

- a) **DOV/20/00439 – Erection of a village hall, creation of additional parking, bicycle parking, soft and hard landscaping and installation of new school safety barrier (existing village hall to be demolished) - Preston Village Hall, Mill Lane, Preston**

Reason for report: Due to the number of contrary views.

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Preston is identified as a Village.
- CP5 – Requires development over 1,000sqm to be considered against BREEAM.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of countryside, or would adversely affect the character and appearance of the countryside will not be permitted unless exceptions are met.
- DM25 – Development which results in the loss of open space will not normally be permitted, unless exceptions are met

National Planning Policy Framework 2019 (NPPF)

- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan 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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where an LPA cannot demonstrate a five year housing land supply), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance (set out in footnote 6) 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
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.
 - Chapter eight promotes healthy and safe communities. This includes the promotion of social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Developments should be safe and accessible, so that crime and disorder and the fear of crime and disorder do not undermine the quality of life or community cohesion.
 - Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 - Chapter eleven requires that land is used effectively, having regard for: the availability and capacity of infrastructure and services (including the ability to promote sustainable travel modes); the desirability of maintaining an areas prevailing character; and the importance of securing well-designed, attractive and healthy places. Where there is an anticipated shortfall of land to meet identified need, low densities should be avoided.
 - Chapter twelve confirms that 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. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

- Chapter fourteen requires that development should be directed away from areas at the highest risk from flooding.
- Chapter fifteen seeks to conserve and enhance the natural environment

The Kent Design Guide and National Design Guide

- These guides provide criteria and advice on providing well designed development.

d) **Relevant Planning History**

DOV/09/01008 - Erection of a village hall, alterations to existing car park and vehicular access (existing hall to be demolished) – Granted

DOV/13/00045 - Renewal of Planning Permission DOV/09/01008 for the erection of a village hall, alterations to existing car park and vehicular access (existing hall to be demolished) - Granted

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

KCC Highways – *Initial comments received 28th May 2020:*

No objection in principle; however, amendments are required to the scheme to provide: additional car parking provision; improved visibility splays; swept path details for delivery vehicles; and clarification regarding school parking. It is also requested that some EV charging points are provided and that one-way system in the car park be considered.

Further comments received 13th August 2020:

Following receipt of drawing 6546/103 Rev. P2 received on 24th July, the proposals are now acceptable.

The car parking has been increased by a further 3 spaces and the total number is now 41 spaces, which is acceptable when taking into account the provision of changing rooms for the sports pitch and the potential for the pitch and the rest of the hall being in use at the same time.

Cycle parking including for an adaptive bike is also provided, together with space for a mobility scooter.

Visibility is to be improved at the existing access onto Mill Lane and a one-way system is to be introduced to improve access and reduce the potential for vehicular conflict/congestion.

Sufficient room has also been provided for service vehicles to turn within the site.

There is an existing pedestrian connection to the site via The Downs. Whilst there is no separate footway connection in Mill Lane, this has always been the case for the existing village hall. It is a low speed environment typical of rural villages and there have been no recorded personal injury crashes in this section of Mill Lane in the ten years to the end of 2019.

There are eight existing parking spaces adjacent to the school boundary currently reserved for school staff only. I also understand that the remaining spaces are available for use by parents dropping off/picking up children. It is assumed that these arrangements will continue with the new hall.

It is recommended that the following conditions be attached to any grant of permission: Construction Management Plan; provision and retention of car parking; provision and retention of vehicle loading and unloading areas; use of a bound surface for the first five metres of the access; provision and retention of cycle parking; and provision and maintenance of visibility splays. It is also requested the EV charging points be provided, although this is not yet adopted policy.

DDC Environmental Health – No observations.

KCC PROW – No comments

KCC Archaeology – Recommended that, should permission be granted, a condition be attached to require that prior to any development taking place, a programme of field archaeological works must take place.

Southern Water – An application should be made to connect to the public foul sewer. Any surface water drainage should not drain to the public sewer and should be designed adequately.

