



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872300
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

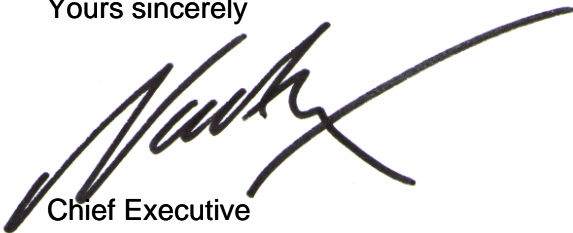
1 November 2010

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING** Committee will be held in the Council Chamber at these Offices on Thursday, 11 November 2010 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Pauline Hodding on (01304) 872305 or by e-mail at paulinehodding@dover.gov.uk.

Yours sincerely



Chief Executive

Planning Committee Membership:

Councillor S G Leith	(Chairman)
Councillor A F Richardson	(Vice-Chairman)
Councillor J M Munt	(Spokesperson)
Councillor T A Bond	
Councillor S S Chandler	
Councillor M S Furnival	
Councillor C J Meredith	
Councillor J C Record	
Councillor R J Thompson	
Councillor R S Walkden	

DECLARATIONS OF INTEREST

Members are required to disclose the existence and nature of a personal interest at the commencement of the item of business to which the interest relates or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

AGENDA

1. **APOLOGIES**

2. **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3. **MINUTES** (Pages 3-6)

To confirm the attached Minutes of the meeting of the Committee held on 14 October 2010.

4. **ITEMS DEFERRED** (Page 9)

To consider the attached report of the Development Control Manager. (For further information please contact Tim Flisher, extension 2461.)

5. **APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING** (Pages 10-84)

To consider the attached report of the Development Control Manager. (For further information please contact Tim Flisher, extension 2461.)

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

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

7. **FEES AND CHARGES 2010/11**

To consider the attached report of the Director of Development and Public Protection.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Pauline Hodding, Senior Democratic Support Officer, telephone: (01304) 872305 or email: paulinehodding@dover.gov.uk for details.

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

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday 14 October 2010 at 6.00 pm.

Present:

Chairman: Councillor S G Leith

Councillors: S S Chandler
M S Furnival
C E Kirby
C J Meredith
A F Richardson
J M Smith
R J Thompson

Officers: Director of Development and Public Protection
Senior Planner
Development Engineer, KCC
Solicitor
Senior Democratic Support Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/10/0325	Ms V Owen	Councillor C M Edwards and Mr P Everyn

Apologies for absence were received from Councillors T A Bond, J M Munt, J C Record and R S Walkden.

265 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors C E Kirby and J M Smith had been appointed as substitutes for Councillors T A Bond and J M Munt respectively.

266 MINUTES

The Minutes of the meeting held on 16 September 2010 were approved as a correct record and signed by the Chairman.

267 DEFERRED ITEMS

The Director of Development and Public Protection recommended that Application No DOV/10/0488 (The Hope Public House, Lydden) should remain deferred pending a further report

RESOLVED: That consideration of Application No DOV/10/0488 (The Hope Public House, Lydden) remain deferred.

APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

- (1) Application No DOV/10/0097 – Erection of three terraced dwellings, construction of vehicular access and associated parking (existing dwelling to be demolished) – 25 Brookside, Temple Ewell

RESOLVED: That it be noted that this application had been withdrawn by the applicant.

- (2) Application No DOV/10/0325 – Removal of condition (v) of planning permission DOV/78/255 to allow holiday park to open all year round – Kingsdown Park Holiday Village, Upper Street, Kingsdown

The Committee was reminded that condition (v) applied to planning permission DOV/78/255 referred to “residential accommodation” not being permitted between 1 November and 28/29 February (except for two weeks at Christmas and New Year) for the purpose of ensuring that the accommodation was used only for holiday residential purposes. The Director of Development and Public Protection explained that the existing condition was weak and did not reflect Circular 11/95 or government advice in the Good Practice Guide on Planning for Tourism (2006). All year round use of chalets was currently acceptable elsewhere and seasonal conditions were only applicable where there would otherwise be adverse impact on wildlife or the chalets were not of suitable construction. Neither of these two criteria applied to Kingsdown Park Holiday Village and it was therefore not possible to resist all year round use. However the proposed replacement condition clearly stated that the chalets should be occupied only for holiday purposes and by people whose principal home was located elsewhere. In addition, the proposed register of owners and occupiers of the chalets would be available for checking by officers of the Local Planning Authority.

The Senior Planner reported receipt of five further letters of objection and one letter of support. Information had been received from the applicant on the outstanding matters, together with a plan removing the 4 chalets that were approved under another permission in 1997. The applicants had also been asked to research into whether any of the present occupiers used their chalets all year round and investigations had shown two retired owners in occupation throughout the summer months. Two appeals had been dismissed in respect of a caravan and play equipment on the site and action was in hand. A larger car parking plan was required, although there was sufficient space on the site.

During debate, it was clarified that there was no definition of 'holiday'; condition (v) of the 1978 permission did not cover the school half terms in autumn and February and did permit residential use; the holiday park was outside the village confines; the applicants would be responsible for compiling and maintaining the register and making it available for inspection at any time; and any concerns about residential use of chalets could be reported to the Local Planning Authority. Breaches of planning conditions would be investigated. The applicants had offered to restrict occupation to 28 days between November and March, except for the Christmas period.

RESOLVED: That, subject to the deletion of the first sentence in the recommendation, the application be approved in accordance with the recommendation of the Development Control Manager.

- (3) Application No DOV/10/0611 – Change of use to single residential dwelling and erection of single storey side and rear extensions – Poppyland, Norman Road, St Margaret's Bay

The Senior Planner reported receipt of a letter from the applicants, which stated that their plans had been shown to neighbours before permission had been applied for.

RESOLVED: That the application be refused in accordance with the recommendation of the Development Control Manager.

- (4) Application No DOV/10/0756 – Erection of two 30m x 10m protective nets and associated supporting posts, south east side of rugby pitches and adjoining rear boundaries of properties in Halliday Drive and Harvey Avenue – Former Drill Field, Canada Road, Walmer

Members were informed that one further letter of objection to the proposal had been received from an existing correspondent. An email from the applicant had been sent to members of the Committee explaining that a bespoke system of protective netting had had to be designed and games had already been played without the nets in place resulting in balls landing in private gardens. It was not clear whether provision had been made for using the netting during practice sessions.

RESOLVED: That, subject to no adverse third party views being received as a result of re-advertisement and to the wording of condition (ii) being determined by the Director of Development and Public Protection in consultation with the Chairman of the Committee, the application be approved in accordance with the recommendation of the Development Control Manager.

- 269 DOV/06/1455 – MIXED USE DEVELOPMENT (NEW BUILD AND CHANGE OF USE) COMPRISING DETAILED PROPOSALS (PHASE 1) FOR 141 RESIDENTIAL UNITS, RETAIL (A1), OFFICES (B1), CAFÉ/RESTAURANT BAR (A4/A5), 'COMMUNITY HUB' (D1/B1), OPEN SPACE, LANDSCAPING, PARKING AND ACCESS AND OUTLINE PROPOSALS (PHASES 1A, 2, 3 &4) FOR UP TO 265 RESIDENTIAL UNITS, 80 BED NURSING HOME AND ACCESS – ALL OTHER MATTERS (LAYOUT, SCALE, APPEARANCE AND LANDSCAPING) RESERVED: LAND AT BUCKLAND PAPER MILL, CRABBLE HILL, DOVER (Minute No 164 2008/09)

Committee considered the report of the Development Control Manager on further information requested in August 2009 in respect of highway details and site management proposals. As a result of discussion between Kent Highway Services and the applicant it had been agreed that a new Travel Plan would be sought by planning condition. A Management Plan had also subsequently been agreed and was the subject of a planning condition. It was hoped that development would start in the near future.

RESOLVED: That the report be noted.

- 270 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involves the likely disclosure of exempt

information as defined in paragraph 5 of Part I of Schedule 12A of the Act.

271 LITTLE FARTHINGLOE FARM, DOVER

Committee considered the report of the Development Control Manager on the situation at Little Farthingloe Farm.

RESOLVED: That, subject to the Solicitor to the Council being satisfied as to the evidence, prosecution proceedings be undertaken.

(Councillor A F Richardson declared a personal and prejudicial interest in this matter for the reason that family members were concerned with the property, and left the meeting.)

The meeting ended at 7.26 pm.

IMPORTANT

The Committee should have regard to the following preamble During its consideration of all applications on this agenda

1. Section 70(2) of the Town and Country Planning Act 1990 requires that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
3. Planning applications which are in accordance with the relevant policies in the Development Plan should be allowed and applications which are not in accordance with those policies should not be allowed unless material considerations justify granting of planning permission. In deciding such applications, it should always be taken into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the Development Plan is relevant, it will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations.
4. In effect, the following approach should be adopted in determining planning applications:-
 - (a) if the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan;
 - (b) where there are other material considerations, the Development Plan should be taken as the starting point and the other material considerations should be weighed in reaching a decision;
 - (c) where there are no relevant policies in the Development Plan, the planning application should be determined on its merits in the light of all material considerations; and
 - (d) exceptionally, a development proposal which departs from the Development Plan may be permitted because the contribution of that proposal to some material, local or national need or objective is so significant that it outweighs what the Development Plan says about it.
5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering planning applications for development affecting a listed building or its setting, special regard shall be had to the desirability of preserving the building, its setting or any special features which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

7. The Development Plan in Dover District is comprised of:-

Dover District Core Strategy 2010
Dover District Local Plan 2002 (saved policies only)
Kent Minerals Local Plan : Brickearth 1986
Kent Minerals Local Plan : Construction Aggregates 1993
Kent Minerals Local Plan : Chalk and Clay and Oil and Gas 1997
Kent Waste Local Plan 1997

Human Rights Act 1998

During the processing of all applications and other items and the subsequent preparation of reports and recommendations on this agenda, consideration has been given to the implications of the Human Rights Act 1998 in relation to both applicants and other parties and whether there would be any undue interference in the Convention rights of any person affected by the recommended decision.

The key articles are:-

Article 8 - Right to respect for private and family life, home and correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol - Right of the individual to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

Account may also be taken of:-

Article 6 - Right to a fair trial and public trial within a reasonable time.

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

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

(PTS/PLAN/GEN) HUMANRI

**CONSIDERATION OF THE FOLLOWING ITEMS HAS BEEN
DEFERRED AT PREVIOUS MEETINGS**

A verbal report will be given at the meeting. This will include a recommendation as to whether consideration of individual items should remain deferred. It is possible that a decision to approve or refuse may be recommended.

1. DOV/10/0488 **Erection of four dwellings and construction of vehicular access together with car parking for the Public House, 144 Canterbury Road, Lydden.** (Item 1, 16 September 2010). Deferred pending a further report.

Background Papers:

Unless otherwise stated, the appropriate application file, the reference of which is stated.

TIM FLISHER
Development Control Manager

The Officer to whom reference should be made concerning inspection of the background papers is Abi Robinson, Planning Technician, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872471).

DOVER DISTRICT COUNCIL

REPORT OF THE DEVELOPMENT CONTROL MANAGER

PLANNING COMMITTEE 11 NOVEMBER 2010

NON-DELEGATED APPLICATIONS

The Reports

The file reference number, a description of the proposal and its location are identified under a) of each separate item. The relevant planning policies and guidance and the previous planning history of the site are summarised at c) and d) respectively.

The views of third parties are set out at e); the details of the application and an appraisal of the proposal are set out at f) and each item concludes with a recommendation at g).

Additional information received prior to the meeting will be reported verbally. In some circumstances this may lead to a change in the recommendation.

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning Technician (telephone 01304 872471).

It should be noted, in respect of points raised by third parties in support of, or objecting to, applications that they are incorporated in this report only if they concern material planning considerations.

Each item is accompanied by a plan (for identification purposes only) showing the location of the site and the Ordnance Survey Map reference.

Site Visits

All requests for site visits will be considered on their merits having regard to the likely usefulness to the Committee in reaching a decision.

The following criteria will be used to determine usefulness:

- the matter can only be safely determined after information has been acquired directly from inspecting this site.
- there is a need to further involve the public in the decision making process as a result of substantial local interest, based on material planning considerations, in the proposals.
- the comments of the applicant or an objector cannot be adequately expressed in writing because of age, infirmity or illiteracy;

The reasons for holding a Committee site visit must be included in the minutes.

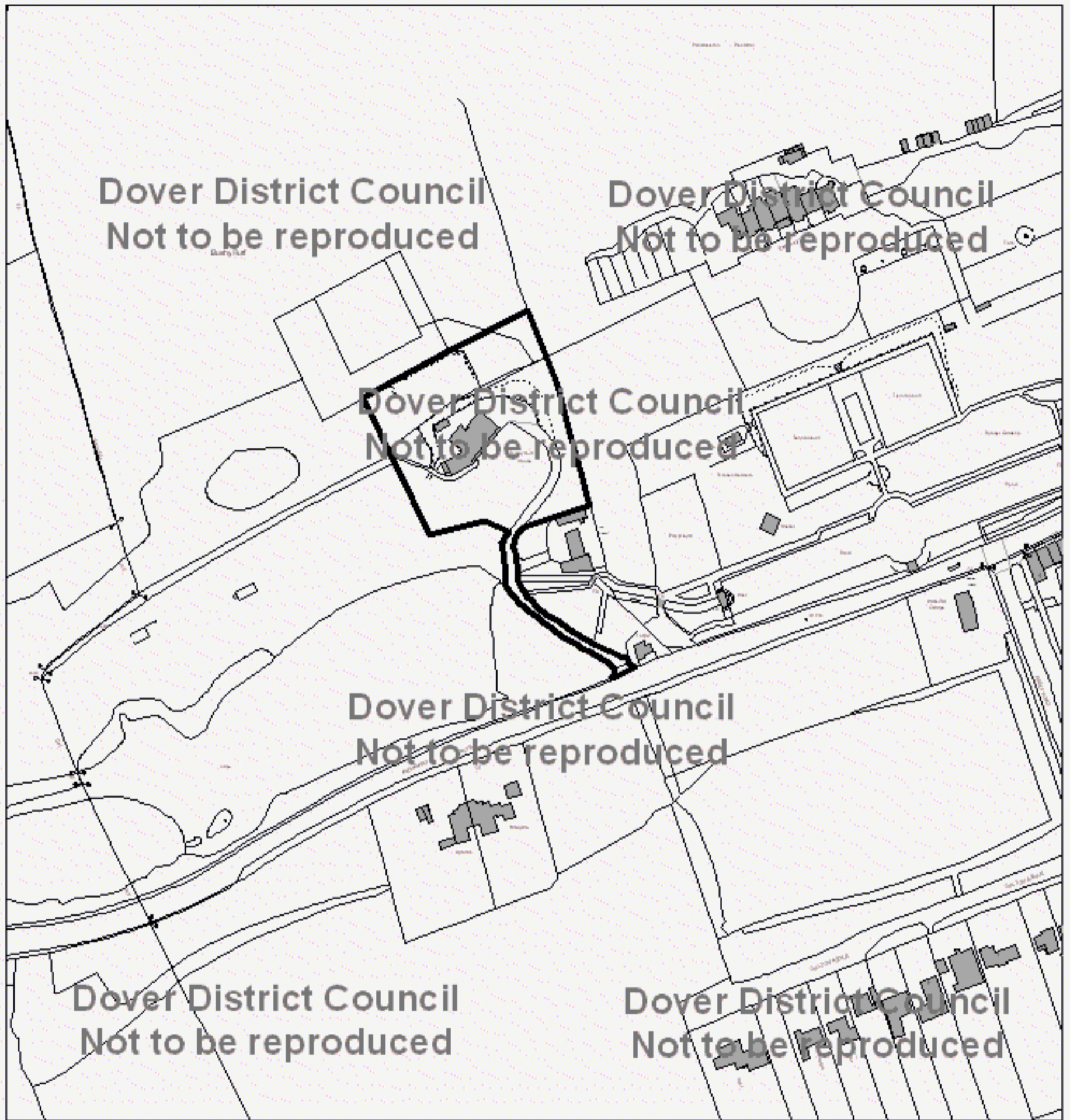
Background Papers

List of background papers: unless otherwise stated, the appropriate file in respect of each application, save any document which discloses exempt information within the meaning of the Local Government (Access to Information) Act 1985.

The Officer to whom reference should be made concerning inspection of the background papers is Abi Robinson, Planning Technician, Planning, Council Offices, White Cliffs Business Park, Dover (Telephone: 01304 - 872471).

PUBLIC SPEAKING AT PLANNING COMMITTEE

1. The scheme for public speaking at Planning Committee only concerns matters relating to individual planning applications contained in the Planning Committee agenda and not to other matters including Tree Preservation Orders or Enforcement matters.
2. Any person wishing to speak at the Planning Committee should submit a written request using a form provided by the Council and indicating whether the speaker is in favour of, or opposed to, the planning application.
3. The period of notice shall be not later than two working days prior to the meeting of the Planning Committee.
4. Speaking opportunities shall be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants and third parties will be notified of any other requests to speak. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
5. One person shall be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker and each person to speak once only when the application is first considered, even if an application is considered on more than one occasion. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
6. The procedure to be followed when members of the public address the Committee shall be as follows:
 - (a) Chairman introduces item.
 - (b) Planning Officer updates as appropriate.
 - (c) Chairman invites members of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
 - (d) Planning officer clarifies as appropriate.
 - (e) Committee debates the application.
 - (f) The vote is taken.
7. In addition to the arrangements outlined in 5 above, District Councillors, who are not Members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal written notice of not less than two working days and of advising whether they are for, or against, the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be allowed from the identified speaker, or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
8. Agenda items will be taken in the order listed.
9. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.



Not to Scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2007

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

Application: DOV/05/318
Bushy Ruff
Alkham Road
Temple Ewell

TR28294374



1. a) **DOV/05/0318 – Change of use and conversion to 4 houses and 10 self-contained flats, together with erection of extensions, associated parking and landscaping, Bushy Ruff and access Alkham Road, Temple Ewell**

b) **Summary of Recommendation**

A site visit be held.

c) **Planning Policies and Guidance**

LDF Core Strategy (CS) Policies: DM1, DM5, DM15, DM17, DM19, CP4, CP5, CP6 and CP7;

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS5 – Planning for the Historic Environment

PPS7 – Sustainable Development in Rural Areas

PPG13 – Transport

Enabling Development and the Conservation of Significant Places (English Heritage 2008)

d) **Relevant Planning History**

The planning history attached to this property, which was last used as a nursing home, is complex and is summarised below:-

- The property was granted planning permission for use as a residential guest house for elderly people in 1977 (application ref 77/279) and for use as a private nursing home in 1986 (86/419). A later application permitted a variation of a condition imposed on application 86/419 to allow a wider interpretation of people in need of care (98/1058).
- Between that date and 2000 a number of applications for alterations and extensions to the nursing home were granted, most notably application ref 90/260 which included a substantial extension. That application was renewed in 1995 (95/599) and again in 2000 (00/343), with parallel applications for listed building consent.
- In 2002 planning permission and listed building consent were granted to revert the building to a single dwelling, again with extensions (application ref 02/679 and 680).
- In 2003 planning permission and listed building consent were again granted for conversion to a single dwelling with extensions (03/449 and 456).
- In 2005 the current application (05/318) and a parallel application for listed building consent (05/319) for conversion of the property to 15 apartments was submitted. The listed building consent application was refused. Both applications incorporated an extension approved under one of the earlier applications relating to the nursing home listed above (90/260 and renewals).

- Later in 2005 listed building consent for alterations to facilitate the conversion of the property to 13 apartments was refused and an appeal lodged (05/761). The appeal was withdrawn before determination.
- In 2009 an amended form of the undetermined 2005 planning application (DOV/05/318) was accepted as it had not been determined or withdrawn. This is the current application the subject of this report.
- A fresh application for listed building consent was required for the same works. After lengthy discussion Listed Building Consent was granted under delegated authority in October 2009 (DOV/09/116).

e) **Consultee and Third Party Responses**

The application was first submitted in 2005 (for 15 flats) and although the representations received at that time related to the initial proposal which has now been amended, the application is ongoing and they must be taken into consideration in an assessment of the development of the site.

