

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

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

b) **Summary of Recommendation**

Planning Permission be refused.

c) **Planning Policies and Guidance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Dover District Council Core Strategy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Policy Framework (NPPF) 2012

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

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

- (iii) an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- Paragraph 8 states that these roles 'should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.'
- Paragraph 14 states that there is a presumption in favour of sustainable development, and where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole.'
- Paragraph 17 refers to the core planning principles that should underpin both plan-making and decision-taking. There are 12 principles that should seek to ensure that development be plan led, not be simply about scrutiny, support economic development, seek high quality design, protecting the intrinsic beauty of the countryside, address climate change, conserve the natural environment, use brown-field land efficiently, promote mixed use developments, conserve heritage assets, actively manage patterns of growth and improve health and wellbeing of communities.
- Paragraph 19 states that 'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.' Paragraph 21 then sets out how local planning authorities should provide policies that recognise and seek to address potential barriers to investment.
- Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
 - (i) support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and
 - (ii) promote the development and diversification of agricultural and other land-based rural businesses.
- Paragraph 56 states the government's requirement for good design, citing its indivisibility from good planning. Paragraph 64 then refers to planning

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

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

National Planning Policy Guidance (NPPG)

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

Other Documents

The Kent Design Guide sets out design principles of development.

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

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

Policy SD2 of the document states: *'The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development, redevelopment and infrastructure, and will be pursued through the application of appropriate design*

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

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

d) Relevant Planning History

DOV/15/01227 Screening Opinion for erection of building as water bottling plant including storage, borehole, new access onto Dover Road, vehicle parking and turning areas and landscaping. EIA not required.

DOV/15/01230 Scoping Opinion for erection of building as water bottling plant including storage, borehole, new access onto Dover Road, vehicle parking and turning areas and landscaping. EIA not required.

DOV/00/00144 Construction of single storey storage and toilet building. Granted.

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

e) Consultee and Third Party Comments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representations

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

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

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

f) **The Site and the Proposal**

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

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

Proposal

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

Main Issues

13. The main issues in the determination of this planning application are:
 - The principle of development;
 - The impact upon the character and appearance of the locality (including the AONB);
 - Economic benefits of the proposal;
 - The impact upon highway safety;
 - The impact upon residential amenity; and
 - Other matters

Principle of Development

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

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

Impact upon the Character and Appearance of the Locality

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

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

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

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

Economic Benefits of the Proposal

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

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

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

Impact upon Highway Safety

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

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

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

Impact upon Residential Amenity

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

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

Ecology

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

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

Other Matters

67. The applicant has submitted a significant level of information with regards to the impact upon the groundwater within the locality. Initially concern was raised by the Environment Agency on the basis that they were uncertain of the impact upon the existing groundwater. Their objection has now been removed however, subject to the imposition of suitable safeguarding conditions, which they have set out within their consultation response.

68. With regards to drainage, the applicant has submitted a full drainage report which sets out that the site can be adequately served in this regard. Again, the application has been assessed by Southern Water and KCC and no objection is raised by either party to the proposal.

69. The development has been screened, in accordance with the EIA Regulations 4 and 5 of the Town and Country Planning (Environmental Impact Regulations) 2011. An assessment was made of the development characteristics, its location and the characteristics of the potential impacts. Whilst the proposal falls within Schedule 2 of the aforementioned regulations, the Council considered, pursuant to Regulation 5(5) of the 2011 Regulations that an Environmental Impact Assessment was not required.

Conclusion

70. This is considered to be a balanced application which has the potential to bring about some economic benefits to the locality, but also to result in significant harm to the character and appearance of the area – and in particular to the Area of Outstanding Natural Beauty.

71. These matters have been assessed both in terms of Dover's adopted policies and also with regard to the NPPF – with the three strands of sustainable development given significant weight.

72. In this instance it is considered that the harm to the setting of the AONB, together with the outstanding concerns with regards to highways and residential amenity result in a development that is not considered acceptable, despite the economic benefits.

73. It is therefore concluded that the development would fail to comply with policies DM3, DM15 and DM16 of the Dover Core Strategy, as well as the requirements of the NPPF, and for this reason it is recommended that Members do not give this application favourable consideration and refuse planning permission for the reasons set out below.

g) Recommendation

Planning Permission be REFUSED for the following reasons:

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

Case Officer

Chris Hawkins