Preston Parish Council – Support

Public Representations –

9 objections have been received, raising the following points:

- Loss of light
- The building will be in regular use, causing noise and disturbance
- Insufficient car parking
- The hall is neither needed nor wanted
- The money should be spent on other things in the village
- Support a properly thought through replacement hall, but this isn't it
- The building is in the wrong location
- The site is accessed from a busy road
- Would construction be safe so close to a school

25 letters of support have been received, raising the following points:

- A much needed upgrade
- The existing hall is outdated (damp and suffers from movement, which has caused cracks and subsequent water ingress.
- The heating system is antiquated and inefficient.
- The new hall will add to the community
- The proposed hall is ideally placed, being central to the village
- The building would be more accessible.

One neutral letter, neither supporting nor objecting to the application have been received, raising the following comments:

- The building should be repositioned (further away from The Downs)
- The development may affect the water table of the playing field

- f)
1. **The Site and the Proposal**
 - 1.1 The site lies directly adjacent to, but outside of, the settlement confines of Preston. The areas to the west of the site comprise the residential areas fronting onto The Street, The Downs and Mill Lane. These areas have an organic, rural village character, although The Downs has a planned character which is at odds with the prevailing character. To the south is Preston Recreation Ground and, beyond this is agricultural land and equestrian land. To the east is Preston Primary School. To the north, along Mill Lane are larger, more dispersed dwellings and extensive gardens and vegetated land.
 - 1.2 The lane to the north west is designated as 'The Street Preston' Conservation Area, which contains a number of listed buildings, the closest of which is Street Farmhouse. To the north east and outside of the Conservation Area is a standalone listed building, Hardacre House. The recreation ground, including the land on which the proposed building would be constructed, although excluding the land occupied by the existing hall and its car park, is designated as Open Space.
 - 1.3 The existing site is accessed from Mill Lane and contains a single storey village hall and its associated car park. The application seeks permission for the erection of a replacement village hall which, whilst also single storey, would occupy approximately twice the footprint compared to the existing hall and would be taller, rising to around 9.1m. The building is of a crisp contemporary design and would be finished in brickwork, timber cladding, painted render and standing seam metal cladding, under a roof of artificial slates and standing seam metal cladding. Windows, doors and rooflights would be dark grey powder coated aluminium, whilst rainwater goods would be galvanised steel.

Main Issues

- 2.1 The main issues are:
 - The principle of the development
 - The impact on the character and appearance of the area and the historic environment
 - The impact on neighbouring properties
 - The impact on the highway network

Assessment

Principle

- 2.2 The site lies outside, albeit adjacent to the settlement confines of Preston. In such locations, development will not normally be permitted unless it is justified by other development plan policies; or it functionally requires such a location; or it is ancillary to existing development or uses. The development is not justified by other development policies. Whilst I am mindful that some third parties have advocated an alternative location for the building, which may indicate that the development doesn't functionally require this location, it is considered that there is some functional requirement for the replacement building to be located proximate to the existing building, parking area and playing fields. In particular, the existing parking area would be utilised and extended to support the building whilst, perhaps more importantly, the building would also provide changing facilities to support the playing fields. I therefore consider that the second

exception to Policy DM1 has been met. For the same reasons, I also consider that the third exception would also be met. Consequently, the development accords with Policy DM1.