The (2005) responses can be summarised as follows:-

County Highways: Questioned improvements to road, junction improvements and facilities for turning etc.

Ecology comments: Commented regarding bats, the access, AONB and lighting;

Forward Planning comments: Concerned about intensification of use and impact on landscape; also failure to comply with policies.

Southern Water: Raised no objection, but requested a condition – details of foul and surface water disposal.

Property Services comments: Welcomed refurbishment but concerns about traffic, where dogs run off lead, children roam, and the entrance to Alkham Valley Road is of concern.

Environment Agency: Required drainage condition and no discharge of contaminated drainage into surface or ground waters. Additional requirement to review if contamination found.

Kent Fire Brigade: Required confirmation that the route and bridge are suitable for appliances (height, width and weight limits).

Kent Police: Would wish to see defensive planting, lighting, and some additional doors.

Mouchel Parkman: Requested contributions.

CPRE: Responded that the number of units (15 at that time) was too large, the road is narrow and bridge weak; commented on traffic problems and (then) design, suggesting conversion to 3 or 4 maisonettes.

Garden History Society: Did not wish to comment, but emphasised that this indicated neither approval nor otherwise.

Temple Ewell Parish Council: Supported development of the building, but concerned about public safety and parking; improvements should be made to access onto road, 30mph speed limit should be extended, materials should be sympathetic and trees should be protected.

Public Representations: Five letters were received. There was also correspondence about the applicant's business interests and actions elsewhere. Generally, the restoration and re-use of the building was accepted, but objections included:-

- Volume of traffic; access could not cope and dangers at road junction;
- Hazardous within gardens, particularly for pedestrians including children;
- Compromise the natural beauty of the area;
- Weight limit on bridge;
- Lack of parking;
- TPO; and
- Overdevelopment – would detract from the ambience and tranquillity of gardens and nearby properties.

The responses to the revisions made in 2009 (the current proposal) can be summarised as follows:-

County Highways: Confirm that, accepting the applicant's figures, residential use is likely to generate fewer vehicle movements than the nursing home use. However, the sight lines are still poor. The extent of the sight lines should be indicated on a plan, in order that they can be kept at the current standard (preventing overgrown vegetation) and a condition imposed. On the basis that there is a case for the building to be retained, there are insufficient grounds for refusal, but the suitability of the access requires further demonstration.

Property Services comments: DDC owns the access. A number of issues are raised relating to access, maintenance of hedges, trees, weight restriction on bridge, visibility at access and safety of dog walkers, children etc in the park.

Ecology comments: Proposals for bat roosts would be better achieved by creating voids in the roof (these have been included in latest amendments). Recommends planning condition regarding reptiles. The beech tree (covered by a TPO) makes a significant contribution to the visual amenity and should be retained. Amended drawings show the relevant tree retained.

Environmental Health comments: Comment on various issues relating to flats which have noise sensitive rooms below living accommodation. Suggests higher levels of sound insulation and that consideration is given to an appropriate planning condition.

Kent Fire and Rescue Service: No problem with the fire appliance access and turning facilities.

Southern Water: Comments as previously; condition regarding foul and surface water disposal.

Environment Agency: Requires conditions regarding surface water drainage and welcomes use of efficiency measures and renewable energy.

English Heritage: Confirms that the information available does not suggest that the special interest of the Listed Building has significantly diminished; there is still sufficient special interest to presume in favour of preservation. In response to a request for views on merits of this application as 'enabling development', takes no specific view. Emphasises in general terms the need to ensure that a robust financial case is available when considering each case.

County Archaeologist: No archaeological measures required.

Mouchel Parkman: Not requesting Adult Social Services contribution since the application pre-dates KCC guidance. However, requests £227 per dwelling for libraries and £206.75 per applicable flat for Youth Services.

CPRE: Some use must be made of this 'fine old house'. Accepts that the number of flats and town houses proposed is the best option, but wishes to see access problems considered very carefully.

Temple Ewell Parish Council: No objection.

- f)
1. **The Site and the Proposal**
 - 1.1 Bushy Ruff House is a mid 19th century house set in an important position to the rear of the historic gardens once associated with Kearsney Court. It was listed in 1975 following a fire which had gutted the interior. It was re-roofed following the fire and it is common ground that there is very little remaining of historic value in the interior. It was last used as a nursing home, a use which, it is understood, ceased in 1998. There has been further fire damage, notably at its east end where much of the roof is missing.
 - 1.2 This is a longstanding planning application to convert and extend this building. The applicant argues that the development is the minimum development necessary to secure the long term future of the building and so constitutes 'enabling development' (see below) which might justify setting aside Development Plan policies presuming for example against the principle of the use.
 - 1.3 Delays have occurred in progressing the application to a conclusion over the past year, principally caused by efforts (without prejudice) to establish conclusively whether the current scheme is, in financial terms, the minimum required to secure the future of the building. This has involved the Council seeking specialist financial advice. An application for Listed Building Consent also involved lengthy negotiation and has since been granted.
 - 1.4 The building sits on steeply rising ground and the land at the rear of the site is cut into the slope. The site area is 0.6 ha. The property is now empty and boarded up. Although generally structurally sound and capable of repair, it appears much neglected and has suffered

from regular acts of vandalism. It is 2/3 storeys in height, with a cellar, and white rendered with a slate roof.

- 1.5 The site lies outside the confines of Temple Ewell and River and within the Area of Outstanding Natural Beauty. It also lies within a Groundwater Protection Zone and a defined area of Open Space. The access to the site from Alkham Road is over a narrow drive through a designated Historic Park and Garden which extends (outside the application site) to include Russell Gardens to the east and Bushy Ruff to the west. The access, which also serves one other dwelling, crosses the River Dour over a bridge which has a weight restriction of 7.5 tons and then rises to a turning/parking area to the immediate east of Bushy Ruff House.
- 1.6 The proposal seeks full planning permission to convert the existing building and extend it in two directions. Four houses (units 3, 4, 5, and 6) are proposed, the remaining units being flats. The added built development would nearly double the footprint of the existing building; all the existing windows would be replaced.
- 1.7 The extensions would enclose a central courtyard. Units 5, 6 and 7 would gain light primarily from the courtyard because of the steeply sloping ground at the rear. Unit 10 (above flat 7 and over-sailing an archway into the courtyard) would link the existing building with houses 5 and 6. This section would be part 3 storeys, with flat 13 served by roof lights in a new roof matching those on the main building. This part of the building would be screened, to a large degree, from view when looked at from the public gardens to the south and none of the extensions would be very prominent because of the steep slope at the rear. Nevertheless, they would be apparent from the upper levels of Bushy Ruff gardens.
- 1.8 Excavations would be necessary to enable the development to be built. The site is covered by TPO No 5 - 1995, which relates to 3 yew trees and a beech tree; the yew trees were removed some time ago. The beech tree is to be retained in the latest layout.
- 1.9 The drawings show 19 parking spaces with a cycle store cut into the rear banking set towards the western side of the site. A landscaping scheme shows extensive planting with timber steps because of the steeply sloping nature of the site. Paths are envisaged with York stone paving. Close boarded fences would define the curtilages of the houses; much of the outside areas would be shared. A detailed landscape scheme has been submitted showing wildlife measures such as logs for reptiles etc.
- 1.10 The application is accompanied by the following supplementary documentation (some with additional supporting information):-
 - Planning Statement
 - Letter in response to PPS5
 - A Design and Access Statement
 - A Heritage Statement
 - A Vehicle Trip Assessment

- Valuation report(s)
- An Ecology Report
- Drawings showing vehicle maneuvering space and landscaping

Some of these documents are lengthy and all are available for Members' inspection. However, some of the main points of each are set out below.

Planning Statement

It is considered significant that an application for a 2 storey extension was approved in 1990 (90/260) and renewed in 1995 (95/599).

An application was submitted to allow for a more general provision of care (98/1058) and it is claimed that works started, although the property was sold prior to implementation of that use. Conversion to a single dwelling was approved in 2002, establishing (in the applicant's view) the principle of reversion to residential use.

The fact that the Government (PPS1 and PPS 3 in particular) emphasises the need to make the best use of previously developed land is stressed. PPG13 sets minimum rather than maximum parking standards, and PPG15 (now superseded by PPS5) states that many listed buildings can sustain some degree of sensitive alteration or extension.

The English Heritage document "*Enabling Development and the Conservation of Significant Places*" is examined and the document: 'Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment' is also quoted in the report, as accepting alterations to a significant place if safeguarding criteria apply.

The Statement addresses each of the key criteria set out in the English Heritage document. The scheme will, in the writer's view, enhance the building, secure its long term future and management and ensure that it contributes to the wider surroundings and is the minimum necessary to secure the future of the place. A market appraisal has been submitted. The property has been marketed as a nursing home. Care homes normally require 60 bedrooms or more. The Heritage Report emphasizes that the location of the building on a hill and the need to install a lift, further fetters its use as a nursing home. The design is a good one and follows meetings with officers and the landscaping and habitat issues have, in the writer's view, been addressed.

The Planning Statement notes that the submitted traffic figures show that 14 residential units would generate about half as much traffic as a care home. It concludes that the scheme respects the building, that a case for enabling development has been made and that it would secure the long term future of the building.

Letter in response to PPS5

In August 2010, the applicants submitted a supplementary document assessing the proposal against PPS5, published since the original submission. In this instance, a well designed and well proportioned extension subservient to the main building has, in the writer's view, been tucked away behind Bushy Ruff and it is emphasised that it has achieved listed building consent. In particular, PPS5 policy HE11 is dealt with at length in the letter. It goes through each of the six bullet points in turn (see policy section below), to assess whether this application meets the requirements of the policy. Part of the letter reads:

"In general it is important for the local planning authority to assess whether the benefits of the enabling development to secure the future conservation of Bushy Ruff outweighed the disbenefits of departing from the Development Plan. In this instance the departure from the Development Plan is the granting of planning permission for new residential dwellings in the countryside.

- *The first bullet point says that the LPA need to take into account whether it will materially harm the significance of the heritage asset or its setting. As we have mentioned earlier listed building consent has been granted for this site which confirms that the Council do not think the proposal will materially harm the significance of the heritage asset or its setting. If this were the case it would not be granted listed building consent for the scheme.*
- *The second bullet point states that it will avoid detrimental fragmentation of management of the heritage asset. In this instance the management of the heritage asset will be secured and not fragmented for the longer term.*
- *The third bullet point states that the LPA need to take account of whether it will secure the long term future of the heritage asset and its continued use for a purpose sympathetic to its conservation. The LPA have confirmed that they believe the scheme to be sympathetic to the conservation of Bushy Ruff by granting listed building consent. The use is a long term use for the building and not a short term risk for the Council to grant. Therefore, in this instance, we fully comply with this part of Policy HE11.*

- *The fourth bullet point is concerned with resolving problems arising from the inherent needs of the heritage asset rather than the circumstances of the present owner or purchase price paid. There is a raft of information which has come in with this application dealing with viability assessments etc., which of course put aside the purchase price paid. We consider that we have addressed all these matters in the planning application and that this is the most appropriate way forward for this heritage asset.*
- *The fifth bullet point is regarding funding which may support the heritage asset without the need for enabling development. Many of these avenues have been explored with both the Council's Conservation Officer and other funding opportunities by the client. To date, we have not been able to identify any sources of funding which will be able to maintain the heritage asset without the need for enabling development. Indeed, in this instance, we consider that a property such as Bushy Ruff with the history that it has requires an active use within in and that we have found the viable option for this in the longer term. Having said this also the Client has been open to interest from any party coming forward for the site. There have been very few enquiries in this instance and those enquiries which have come forward have not materialised into anything by way of offers and have disappeared as quickly as they arrived.*
- *The last bullet point our viability assessment addresses and it is the level of development needed to secure the future conservation of the heritage asset and of a design and type that minimises the harm to other public interests. We consider that our proposal is the minimum necessary to secure the future conservation of Bushy Ruff for the long term and also we feel we have a design that is appropriate to the Listed Building and its setting which has been confirmed by the Council in granting listed building consent. Policy HE12 has been addressed in text earlier as there is not a loss of this heritage asset or indeed a loss of any important historic fabric of the building".*

Design and Access Statement

The Design and Access Statement emphasises that the scheme respects the ethic of the building and uses a complementary palette of materials. The scale is no more than 3 storeys, in keeping with the existing building. The south elevation, facing the park, retains its Italianate character. The proposal retains all existing trees on the

site. An avenue of trees is proposed to provide a 'sense of arrival'. The landscaping with grassy areas is intended to support the ecological value of the site and bat roosts are proposed.

The existing access is to be retained. Parking is provided at a ratio of 1:1 with 5 spaces for visitors. Cycle storage is 1 space per flat, with 1 per bedroom for the houses, in order to encourage sustainable modes of transport.

Heritage Statement

The author states that it is essential to find a future use which respects these aspects whilst complementing the building's unique and beautiful setting.

Valuation Report

The main report notes the downturn in the market, and examines a number of possible alternative uses, including office use, a 27 bed care home, community use (doctor's surgery etc), holiday lets and residential conversion and extension, including conversion to 8 flats and to a single dwelling house.

It concludes: "*We consider that this latest revised residential scheme is more viable than any of the schemes previously seen and represents a more practical opportunity to restore the original buildings economically*".

The submitted material includes a subsequent letter and appendices addressing the fact that units 5 and 6 had been reduced to two storeys, and that the cost of roof repairs will be less than anticipated. A separate structural report and cost of works schedule is also submitted.

It should be noted that protracted correspondence has since been received between the agents for the applicant and the agents appointed by the Council to scrutinise their figures and findings. A large amount of mainly technical/financial information has been exchanged in recent months. The outcome of the discussions is dealt with in the assessment section below.

Vehicle Trip Assessment

The report looks at a variety of alternative uses. It is concluded that offices, holiday lets and community use would generate more vehicle trips than the extant 27 bed care home. Development comprising 7, 14 or 15 flats or 1 or 3 houses would result in half the traffic generation of the care home.

A supplementary statement was submitted in response to officer concerns about the access from Alkham Valley Road. This concluded that there would be unlikely to be any need for additional passing places and very little likelihood of any conflict with other users of the park. Drawings show that it would be possible for vehicles, in particular a fire engine or refuse vehicle to turn within the application

site without conflict with other vehicles or trees and so enter and leave the site in forward gear in safety. The report goes on to re-affirm traffic generation data, which the writer states also has a bearing on the weight restriction on the bridge and visibility, since the permission for the nursing home presumably took these matters into account at that time; the vehicle predictions in respect of the current proposal are lower.

Ecology Report

This identifies that bats, common reptiles and dormice may be present at the site. Voids in roofs for bats are recommended.

1.11 *Plans will be on display*

2. **Planning Policy**

2.1 It is important to begin by examining Government policy in this area and to acknowledge that 'enabling development' inherently accepts that (in very exceptional circumstances) normal Development Plan policies may be set aside if other public benefits outweigh such considerations. This general view is endorsed by English Heritage.

2.2 This was set down earlier this year in PPS5. Policy HE9 states that there should be a presumption in favour of conserving designated assets (including listed buildings) and substantial harm to, or loss of, a grade 2 listed building should be exceptional.

2.3 PPS5 Policy HE11 states "*Local Planning Authorities should assess whether benefits of an application for enabling development to secure the conservation of a heritage asset outweigh the disbenefits of departing from the Development Plan*". Enabling development is defined in PPS5 as that which would be unacceptable in planning terms but for the fact that it would bring heritage benefits sufficient to justify it being carried out, and which could not otherwise be achieved. Heritage Assets include Listed Buildings, but the definition also includes any building, site or place, positively identified by the Local Planning Authority during the process of decision making, as having a degree of significance meriting consideration in planning decisions.

2.4 Policy HE11 states that Local Planning Authorities should take into account whether:-

- The development will materially harm the significance of the heritage asset or its setting;
- The development will avoid detrimental fragmentation of management of the heritage asset;
- The development will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation;

- It is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;
- There is a source of funding that might support the heritage asset without the need for enabling development;
- The level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.

These criteria are examined in the assessment section below.

- 2.5 Similarly, the English Heritage document *Enabling Development and the Conservation of Significant Places* defines 'enabling development' as: "*development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could otherwise not be achieved. Whilst normally a last resort, it is an established and useful planning tool by which a community may be able to secure the long term future of a place of heritage significance...provided it is satisfied that the balance of public advantage lies in doing so*". A 'significant place' is defined in the document, and includes (amongst other things such as scheduled monuments etc) "*historic buildings (both statutorily listed or of more local significance) together with any historically related contents, conservation areas, parks and gardens...*"
- 2.6 Government Guidance, in PPS1 and elsewhere, encourages sustainability, and emphasises that a high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection. Good design is emphasised at all levels of policy guidance.
- 2.7 PPS3 promotes a mix of housing of good design, in more sustainable patterns of development, with an emphasis on the use of previously developed land.
- 2.8 PPS7 also expresses sustainability as a key principle. Additionally, it affirms that Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in development control decisions in these areas. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.
- 2.9 PPG13 promotes sustainable transport choices and accessibility to jobs, and reduced dependency on travel by car.
- 2.10 Policy DM1 of the CS states that development will not be permitted on land outside the urban boundaries unless specifically justified by other development plan policies, or its functionality requires such a location, or it is ancillary to existing development or uses. It is common ground that the proposal is contrary to this policy.

- 2.11 Policy DM15 seeks to prevent development which would lead to the loss of, or adversely affect the character and appearance of the countryside, unless special circumstances apply. Even if the principle of a development of this scale is accepted here, Members must still consider what weight should be given to this policy.
- 2.12 This latter point also relevant to the acceptability of the proposal within CS Policy DM19, which seeks to prevent development which would adversely affect the character, fabric, features, setting or views to and from the Historic Park and Garden.
- 2.13 Policy DM5 of the CS introduced a requirement for a contribution towards affordable housing in all schemes over 5 dwellings. This issue has not been raised with the applicants in the past, since the former Local Plan threshold (until February this year) was 25 units. Moreover, the current CS policy goes on to state: "*the exact amount of affordable housing or financial contribution to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions*". In the circumstances, and particularly if it is accepted that the proposed development is the minimum to make the scheme financially developable, it is considered unreasonable to insist upon on-site affordable housing or an equivalent financial contribution in this case.
- 2.14 Policy CP4 of the CS requires justification for the mix of housing and densities to exceed 30 per hectare. Policy CP5 requires development permitted after the adoption of the Strategy to meet Code for Sustainable Homes Level 3. In view of the lengthy negotiations required to arrive at a scheme which is acceptable, and which received listed building consent in October 2009, it is considered unreasonable to request further amendments, particularly to a listed building, to achieve Level 3 at this late stage. Policy CP7 seeks to protect the Green Infrastructure Network from unacceptable harm. Policy DM17 safeguards Groundwater Protection Zones.

3. **Assessment**

- 3.1 It is considered that there are 2 interrelated issues which Members should take into account in the determination of this application, as follows:-
- The principle of the development. Whether it has been satisfactorily proven that the scheme meets the requirements set out in PPS5 and by English Heritage as 'enabling development' and if so, whether the weight to be given to this conclusion justifies accepting a proposal which does not accord with the development plan;
 - Even if the principle of development at this scale is accepted, consideration must be given to the acceptability of the design and physical alterations, including traffic generation, impact on the area as a whole and highway issues relating to the details of the proposal, bearing in mind the representations received

and policies seeking to protect the countryside and secure good design.

