant site is currently laid to lawn with established screening surrounding the boundaries on all sides and has a detached garage and swimming pool, which would be removed to make way for the development. There is a further existing access leading from Mill Lane to the SE, although this appears not to have been used for some time. To the west of the application site is an unused field that is within the ownership of the occupiers of Felder Lodge. To the west beyond the unused field is footpath EE238.
- 1.4 Mill Lane is a rural road serving a number of dwellings. The characteristics of the road is verdant in nature, with modest sized dwellings, with a variation of roof heights as well as different architecture styles and designs.

The Proposal

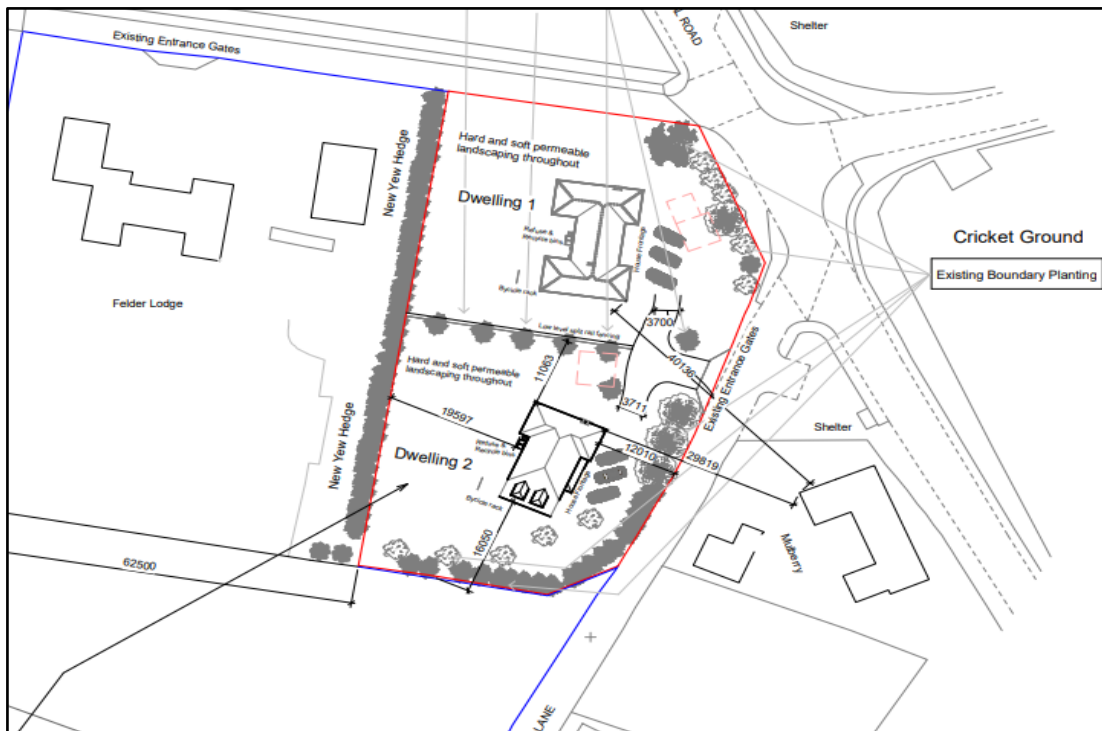


Figure 2: block plan

- 1.5 Originally, the application sought planning permission for 2no. 5 bedroomed detached properties. Plot 1 would be located towards the NE of the site with Plot 2 to the SW of the plot. The frontage of Plot 1 would face Deal Road and Plot 2 would face towards the south. Both dwellings were over 2 floors with a central structure flanked by a wing each end with a pitched and hipped roof form.



Figure 3: 3D visuals of proposed dwelling

- 1.6 Concerns were raised by officers in respect of the location and design of plot 2 as this did not relate well to those properties within Mill Lane. Amendments were sought including the repositioning of the proposed dwelling within the SE corner of the site to have a more active street frontage, the introduction of a catslide roof with two dormers within the left (south) elevation to replace the 2-storey wing to reduce the bulk of this side of the dwelling and its appearance within Mill Lane.