- 2.3 Policy DM11 states that development which would generate travel and is located outside of the settlement confines will not be permitted unless it is justified by other development plan policies. The development would generate travel and is outside of the confines. However, as it has been concluded that the development requires this location and is, in part, ancillary to the use of the open space, it is considered that the development is justified by development plan policies. As such, the development accords with Policy DM11.
- 2.4 Policy DM15 seeks to avoid development which would result in the loss of countryside. The site is outside of the confines and part of the site is undeveloped. This undeveloped area constitutes countryside, albeit its appearance is distinct from the agricultural landscape usually associated with the countryside. Loss of countryside is permitted if one of four exceptions are met. The fourth of these is where the development "cannot be accommodated elsewhere". For the reasons set out above, it is considered that this criterion is met. The policy also requires that when an exception is met the development must not result in the loss of ecological habitats and must incorporate measures to "reduce as far as practicable, any harmful effects on countryside character. These assessments will be made later in the report under the appropriate headings. DM15 also requires an assessment of the developments impact on the character of the countryside and this assessment will be addressed under the character and appearance heading.
- 2.5 Part of the site (the majority of the footprint of the proposed building) is allocated on the proposals map as Open Space. Open Space is protected by Policy DM25, which only allows its loss if one of five exceptions is met and (in all but one exceptional circumstance) where the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value. The five exceptional circumstances are where:
1. there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space; or
 2. where there is such a deficiency the site is incapable of contributing to making it good; or
 3. where there is such a deficiency the site is capable of contributing to making it good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access, can be made available; or
 4. in the case of a school site the development is for educational purposes; or
 5. in the case of small-scale development it is ancillary to the enjoyment of the open space

It is not considered that any of the first four circumstances apply in this instance. The fifth circumstance requires that two conditions are met; firstly, that the development is small scale and, secondly, that the development is ancillary to the enjoyment of the open space. It is arguable whether the development is of a small-scale, as the building itself would be of a significant size. Alternatively, the development would take up a relatively small area of the open space such that the impact of the development would be negligible, particularly given that the land required is to the edge of the open space and would not significantly

interfere with the use of the open space. On balance, it is considered that, in the context of the site and the open space, the development is small-scale. The building itself would provide facilities which would enhance the use of the open space, including both changing facilities and indoor halls, toilets and kitchens etc. I am therefore satisfied that the development would be ancillary to the enjoyment of the open space. The land itself has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value, as will be set out in more detail under the appropriate headings later in this report. Consequently, I take the view that the development accords with policy DM25.

Character and Appearance

- 2.6 The prevalent pattern of development in Preston is that of street fronting buildings, although the distance that buildings are set back from the road varies. This pattern of development breaks down to a degree along Mill Lane, with development having a looser relationship with the road. The existing village hall departs entirely from this character, being set well back from the road behind car parking and being orientated at an angle to the street. The proposed building would similarly be set back from the road (albeit slightly further from the road than the existing building) and would be set at an angle. Due to the existing layout of the hall on the site and the character of Mill Lane, it is not considered that proposed siting of the hall would appear out of character.
- 2.7 The building would be larger than the existing hall, occupying around twice the footprint. Whilst of significant size, the building would be seen as distinct from the residential development to the west and within the context of the school and the playing fields, such that its scale would not appear alien. Its height has been cleverly designed to reduce (down to around 2.5m) towards the west, such that it would not dominate the neighbouring single storey buildings, with its maximum height of around 9.1m being further to the east where it would be read in conjunction with the school. Whilst the school is also single storey, it has a high ridge. It is considered that the height of the building would not be out of character.
- 2.8 The design of the building was developed in response to the requirements for the hall and the constraints of the site. There is need for additional space to accommodate the needs of the community, whilst a larger building necessitates additional parking. The ability to retain the existing hall during construction, before its demolition to provide the land for additional parking, was also taken into account. There is an existing oak tree which must be retained and the building must respond to its neighbours. Finally, the impact on the open space must be kept to a minimum. These constraints have informed the design and resulted in a building which would be attractive in its own right.
- 2.9 There is no strong defining character to this part of Preston, with a mixture of historic properties, mid century bungalows, a Victorian/Edwardian school building and contemporary dwellings. Moreover, there are no other buildings of this type (i.e. community buildings of this scale) in the area and therefore producing a building with a distinct style is not an unacceptable response. The proposed building does not, therefore seek to mimic any particular building style, but has instead sought to provide a functional, but attractive, building. That said, it is considered that the building does reference elements within the locality. The architect has described the form as having a slightly agricultural feel, which references the agrarian landscape beyond the village. This character is also referenced through the use of timber weatherboarding. Whilst the

building would be single storey, it would have some double height spaces, with tall windows and high level windows and references the windows of the school which extend into dormers. Overall, whilst the building would be somewhat unique within the village, the design would reference local features and provide a building which would sit comfortably within its mixed context.