The principle and 'enabling development' argument

- 3.2 Policy HE11 of PPS5 sets out 6 criteria by which 'enabling development' should be judged (para 2.4 above) and the final one is, in many ways, the critical starting point for this assessment. The Local Planning Authority must take into account whether '*the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests*'. Para 4.9.14 of the English Heritage document also emphasises that the onus is on the applicant to '*justify that an assertion that a particular form of development is the least damaging way*' of achieving the objective.
- 3.3 Expert advice has been sought to help evaluate the criteria against the financial case put forward, essentially to assess whether a less intensive development (perhaps involving fewer units which might have a lower impact on the area) could be put forward and still achieve the retention of the listed building. This has involved protracted discussion.
- 3.4 Initially, the advice was that a less intrusive scheme might be possible whilst still making sufficient return for the development to go ahead. This was the position for many months. However, after lengthy discussions and a recent exchange of further information, it is now concluded from a valuation analysis of the gross development value and total development costs that the proposed six additional units are needed to generate sufficient funds to enable the restoration of the listed building to take place.
- 3.5 The latest advice concludes as follows:-
- "(i) *The purchase price paid for the property is irrelevant and it has been agreed that the current market value of the property is in the region of £100,000.*
 - (ii) *Conversion of the existing building alone is not financially viable and creates a deficit in the region of £230,000. In arriving at any deficit there are certain historic costs such as interest on acquisition, interim security costs, insurance, and consultant's fees that are allowable. We have then considered the level of additional new development that would be necessary to generate sufficient funds to cover this deficit.*
 - (iii) *Residual valuation analysis of the Gross Development Value and total development costs (including deficit items) does show that the proposed six units are needed to generate sufficient funds to enable the restoration of the listed building to take place.*
 - (iv) *I think it should also be appreciated that an analysis such as this does have a number of subjective constituent parts whereby a small variation in one element can lead to a*

significantly different output eg. a 1% change in values leads to a £24,000 difference in the end result.

I appreciate this is a change from the position we were in at the outset, but much of that was due to the incorrect or lack of information from the applicant and a need to get them to address matters in the correct context of the English Heritage Document "Enabling Development and Conservation of Significant Places".

- 3.6 In light of the above and further discussions with the Council's advisers, it is concluded that the *principle* is acceptable in the context of PPS5 Policy HE11 if the restoration of the building is to be achieved and that the *level* of development meets the tests and is the minimum necessary to secure the future of the building.
- 3.7 Even so, a key consideration is whether the Local Planning Authority is satisfied that the public benefit of securing the future of the listed building would decisively outweigh the disbenefits of breaching other policies. The site lies well outside any built up area in the Development Plan and is surrounded by land which is either countryside or is otherwise of an unspoilt character lacking buildings and of an attractive appearance (ie. the Open Space and Gardens). This is, therefore, a location where the principle of new housing (including conversions) would normally be strongly resisted. Policy DM1 of the CS is unequivocal; development will not be permitted on land outside urban boundaries unless special justification exists. Consistent and long held policies at all levels presume against new housing in such localities and this is reflected in Central Government policy. The location within the AONB adds weight to this presumption.
- 3.8 While there is support for the proposal through PPS5, there is no other Development Plan policy support which weighs in the balance. There is no functional requirement or justification for residential development in this location. It is not ancillary to other development or uses. The proposal must be weighed against this primary policy context, not least because it is important to ensure a consistent approach when considering other schemes elsewhere. It is this policy background which most seriously militates against permission being granted. There is little doubt that if the application involved a less important building in a less significant location outside the built confines as defined on the development plan, it would not be recommended for approval. The fact that a building is listed or otherwise regarded as a heritage asset does not in itself justify an exception to Policy DM1. There are many listed barns, for example, throughout the rural area which may not be beneficially used or which are in poor condition, but planning permission would be routinely refused for their residential conversion.
- 3.9 With specific regard to the other criteria set out in PPS5, the following comments are made on each in turn as follows:
- Listed building consent has been granted. This, in effect, recognises that the heritage values of the building and its

setting would not be harmed and have been protected satisfactorily;

- The building would not be fragmented visually, nor would there will be a fragmentation of management which affects it detrimentally. The outside areas would be the subject of a comprehensive management regime;
- The conversion and extension to enable the creation of houses and flats has been demonstrated to be the only alternative commercially viable alternative use. If carried out, it should ensure the building's continued use in a way which is sympathetic to its conservation.
- it is considered that the proposals stem from the inherent needs of the building, other than from the financial circumstances of the owner; as residential development, it is accepted that subsidy is not available from other sources.

3.10 Members therefore need to balance competing objectives. On one hand the building is listed and lies in an important location. A degree of policy compromise and flexibility will be necessary if an economic use for the building is to be found. However, against this is the direct conflict with Policy DM1 which reflects wider sustainability objectives and is aimed at avoiding harm to the countryside and other unacceptable consequences in highway or general amenity terms. The key question reflecting para 1.9 of the CS is whether the proposal is supported by a sufficiently unusual and compelling justification for permission to be given.

Visual and other impacts

3.11 The existing building is located on sloping land adjoining Bushy Ruff Gardens. It arguably makes a positive contribution to the setting of the Historic Park and Garden, but there is little doubt that its poor condition currently detracts from its very attractive setting.

3.12 Listed building consent has now been granted for the current proposals. The roof would be retiled and the entire fenestration would be replaced if the current scheme goes ahead. Members will appreciate that the key issue in determining all applications for listed building consent is the desirability of preserving the listed building, its setting or features of special architectural or historic interests which it has. It was considered that this statutory test was met; listed building consent was granted accordingly. Policy DM1 was of no consequence to that decision and it does not commit the Council to granting the current proposal which seeks planning permission. Nevertheless, it implicitly accepted that the scheme represents the best practical way of retaining the listed building in a way which respects its character and qualities.

3.13 The development seeks to strike a balance between the need to create a high quality scheme visually, having regard to residential amenity etc and minimising the scale of the development. It is in

some respects cramped in terms of its layout and some room sizes are slightly less than might be achieved in, for example, a new build development. Private amenity areas are quite restricted but residents would have the use of the attractive public park lying adjacent. Compromises have been inevitable. Nevertheless, discussions have resulted in a development which should sit reasonably well into the landscape and have a minimum impact on the views across the extremely important public gardens which it adjoins.

- 3.14 Substantial extensions to the building have been accepted in the past (see applications DOV/90/260 (last renewed in 2000), DOV/02/679 and DOV/03/449, for example). It is argued, and to some degree accepted, that the visual impact on these proposals would have been comparable to those proposed in the current scheme. Nevertheless, those decisions were made in a somewhat different policy context and carry little weight. The present proposal must be considered on its merits.
- 3.15 Reservations were expressed by officers at an early stage about other impacts of the development such as its effect on the historic gardens (especially through traffic movements), refuse collection, unauthorised parking and manoeuvring when vehicles pass one another on the approach road through the gardens. The question of hazards to users of the gardens, raised in representations, has been the subject of much discussion. Further studies have been submitted by the applicant, which show that traffic movements would be fewer than would be generated if the use as a nursing home still existed or recommenced. Whilst some concerns remain about this issue, it is difficult to justify them in a manner which could be used to support a reason for refusal. Nevertheless, Members need to take into account that all traffic passing between Alkham Road and the site would use the narrow drive which passes between Russell Gardens and Bushy Ruff Gardens and potentially give rise to conflict, bearing in mind the lines of pedestrian movement between the two Gardens.
- 3.16 Visibility at the access onto the public highway is very poor and remains of particular concern. Drawings are yet to be submitted showing sight lines. This land is not within the applicant's ownership. It is anticipated that the further views of County Highways will be available in time for the meeting.
- 3.17 The applicant makes the case that the weight restrictions on the bridge over the Dour were considered when the nursing home was permitted, and again that traffic movements associated with the former use would have been greater. The applicants are aware that construction vehicles will need to be of a size which can be accommodated on the bridge, or that some form of reinforced platform may have to be placed over it temporarily; this is not considered a matter for resolution by the Local Planning Authority. The level of parking is considered adequate.
- 3.18 In terms of direct impact on residential amenity, the nearest property ('The Stables') is located to the south east of Bushy Ruff House and is sufficiently distant to mitigate potential harm, and although a refuse store is proposed close to the boundary. The extensions are

proposed on the western side, to some degree hidden by the existing building. Vehicle movements and other activity will increase, and this is bound to have impacts, but the former use of the site must be acknowledged as a factor to be taken into account.

Conclusions and Other Matters

- 3.19 Members will note that no developer contributions, affordable housing or sustainable construction methods are being sought in this case in view of the particular circumstances. The views of the applicants on the request for contributions from Mouchel on behalf of KCC have been requested. However, in this instance, where the finances are such that a relatively large extension is considered necessary simply in order to ensure the future use of the building, it is considered that further financial requirements should be set aside should permission be given.
- 3.20 The proposal is contrary to long held policies intended to protect the countryside and secure development in sustainable locations. Such policies may be set aside, however, in unusual and exceptional circumstances, if the public benefits are considered sufficient to outweigh such considerations.
- 3.21 Development Plan policies cannot be lightly overturned, particularly given the statutory duty to make decisions in accordance with them. In striking the right balance, the Committee must consider the objectives of all planning policies contravened by the proposal and the implications of permitting the application. There is little doubt that the proposal offers the significant benefit of potentially enabling and facilitating the repair and restoration of the Grade II listed building. Although the site is becoming somewhat overgrown, and for that reason the building is not presently well seen from the lower part of Bushy Ruff Gardens (part of the designated Historic Gardens), there is also little doubt that, in a restored condition, it could contribute importantly to the setting of the Gardens. It would arguably also improve the appearance of the building when seen from the upper part of the Gardens, although this has to be balanced against the new development which would also be seen from here. In wider corporate terms, it would bring back into use a vacant building and contribute to the objectives of the Empty Houses Strategy. These are the tangible benefits.
- 3.22 In the absence of other benefits, the principal policies concerning new housing in this location and sustainability continue to have significant weight. In terms of the landscape (in particular the AONB), the development would be fairly neutral given the landform. It would be unlikely otherwise to detrimentally affect visually the surrounding countryside or open space. It would not lead to the loss of any landscape features or important vistas. Nevertheless, the location is clearly unsustainable in its relationship to the usual range of services. There is potential for existing pedestrian links through Russell Gardens and Kearsney Abbey or along roadside footways (or roads lacking footways) to be used to reach local services in River or Temple Ewell. However, the distances involved imply significant use of the private car. There is a fairly infrequent bus service of 6 or 7

buses in each direction on week days. The access both onto Alkham Road (which is within the 50 mph zone at this point) and within the site is far from ideal and has attracted criticism.

3.23 Given these circumstances, the Committee may feel that CS Policies DM1 and DM11 should prevail. However, the circumstances of the case are unusual. In the circumstances, it is recommended that Members visit the site to assist in weighing the competing considerations prior to making a decision.

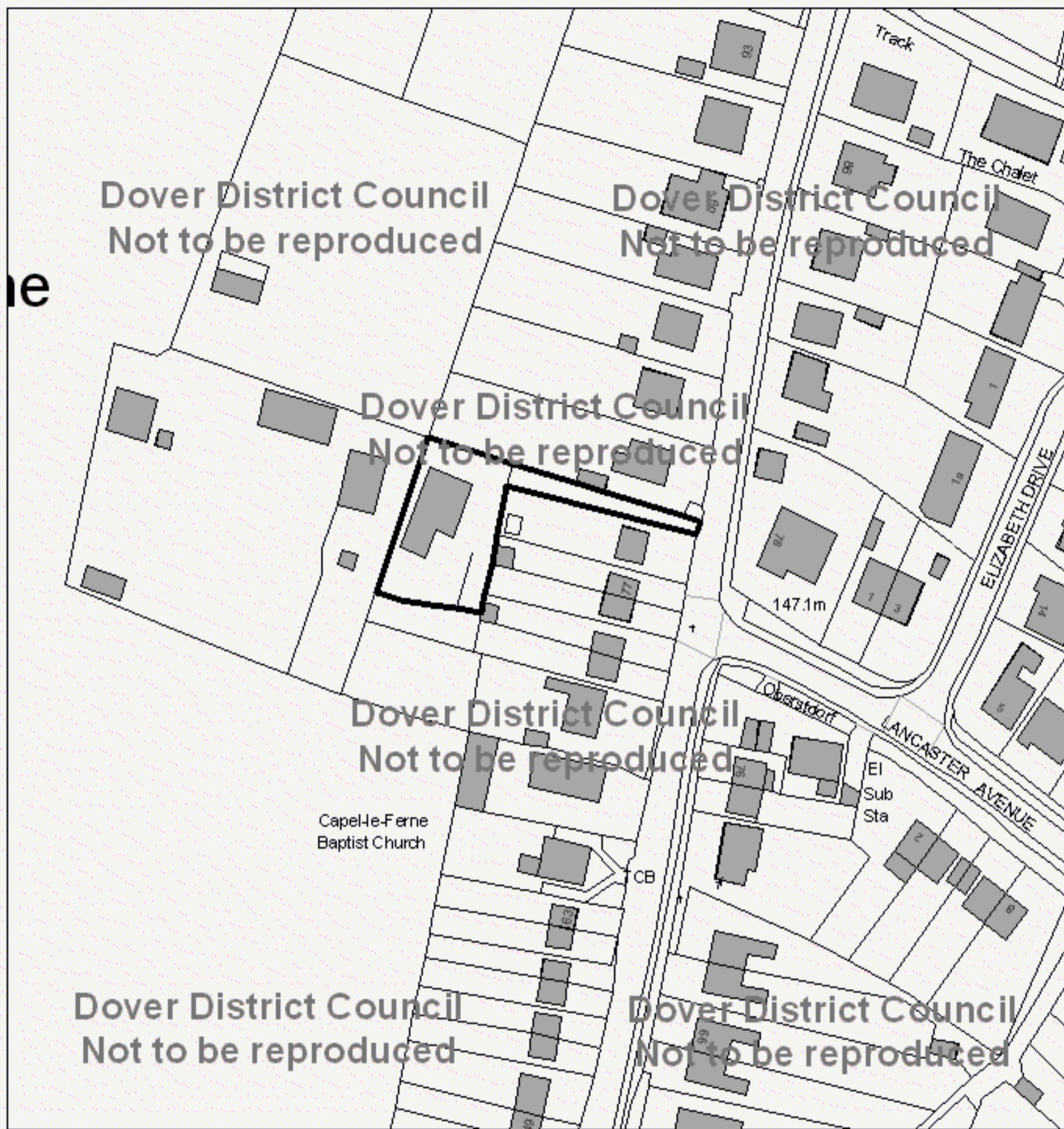
3.24 Finally, if Members resolve to grant permission, consideration should be given to the appropriateness of mechanisms by which the long term future of the building can be assured, as recommended in the document on enabling development. It might be conceivable, for example, that the extensions could be built and the main property left to decay. Conditions and/or a legal agreement should be used to ensure that this does not happen.

g) **Recommendation**

A SITE VISIT BE HELD

Case Officer

Phil Taylor



Not to Scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2007

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

Application: DOV/09/651
Aldens Yard
R/O 71-79 Capel Street
Capel-le-Ferne

TR24833892



2. a) **DOV/09/0651 – Outline application for the erection of a detached dwelling and garage, Alden’s Yard, rear of 71-79, Capel Street, Capel-le-Ferne**

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policies and Guidance**

Saved Dover District Local Plan (DDLP): Policy HS2
Dover District Core Strategy (CS): Policies CP5, DM13, DM15 and DM17
PPS1 – Delivering Sustainable Development
PPS3 – Housing
Kent Design Guide (KDG)

d) **Relevant Planning History**

CH/60/0021	–	Erection of a builders store – Granted.
CH/6/70/0231	–	Change of use of builders yard for panel beating and spraying for vehicles – Refused.
DOV/08/1033	–	Retrospective application for the change of use to repair and storage of motor vehicles – Refused.
DOV/09/0650	–	Retrospective application for the change of use to preparation of motor vehicles for competitions – Refused.

e) **Consultee and Third Party Responses**

County Highways: No objection subject to conditions.

Environmental Health Comments: The Contamination desk study is acceptable; a condition should be imposed that ensures further intrusive investigations are carried out.

County Archaeologist: No archaeological measures are required

Environment Agency: Views awaited.

Southern Water: Comments awaited.

Kent Fire Service: Comments that the access is inadequate; installation of domestic sprinklers is recommended.

Capel Parish Council: Objects for the following summarised reasons:

- The application should not be approved as the type of property has not been disclosed.

- The access road is poor and narrow.
- Size of garage appears excessive for a domestic use.
- The area is not suitable for development.

Public Representations: 10 letters of objection have been received; the material comments are summarised as follows:

- Any development should have adequate off street car parking.
- The access is not suitable for fire appliances.
- The existing cars are polluting the environment.
- Would vehicle repair of the bangers carry on at this residential property? It may result in more vehicles being brought to the site.
- The proposal will increase the risk of flooding.
- The peaceful and rural setting of the area would be harmed.
- The dwelling would cause over looking.
- The road is busy and more traffic would not be acceptable.

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

1.1 The site is located within the village confines of Capel, albeit at the edge. The application site is located to the rear of the dwellings at Nos. 71-79 Capel Street and therefore does not have a street frontage. Capel Street is a long linear road, dominated by semi-detached and detached dwellings of varying sizes and designs. It has a semi-rural feel, characterised by soft boundary treatments and landscaping within the public realm.

1.2 The site is accessed by a long, narrow track situated between no. 79 and 81 Capel Street. This track is approximately 48m in length and varies in width from 3.5m to 4.5m. The site has a depth of 17m and a width of 32m. It is currently occupied by a large building which was last in use for car repairs without planning permission. Retrospective planning applications have been refused due to the impact on residential amenities and highway safety. Enforcement Notices were served earlier this year but subsequently withdrawn. The use has ceased.

1.3 Outline planning permission is sought for the erection of a dwelling and a domestic garage, which would require the demolition of the existing building. All matters have been reserved for future consideration. The Design and Access statement confirms that the

proposed dwelling would be two storeys with dimensions of 8m x 7.5m x 7.5m high (to ridge). The garage was originally proposed to be 6m x 5.5m x 4.5m high (to ridge), but it was considered that a double garage of these proportions would not be commensurate with the size of the proposed dwelling. The applicant has agreed to reduce the size of the garage to a single. An amended block plan indicates the size of the footprint to be 3m x 6m. The dwelling is indicated to be centrally positioned on the site with the garage to its north.

1.4 The site access, whilst a reserved matter, would clearly be from the access road onto Capel Street. The applicant has confirmed that he does not know who owns this track and therefore has submitted Certificate D and advertised the proposal in the local newspaper.

1.5 *The plan will be on display.*

2. **Planning Policy**

2.1 DDLP Policy HS2 states that on unallocated land within the village confines, housing development will be permitted provided housing is the most suitable land use.

2.2 CS Policy CP5 requires all new dwellings to be constructed to meet Code for Sustainable Homes Level 3.

2.3 Policy DM13 states that the provision for parking should be a design led approach based upon the characteristics of the area, the standard of car parking should be informed by the levels recommended.

2.4 Policy DM17 seeks to protect Groundwater Source Protection Zones from potential land uses which could lead to contamination of the ground water.

2.5 PPS1 seeks to ensure good quality design which is sustainable in layout and function whilst enhancing residential amenities.

2.6 PPS3 seeks to make the best use of previously developed land within the built up areas, with a view to resisting the development of fresh land. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new

development can lead to a more efficient use of land without compromising the quality of the local environment.

- 2.7 The Kent Design Guide (KDG) was adopted in July 2007 as supplementary planning guidance. This document promotes good design and encourages developers to carry out urban design analysis to inform the developments.

3. **Assessment**

Principle

- 3.1 The site is located within the village confines of Capel. It is not designated for any particular use; however, due to the previous uses, it is a brown field site within a primarily residential area.
- 3.2 Policy HS2 of the DDLP states that on unallocated sites within the urban boundaries, housing development will be permitted provided housing is the most suitable land use.
- 3.3 The principle of the proposed development complies with this policy, which seeks to encourage such development within the confines of existing settlements to meet housing targets, reduce pressure for the release of greenfield sites and encourage more sustainable and integrated communities. It also satisfies PPS3.
- 3.4 Notwithstanding the need to make efficient use of land for the reasons expressed above, development will only be appropriate where it is acceptable in terms of more site-specific factors including context, relationship with surrounding buildings and uses, topography, tree cover etc. Those factors relevant to the consideration of this application are considered below.