Figure 4: 3D visuals of proposed dwelling

- 1.7 The pallet of materials comprises reclaimed red bricks, Kent peg tiles and timber doors and windows.
- 1.8 Both dwellings will share the existing residential access to the east and from Mill Lane. Parking will be in the form of off-road open parking to the front of the respective dwellings.

2. Main Issues

- 2.1 The main issues for consideration of this planning application are:
 - Principle
 - Visual amenity
 - Residential Amenity
 - Highways
 - Ecology
 - Habitat Regulations

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 is the development plan, unless material considerations indicate otherwise. The starting point for the assessment of applications is replicated at Paragraphs 2 and 12 of the National Planning Policy Framework (NPPF). An important material consideration is the NPPF which, broadly, seeks to achieve sustainable development. Notwithstanding the primacy of the development plan, paragraph 11 (c) and (d) of the NPPF states that development which accords with an up-to-date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the policies are out-of-date, permission should be granted unless:
 - i. the application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed: or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In assessing point (i) above, the 'policies' referred to are those relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other

heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

- 2.3 Having regard for paragraph 11, it is necessary to consider whether the development plan is up-to-date and whether the policies which are most important for determining the application are out-of-date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local the local planning authority cannot demonstrate a five-year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.
- 2.4 It is considered that policies CP1, DM1, DM11, DM13, DM15 and DM16 are the 'most important' policies for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five-year housing land supply (6.03 years' worth of supply) and has not failed to deliver 75% of the housing delivery test requirement (delivering 88%).
- 2.5 Policy CP1 sets out a settlement hierarchy and provides that "the location and scale of development in the district must comply with the Settlement Hierarchy". Within this policy Worth has been identified as a Village, with the tertiary focus for development within the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community. CP1 is considered to be more restrictive than the NPPF and therefore attracts reduced weight. In this instance, the proposed development would be contrary to policy CP1 of the Dover District Council Core Strategy.
- 2.6 Policy DM1 generally seeks to restrict development which is located outside of the settlement confines unless it is justified by other development plan policies, or it functionally requires such a location or is ancillary to existing development or uses. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF as the housing requirement has increased since the settlement confines were drawn, whilst the confines act to restrict housing supply. That said, it is noted that the local housing need requirement has come down over the past year. However, it remains the case that this policy is considered to be out-of-date and, as a result, should carry only limited weight. In this instance, whilst the proposed development is within close proximity to the Worth settlement, it is still outside of the confines and does not require such a location, nor would it be ancillary to existing development or uses and is therefore considered to be contrary to policy DM1 of the Dover District Core Strategy.
- 2.7 Policy DM11 requires that, (1) applications which would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. The policy also states that, (2) development that would generate travel will not be permitted outside of the settlement confines unless justified by other development plan policies. Finally, the policy states, (3) Development that would generate high levels of travel will only be permitted within urban areas in locations that are, or can be made to be, well served by a range of means of transport. Whilst the policy is not considered to be out of date, it does attract reduced weight in this instance, having regard to the proximity of the site with Worth and public transport namely bus services, it is considered the proposal would not significantly increase travel demand and therefore comply with the aims and objectives of policy DM11.