- 2.10 As discussed above, the building would be close to a large Oak. This tree provides a positive contribution to the character of the area and it is therefore important that it is retained and not harmed by the development. The building has been designed to provide space around the tree, such that I am satisfied that the tree would not be significantly impacted. However, given that there are hardstandings proposed under the canopy, it is considered that it would be reasonable to include conditions requiring that the tree is protected during construction, including the use of hand digging only within the root protection zone.
- 2.11 Overall, it is concluded that the development would sit comfortably within its context and, whilst being of an appearance which does not replicate the appearance of buildings in the area, is well designed in its own right and would not look out of character. The visual impact of the development is therefore considered to be acceptable.

Heritage

- 2.12 The proposed building is approximately 30m from the Preston – The Street Conservation Area and approximately 60m from Street Farmhouse which is a Grade II listed building. Regard must be had for how the development would impact upon the heritage assets which are within the vicinity of the site, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity and their settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits.
- 2.13 Given that the building would be set away from the conservation area and the listed building, with existing development between the site and these heritage assets. The proposed building would also replace an existing building which is closer to these assets, it is not considered that the setting of either the conservation area or the listed building would be adversely affected, having had regard for the statutory duties of the act and the NPPF.
- 2.14 KCC Archaeology have recommended that, should permission be granted, a condition be attached to require that prior to any development taking place, a programme of field archaeological works must take place. The site lies in an area of archaeological potential, with extensive Iron Age and Romano-British occupation in the area. Around 130m to the south-east of the proposed

development site is the scheduled monument of a ring-ditch and enclosure and evidence for Iron Age occupation was previously recorded at Shotfield Farm during the laying of a new waterpipe in the 1960s. Significant quantities of pottery of Iron Age and Romano-British date have also been recorded at Shotfield Farm during excavations for the growing of potatoes. Further evidence for activity and occupation spanning the Late Bronze Age, Iron Age and Romano-British period has been recorded to the north-east at Hardacre Farm. The development would be constructed on open land and would require the digging of foundations such that it's possible that construction could affect archaeological remains (potentially including remains associated with the nearby scheduled monument). KCC Archaeology have therefore recommended that archaeological evaluation of the site, followed by any necessary investigation or safeguarding measures, be secured should the application be granted. Based on the information provided by KCC it is considered that it would be reasonable to attach the suggested condition.

Impact on Residential Amenity

- 2.15 The existing hall building is located approximately 10.5m from the nearest neighbouring dwelling, No.4 The Downs. The building is flat roofed with a lower roof and a higher roof, reaching approximately 3m above ground level and 4m above ground level, respectively.
- 2.16 The proposed building would be located further to the south, such that the closest neighbouring property would be No.5 The Downs. The proposed building would be around 7.5m from No.5 at its closest point. The building has been designed such that its height reduces as it gets closer to No.5, being only 2.5m in height at its closest point. The height of the building would then slowly rise up to a ridge of around 6.3m. This ridge would be around 17.5m away from No.5. There are no windows in the elevation closest to No.5 and whilst there are two rooflights on the closest roof slope, these would not allow views towards No.5. As such, it is not considered that the development would cause any significant overlooking of No.5. The building would also be located to the west of the No.5 and, as such, there would likely be some loss of early morning sun. However, given the limited height it is not considered that this would cause unacceptable harm. Likewise, the limited height of this part of the building would mean that an unacceptable sense of enclosure would not be caused.
- 2.17 No.6 The Downs would be located further away from the closest point of the proposed hall (around 9.5m away) but would be closer to the ridge of the hall, at a distance of around 15m. Notwithstanding the slight variations in distances between the proposed hall and No.'s 5 and 6, it is concluded that the living conditions of No.6 (light, sense of enclosure and overlooking) would not be harmed to an extent that would warrant refusal.
- 2.18 In addition to light, sense of enclosure and overlooking, regard must also be had for the potential impacts of noise and disturbance. It is noted that Environmental Health have not raised any objections in this respect. The proposed building would replace an existing, albeit smaller, building on the site. The parts of the building closest to neighbouring properties would be used as changing facilities for sports teams and officials which would be unlikely to generate significant noise. The main entrance to the building would be closer to properties in The Downs than the entrance to the existing hall, being around 15m away. Whilst there would inevitably be some noise from comings and goings, regard must be had for the existing public use of the land and the likelihood of undue noise and disturbance being generated from a village hall. Whilst increased use of the hall

