

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

Reason for report – the number of third party contrary representations

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policies and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

CP8 – Dover Waterfront.

DM1 – Settlement boundaries.

Saved Dover District Local Plan (2002) policies

None.

Dover District Land Allocations Local Plan (2015)

None.

National Planning Policy Framework (NPPF)(2012)

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

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

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

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

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

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

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

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

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

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

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

Other Considerations

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

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

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

d) **Relevant Planning History**

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

e) **Consultee and Third Party Responses**

DDC Environmental Health – considered, no observations.

Dover Town Council – strongly support.

KCC Archaeology – no archaeological measures required.

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

Public comments – 20 x objections, 69 x support

Objections

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

Support

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

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

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

Proposal

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

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

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

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

2 Main Issues

2.1 The main issues to consider are:

- Principle
- Visual amenity
- Residential amenity
- Highways

3 Assessment

Principle

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

Visual Amenity

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

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

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

Residential Amenity

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

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

Highways

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

Conclusion

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

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

g) **Recommendation**

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

Case Officer

Darren Bridgett