- 2.8 Policy DM15 resists the loss of countryside (i.e., the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met, it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside as a blanket approach is more stringent an approach than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development. There is therefore some tension between this policy and the NPPF. Whilst it is not considered that this tension is sufficient to mean that the policy is out of date, it is considered that the policy attracts reduced weight. In this instance, the site is generally well screened, as such, the proposal would have limited impact within the countryside.
- 2.9 Policy DM16 requires that development which would harm the character of the landscape will only be permitted if it accords with a development plan allocation and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. Policy DM16 is considered to be consistent with the NPPF and is considered to attract full weight. This will be discussed later in the report.
- 2.10 Policy DM1 is out-of-date, whilst CP1, DM11 and DM15 are to differing degrees in tension with the NPPF, albeit they are not considered to be out-of-date. DM1 is considered to be particularly important to the assessment of the application and it is therefore concluded that the basket of 'most important policies' are out of date and the 'tilted balance' described at paragraph 11 (d) of the NPPF is engaged.
- 2.11 Within the Draft Local Plan, policy SP4 sets out that residential development or infilling of a scale that is commensurate with that of the existing settlement will be permitted within or immediately adjoining the settlement boundaries within Worth subject to a number of criteria being met. The proposal is not within or immediately adjoining the defined settlement confines of Worth, however, there is some built development in the area of the application site, however, this is not considered adjacent to the confines due to the separation of them by an Open Space designation and other areas of open space. The proposal therefore does not comply with part 1 policy SP4, nor the exceptional circumstances identified in part 3 of the policy and therefore does not comply with this policy.
- 2.12 The application was submitted last year when the emerging Local Plan was not a material planning consideration, and it was considered that as some relevant policies of the Local Development Framework were out of date then the tilted balance applied. Negotiations therefore continued in this respect working with the applicant to overcome issues regarding visual impact, highways and ecology.
- 2.13 Finally, within the Worth Neighbourhood Development Plan paragraph 3.23 sets out 'DDC Core Strategy Policy DM1 would apply to proposals for development outside the settlement confines'. However, as discussed above this is considered to be out of date. Policy WDP02 within the Neighbourhood Plan sets out criteria for development proposals inside the settlement boundaries but is silent in respect of development outside of the confines of the settlement.
- 2.14 With regard to this particular application, the focus of the NPPF is to locate new housing development within suitably sustainable locations. Supporting the principle of new housing within this location would be consistent with paragraph 79 of the NPPF, which seeks to locate housing where it will enhance or maintain the vitality of rural

communities and to avoid the development of isolated homes in the countryside. However, that said, notwithstanding the tilted balance being engaged, the principle of the development is contrary to policy SP4. That said, the Draft Local Plan has not been formally adopted and in terms of sustainability, the application site is within walking distance to Worth, a sustainable settlement, along a lit pavement and there is a bus stop within Deal Road with a daily and regular timetable to Sandwich, Deal and Canterbury.

Character and Appearance

- 2.15 Paragraph 130 of the NPPF sets out that ‘planning decisions should ensure that developments function well and add quality to the area, not just for the short term but over the lifetime of the development’. The NPPF continues at paragraph 130 (c) setting out that ‘planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment, whilst not preventing or discouraging appropriate innovation or change’.
- 2.16 Felder lodge is on a substantial corner plot with the main entrance to the dwelling leading from a private road. The private road is characterised by large dwellings on substantial size plots. Felder Lodge is an older property, which is brick built and consists of a centralised structure, with two individual wings protruding off the east and west elevations. Plot 1 has been designed to replicate those details of Felder lodge and is considered to reflect the bulk, scale, massing, and design of those properties within the private track. The proposed dwelling would be seen from Deal Road and from the Worth Junction, however, given the size of the dwellings within this location, Plot 1 is not considered to appear out of character with the surrounding area when viewed from the public realm.
- 2.17 Mill Lane is characterised by modest dwellings on smaller plots that all have a road frontage, although all different in architectural styles and designs. Plot 2 has been redesigned to incorporate a catslide roof with dormers within the southern roofslope to help reduce the bulk and massing of the building, whilst replicating some of the characteristics of those properties within Mill Lane. These amendments to Plot 2 would be seen as a suitable transition in terms of scale and massing between the properties to the north and those properties within Mill Lane and have some of the same design features as Felder Lodge, Plot 1 and Mill Lane. For the reasons set out above, the proposed development is considered to be acceptable in respect of bulk, scale, massing, and design and would not result visual harm within the street scene.
- 2.18 In order to achieve the necessary visibility splays, the tree to the south of the access would need to be removed, opening up the site. In order to mitigate against this loss, it is proposed that additional planting will need to be secured by condition to provide trees on the site. Given the domestic fencing and off-street parking arrangements within Mill Lane, this is not considered to appear out of character within this location.
- 2.19 That said, the application site is located within the countryside and as such falls to be assessed against policies DM15 and DM16 of the Dover District Core Strategy which set out ‘that development which would result in the loss of, or adversely affect the character and appearance of the countryside will only be permitted subject to certain criteria, including it cannot be accommodated elsewhere. The application site is read as a garden at the moment, that said, regard must be had to the potential viewpoints of the site from surrounding vantage points. Principally the views from the west along footpath EE238. Much of this view would be filtered by the retained trees and as such the wider landscape would not be harmed. In terms of the views from Worth towards the application site, it is considered the proposed development would be read in