Visual Impact

- 3.5 It is acknowledged that this dwelling would not have a street frontage onto Capel Street and thus be at odds with the existing character of the grain of this part of Capel; however, the site is well screened from the public highway by virtue of its backland position. A glimpse of the site may be achieved by a long view from the access road. The dwelling would be visible from the surrounding countryside to the north, south and west but would be viewed in context with the nearby farm buildings and residential outbuildings. The design and external appearance of the dwelling have been reserved for future consideration and therefore the assessment of the ultimate visual impact will be made in the future.
- 3.6 The existing building does not enhance the local scene. Its replacement by a dwelling where the design and appearance can be controlled would have a positive impact on the visual amenities and

the character and appearance of the edge of the village and the countryside and as such would accord with PPS1 and the KDG.

- 3.7 To ensure that the dwelling does not harm the character and appearance of the area conditions should be imposed requiring details of the materials to be submitted and to control the height of the building.

Impact on Residential Amenity

- 3.8 The nearest dwellings are numbers 71-79 Capel Street to the east. The proposed site is located at the end of their long rear gardens and would be approximately 30m-34m away from their rear elevations. This is considered to be sufficient distance so as to prevent a loss of natural light and out look from these dwellings.
- 3.9 The layout plan indicates that the east elevation of the dwelling would be only some 6m from the site boundary and 10m from the boundary of the residential gardens. It is possible that over looking could arise from windows which may be in this elevation. Therefore, if Members are minded to grant planning permission a condition should be imposed to require any windows in this flank elevation to be high level or fitted with obscure glass to prevent overlooking.
- 3.10 The access road is in close proximity to the boundary with no. 79 and 81 and therefore there is the potential for noise and disturbance to arise from the use of the access by vehicles. A decision should be made based on the authorised use of the site for a commercial builder's store. The character of the vehicles using this access track would change to small private cars and it is likely that the volume and frequency of use would be reduced. It is therefore advised that the use of the access would not cause a significant impact and would not warrant a reason to refuse planning permission.
- 3.11 The proposed dwelling would be provided with adequate private amenity space commensurate to the size of the dwelling. As such there would be sufficient space for external clothes drying and bin storage facilities. Ideally a bin store should be provided within 25m of the public highway, in this instance that would not be possible as it would make the access road impassable; this, however, would not be sufficient grounds to refuse permission.

Highway Safety

- 3.12 County Highways have not raised an objection to the principle of this application but have stipulated that planning permission should only be granted subject to conditions relating to vehicle maneuvering space and car parking.
- 3.13 It is not considered that this proposal would result in further congestion on the public highway or detriment to highway safety.
- 3.14 Kent Fire Service has advised that the site should be provided with a turning head and the access road should be upgraded to take the weight of a fire engine or alternatively the dwelling should be fitted with a domestic sprinkler system. This should be subject to a planning condition

Land Contamination

- 3.15 The applicant has submitted a land contamination desk study report, which has been reviewed. Further intrusive investigation works are required due to the contaminating works which have occurred on the site. A condition should be imposed to ensure these works are carried out.

Drainage

- 3.16 The site is located within a Ground Water Source Protection Zone (SPZ) and, therefore, the disposal of surface water is an important consideration. The advice from the Environment Agency is still outstanding; however, its normal advice for sites within SPZs is that only clean uncontaminated roof water would be acceptable to discharge to the ground via soakaways and all other surface water (from driveways) need to be discharged via the mains foul sewer. Soakaways should normally be constructed as shallow as possible and no deeper than one metre below ground level. The views of the Agency and those of Southern Water are awaited.
- 3.17 A local resident has expressed concerns relating to flooding. It is unlikely that this development would increase flood risk. Firstly, the amount of hard surfacing would be reduced within the site thus allowing rain water to permeate into the ground; and secondly the development would be served by soakaways and a mains sewer.

Code for Sustainable Homes

- 3.18 Policy CP5 requires all new dwellings to be built in accordance with Sustainable Homes Code Level 3. The plans indicate solar panels on the rear roof slope (south facing) which would help to achieve code level 3. A condition should be imposed requiring the confirmation certificate to be submitted demonstrating compliance with this condition.

Other Matters and Conclusions

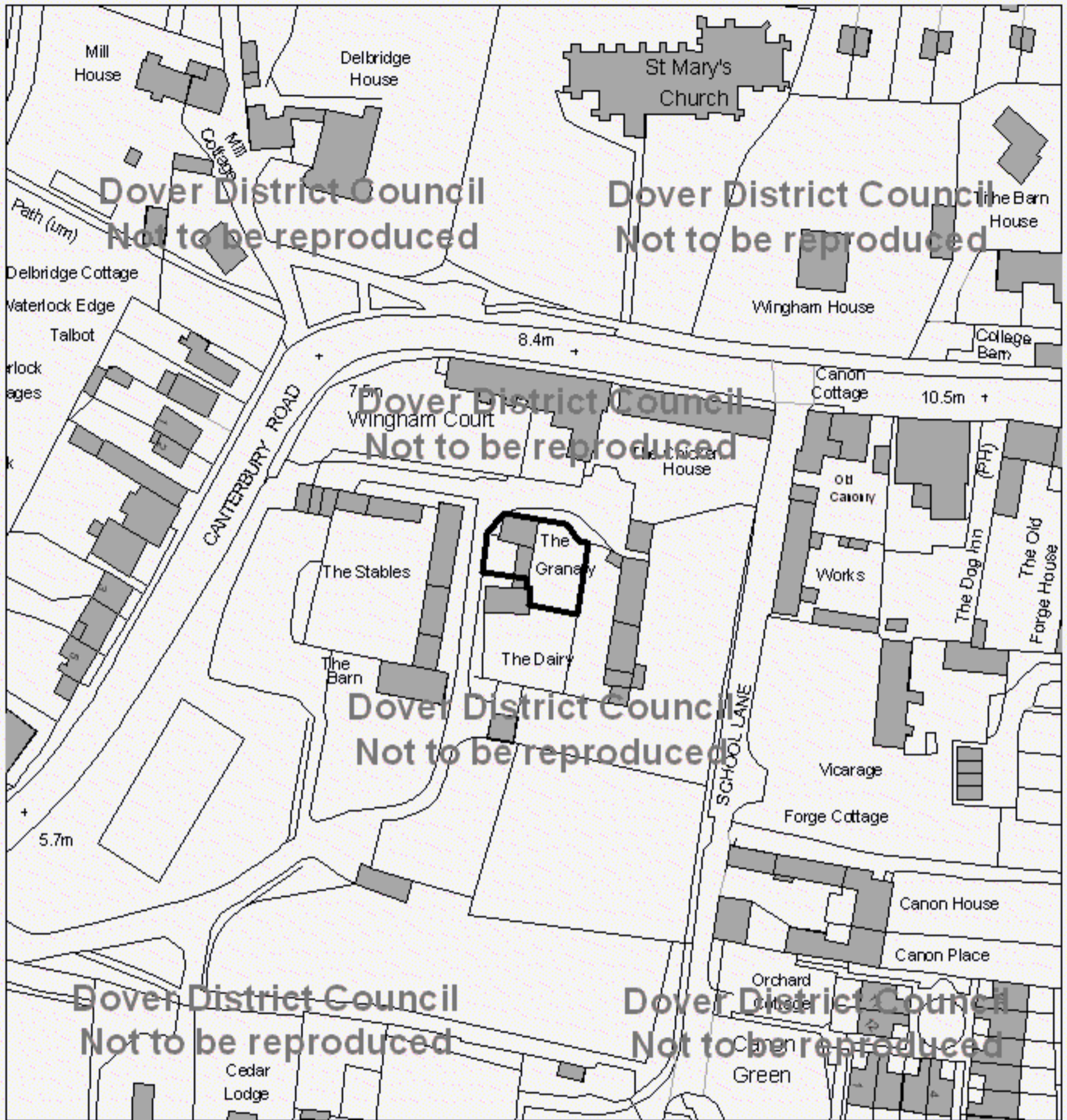
- 3.19 Local residents have raised concerns about the use of the site for the repair of cars and the associated noise and disturbance. In itself this is not material. However, it is likely that the residential redevelopment of this site would overcome the harm which has been identified. It is also clear that the residents are sceptical about the proposed use and have asked for a condition be imposed to restrict the use to residential. Members are advised that such a condition is not required because planning permission would be required for any other use. The size of the domestic garage has been reduced and this should allay the fears of any future commercial use occurring at this site.
- 3.20 Consideration has been given to all matters raised, but none are such as to override the conclusion that the development is acceptable.

g) **Recommendation**

- I OUTLINE PLANNING PERMISSION BE GRANTED subject to the following conditions: (i) Standard outline conditions; (ii) Materials; (iii) Levels; (iv) Landscaping; (v) Boundary treatment; (vi) Vehicle turning; (vii) Parking; (viii) Contamination Investigation; (ix) Withdrawal of permitted development rights – buildings and windows; (x) Details of windows in east elevation; (xi) Sprinklers; (xii) Sustainable construction; (xiii) Height of dwelling; (xiv) DP04 (Amended Plan); (xv) Any other conditions or amendments to the above conditions to be delegated to the Development Control Manager.

Case Officer

Rachel Elwood



Not to Scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2007

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

Application: DOV/10/417
Perrys Cottage
Hawarden Place
Wingham

TR24185737



3. a) **DOV/10/0417 – Conversion of stable and adjoining greenhouse into a two bed storey dwelling, Perrys Cottage, Hawarden Place, Wingham**

b) **Summary of Recommendation**

Planning Permission be granted.

c) **Planning Policies and Guidance**

Core Strategy (CS) Policies: CP1, CP3, CP5, DM1 and DM13
PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning and the Historic Environment
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transportation

d) **Relevant Planning History**

None specific to building. Permissions and consents were granted in the 1990s for residential conversions of nearby buildings.

e) **Consultee and Third Party Responses**

County Highways: No objection, subject to a condition and an informative.

Conservation comments: No objection.

Ecology comments: No objection, subject to condition.

Wingham Parish Council: No objection.

English Heritage: No objection.

Kent Archaeology: No objection, subject to condition.

Public Representations: Four objections have been received raising the following material considerations:-

- Increased size of the proposed dwelling;
- Loss of light to neighbouring residential property;
- Impact on the character and appearance of a curtilage listed building;
- Raising the roofline of the existing greenhouse will significantly alter the appearance of the locality and impact on the neighbouring building;
- Inadequacy of the access from the A257;
- Pressure to undertake works to the adjacent trees;
- Over-development of the site and locality;
- Inadequate parking;
- The dwelling would be unlikely to comply with the Code for Sustainable Homes Level 3; and
- Detrimental to protected species.

- f) 1. **The Site and the Proposal**
- 1.1 The site lies within the confines of Wingham, to the south of the main route through the village, Canterbury Road (A257). The property is one of the smallest buildings of the defunct farmstead to the rear of Wingham Court, which included barns, stables and a granary, most of which have now been converted into dwellings. The property which is the subject of this application is at the centre of the group of the buildings which made the farmstead. Wingham Court itself dates from the 15th Century and was the Archbishop of Canterbury's manor house for the manor of Wingham. An access road runs through the middle of the site, connecting onto Canterbury Road to the south west.
- 1.2 The property is significantly smaller than the majority of the dwellings within the site. It was last used as small stables, with the internal paraphernalia associated with this use remaining in-situ. To the southern side of the building is an attached greenhouse, which appears basic in its construction, having no significant foundations and being of timber construction. Furthermore, this structure is in an advanced state of dilapidation.
- 1.3 The topography of the site is flat, with no significant undulations or slopes.
- 1.4 This application seeks full planning permission for the change of use of the existing building to form a detached single dwelling house. It is also proposed to extend the existing brick built structure over the footprint of the 'greenhouse' element of the building. This would entail the construction of a more permanent brick structure, the enlargement of the roof, the demolition of the end wall of the 'greenhouse' and the erection of a new flank wall inside the plot. The existing building would be altered through the insertion of a set of new French doors on the eastern elevation and its general renovation and repair.
- 1.5 The proposal would create a two bedroom dwelling, together with a separate bathroom and a kitchen, dining and living area. To the rear of the property would be a garden of approximately 170 sqm. One parking space would be provided to the front of the property on a tarmac hard standing.
- 1.6 *Plans will be on display.*
2. **Planning Policy**
- 2.1 PPS1 states that good design should contribute positively to making places better for people. Development which is inappropriate in its context, or which fails to make the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 2.2 PPS3 places an emphasis on the provision of a mix of high quality housing to support a wide variety of households in all areas, both urban and rural. Housing development should be located in suitable locations and, where appropriate, should utilise previously developed land.

- 2.3 PPS5 aims to conserve the historic environment and its heritage assets for the quality of life they bring. In determining applications which affect heritage assets, regard should be had to the nature, extent and significance of the asset, with the weight it is given varying accordingly (Policies HE7 and HE8). Intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term.
- 2.4 PPS9 requires that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.
- 2.5 The objectives of PPG13 are to integrate planning and transport at the national, regional, strategic and local level. It also seeks to promote more sustainable transport choices both for carrying people and freight, promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel, especially by car.
- 2.6 CS Policy CP1 seeks to focus development towards settlements which already provide the necessary infrastructure to support the new development. The scale of development should be compatible with the scale of the settlement.
- 2.7 CS Policy CP3 sets out where new housing development should be located, in order to meet the level of additional housing required over the plan period.
- 2.8 CS Policy CP5 requires all new residential development to meet a minimum Code for Sustainable Homes level.
- 2.9 CS Policy DM1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines unless the development meets one of the exceptions.
- 2.10 CS Policy DM13 states that parking provision should be a design led process, based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table for Residential Parking (Table 1.1).
- 2.11 CS Policy DM17 aims to safeguard groundwater sources by restricting development which has the potential to cause contamination.

3. **Assessment**

- 3.1 The principal planning considerations in this case are:-
- The principle of the development;
 - The impact on the character and appearance of the building and the area;
 - The impact on the residential amenities of neighbouring properties;

- The impact on the local highway network; and
- The conservation of protected species.

Principle

- 3.2 The site lies within the settlement confines and is on land considered to be previously developed. It is considered that the principle of the development is acceptable, subject to other material considerations.
- 3.3 The site is suitable for residential development, being close to local services and not necessitating the loss of the countryside. The development of such sites is sequentially preferable to development outside the settlement confines.
- 3.4 The existing building has remained vacant for some time. It is considered that by bringing the property back into economic use its viability will be secured for future generations, in accordance with PPS5.

Impact on the Character and Appearance of the Area

- 3.5 The site lies within the Wingham Conservation Area, within which special regard must be had to the impact the proposed development would have upon its character and appearance. The building itself is also curtilage listed which, again, requires special regard to be had. As such, Policies HE7 and HE8 of PPS5 should be applied.
- 3.6 The proposal includes the insertion of a new pair of French doors, the general renovation of the existing stable building and the erection of a new extension, following the demolition of the existing 'greenhouse', together with associated landscaping. Each will be considered separately.
- 3.7 The stable block would remain largely unaffected, with the insertion of French doors being the main alteration, together with the blocking up of small openings within the front and rear gables, the permanent closure of the existing front door and the general renovation of the structure. These limited works are sensitive to the character of the building. The features of the building which are of significance are the materials used in its external finishes and the design and proportions of its openings. Most of these features would be retained. The loss of the window and its replacement with the French doors is considered acceptable, as the proportions and design of the French doors reflect the existing character and appearance of the dwelling.
- 3.8 The existing greenhouse is of no architectural or historic merit and it does not contribute to the significance of the building as a heritage asset. It is, therefore, considered that its loss would not be objectionable.
- 3.9 The proposed extension would be of comparable scale to the existing greenhouse, albeit of varying proportions and design. The details of the building, such as the window and door design and proportions reflect those of the main part of the building and, together with the use

of clay roofing tiles, would provide a visual link between the proposed extension and the stable building, whilst the use of white weather boarding shows this to be a separate element of the building. The applicant has struck a good balance between creating a building of unified character and retaining the ability to read the history and development of the building. The materials and design are considered to be of a sufficient quality which reflects the special character of the building and the surrounding area, as part of the Wingham Conservation Area. It respects the setting of the adjoining listed building. It should also enhance the sense of place of Hawarden Place and its surroundings.

Impact on Residential Amenity

- 3.10 The proposal would retain the main part of the building in a largely unaltered state, with only the addition of a set of French doors overlooking the garden area. The most significant alteration is the erection of a new extension to the south, replacing the existing greenhouse. This would be taller than the existing structure, reaching an eaves height of 2.6m and a ridge height of 4.1m. The original plans included a gable end to this element. This has subsequently been amended to a hipped roof. The flank wall of the extension would be brought slightly further away (approximately 0.3m) from 'The Granary', than the existing structure. There is a window at ground floor level within 'The Granary' which would face towards the proposed development. This serves a kitchen/dinning area, which also benefits from glazing to its southern elevation. All proposed windows within the development either face into the garden to the rear or onto the parking area to the front and all are at ground floor level. Given the scale of the proposed development, the location of windows and the relationship it would have with its neighbouring properties, it would be of no significant detriment to the amenities of neighbouring properties, in terms of loss of light, sense of enclosure or overlooking.

Impact on the Local Highway Network

- 3.11 The proposed development would provide one additional car parking space. At present none is provided. The existing property has the potential to be put back into use, which could itself generate vehicle movements. The proposed dwelling has two bedrooms, whilst its location is considered to be 'village/rural'. As such, there is a theoretical requirement for 1.5 car parking spaces and additional visitor parking of 0.2 spaces, meaning the total requirement for the development would be 1.7 parking spaces. The applicant has confirmed that a second space cannot be accommodated within the site. Whilst the development is deficient in parking space, it is considered that this would not be materially detrimental to the local highway network and, as such, it would be unreasonable to refuse planning permission on this basis. Furthermore, it is considered that higher levels of car parking and additional hard standings would be detrimental to the special character of the area and the settings of the surrounding listed buildings.
- 3.12 The access into the site is at a bend in the road. Care is needed in turning into Hawarden Place Lane from the west. However, the

access allows views out of the site in either direction for a significant distance, allowing for safe egress from the site. Cars turning into the site, however, may need to wait on the road before entering the site. The existing access accommodates parking for approximately 15 dwellings, many of which are large and have parking for multiple vehicles. Having regard to the existing use of the access, the additional movements generated by the proposed development would not materially exacerbate the risk of accidents or the free flow of traffic on the public highway.

Conservation of Protected Species

- 3.13 A 'Bat Survey Report' has been submitted with the application. It concludes that bats are unlikely to use the building for roosting and the impact of the development on bats is likely to be negligible. However, it recommends that as a precaution, the removal of roofing and demolition should take place outside the active season for bats. These findings are agreed. A condition is desirable to secure precautionary measures to ensure that the likelihood of the development adversely affecting bats is minimised. Subject to such a condition, the development would be of no detriment to protected species.

Other matters and conclusions

- 3.14 There are three trees within the rear garden of the proposed dwelling. It is considered that, given the species, size and relationship with the building, these trees would be unlikely to significantly impact upon the living conditions of future occupants or lead to pressure for their removal.
- 3.15 CS Policy CP5 requires that new residential development will achieve Code for Sustainable Homes level 3, in order to improve the sustainability of new development. The agents state that the development is aimed to comply with Code 3. However, this standard is not applied to conversions and, as such, it would not be reasonable to condition such standards.
- 3.16 The site is within the grounds of a Grade II* Listed historic farmstead dating from 15th Century, which has had a number of alterations, extensions and ancillary buildings constructed since. St. Mary's Church, which is approximately 50m to the north, is circa 1200. A Roman Villa and other finds have been discovered close to the site. The proposed development would include the laying of foundations for the small extension which would replace the 'greenhouse' and small scale excavations for hard standings, pipes etc. Given the site's proximity to a number of important archaeological finds and buildings of significant historical interest, it would be reasonable to attach a condition affording access to the site, at all reasonable times, to an archaeologist, should the application be granted.
- 3.17 It is considered that the proposed development has been designed to respect the special character and appearance of the building and the Conservation Area; would be of no significant detriment to the living conditions of neighbouring properties and would not cause a

significant degree of material harm to the local highway network that would warrant the refusal of planning permission. It is acceptable in all other material respects. In addition, it is considered that some weight should be given to bringing a disused curtilage listed building, which lies within the settlement confines of Wingham, back into an economical viable use as a new dwelling, which would assist in ensuring its long term viability and decrease the need to develop greenfield sites for residential purposes. All of the matters raised by third parties have been considered.