and its closer proximity to neighbours would be likely to cause additional noise and disturbance compared to the existing hall, it is unlikely that this would be significant. Having regard for Environmental Health's lack of objection, it is therefore considered that noise and disturbance would not warrant refusal of the application.

Impact on the Local Highway Network

- 2.19 The development would utilise the existing access onto Mill Lane. Concerns have been raised by third parties that Mill Lane is a busy road, however, KCC Highways have advised that "it is a low speed environment typical of rural villages and there have been no recorded personal injury crashes in this section of Mill Lane in the ten years to the end of 2019". Having visited the site on numerous occasions and on numerous days and times, I concur that Mill Lane is relatively lightly trafficked. There is no separate footway connection in Mill Lane, albeit there is a footpath link through The Downs and the existing hall (and other uses, including the school) has operated without a footpath on Mill Lane without incident. The development would be likely to increase vehicle movements to and from the site; however, it is not considered that this would cause any significant impact on highway safety or on the operation of the highway. Notwithstanding the reuse of the existing access, the development would secure the provision of visibility splays and a one way system around the car park, which can be secured by condition. These would improve the operation of the car park and its access to Mill Lane.
- 2.20 KCC Highways, whilst confirming that there were no 'in principle' objections, initially raised concerns regarding the amount of car parking to be provided, parking for the school, visibility at the junction and access for delivery vehicles.
- 2.21 Tracking plans have been included on the revised plans which demonstrate that a large vehicle such as a refuse freighter or delivery vehicle could safely navigate the site and exit in a forward gear.
- 2.22 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. Initially, 38 car parking spaces were to be provided. Concerns were raised that this would be insufficient and, subsequently a further 3 spaces were proposed, increasing parking provision to 41 spaces. The parking provision would include three disabled spaces. KCC have advised that this level of parking would be sufficient to meet the needs generated by the development, even when the various areas within the building are being used concurrently (for example is the changing rooms are being used at the same time as the halls). KCC have requested that consideration be given to the provision of electric vehicle (EV) charging points, although they acknowledge that there is no adopted policy for the provision of EV charging points. Whilst the agent has advised that they are considering the incorporation of EV charging points to some of the car parking spaces, the submitted drawings do not indicate that any would be provided. Whilst it is disappointing that EV charging points have not been proposed at this stage, it is not considered that there is sufficient policy justification to require their provision. Parking for 3 mobility scooters would be provided.
- 2.23 The development includes the provision of cycle parking. The detail of the cycle parking provision (i.e. the number of cycles that could be accommodated) is unclear; however, it is likely that the area shown could accommodate around 12, including space for one non-standard cycle within 1 1.5m dismounting zone.

Subject to details being secured by condition, it is considered that the cycle parking provision would be acceptable.

- 2.24 Whilst the development itself would not cause unacceptable impacts on the highway network, the construction phase would have the potential to cause significant adverse impacts. In particular, construction would necessitate potentially large vehicles on and around the site, with areas for the storage of materials also likely being required. The expectation is that the existing hall (and parking to serve the hall) would remain in situ until the new hall is operational. Whilst management of the construction phase is not insurmountable, it is considered that, in accordance with the recommendation of KCC Highways, a construction management plan should be secured to ensure that this phase is properly managed.
- 2.25 For these reasons, and subject to conditions, it is considered that the development would not have an unacceptable impact on the highway network.