conjunction with the existing dwelling and would not appear out of keeping with the wider countryside. However, consideration needs to be given to the views from within Mill Lane, Mill Lane is verdant in nature and in order to provide the required visibility splays, the tree to the south would need to be removed (as discussed above). It is considered with the fence erected outside Mulberry and the off-street parking to some of the properties, the opening up of the site would not appear as an out of keeping and overengineered feature within the street scene and countryside. It should be noted the tree is not protected and as such, I do not consider the loss of the tree would be sufficient to warrant a refusal, and the impacts of the proposal could largely be mitigated by a landscaping condition requiring trees to be planted within the site.

Residential Amenity

- 2.20 Paragraph 130 (f) of the National Planning Policy Framework sets out planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 2.21 The applicant site is located within the garden area of Felder Lodge. Further consideration needs to be given to the occupiers opposite the site. Of concern to local residents is the potential for having an overbearing impact in respect of loss of a view and in regard to the height, position, and size of the dwellings. The closest dwelling to the occupiers of the properties within Mill Lane is that of Plot 2. The overall ridge height of the proposed dwelling would be approximately 8 metres, to alleviate some of the concerns raised in respect of the size of the dwelling, the proposal has been amended to incorporate a catslide roof on the southern elevation. Whilst this will not reduce the overall height of the building, this amendment does significantly reduce the bulk, scale, and massing and as such, is considered to reduce some of the concerns raised. It is considered there is unlikely to be any adverse impact caused by the proposed development in terms of being overbearing.
- 2.22 Plot 2 has been designed to be built off the dividing boundary by approximately 12.1 metres with windows at first floor. Mulberry is a single storey dwelling set back from the road with off street parking to the front of the dwelling with a 1.5 metres fence denoting the boundary, a detached wood clad building is built up against the boundary (which appears to be providing some form of accommodation) and as such careful consideration needs to be given to the residential amenities currently enjoyed by the occupiers of this property. Given the set back from the road and the position of Mulberry with the fence denoting their boundary and the screening to be retained it is considered any overlooking would be perceived and would not warrant a refusal on this basis. Having regard to the position of plot 1 being set back from the road by approximately 40 metres, this would not cause undue harm in terms of overlooking with those properties within Mill Lane.
- 2.23 In respect of the loss of view, in order to accommodate the proposed development, a tree would need to be removed. However, the loss of a view is not a material consideration, and it should be noted the application site is within the garden area of Felder Lodge.
- 2.24 In relation to potential noise and disturbance in respect of cars entering and leaving the site. Whilst the road is a country lane, an additional two dwellings would not be likely to generate such traffic that would cause significant harm to neighbouring properties in this respect.
- 2.25 Regard must also be had to the occupiers of Felder Lodge and also the inter relationships between Plots 1 and 2. Firstly, turning to the relationship between Plot 1

and Felder Lodge, Plot 1 has been designed to be set off the boundary by approximately 18.2 metres and in terms of scale reflects that of the host dwelling. In addition to this, dividing these properties is a detached garage which would obscure any potential for overlooking. Plot 2 would be set off the boundary by approximately 19.5 metres and given the orientation of Felder Lodge, the proposed dwelling would not adversely impact on the living conditions currently enjoyed by the occupiers of this property. With regards to the inter relationship between Plots 1 and 2 these would have a dividing distance of approximately 19 metres with a dividing fence and screening and in any case, it would be buyer beware.