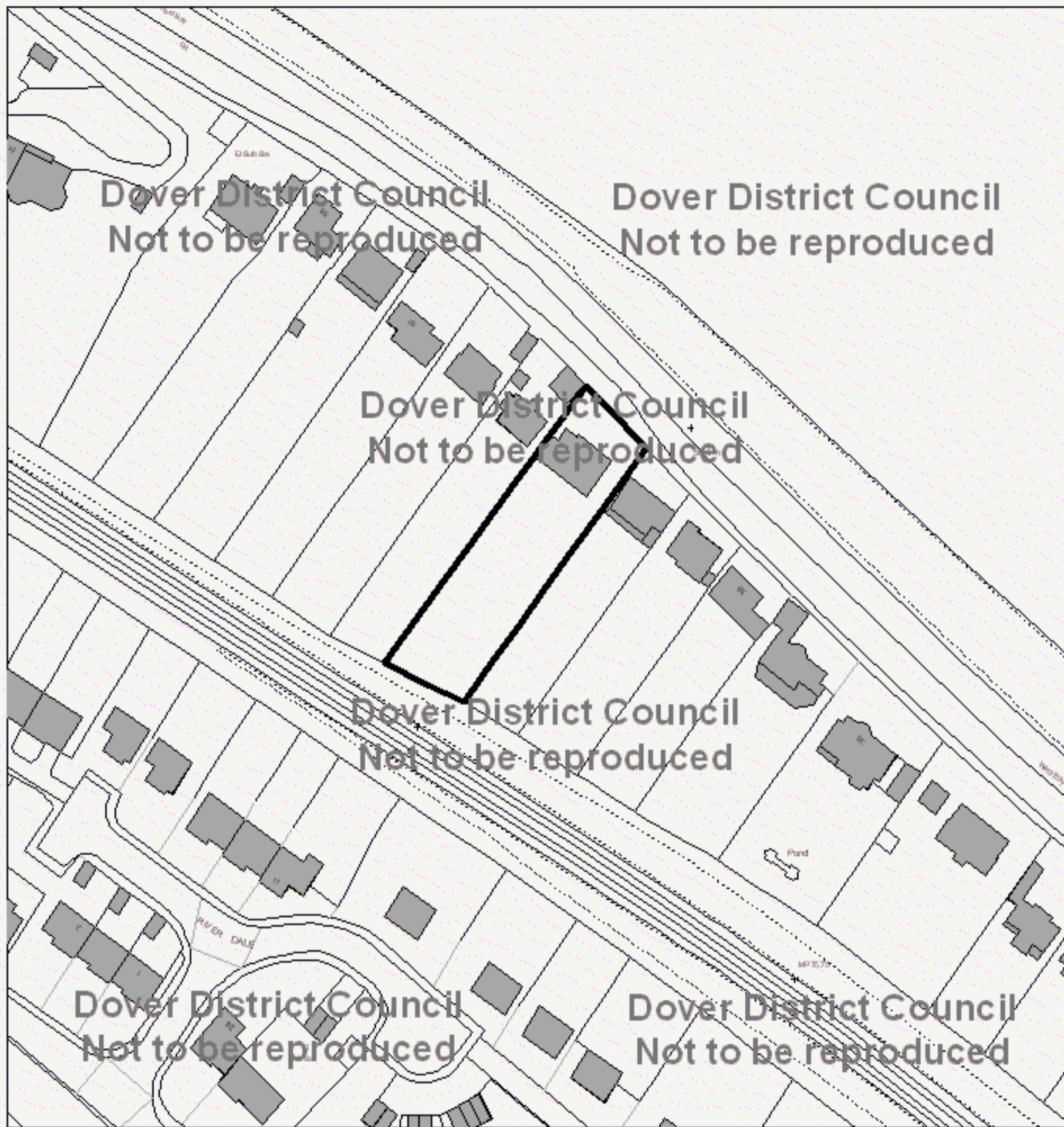
g) **Recommendation**

I PERMISSION BE GIVEN subject to (i) Time limit (ii) Amended plans; (iii) Samples of materials; (iv) Joinery details; (v) Cast iron rainwater goods; (vi) The provision of parking as shown; (vii) Removal of roof outside active season for bats; (viii) Access for Archaeologist; (ix); Removal of permitted development rights; (x) Any other conditions to be delegated to the Development Control Manager.

II Informatives concerning wheel washing and the need for listed building consent.

Case Officer

Luke Blaskett



Not to Scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2007

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

Application: DOV/10/668
Dour House
45 London Road
River

TR29704344



4. a) **DOV/10/0668 – Change of use and conversion to single residential dwelling, 45 London Road, River**

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Dover District Local Plan (DDLP): Saved Policy HS2

PPS – Delivering Sustainable Development

PP5 – Housing

Department for Communities and Local Government Circular 05/2010 – Changes to Planning Regulations for Dwelling Homes and Houses in Multiple Occupation.

d) **Relevant Planning History**

DOV/86/1218 - Change of use to a residential home and provision of a sun lounge and new two storey bay window to rear. Approved.

DOV/10/0387 - Change of use of lower ground floor to an education facility for non-residents – Withdrawn.

e) **Consultee and Third Party Responses**

Community Safety Comments: Of the 6 homes that the company already runs, only one of these – the first to open – has had complaints against its residents, spanning 2 years from 2006-2008. Following multi-agency intervention at the premises in 2008 there have been no further reports. In the last 2 years 2 incidents have been reported to the police for all the 6 homes. Neither could be considered serious and did not constitute complaints against the staff or residents at the premises. The incidents were closed with no offences or allegations disclosed. Further comments awaited.

River Parish Council: Objects. The applicants are a private care company. It is understood that the original intention to open a small residential care home for children remains and that approval as a dwelling house could automatically allow use as a small residential care home. If this is so, it would allow any (and potentially every) private house to open as a small residential care home. Some local authorities, including Thanet District Council, have appreciated this problem and decided to consider any such applications as residential institutions. This policy offers greater safeguards for the children in care and local residents. In addition, it is understood that OFSTED minimum standards for such homes is at variance with inclusion in the dwelling use class, since there is a requirement that before any such homes are opened they should go through the planning process. It is requested that these issues, which may require a change in policy by the District Council, be considered in the decision making process.

Public Representations: 23 letters of objection have been received; the material comments are summarised as follows:

- Concern that the applicants may wish to house young offenders at the house.

In connection with that:

- Fear for the safety of neighbouring families and vulnerable people.
- Fear of crime and anti-social behaviour.
- Access to neighbouring back gardens from the railway embankment to the rear.
- Inappropriate use in a family residential area.
- Location of the house between railway line and main road is unsuitable for children with a history of absconding and risk taking behaviour.
- House is in close proximity to 3 primary schools (River, Temple Ewell and Abbey Pre-school) and Kearsney Abbey.

More generally:

- River does not provide the sort of leisure activities and opportunities required by the modern teenager.
- Inadequate parking provision for staff.
- The use of the front for car parking is likely to be a road traffic hazard.
- Lack of transparency in the intentions of the applicants. The application does not identify what the real use and intention may be for this dwelling. More scrutiny should be applied to the application.

The nature of this application for a dwelling house being the correct procedure for the purposes of the applicant's intended use of the building is also challenged. One letter states that small residential care homes are required to be assessed and determined as use class C2 (Residential Institutions) as distinct from dwelling houses in C3.

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

1.1 The application site lies within the urban confines of Dover facing one of the main roads into and out of town. Dour House is a large detached building spanning 3 floors, situated in a spacious plot. It has all the characteristics of a large single dwelling house. This part of London Road is characterised by a linear development of large detached houses on spacious plots, with large rear gardens sloping down to the railway line to the rear.

1.2 The site has off road parking for cars across the front of the building. The application form states there is provision for 5 cars. No external

alterations are proposed to the building which is shown to have lounge, bedroom, study and kitchen on the ground floor, 4 bedrooms and a study on the first floor and various rooms at basement level. The agent describes the property as "ideal for a five to six bedroomed house."

- 1.3 The applicants are a company owned and run by qualified social workers, providing child care and residential children's homes. The company specialises in children with emotional and behavioural difficulties from the age of 8 to 18. It currently has 6 homes in and around the Dover area. The proposed unit would be secure and not "specialise in" youth offenders.
- 1.4 The house would be staffed by around 12 carers working a shift pattern including sleeping-in duties. The team would be lead by a Qualified Social Worker and a Deputy Manager.
- 1.5 The home would be registered for 3 or 4 children between the ages of 8 and 18, with a core age range of 11-14. Most children would remain in the home until they leave for independence at 16-17 years old, although there may also be short term placements preparing children to move back to families or foster care.
- 1.6 The applicants have stated that all children would be fully supervised at all times and no children would be out and about without a staff member on a 1:1 basis.

2. **Planning Policy**

- 2.1 Saved Policy HS2 permits housing development (which includes changes of use) within urban areas.
- 2.2 PPS1 express a commitment to sustainable communities and community inclusion and cohesion, including meeting the diverse needs of all people. It also encourages the protection and enhancement of the quality, character and amenity value of urban areas as a whole and states that planning decisions should be based on the potential impacts of development, positive as well as negative, on the environment.
- 2.3 PPS3 encourages high quality housing, to support a wide variety of households in all areas, in suitable locations and making efficient and effective use of land.

3. **Assessment**

- 3.1 Members will note that planning permission was granted in 1987 for a residential home at this property (DOV/86/01218). It is understood that this use was implemented and was sustained for some years. It was then used, without planning permission as a private dwelling. It has since been sold and the current owners wish to obtain planning permission for the unauthorised use.
- 3.2 The Committee will appreciate that different uses of land and buildings are formally defined through the Town and Country Planning (Use

Classes) Order 1987 and its subsequent amendments. Changes of use when the former use and the new use are within the same class are not development and so do not require planning permission.

- 3.3 Class C3 covers dwelling houses and essentially comprises:
- (a) Those living as a single household, ie. a family (with no limit on numbers);
 - (b) Up to 6 residents living together as a single household where care is provided for residents, including people with disabilities or mental health problems;
 - (c) Up to 6 residents living together as a single household where no care is provided and where the use is not a house in multiple occupation.

All three subclasses fall within the same class and planning permission is not required for changes between them. It will normally be the case that, if staff and residents do not live together as a single household, then the use is likely to fall within a different use class (Class C2) relating to residential institutions.

- 3.4 Whether or not an individual use falls within Class C3 depends on individual circumstances. Indeed, Circular 05/2010 makes clear that more than 6 residents living together does not automatically imply a breach of planning control – much will depend on the degree of intensification and character of the use. It is apparent, too, that it has been held elsewhere that a Class C3 (b) use may involve a rota of staff.
- 3.5 Notwithstanding this legislative background and the applicant's intentions, they have applied for a planning permission for use as a dwelling house and it is the duty of the Council as Local Planning Authority to assess the application as submitted. It is the application that is under assessment, not the applicants. If Members grant permission, the onus would then be on the applicants to operate at the premises in accordance with the terms of the permission, ie. with the residents and staff living together as a single household under the definition of Use Class C3. The application for a change of use to a dwelling house (use Class C3) is an appropriate procedure.
- 3.6 Accordingly, the application must be determined as submitted. The site is in an established residential area within the confines and the proposed use as a dwelling is clearly suitable in land use policy terms and pursuant to PPS3. The house is detached, on its own land, with an enclosed rear garden, providing spacious private amenity space, suitable for a household, including children. Noise and disturbance levels from the use of this site are unlikely to be significantly higher than in any other location or compared to its previously authorised institutional use.
- 3.7 Apprehension or fear about the behaviour and lifestyle of residents is in itself capable of being a material consideration. However, there is no clear evidence that these fears would be realised. In any event the

application is for a dwelling. Even it is if used for a Class C3 (b) purpose, it is not necessarily inherent in the character of children's care homes that the proposed use of the property would have an adverse impact on the local community.

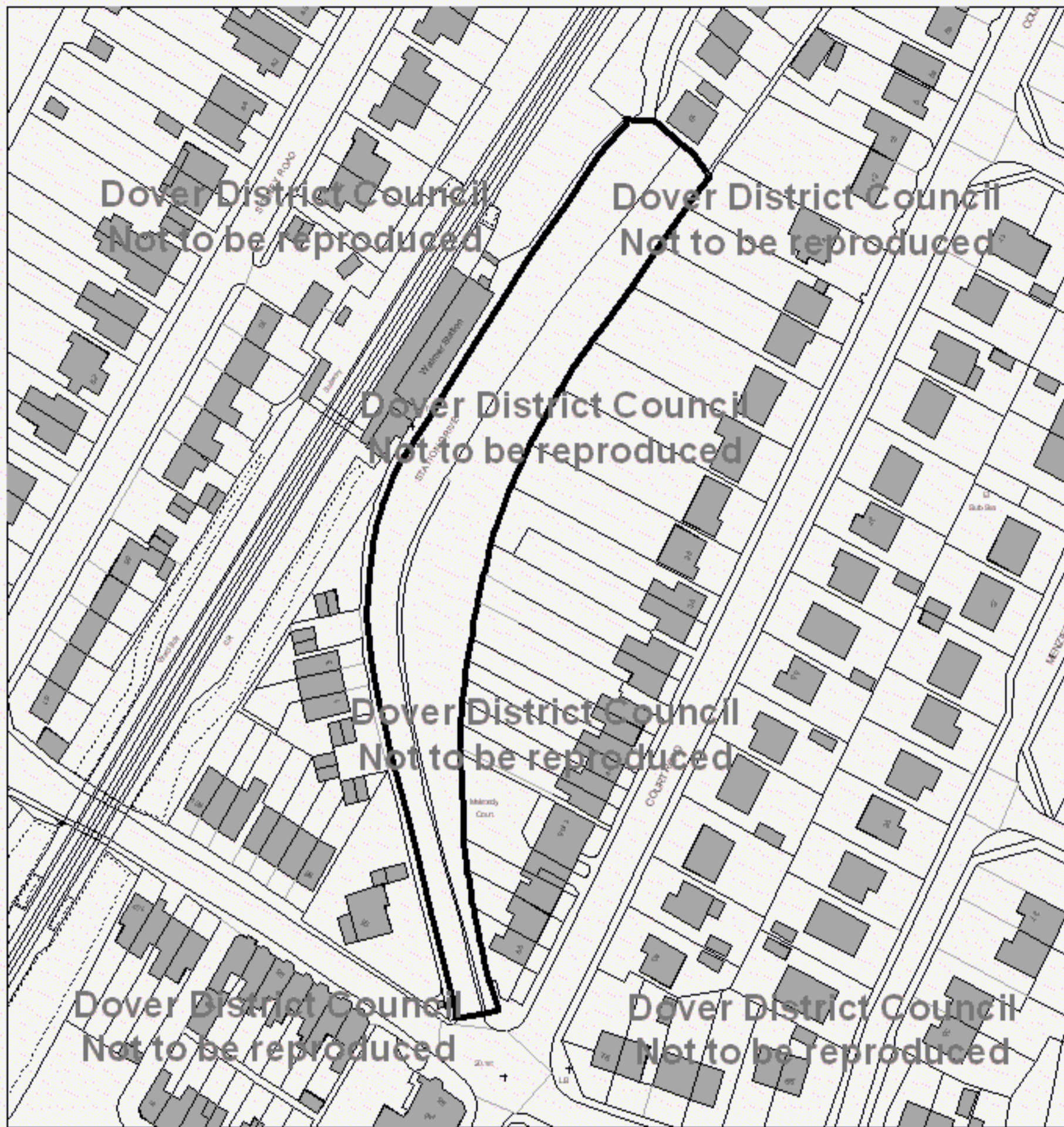
- 3.8 For these reasons, whatever the use within Class C3 , it is not considered that demonstrable harm would arise to residential amenities. In particular, there is no evidence that the small number of children that could be accommodated within the 6 member household, allowed under Class C3, would harm residential amenity to an unacceptable degree, either on or off the site. The proposal reflects the aims of PPS1.
- 3.9 Although the carers when visiting the site would increase the number of comings and goings, this would be unlikely to disturb local residents any more than the regular comings and goings associated with a family occupancy, or affect the character of the area.
- 3.10 Parking provision is already provided at the property and does not form part of this application. The proposed use would not increase demand on parking spaces from the previous Nursing Home use, or from a family occupancy use as a dwelling house. In any case, the site provides ample parking provision. A condition is recommended to cover this point.
- 3.11 In conclusion, the principle of this change of use to a dwelling house, including the accommodation of up to 6 children and their carers living together as a single household, is considered to be acceptable.
- 3.12 The views of third parties have been taken into consideration and do not outweigh the conclusion that planning permission may be granted.

g) **Recommendation**

- I PERMISSION BE GIVEN subject to:- (i) DP08 (time); (ii) Reserve parking details; (iii) Any additional conditions to be delegated to the Development Control Manager.
- II The applicants BE REMINDED that the permission hereby granted is for a use within Use Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended). Such a use includes not more than six residents living together as a single household where care is provided for residents.

Case Officer

Maxine Hall



Not to Scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2007

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

Application: DOV/10/765
Land R/O 14-56 Court Road
Station Drive
Walmer

TR36425032



5. a) **DOV/10/0765 – Erection of 10 detached dwellings and associated parking without compliance with Conditions 2, 5 and 11 of planning permission DOV/08/0869 to allow for the re-siting of Plots 8, 9 and 10 and parking for Plots 6, 7, 8 and 9, land rear of 14 – 56 Court Road and Access Road, Station Drive, Walmer**

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Dover District Local Plan (DDLDP): Saved Policy HS2
Dover District Core Strategy (CS): Policies CP5, DM13 and DM17
PPS1 – Delivering Sustainable Development
PPS3 – Housing
Kent Design Guide (KDG)
Manual for Streets (MfS)
Walmer Design Statement

d) **Relevant Planning History**

DOV/05/1200 – Erection of 5 detached dwellings and alterations to the existing vehicle access – Granted.

DOV/08/0400 – Erection of 10 detached dwellings and associated parking – Refused

DOV/08/0869 – Erection of 10 detached dwellings and associated parking – Granted

e) **Consultee and Third Party Responses**

County Highways: Comments awaited.

Environmental Health Comments: There is a low risk of contamination and the Peer Spanner Closure Report submitted on 9 June 2010 is considered to be acceptable.

Environment Agency: Comments awaited.

Southern Water: No objection; the foul and surface water drainage details are satisfactory.

Network Rail: Requests informative for the applicant.

Walmer Parish Council: Objects for the following summarised reasons:

- Non-compliance with the conditions creates doubt;
- The new parking configuration is unworkable; there would be insufficient space for access and exit;
- It would lead to more on street car parking;
- The houses should not be inhabited until the details of the footpath have been approved.

Public Representation: One letter of support has been received; the comments are summarised as follows:

- The development can only improve the area;
- The site was being used for fly tipping.

Two letters of objection have been received; the material comments are summarised as follows:

- Will impact on the security of the existing dwellings – Nos. 52, 54 and 56 Court Road;
- Development has commenced and the land levels have been raised
- The amount of permeable surface would be reduced and the flood risk increased;
- Mud and water flood the rear gardens of Nos. 52, 54 and 56 Court Road;
- There will be noise and disturbance by traffic coming to and from these dwellings;
- People choose not to pay to park in the station car parking spaces and this causes congestion on the surrounding roads;
- There is an increasing problem at night and weekends with parking due to customers using the Railway Pub;
- Customers from the pub use the site for anti-social activities; the development will move the problem to surrounding gardens.

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

1.1 This site is located within the urban confines of Deal and is a long thin, crescent-shaped parcel of land with a site area of some 0.18 hectares; it has a street frontage of approximately 200m and a maximum depth of 18m.

1.2 To the east, the site is bounded by the rear gardens of dwellings numbered 14 – 56 Court Road. The gardens to these properties vary in length, the greatest depth being some 36 metres. The plots with the smallest gardens are 52, 54 and 56 Court Road, which gave a maximum of 10m at their rear.