Flood Risk and Drainage

- 2.26 The site lies in Flood Risk Zone 1, which has the lowest risk of flooding. An area of land adjacent to the building is identified as being at risk from surface water flooding, although the location of the proposed development is outside of this area. However, it is still necessary for the development to be provided with adequate foul and surface water drainage, such that the dwellings are properly serviced and the development does not increase the risk of on or off site flooding.
- 2.27 The proposal seeks to discharge foul water to the public sewer. Southern Water have raised no concerns with this approach. Surface water is to be drained to soakaways which, given the geology of the area and the land available on which soakaways could be provided, it likely to be a feasible solution. Given the limited information submitted with the application, it is considered that it would be reasonable to require full details of both foul and surface water drainage, including an implementation timetable, by condition.

Ecology

- 2.28 The site is currently laid to grass. Having regard for Natural England's Standing Advice, it is not considered that the site contains any features likely to provide habitat for protected to notable species.

Other Matters

- 2.29 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 such plans, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date, 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. Whilst there are other 'tests' for applying the 'tilted balance' these do not apply in this instance, as they are specific to applications for housing. For

the reasons stated in this report, it is considered that the development complies with the development plan. However, it is also necessary to have regard for the NPPF which is an important material consideration.

- 2.30 Paragraph 11 of the NPPF requires that development which accords 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 be granted unless the development would fail to satisfy the NPPF's policies in relation to protected areas or assets or where the adverse impacts of the development would significantly and demonstrably outweigh the benefits. This is known as the 'presumption in favour of sustainable development' or the 'tilted balance'.
- 2.31 It is also necessary to consider whether the council's policies are out-of-date. In this instance it is considered that the policies which are most important for determining the application are DM1, DM11, DM15 and DM25. Policy DM1 seeks to restrict development outside of the settlement confines unless, amongst other things, it is supported by other development plan policies. Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines, unless justified by development plan policies. This report concludes that the development complies with both of these policies. DM15 seeks to restrict development in the countryside or which would cause harm to the character of the countryside unless certain criteria are met. DM25 seeks to prevent the loss of open space unless certain criteria are met.
- 2.32 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering a different amount of development in the district than is now required. The NPPF takes a more nuanced approach regarding development in the countryside and is generally supportive of community facilities. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.
- 2.33 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst the principle of sustainable travel is consistent with the NPPF, the blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF. The NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Insofar as this application is concerned, the proposal is contrary to DM11's blanket approach, despite the site being in a location which is adjacent to the village, is approximately central to the population of the village and has reasonably good access to the footpath network. Given the particular characteristics of this application and this site, in this instance it is therefore considered that DM11 is not out-of-date but should attract reduced weight.
- 2.34 Policy DM15 seeks to resist two types of development. Firstly, it seeks to avoid development which would result in the loss of countryside and, secondly, it seeks to avoid development which would adversely affect the character and appearance of the countryside. The blanket protection against the loss of countryside is another example of a blanket approach which is inconsistent with the NPPF. Protection of the character and appearance of the countryside is broadly consistent with the NPPF, albeit the NPPF refers to character and beauty rather than character and appearance (i.e. the "appearance" of the countryside is not necessarily inherently worthy of protection and would be

affected by any development, whereas elements of the countryside which are beautiful are worthy of protection). Whilst it is not considered that the policy is out-of-date, it is considered that it attracts reduced weight, whilst the blanket protection of the countryside should attract significantly reduced weight.