- 2.26 In respect of the future occupiers of the new dwellings, the room sizes of the proposed dwellings would be acceptable sizes and would be naturally lit. The internal living conditions of the future occupants would be acceptable and comply with the aims and objectives of policy PM2 of the Draft Local Plan.

Impact on Highway Safety

- 2.27 Local residents have raised concerns over the proposed access into and out of the site and the suitability of the road for additional traffic, especially given the close proximity of the Deal Road junction. It is important to recognise that this is not the creation of a new access, but the increased use of an existing domestic access. In respect of Kent Highway Services, this development does not meet the criteria to warrant any involvement. However, given the level of concern from local residents it was felt prudent to request additional information in respect of visibility splays.
- 2.28 The application has demonstrated that visibility splays of 2m x 2m would be provided, that said, at the moment a telegraph pole is within the visibility splays and as such this would need to be relocated to facilitate these splays. The applicant has confirmed this will be relocated upon the grant of any permission. Officers are satisfied this could be dealt with by a condition to ensure the visibility splays are provided prior to the first occupation of either of the dwellings. Kent Highway Services have not raised any concerns with this approach.
- 2.29 Whilst sympathetic to the concerns raised by local residents in respect of the impact the proposed development could have on the levels of traffic using the Deal Road junction, this has not been raised by Kent Highway Services as a matter of concern and as such it is not considered a refusal could be warranted on this basis given the development relates to 2no. additional dwellings.
- 2.30 Parking provision for residential development should be informed by the guidance for residential parking in the Dover District Core Strategy. This suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a design-led process. The development would accommodate three parking spaces, meeting the needs generated by the occupiers of the dwellings. Having regard to the above, the development is considered to provide sufficient car parking provision and would comply with policy DM13 of the Core Strategy. For the reasons set out above, officers are satisfied the proposal would not adversely impact on highway safety.

Ecology

- 2.31 The application site is 'a residential garden', mainly comprising of a mown lawn, other neutral grassland (for amenity use) with tree lined boundaries. A single-storey, double garage is present near the site. Small trees, garden planting beds and a non-native hedgerow are present with the site. That said, given the tree cover and the unmown

field to the west, there is potential for protected species to be present. Residents have also raised this as a concern and therefore ecology surveys were requested and have been received.

- 2.32 Dover District Council's Senior Natural Environment Officer has reviewed the Ecological Impact Assessment report and is satisfied that this provides a suite of appropriate ecological impact avoidance and mitigation measures, and the implementation measures are satisfactory and can be secured by condition. Therefore, I am satisfied the proposed development complies with the aims and objectives of the National Planning Policy Framework, in particular paragraph 180.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.33 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.34 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.35 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.36 Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.37 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

3. Conclusion

- 3.1 By virtue of the relevant Development Plan policies not being up to date, it is considered that the 'tilted balance' (Paragraph 11, NPPF) must be applied. Relevant to the circumstances of this application, this indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the NPPF as a whole.

- 3.2 There is a need for new housing development that is in a sustainable location, with reasonable access to public facilities and amenities. The application site is located within reasonable walking and cycling distances of the Worth facilities and amenities, whilst also being close to public transport which is supported by the NPPF.
- 3.3 With regard to the objective of achieving good design, it is considered on balance, that the proposed development would not have an unduly adverse impact on either the character and appearance of the area, the living conditions of the occupiers of adjacent properties, or highway safety, to the extent that this would warrant a refusal of planning permission.

g) Recommendation

I PERMISSION BE GRANTED, subject to conditions to include:

- (1) Standard time limit
- (2) In accordance with approved plans
- (3) Approved Materials
- (4) Landscaping and replacement tree planting
- (5) Drainage details
- (6) Parking provision
- (7) Provision and retention of visibility splays, to include the removal of the telegraph pole.
- (8) Measures to accommodate electric vehicle charging facility
- (09) Completion and maintenance of the access, including use of a bound surface for the first 5 metres.
- (10) Biodiversity method statement
- (11) Bat-sensitive lighting
- (12) Biodiversity enhancements
- (13) Movement of the telegraph pole

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

Case Officer

Karen Evans