1.3 To the west of the site lies Walmer station and Station drive itself. The approach to the Station is along Station Drive from the junction of Court Road, Station Road and Mayers Road. Station Drive is an average width of 5 – 6 metres with the area outside the station having a maximum width of some 11 metres. This area provides the car parking for the station. Access into the site is via Station Drive.

1.4 To the north of the site and accessed via Station Drive is a modern development of 7 houses. The area is predominantly residential in character, with reasonably sized gardens. There are some houses with small gardens and on smaller plots but these are in the minority.

1.5 Members previously resolved to grant planning permission for the erection of 10 detached dwellings and associated parking (under

planning reference No. DOV/08/0869 – Item 7, 23 October 2008). The decision to grant planning permission was made after Members visited the site to assess the density, siting and potential for an overbearing impact on dwellings in Court Road together with highway and parking issues (Minutes 286 (6) and 321).

- 1.6 This development has now commenced. However the developer now wishes to make some minor material amendments to the approved plans by varying and/or removing conditions which were imposed on the planning permission by virtue of Section 73 of the Act.
- 1.7 The amendments which are specifically being sought relate to the following:
 - The relocation and layout of the car parking area for Plots 6, 7, 8 and 9;
 - The siting of plots 8, 9 and 10; and
 - The car parking and the garden area for Plot 10.
- 1.8 Members should note that the layout of the site from Plot 1 to Plot 7 inclusive remains the same as that already approved under Planning Permission DOV/08/0869 and the developer has commenced works on this part of the site.
- 1.9 The three conditions referred to in the application relate respectively to development in accordance with the approved plans, boundary treatment and footway details.
- 1.10 *Plans of the approved scheme and that now submitted will be on display.*

2. **Planning Policy**

- 2.1 Dover District Local Plan (DDLPL) Saved Policy HS2 states that on unallocated land within the confines, housing development will be permitted provided housing is the most suitable land use.
- 2.2 CS Policy CP5 requires all new dwellings to be constructed to meet Code for Sustainable Homes Level 3.
- 2.3 Policy DM13 states that the provision for parking should be a design-led approach based upon the characteristics of the area; the standard of car parking should be informed by the levels recommended.
- 2.4 Policy DM17 seeks to protect Groundwater Source Protection Zones from potential land uses which could lead to contamination of the ground water.

Planning Policy Statements

- 2.5 PPS1 seeks to ensure good quality design which is sustainable in layout and function whilst enhancing residential amenities.

- 2.6 PPS3 seeks to make the best use of previously developed land within the urban area, with a view to resisting the development of fresh land. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.
- 2.7 The Kent Design Guide (KDG) was adopted by Dover District Council in July 2007 as supplementary planning guidance. This document promotes good design and encourages developers to carry out urban design analysis to inform the developments.
- 2.8 Manual for Street (MfS) was published by the Department for Transport (DfT) in 2007. It emphasises that streets should be places in which people want to live and spend time in, and are not just transport corridors. In particular, it aims to reduce the impact of vehicles on residential streets by asking practitioners to plan street design intelligently and proactively, and gives a high priority to the needs of pedestrians, cyclists and users of public transport.
- 2.9 Walmer Design Statement divides Walmer into character areas and shows that this site is mainly within the Walmer Station character area. Design Principle WDS2 states that any future development should reflect strongly the character, appearance and design details of the area. WDS3 has similar aims in relation to the scale, materials and boundary treatments. WD5 seeks densities which have regard to those prevailing nearby.

3. **Assessment**

- 3.1 The principle of residential development on this site has been accepted through planning permission DOV/08/0869. The principle of this development remains in accordance with Government Policy PPS3 and Local Plan Policy HS2. However, the development is appropriate only if it is acceptable in terms of more site-specific factors including context, relationship with surrounding buildings and uses, topography etc. Those factors relevant to the consideration of this application are considered below.

Visual Impact

- 3.2 The design, materials and external appearance of the dwellings would remain the same as originally approved, as would the separation distances between the dwellings.
- 3.3. The most significant change to the visual appearance of this development would relate to the extent of the car parking area, although the submitted plans show this to be a lesser extent than the approved plans. The developer still intends to construct the brick wall around the car park, to provide screening of the cars from the public street scene. The brick wall is an attractive design and would be constructed from materials that will match the dwellings.

- 3.4 The other noticeable change in the appearance of the site relates to the side garden area of No.10. The approved plans showed the curtilage of No.10 to extend up to the road junction and divided from the public highway by a brick boundary wall. The now submitted plans show that the side curtilage to No. 10 would be half the length and the remainder would now be designated car parking to the station. It is accepted that this would change the visual appearance of the site from what has been approved but is not so significant from the current appearance of the area.
- 3.5 Members are advised that the amendment to the planning permission would not adversely affect the character or appearance of the street scene and as such would accord with national, local and supplementary planning guidance.

Impact on Residential Amenity

- 3.6 Members accepted that the layout and design of the proposal as approved by Planning Permission DOV/08/0869 would not cause significant harm to the residential amenities of the surrounding neighbours, subject to conditions being imposed to ensure that some windows are high level and others fitted with obscure glass. The amendment has resulted in Plots 8, 9 and 10 being re-sited approximately 2m to the north.
- 3.7 Plot 8 would face No.1, 3 and 5 Station Drive and would have a separation distance of approximately 14m. To the rear the shortest distance from the nearest dwelling would be between Plot 10 and Malmedy Court, Court Road with a separation distance of approximately 23m. Members are advised that the re-siting of these dwellings would not impact on residential amenities in terms of outlook or loss of natural light to any greater extent than already approved.
- 3.8 A local resident has objected to this planning application on the grounds that the proposed area for the parking of cars associated with the station would leave the rear of properties No. 52 – 56 Court Road vulnerable to crime. It is claimed that the applicant had already raised the height of the land at this point by approximately 0.3m, and without further security in the form of a boundary wall/fence the rear gardens of these properties could be easily entered. During the course of the previous planning application this was not raised as a concern because this area was shown to be part of the residential curtilage of Plot 10.
- 3.9 The concern of the local resident is acknowledged and it is appreciated that the fear of crime is a personal perception. However, Members are advised that the slight increase in the land level would not make these dwellings any more vulnerable than before the development commenced. On the contrary the presence of additional dwellings and local residents who will be able to provide natural surveillance is likely to deter potential crime.
- 3.10 It is apparent that these fears would be overcome if the applicant erected a new boundary fence/wall on the common boundary at a

height of 2m above the ground level of the application site. If Members are minded to grant planning permission it is suggested that a condition to this effect should be imposed.

- 3.11 Subject to planning conditions Members are advised that this amendment would not have a detrimental impact on the residential amenities of the future occupiers or the surrounding residents.

Highway Safety

- 3.12 County Highways have commented on the revised layout and have raised several queries. The applicant has been asked to address the concerns raised and provide an amended plan. At the time of writing this report an amended plan had not been received. Members will be verbally updated at the Committee meeting.

Drainage

- 3.13 It is likely that the amount of permeable surface has been reduced. However, there is no evidence to suggest that this development would increase the level of flooding in the vicinity of this site as a result of surface water run off. The application indicates that the surface water from the buildings would be directed to soakaways or the main sewer system and the water from hard surfaces such as car parks would be directed towards the sewer. Thus the water would be controlled in such a way as to prevent it from flooding public or private land.
- 3.14 The site is located within a Ground Water Source Protection Zone (SPZ) and, therefore, the disposal of surface water is an important consideration. The further advice from the Environment Agency is awaited and will be reported verbally at the meeting. A previous condition on the planning permission required as far as possible the hard surfaced areas to be porous. On further reflection this is considered to be undesirable as contaminated water from the car parking areas could infiltrate into the ground, causing contamination of the ground water supplies.
- 3.15 Southern Water and the Environment Agency were asked to comment specifically on the issued raised by the local resident relating to surface water flooding at the road junction. Southern Water has not commented on this aspect and the advice from the Environment Agency is still outstanding.

Code for Sustainable Homes

- 3.16 Policy CP5 requires all new dwellings to be built in accordance with Sustainable Homes Code Level 3. This policy was adopted after the planning permission was approved. On the basis that this development has commenced and that this application is seeking only an amendment it would be unreasonable in this instance to impose this policy requirement.

Conclusion

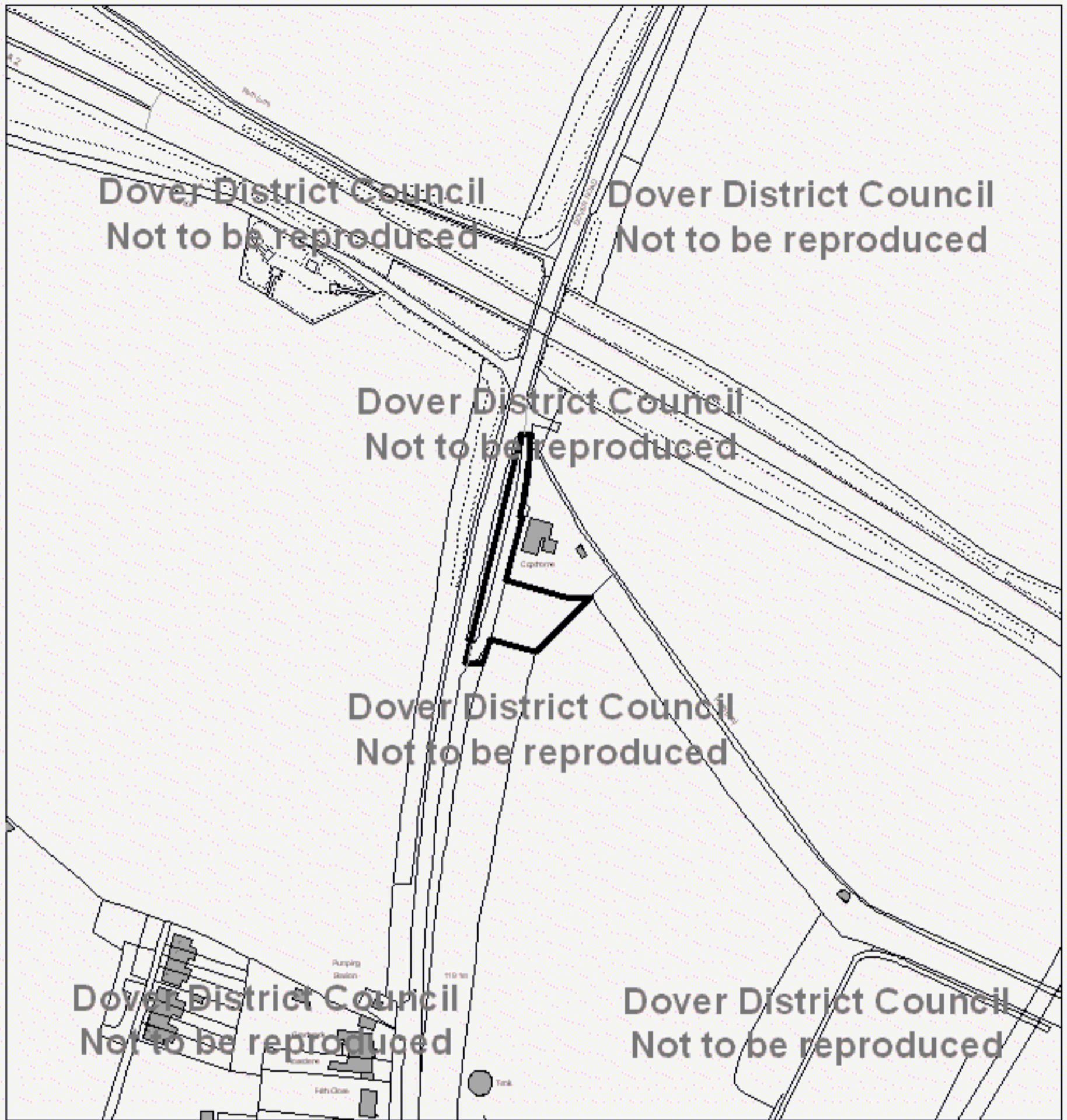
3.17 The concerns of the third parties have been addressed in the report above and whilst their concerns are acknowledged it is considered that the alterations proposed are not so significant as to justify the refusal of planning permission. Permission is recommended with conditions where necessary to reflect the existing permission and additional or varied conditions to reflect the current circumstances.

g) Recommendation

- I Subject to satisfactory resolution of all matters, PLANNING PERMISSION BE GRANTED subject to conditions to be delegated to the Development Control Manager.
- II The Development Control Manager BE AUTHORISED to resolve all outstanding matters.

Case Officer

Rachel Elwood



Not to Scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2007

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

Application: DOV/10/808
Land Adjoining Copthorne
Dover Road
Guston

TR32234414



6. a) **DOV/10/0808 – Erection of a detached dwelling, land adjacent to Copthorne, Dover Road, Guston**

b) **Summary of Recommendation**

Planning permission be refused.

c) **Planning Policies and Guidance**

Dover District Core Strategy (CS): Policies CP1, CP5, DM1, DM11, DM13, DM15 and DM17

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS7 – Sustainable Development in Rural Areas

Kent Design Guide (KDG).

d) **Relevant Planning History**

DOV/94/0983B - Single and two storey extension to provide entrance lobby, double garage and granny annexe with guest bedrooms at first floor level – refused. Appeal dismissed.

DOV/95/0804 - Granny annex with guest room within roof space – refused. Appeal dismissed.

DOV/96/1281 - Erection of a granny annex – granted.

DOV/99/0254 - Erection of a conservatory – granted.

e) **Consultee and Third Party Responses**

County Highways: Comments awaited.

County Archaeologist: No objection, subject to condition (AR03).

Environment Agency: Comments awaited.

Guston Parish Council: Considers the plans quite pleasing and see no reason for withholding approval, as there are no highway or neighbour issues with minimal impact on the site and its rural location.

Public Representations: Four letters of support have been received; the material comments are summarised as follows:-

- It is important to have modest and desirable development to sustain to local community.
- It is important to develop good quality housing bearing in mind that the application site is immediately adjoining the employment land zoned for development.

- The proposed development is in a discreet, secluded and landscaped plot adjoining the Duke of York royal Military School and opposite the proposed business land.
- There is a local bus service and the site is in close proximity to Dover.
- The dwelling would not have a negative impact on geology, topography, storm and foul drainage and utility services. The development is acceptable in terms of site access foundations and design.
- There is an identified need for further housing in Dover.
- Will not be seen from the public highway.

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

- 1.1 The site is located beyond the settlement confines, to the south of the hamlet of Guston and to the north of Dover. The A2 is located to the north. The application site forms the severed part of the south side garden of a dwelling known as Copthorne.
- 1.2 Copthorne is a two storey detached dwelling situated adjacent to the east side of Dover Road. It was originally part of the Duke of York Royal Military School, the grounds of which are adjacent to the east and south boundaries of the application site.
- 1.3 Directly to the west of the site on the opposite side of Dover Road is open agricultural land. This land has been designated in the Core Strategy for future development for employment uses, this allocation having been rolled forward from the Dover District Local Plan. The urban confines of Dover include this allocated employment site within the settlement boundaries, together with a small cluster of houses to the south.
- 1.4 The proposed dwelling would accommodate four bedrooms and three bathrooms and would have attached a single, pitched roof garage. The dwelling would have a steep pitched roof with accommodation in the roof space and a projecting two storey gable end. The access to the dwelling would be via the private access road which runs parallel with Dover Road. In order to provide the vehicle access it would be necessary for some of the boundary hedge to be removed.
- 1.5 The site would have a street frontage of some 28m and a maximum depth of approximately 39m. It is proposed that the dwelling would be sited some 12.5m from the flank elevation of Copthorne and 3m from the common boundary.
- 1.6 The site is residential in character, laid to lawn with ornamental plants and mature landscaping around the boundaries. The land level within the site is relatively flat and little cut and fill would be required.
- 1.7 *Plans will be on display.*

2. **Planning Policy**

- 2.1 CS Policy CP1 shows that in the settlement hierarchy Guston is classified as a hamlet. The policy explains that these rural areas are not suitable for further development unless it functionally requires a rural location.
- 2.2 Policy CP5 requires all new dwellings to be constructed to meet Code for Sustainable Homes Level 3.
- 2.3 Policy DM1 states that development will not be permitted on land outside the confines unless specifically justified by other development plan policies or it functionally requires such a location or it is ancillary to existing development or uses.
- 2.4 Policy DM11 states that development which would generate travel will not be permitted outside the confines unless justified by development plan policies.
- 2.5 Policy DM13 states that the provision for parking should be a design led approach based upon the characteristics of the area, the standard of car parking should be informed by the levels recommended.
- 2.6 Policy DM15 seeks to protect the countryside from development which would result in the loss of the countryside or which would adversely affect the character or appearance. Permission will only be given if the development complies with one of five listed criteria.
- 2.7 Policy DM17 seeks to protect Groundwater Source Protection Zones from potential land uses which could lead to contamination of the ground water.
- 2.8 PPS1 Delivering Sustainable Development: Seeks to ensure good quality design which is sustainable in layout and function whilst enhancing residential amenities.
- 2.9 PPS3 seeks to make the best use of previously developed land within the urban area, with a view to resisting the development of fresh land. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.
- 2.10 PPS7 advises that Local Planning Authorities should strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans. Isolated new houses in the countryside will require special justification for planning permission to be granted.
- 2.11 The Kent Design Guide (KDG) was adopted by Dover District Council in July 2007 as supplementary planning guidance. This document promotes good design and encourages developers to carry out urban design analysis to inform the developments.

3. **Assessment**

- 3.1 The site is situated beyond the settlement boundaries. The proposal is clearly contrary to Policy DM1 of the Core Strategy. None of the possible exceptions mentioned in the policy apply in this case. The applicant has stated that there is little difference in location from the recently approved dwelling at the rear of Erebus (Committee 24 June 2010, Item 7) and is adjacent to the edge of the confines surrounding the allocated employment land. Paragraph 1.6 of the Core Strategy observes that one of the reasons for defining the extent of settlements for planning purposes is to bring certainty. It further states that a departure from this policy would require unusual and compelling justification. While the agent describes the site circumstances as “unique”, there are likely to be many areas elsewhere where “unique” arguments could be applied. A planning application is not the vehicle for challenging the confines. The site has been put forward for consideration through the Site Allocations exercise as part of the LDF. Permission at this stage would be premature in advance of that process and would undermine the certainty which consistent application of policy in accordance with statute brings.
- 3.2 A new 4 bedroom dwelling in this location would generate a need to travel by private vehicle beyond the settlement boundaries. It is understood that Guston is served by a bus service which the agents describes as “regular”. However, no information has been provided to demonstrate how far the bus stops are from the site or how frequent the bus service is. It appears that the services referred to is run as on no more than 3 occasions daily, principally to serve local schools. Guston itself has a minimum level of services and is defined as not being suitable for further development. The road lacks footways and street lighting. The site is some distance from the primary school. The site is not within a sustainable location and the development would thus be contrary to the aims of sustainable travel and Policy DM11 of the Core Strategy.
- 3.3 Members will note the view of a third party that the proposal would reinforce the role of Guston as a service provider. In general terms, rural settlements need to remain vibrant but this has been taken into account through the development of the Core Strategy. Policy CP1 identifies the rural service centres, but Guston is not such a centre. In any event, there is little evidence that one additional dwelling would have a significant effect on the fortunes of a hamlet of this size.
- 3.4 It is accepted that the curtilage of an existing building is not included within the definition of the countryside and therefore the development of this site could not be considered to result in the loss of countryside. The surrounding land to the east and south forms part of the curtilage of the Duke of York Royal Military School, is defined as open space and as such is not countryside. The site is well screened from the public highway. Development would be unlikely to harm the character or appearance of the countryside and therefore would not conflict with Policy DM15 of the Core Strategy.
- 3.5 Having regard to the definition of previously developed land in PPS3, which specifically states that private residential gardens do not fall

within this category, it is considered that the site is not-previously developed and, therefore, by virtue of PPS3 there is no presumption in favour of this development. Paragraph 36 states that "*The priority for development should be previously developed land, in particular vacant and derelict sites and buildings*". Members are therefore advised that the proposal does not comply with the aims of PPS3.