- 2.35 Policy DM25 seeks to avoid the loss of open space unless certain exceptions are met. Whilst the definition of open space in the development plan and NPPF vary they are broadly consistent (the land in question would be defined as open space for the purposes of both the development plan and NPPF). Notwithstanding this minor point, the thrust of Policy DM25 is consistent with the NPPF, is not out-of-date and continues to attract full weight.
- 2.36 It is considered that policy DM1 is out-of-date, whilst DM11 is, in part, in tension with the NPPF. DM15 is not out-of-date, but attracts reduced weight, whilst DM25 is not out-of-date and attracts full weight. Policy DM1 is particularly important in determining whether the principle of the development is acceptable; however, in this instance there are three other policies which also play a significant role. Having considered the basket of policies and development plan in the round, it is considered that the 'tilted balance' is not engaged. As such, the application should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 2.37 The NPPF is an important material consideration and confirms the government's objectives to promote social interaction and to provide the social, recreational and cultural needs of the community. Specifically, the NPPF advises that facilities and services should be allowed to "develop and modernise". The NPPF encourages development to be located in sustainable locations, where it would reduce the need to travel and encourage more sustainable forms of transport and where facilities and services are accessible. As set out earlier in this report, the site is close to the village confines and approximately central to the population of the village. These conclusions add weight in favour of the development.
- 2.38 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. The development would also provide a building which could accommodate some commercial operations (renting the hall out to third parties, use of facilities for payed activities such as exercise classes) which would be likely to support employment (albeit to a limited degree).
- 2.39 In terms of the social role, the proposal would contribute towards supporting a strong, vibrant and healthy community, with accessible facilities and services. The development would cause some impact on neighbouring properties, albeit these impacts are limited and do not warrant refusal.
- 2.40 In terms of the environmental role, the proposal would not cause unacceptable harm to the character of the area. Likewise, it is concluded that the development would not cause harm to any heritage assets. The development would not adversely impact ecology or habitats.
- 2.41 Overall, it is considered that there are a number of significant benefits and only limited disbenefits to the scheme. Notwithstanding the case that the tilted balance is not engaged, the benefits of the scheme would outweigh the disbenefits.

2.42 Another material consideration is the planning history for the site. Permission was granted, under applications DOV/09/01008 and DOV/13/00045, for the erection of a village hall, alterations to existing car park and vehicular access, together with the demolition of the existing hall. The 2013 application expired on 12th March 2016, so is no longer extant. Whilst these permissions do not, therefore, represent a viable fallback position, the grant of these permission is material. That said, whilst the overall size of the building was commensurate with that which is now proposed, its design differed, whilst it was located in an approximately similar position to the existing hall. Due to the changes in circumstances since the previous applications were granted, (principally the changes in national and local planning policy and guidance) and the differences between the schemes, it is considered that the weight to be attributed to the planning history of the site carries only limited weight.

3. Conclusion

- 3.1 The site is located outside but adjacent to the settlement confines of Preston. Whilst outside of the confines, the building would be on the same site as the building it would replace and would be co-located with the car parking area and the open space (which includes playing pitches and a children's play area). The site is also approximately central to the population of Preston which it would serve and would be adjacent to the primary school. Given the functional need for the building to be in this location, it is considered that the principle of the development is acceptable.
- 3.2 The building, whilst of significant size, has been designed to limit its impact on the character of the area and the residential amenities of neighbouring properties. The design itself is considered to be well executed, providing an attractive and well-proportioned building which includes all of the functional elements required to meet the needs of such a facility.
- 3.3 The development would cause no harm to the settings of heritage assets, the local highway network, archaeology, ecology or drainage, subject to conditions. It is therefore recommended that permission be granted.

g) Recommendation

- I PERMISSION BE GRANTED subject to conditions to include:
- (1) standard time limits, (2) approved plans, (3) samples of materials, (4) tree protection, (5) details of hard and soft landscaping with details of maintenance, (6) timetable for the development, with details of the order in which the development, including the demolition of the existing hall, will take place (7) provision of access, car parking and turning areas in accordance with a timetable to be agreed, (8) provision of visibility splays to be provided, (9) provision of cycle and scooter parking, (10) construction management plan, (11) provision of loading and unloading areas for vehicles, (12) provision of refuse storage, (13) detailed scheme for foul water drainage, including a timetable for its implementation, (14) details of surface water drainage, including a timetable for its implementation, (15) details of any plant, ventilation systems, vents, flues, satellite dishes, antennae and utility boxes to be provided to the exterior of the building, (16) archaeology scheme, and (17) hours of operation.
- II Powers to be delegated to the Head of Planning, 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

Luke Blaskett