- 3.6 It has been stated that there is a need for this type of dwelling within the District. However, the statement has not been supported with any evidence. Furthermore, consideration also needs to be given to the planned new dwellings at Whitfield which is only a few miles from this site, and which could meet the need in a planned and managed form.
- 3.7 It should be noted that appeals were dismissed in 1995 and 1996 for the erection of annexes. In the first case, the Inspector advised that the design and internal arrangements of the new extension would produce a building that could be readily be used as substantial house independently of the original property and found the proposal contrary to national and local planning policies. Although policies have changed, the general ethos to safeguard rural areas outside the confines still remains an important issue. It is noteworthy that, in the second case, the Inspector took into account the proposal then embodied in the Dover and Western Parishes Local Plan for development on the opposite side of Guston Road. That element of Development Plan policy is unchanged.

Visual Impact

- 3.8 The scale of the building is considered to be acceptable as it is commensurate to the size of the plot and the adjacent dwelling. The design is acceptable in this rural location and would not appear incongruous adjacent to Copthorne. Furthermore, the site is extremely well screened from the public highway by the private road in front of the dwelling and therefore the visual amenities of the area would be preserved as would the character and appearance of the surrounding countryside.
- 3.9 A public footpath runs adjacent to the north boundary of the site. Views of the site would be largely screened by Copthorne and natural vegetation on the boundary. It is advised that the visual amenities from the public right of way would not be harmed.

Impact on Residential Amenity

- 3.10 There are no other residential properties near the site with the exception of Copthorne. Members are advised that there is adequate separation distance between the two properties so as not to harm the amount of natural light received or create a sense of enclosure and corresponding loss of out look.
- 3.11 Copthorne has 3 windows at first floor level within the side elevation facing towards the application site. However, it would not result in unacceptable overlooking as it would face the side garden; the private garden area of the dwelling would be to the rear. The proposed dwelling would have a dormer window facing Copthorne, serving a

bathroom. It could be fitted with obscure glass. Should Members be minded to grant permission a condition should be imposed to ensure that the window is fitted and maintained with obscure glass. The windows in the ground floor elevation would be screened by boundary treatment.

Highway Safety

- 3.12 A new access onto a private road would be created. This road is owned by the applicant and serves at present only Copthorne. There would be no changes where the private road joins Dover Road; the visibility would remain the same. It is not considered that the use of the access road by one additional dwelling would be so significant to highway safety as to refuse planning permission.

Other Matters and Conclusion

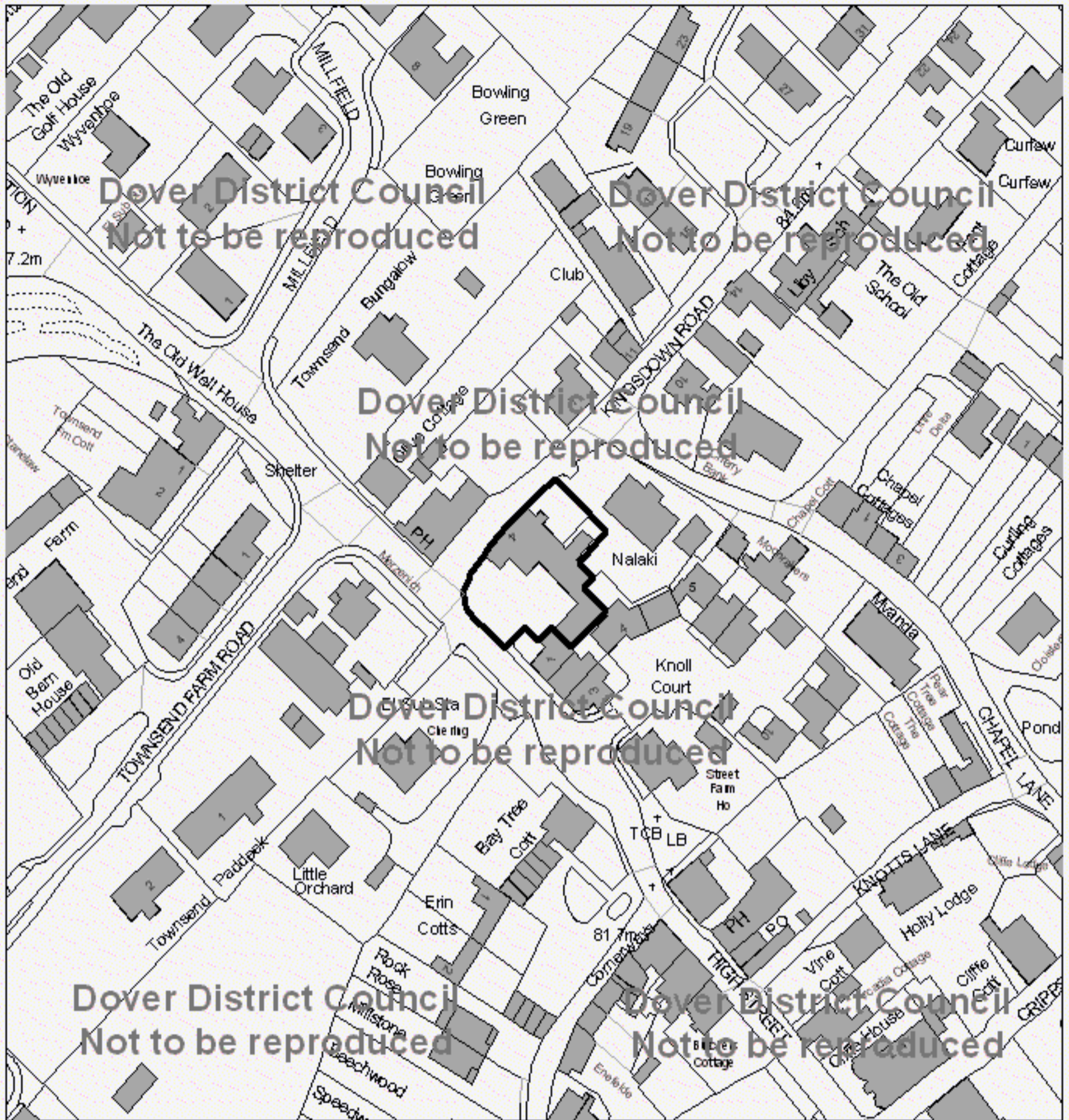
- 3.13 The site is located within a Ground Water Source Protection Zone (SPZ) and, therefore, the disposal of surface water is an important consideration. The further advice from the Environment Agency is awaited.
- 3.14 Policy CP5 requires all new dwellings to be built in accordance with Sustainable Homes Code Level 3. A condition would be included, requiring the confirmation certificate to be submitted demonstrating compliance with this condition, if permission was to be recommended.
- 3.15 There is local support for this development. However, the issues raised do not outweigh the conflict with planning policy and the aims of sustainable development and travel.
- 3.16 Notwithstanding the CS allocations on the land on the opposite side of Dover Road, this is a location which currently has a distinctly rural appearance. A dwelling would be out of character with its context. This reinforces the principal land use objection.

g) **Recommendation**

- I PERMISSION BE REFUSED for the reason: The application site lies outside the urban boundaries and rural settlement confines and its development for a new dwelling would lead to an undesirable form of development unrelated to demonstrable need and without unusual or compelling justification. It would also be contrary to sustainability policies. Accordingly, the development is contrary to Dover District Core Strategy Policies DM1 and DM11 and to the provisions of PPS1 and PPG13.

Case Officer

Rachel Elwood



Not to Scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2007

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

Application: DOV/10/822
The Old Bakery
High Street
St Margarets-at-Cliffe

TR35834491



7. a) **DOV/10/0822 – Change of use and conversion to two dwellings and three self-contained flats, together with replacement roof and dormer windows and the erection of pitched roof to the existing flat roof extension (existing porch to be demolished), The Old Bakery, High Street, St Margaret’s-at-Cliffe**

b) **Summary of Recommendation**

Grant planning permission.

c) **Planning Policies and Guidance**

Dover District Local Plan (DDLPL): Saved Policy HS2

Dover District Core Strategy (CS): Policies DM2 and DM13

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS4 – Planning for Sustainable Economic Growth

PPS5 – Planning and the Historic Environment

d) **Relevant Planning History**

DOV/96/813 - Roof alterations and extensions including insertion of dormer windows – Granted.

DOV/10/332 - Change of use and conversion to three dwellings and one self-contained flat and retention of existing flat, together with replacement roof and dormer windows and erection of pitched roof to the existing flat roof garage (existing porch to be demolished) – Withdrawn.

e) **Consultee and Third Party Responses**

County Highways: No objections, subject to conditions.

Environmental Health comments: The stacking arrangements of the two flats could be improved. The upper bedroom is over the kitchen of the ground floor flat and has a kitchen over one of the bedrooms. Where improved stacking arrangements cannot be provided, airborne sound insulation needs to be higher; this can be controlled by condition.

Ecology comments: No objection, subject to condition.

Environment Agency: No objection, subject to conditions.

County Archaeologist: No objections, subject to a condition for a watching brief.

Stn Margaret's Parish Council: No objections. Would like to see the continuation of the current pavement along the edge of the property in High Street to the Kingsdown Road junction, in order to preserve pedestrian safety.

Public Representations: Three letters of objection have been received, stating the following:-

- The parking bay outside the wall of No. 1 Knoll Court would lead to noise;
- There is not enough parking provision within the development or enough room to manoeuvre cars in and out of spaces;
- Maintenance of the roof, guttering and soffit for No. 1 Knoll Court will be almost impossible;
- Out of character with the village and Conservation Area;
- Over-development;
- Loss of light; and
- Height of the proposed roof and impact on neighbours.

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

1.1 The application site relates to a building located on the corner of Kingsdown Road and High Street in St Margaret's, within the Conservation Area and adjacent to a listed building (the Red Lion Pub). The building is set back between 10m and 20m from the High Street boundary and is on a slope up from High Street. There is a Walnut tree to the front of the property, which is protected by a Tree Protection Order.

1.2 The building is largely single storey, with a single-storey flat roof addition. It is brick/render finished under a tiled roof, with timber framed windows. The footprint of the building has an irregular shape, with the side wall right up against the Kingsdown Road boundary. The site shares boundaries with a number of residential properties in Knoll Court, a fairly recent residential development on the former garage site to the south east, and it shares a rear boundary to the north east with Nalaki, a bungalow that fronts Chapel Lane.

1.3 It is understood that the site is used by a business, DRS Shop-fitters, but that as the existing company has relocated and down-sized, a large proportion of the building is now empty and is used as a single office with storage, with employees working at the site. Existing plans show the building to be laid out for offices, a workshop and stores at ground level, with a flat at first floor, although there does not appear to be any planning approval for the creation of a flat.

- 1.4 The application has been submitted following a previously withdrawn scheme and seek full planning permission for external alterations and extensions to provide three flats and two dwellings. The external alterations would comprise the increase in light of the main gable-sided roof from 5.8m to 6.5m and the erection of a pitched roof above the existing single storey flat roof building. Alterations to the fenestration are also proposed.
- 1.5 The existing flat roof building (abutting properties in Knoll Court) would accommodate a one bedroom flat, which would be accessed from the front of the building and would have a lounge/kitchen area to the front, with a bedroom to the rear.
- 1.6 The other two flats (adjacent to Kingsdown Road) would be accessed from the rear. The ground floor flat would have one bedroom, a kitchen/dining area and a separate lounge. The first floor flat would have two bedrooms, a kitchen and a lounge.
- 1.7 The two dwellings to be provided within the centre of the building would have their kitchens and living/dining areas at ground floor, with two bedrooms each at first floor. Both dwellings would be accessed from the front of the building and would have enclosed rear gardens.
- 1.8 The proposal has been amended since the previous application. In the previously withdrawn scheme, the existing flat-roof building was proposed to incorporate a first floor level, for an additional flat. Now, the building would contain only a ground floor flat and a pitched roof would be erected to replace the existing flat roof. The layout plan has also been altered to incorporate garden space for the dwellings and to rearrange the parking layout.
- 1.9 Since the original submission of this current application, amended plans have been submitted to increase the number of parking spaces to six, these being located on the hardstanding to the front of the building and served by the existing access from High Street.
- 1.10 *Plans will be on display.*

2. **Planning Policy**

- 2.1 DDLP Saved Policy HS2 states that on unallocated sites within the urban boundaries, housing development will be permitted, provided housing is the most suitable land use.
- 2.2 CS Policy DM2 states that permission for change of use or redevelopment of buildings currently or last in use for employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use.
- 2.3 CS Policy DM13 states that provision for parking should be a designed process, based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives.
- 2.4 PPS1 states that good design should contribute positively to making places better for people. Development which is inappropriate in its

context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

- 2.5 PPS3 emphasises that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities.
- 2.6 PPS4 seeks to provide sustainable economic growth, by, for example, improving economic performance in urban and rural areas and delivering more sustainable patterns of development.
- 2.7 PPS5 states that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed and sets out objectives to achieve this.

3. **Assessment**

3.1 The main areas for assessment are:-

- Principle of development;
- Impact on street scene and Conservation Area;
- Impact on surrounding occupants;
- Impact on future occupants; and
- Highways implications.

Principle of development

- 3.2 PPS4 sets out that for development that would involve the loss of economic activity in rural areas, the impact on the supply of employment sites and premises and the economic, social and environmental sustainability of the area needs to be taken into account (policy EC12).
- 3.3 Moreover, PPS4 states that for applications affecting services in villages, the importance of that service to the local community or the economic base of the area needs to be taken into account if the proposal would result in its loss or change of use.
- 3.4 It is understood from the applicant's agent that the site is used by DRS Shop-Fitters, though is now largely empty, as the business has downsized and relocated.
- 3.5 It does not appear that the building provides any specific service or role in the community and now that the business has been downsized, it is unlikely that it has any significant economic role. Further details have been requested regarding the use of the site. However, it is considered that, given that the site is under-used and that a residential use would be likely to have less of an impact in terms of noise and disturbance for neighbours than a business or employment use, the principle of residential use would be likely to be more appropriate in this location. To this extent, the proposal complies with CS Policy DM11. In addition, the development would make use of brownfield

land for residential development, which is the main thrust of PPS3 and as such it is considered to also be in accordance with DDLP Policy HS2, which states that housing development will be permitted, provided housing is the most suitable land use. No local objections have been received regarding the loss of the business use of the site.

Impact on street scene and Conservation Area

- 3.6 The building is set up to 18m back from the road, but is quite prominent, given its size and siting on slightly elevated ground. It is not considered that the increase in height of the main building would have a significant or detrimental impact on the special character or appearance of the Conservation Area. The alterations to the existing flat roof extension would be a visual improvement but would, in any case, not be particularly visible. Moreover, the proposed change of use and alterations are not considered to have any significant or harmful impact on the setting of the listed building opposite the site.
- 3.7 Small front gardens would be provided, shown to be enclosed by hedges. This is considered to be acceptable and would help to soften the impact of the hard surfacing to the front of the site. Further details could be controlled by way of a landscaping condition.

Impact on surrounding occupants

- 3.8 Impact on Nalaki: Nalaki is a red brick detached bungalow, sited to the north-east of the application site, with its rear garden bounding the rear of the site. Its rear garden has 1.8m high foliage and a 3m high hedge dividing it from the application site.
- 3.9 Dormer windows in the rear roof slope and one first floor rear window of The Bakery currently fall Nalaki's side and rear garden. At the moment, the dormers serve the ground floor workshop/stores. The windows would serve two proposed bathrooms, a bedroom and a staircase.
- 3.10 As the applicant does not want to replace the existing frames, it is proposed that the two dormer windows for the bathrooms would have frosted film and restrictors fitted to prevent unacceptable overlooking. Subject to details, it is considered that this would be sufficient to prevent an unacceptable loss of privacy through overlooking of the rear garden of Nalaki and to prevent the perception of overlooking or interlooking into the ground floor windows of Nalaki. It can be controlled by way of condition.
- 3.11 The bedroom window is also shown to be obscure glazed. This dormer window is further away from Nalaki's rear garden, at 9m from the rear boundary. It is not considered that overlooking would result from this window to an unacceptable level.
- 3.12 The final window at first floor level would serve a bathroom. Plans have been requested to show this as obscure glazed.
- 3.13 The building is orientated to the south-west of Nalaki, so shadow would be cast on Nalaki's garden in the afternoon. In the previous

application there was concern that the combined impact of the increased height of the existing pitched roof, together with the new roof on the flat roof building, would have had an overbearing and overshadowing impact on the occupants of Nalaki. The property's rear garden is already quite enclosed by buildings and the previously proposed extensions were considered to potentially make the situation much worse. However, the proposed scheme has now reduced the height of the roof extension to the single storey building to 4m. It not considered that the impact of the roof extensions now proposed would have a harmful impact on Nalaki in terms of overbearing or overshadowing.

- 3.14 *Impact on No 1 Knoll Court:* The properties in Knoll Court are packed tightly to adjoin the application site. No. 1 has no rear garden, as its rear wall abuts the single storey extension of The Bakery. Its only amenity space is to the side of the house through an enclosed courtyard area. This area is not particularly private, as it fronts the main road and provides access into the property. The closest dormer window to affect No. 1 would serve a bedroom and would be about 12m from the courtyard and due to its siting, would overlook No.1's courtyard. This is not ideal, particularly given the restricted area of private amenity space this occupant has. However, on balance, and due to the separation distance of 12m, it is not considered that the scheme could be refused on this ground.
- 3.15 The property at No. 1 does not have any windows on its flank wall to be affected by the proposal and it is not considered that the proposed increased height of the building would have an unacceptable or adverse impact on No. 1.
- 3.16 Concern has been raised with regard to the location of car parking adjacent to No. 1. However, it is not considered that this would amount to noise or disturbance that would justify a recommendation of refusal.
- 3.17 The applicant's agent has been requested to consider relocating the bin store away from No. 1's rear wall. Plans are awaited.
- 3.18 *Impact on no. 2 Knoll Court:* No. 2 has a very small rear courtyard style garden, which is enclosed by its garage to the rear and by the side wall of the single storey building to The Bakery to the side. The courtyard garden already has an enclosed feel and the increased height of the flat-roof extension (to the side boundary) would increase the overbearing impact of the building and the sense of enclosure on No. 2. However, this resubmitted scheme would now only increase the height of the single storey storage building to 4m to its ridge, with the roof sloping away from this property. Given the already enclosed nature of this garden, it is considered, on balance, that the increased height would not result in a significant difference to these occupants in terms of harm.
- 3.19 In terms of the impact on the house at No. 2, this property has two rear facing windows – the ground floor window serves a lounge and the first floor window serves a bedroom. The lounge window already has reduced outlook due to the existing wall of the flat roof extension

and it is not considered that the proposed roof would significantly worsen this situation. It is not considered that the bedroom window would be adversely affected.

- 3.20 There would be minimal overshadowing, given the orientation of the application site to the north-west of No. 2.
- 3.21 Impact on No. 4 Knoll Court: No. 4 is sited on lower ground than The Bakery site and its rear garden is bounded by the application site along its side and rear boundaries. This courtyard also has an enclosed feel, with walls/buildings to all three boundaries.
- 3.22 The increased height of the single storey extension would reduce the amount of daylight and sunlight for the occupants whilst in their courtyard. Orientated to the south-west, the incorporation of a pitched roof to the existing flat roof building may increase overshadowing of their garden in the afternoon.
- 3.23 The property also has ground and first floor level windows serving habitable rooms. It is not considered that the first floor window would be adversely affected. The ground floor window already has its outlook restricted by the wall of the flat roof building.
- 3.24 The applicant's agent has been asked to consider the feasibility of changing the proposed gable-ended roof (of the existing flat roof building) to a hipped roof; this would help to reduce the bulk and overshadowing of the building from No. 4.
- 3.25 Conclusion: Due to the location of the application site close to a number of properties in Knoll Court, any extensions to the building are likely to have an impact on the abutting residential curtilages. Having considered its impact on each property, it is considered, on balance and subject to amended plans and further details, that the proposal would not result in harm to these properties at a level that would justify a recommendation of refusal.
- 3.26 However, further clarification is also being sought regarding how the proposal would incorporate bargeboards and guttering and manage rainwater off the roof without encroaching onto neighbour's properties.

Impact on future occupants

- 3.27 The size of the site does not enable the provision of any significant amount of private amenity space for future occupant of the flats. However, the scheme does incorporate some small enclosed areas to the fronts of the flats and would provide enclosed rear gardens for the two dwellings.
- 3.28 The three flats would comply with the Council's Flat Conversion Guidelines in terms of proposed floor areas and general amenity provision for future occupants.
- 3.29 The stacking arrangements of two of the flats are not ideal, with a bedroom over a kitchen and a kitchen over a bedroom. A condition

can be attached requiring details of sound insulation, which may need to be higher than normally required.

Highways issues

- 3.30 The plans have been amended to include one additional parking space. The proposal would now incorporate six parking spaces. This is considered to be workable and County Highways raise no objections, subject to the relevant conditions being attached. The Parish Council has requested that the pavement should be continued along the Kingsdown Road junction; however, this is not considered necessary for this scheme.

Conclusion

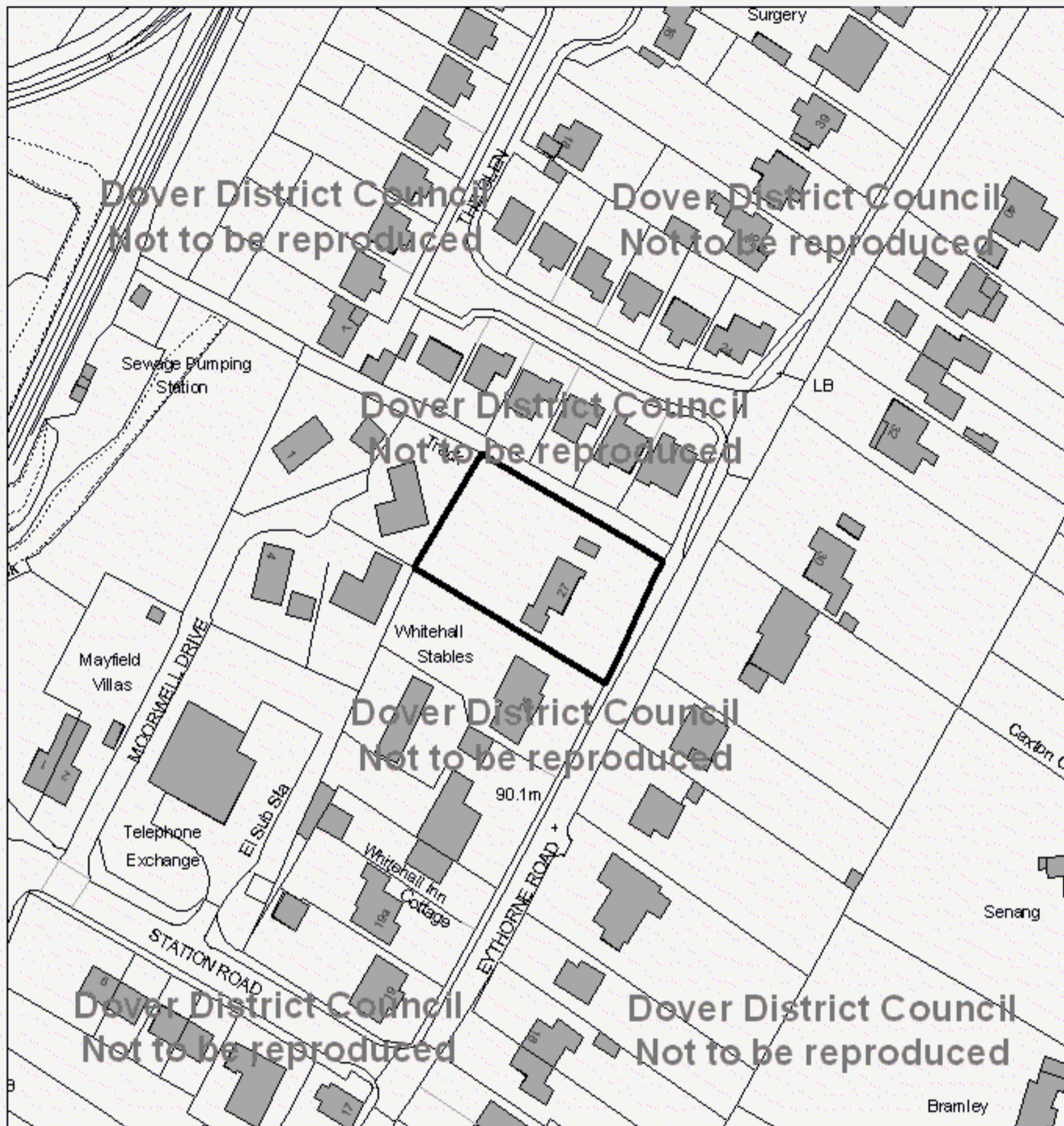
- 3.31 The site adjoins a number of residential properties that would be affected by the scheme. The concerns raised by surrounding occupants have been taken into account and amended plans and details are being sought in an attempt to alleviate any potential impact. On balance, subject to these further details being submitted, it is considered that the scheme has been sufficiently amended to prevent an unacceptable level of harm to the residential amenities the neighbouring occupants can reasonably expect to enjoy.
- 3.32 All other matters raised have been taken into account and the proposal is considered to be policy compliant.

g) Recommendation

- I Subject to receipt of satisfactory further details and plans, PLANNING PERMISSION BE GRANTED, subject to the following conditions: (i) DP08 (time-limit); (ii) DP04 (amended plans); (iii) MA12 (material samples); (iv) MA15 (details and plans of means of enclosure); (v) MA18 (hard-surfacing materials); (vi) MA24 (external joinery); (vii) MA37 (obscure glazing and restrictor bars); (viii) MA42 (windows within 100mm reveals); (ix) PD02 (no further development); (x) No further development if contamination found; (xi) no infiltration of surface water drainage into the ground; (xii) PA06 (parking); (xiii) AC24 (turning); (xiv) Surface to be of consolidated material; (xv) Drainage details; (xvi) LA02 (land levels); (xvii) LA08 (Landscaping); (xviii) (Landscaping to be retained); (xix) Details of pre-development work to the Walnut tree; (xx) LA40 (Protective works to tree); (xxi) Any further conditions to be delegated to the Development Control Manager.
- II The Development Control Manager be authorised to resolve all outstanding details.
- III INFORMATIVES: (i) Wheel-washing; (ii) IPH1 (works to the public highway).

Case Officer

Sarah Platts



Not to Scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2007

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

Application: DOV/10/827
27 Eythorne Road
Shepherdswell

TR25914827



8. a) **DOV/10/0827 – Erection of a pair of semi-detached dwellings and a detached dwelling (existing dwelling to be demolished), 27 Eythorne Road, Shepherdsweil**

b) **Summary of Recommendation**

Grant Planning Permission.

c) **Planning Policies and Guidance**

Dover District Local Plan (DDLPL): Policy HS2
Dover District Core Strategy (CS): Policies CP5 and DM13
PPS1 – Delivering Sustainable Development
PPS3 – Housing

d) **Relevant Planning History**

DOV/09/830 - Erection of a pair of semi-detached dwellings and a detached chalet bungalow (existing dwelling to be demolished) – withdrawn.

DOV/10/0072 - Erection of a pair of semi-detached dwellings (existing dwelling to be demolished) – refused.

e) **Consultee and Third Party Responses**

County Highways: No objections, subject to conditions.

Ecology Comments: Attach informative regarding bats. No objections regarding trees.

County Archaeologist: Comments awaited.

Shepherdsweil with Coldred Parish Council: Comments awaited.

Public Representations: Seven letters of objection have been received, raising the following summarised material concerns:

- The houses are not in keeping with the rest of the houses in that part of Eythorne Road or the overall character of the area;
- One detached dwelling would be more suitable;
- Over intensive use of the site;
- Parked vehicles will be visible and so further degrade the area;
- Removal of trees along side boundary;
- The application is virtually the same as a previously refused application;
- Increase in traffic and on-street parking;

- Restricted vision at access for pedestrians and motorists;
- Over-bearing impact; and
- Overlooking of rooms in adjoining house and garden.

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

- 1.1 The application relates to a site on the north west side of Eythorne Road. The site is within the village confines of Shepherdswell and is located in a residential area.
- 1.2 The area is characterised by dwellings of different designs and sizes, within varying sized plots. Most of the properties are detached houses, constructed of red or yellow brick, under a variety of gable-fronted or hipped roofs. A couple of buildings are painted or weather boarded.
- 1.3 The properties opposite the site are on more elevated ground, whereas the application site and the neighbouring properties are on lower ground. Properties are set some 10m to 20m back from the road.
- 1.4 No. 27 (the existing Police house) and the two adjacent properties to the south are within substantially sized plots, which are at least 25m in width, as are the plots at Nos. 22 and 30 opposite the site, and those at Nos. 40, 42 and 44 further to the north. There are also a number of smaller plots, including those around the Station Road junction to the south and The Glen junction to the north.
- 1.5 The application site is surrounded on three sides by residential gardens – to the rear (north-western boundary) by a plot in Moorwell Drive, to the side (north-eastern boundary) by houses in The Glen (though these are separated from the site by an access track that leads to a sewage pumping station) and to the south-western side by 25 Eythorne Road. The frontage has a 2m high mixed hedge, largely of ornamental species. Elsewhere, there are numerous trees within the site, but most are ornamental. There is an important ash in the north east front corner of the site.
- 1.6 There are a couple of housing developments close to the site, which are fairly simply designed detached properties of no particular architectural merit. These are in the cul-de-sacs “The Glen” to the side and “Moorwell Drive” to the rear of the site. The properties can be seen within the street scene along Eythorne Road, but they do not front Eythorne Road.
- 1.7 The application seeks full planning permission for the erection of three dwellings - two semi-detached properties and one detached property. They would be simply designed with gable sided roofs. The detached dwelling would have a two storey front projection. The proposed buildings would be constructed of yellow stock bricks and red/ brown clay tiles. Windows would be wood stained.

- 1.8 Internally, the semi-detached properties would each have a dining-room/ kitchen and sitting room at ground floor level and three bedrooms at first floor level. Side windows would serve the hallways and WCs. The detached property would have a sitting/dining room and kitchen at ground floor and four bedrooms at first floor level.
- 1.9 The properties would be divided by 1.8m high close-boarded fencing.
- 1.10 Six parking spaces would be provided within the site – four spaces in two pairs flanking the semi-detached properties and two spaces to the front of the detached property.
- 1.11 *Plans will be on display.*

2. **Planning Policy**

- 2.1 DDLP Policy HS2 states that on unallocated sites within the urban boundaries, housing development will be permitted, provided housing is the most suitable land use.
- 2.2 CS Policy CP5 states that dwellings shall be constructed to meet Code for Sustainable Homes Level 3.
- 2.3 CS Policy DM13 sets out that provision for parking should be a design-led process and should be informed by the guidance set out in the Table for Residential Parking.
- 2.4 PPS1 states that good design should contribute positively to making places better for people. Development which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.
- 2.5 PPS3 emphasises that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. PPS3 also encourages the efficient use of previously developed land. Revisions to PPS3 have excluded private gardens from the definition of previously developed land.
- 2.6 The Kent Design Guide is supplementary planning guidance and promotes good design.
- 2.7 Manual for streets emphasises that streets should be places in which people want to live and spend time in. It gives high priority to the needs of pedestrians, cyclists and users of public transport.

3. **Assessment**

- 3.1 The points for consideration are:
- Principle of residential development;
 - Impact on street scene;

- Impact on surrounding occupants;
- Highways issues.

Principle of residential development

- 3.2 PPS3 sets out that the priority for residential development should be previously developed land. Its recently revised definition of brown field land excludes gardens.
- 3.3 This site includes the garden for the existing property and would therefore not necessarily fall under the definition of previously developed land. There is therefore no presumption that the land would necessarily be suitable for redevelopment of housing.
- 3.4 Nevertheless, PPS3 does not rule out altogether development within gardens. Given the character of the area (discussed below) and the unlikelihood of the site being suitable for other uses other than residential, it is considered that there is no reason in terms of the main objectives of PPS3 why the site should not be redeveloped for additional properties.
- 3.5 Moreover, Policy HS2 of the DDLP states that on unallocated sites within village confines, housing development will be permitted, provided that housing is the most suitable land use. This is considered to support the principle of residential redevelopment of this site.

Impact on street scene

- 3.6 Properties surrounding the site are generally quite large, detached properties set well within the plots. Many, particularly those on the other side of the road, are well screened by boundary treatment and the road has a spacious, semi-rural feel to it.
- 3.7 The incorporation of three dwellings (two buildings) within the plot would be quite tight. However, there are instances further to the south and to the north, of similar sized (albeit slightly wider) plot sizes. It is considered that the principle of the erection of three dwellings within the site is achievable, subject to design and scale, and would not be detrimental to the spatial character of the area.
- 3.8 However, the previous two applications submitted were not considered to be acceptable; the first application was withdrawn and the second was refused.
- 3.9 In the previous scheme, the proposed dwellings were not of an acceptable design. Both properties had half-hips, the eaves heights did not relate to the eaves heights of adjacent properties, the roof of the two storey dwelling was too high, the two storey front porch was not reflected in surrounding properties, little thought appeared to be given to the detailing of the fenestration, the detached building appeared squat and out of context and had the appearance more of an annexed building. The two properties did not relate well to each other or to the surrounding area.

- 3.10 It was suggested that, when viewed within the street scene, the properties that would be read in relation to this application site are those directly opposite and adjacent to the site. These properties comprise a variety of styles, sizes and designs and include a listed building next door but one to the application site. The properties generally have hipped or gable sided/fronted roofs, with a number finished in red brick, though with instances of yellow brick, tile hanging and weather-boarding. There is no specific style or design within this area; the character and appearance of the area is that of well designed properties, with a semi-rural feel. The existing house and its neighbour are simple red brick dwellings with gable sided and hipped roofs.
- 3.11 The front facades of the proposed buildings are much better designed, taking on a simple form and good proportions. The proposal is now considered to respect much better the context of the surrounding area and the properties would relate well to each other. There is now much better fluidity and continuity of design and features to the buildings. The proposed detached house would be read in conjunction with the proposed semi-detached pair and the two properties would now appear well related, with matching eaves heights, similar ridge heights and similarity in form, design and fenestration detailing. The proportions and detailing of the semi-detached pair and the detached dwelling are considered acceptable.
- 3.12 In terms of layout, the street scene elevation shows that spaces and gaps would be provided between the proposed dwellings and neighbouring properties. A distance of 8m would be provided between the semi detached pair and No. 25, a 3.5m gap between the two proposed properties and around 14m between the proposed detached property and the dwellings in The Glen. The dwellings would be set back from the road and sited on lower ground. It is considered that the plans show that three dwellings, of a scale, layout and design proposed, could be accommodated within the site without resulting in a cramped or over-developed appearance. The sub-division of the plot would reflect the sizes of some other plots along this road and would not conflict with the spatial character of the area.
- 3.13 PPS1 places great weight on the importance of good design in new developments and sets out that design that is inappropriate in its context should not be accepted. It also specifically highlights the importance of the visual appearance and architecture of individual buildings and sets out that new development should be integrated into the built environment. It is considered that this proposal overcomes the previous problems in this regard and that the dwellings would now be in keeping with each other and would respect the context of the existing development.
- 3.14 PPS3 enforces the PPS1 approach, stating that development should be well integrated with and complements neighbouring buildings and the local area in terms of scale, density, layout and access. The access, density and layout are considered to be acceptable and the buildings would sufficiently complement the neighbouring buildings

and the local area in respect of scale and design and would therefore comply with the guidance in PPS3.

- 3.15 Concern has been raised regarding loss of trees. Most of the existing trees are ornamental and are shown to be retained. No objections are raised to this aspect of the scheme. A landscaping condition can be attached, should the proposal be approved, to ensure that replacement planting is provided to help to compensate for the loss of any existing trees and foliage.

Impact on surrounding occupants

- 3.16 The properties are within a well-sized plot, with sufficient distance between neighbouring properties and it is not considered that the provision of three dwellings would be likely to result in unacceptable noise levels over and above those normally associated with dwellings in a residential area.
- 3.17 The dwellings would be sited in line with neighbouring properties and would retain sufficient distance between plot one and the flank wall of No. 25 Eythorne Road. No. 25 has no windows on its side wall to be affected. It is not considered that the dwellings would have an overbearing impact on this property.
- 3.18 Concern has been raised regarding the impact of the proposal on the properties in The Glen. However, the detached dwelling would be just over 3m from the side boundary and separated by the adjacent track and it is not considered that it would result in an unacceptably overbearing development to the rear gardens or into the properties of Nos. 1, 2 or 3 The Glen.
- 3.19 The dwellings would be sited slightly further back than the existing dwelling, but would not have an overbearing impact on the cul-de-sac properties in Moorwell Drive to the rear of the site, given the depth of the plot.
- 3.20 In respect of the potential for overlooking, the proposed rear gardens are at least 21m long, so there would be no unacceptable overlooking of the properties in Moorwell Drive.
- 3.21 Proposed side windows would all serve non-habitable rooms and would not result in unacceptable levels of overlooking. Any views from the rear facing windows into the neighbouring properties would be oblique and are not considered to create unacceptable overlooking problems.

Highways issues

- 3.22 Concerns have been raised regarding the impact of the scheme on traffic and parking in the local area. However, six parking spaces are shown to be provided within the site and County Highways raises no objections to the scheme, provided it is controlled by way of conditions. The scheme is considered acceptable in respect of highways safety.

Conclusion

3.23 Many of the concerns raised by local residents have been taken into account, in particular those regarding the design, scale and density of the proposal, as well as impact on surrounding neighbours and highways concerns. Further comments were received as this report was being finalised and consideration will be given to them before the meeting. A verbal report will be made as necessary. Subject to this, the scheme is considered to have adequately addressed and overcome previous concerns and is now considered to be acceptable and in accordance with current policy.

g) Recommendation

- I Subject to Parish Council comments and any third party letters raising additional material planning concerns within the consultation period, PLANNING PERMISSION BE GRANTED, subject to the following conditions: (i) DP08 (time-limit); (ii) DP04 (amended plans); (iii) PA07 (detailed parking); (iv) AC24 (turning); (v) AC27 (gates); (vi) PA32 (construction vehicles); (viii) MA04 (Material Samples); (ix) LA01 (Ground Levels); (x) LA09 (Soft and Hard Landscaping); (xi) LA35 (Replacement Trees); (xii) LA30 (Boundary Treatment, including frontage hedge); (xiii) SC3 (Code Level 3); (xiv) PD02 (No extensions or buildings); (xx) Any further conditions to be delegated to the Development Control Manager.
- II INFORMATIVES: (i) Wheel-washing; (ii) IPH1 (works to the public highway); (iii) Bats.

Case Officer

Sarah Platts

REPORT OF THE DIRECTOR OF DEVELOPMENT AND PUBLIC PROTECTION

RESPONSIBILITY – PORTFOLIO HOLDER FOR ENVIRONMENT, WASTE AND PLANNING

KEY DECISION

EXECUTIVE

PLANNING COMMITTEE (FOR INFORMATION) – 11 NOVEMBER 2010
CABINET – 6 DECEMBER 2010 (incorporated in full Fees and Charges report)

FEES AND CHARGES 2011/12

Recommendation

It is recommended that:

- *Members approve the Fees and Charges for 2011/12 as set out in Annex 2.*
- *Members approve the general principle that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.*
- *Approval is sought for officers to adopt fees at, or close to government directed levels without the need for further reporting, in cases where the Council is awaiting for Government guidance and it has not been possible to set a fee level at this stage.*

Contact Officer: Tim Flisher, extension 2461

Reasons why a decision is required

1. This report has been prepared in order to obtain formal approval for the levels of fees and charges (F&Cs) for the financial year 2011/12. These revised F&Cs will be included in the budget estimates for 2011/12.

Options available to the Council with assessment of preferred option

2. The Council's constitution specifies that F&Cs shall be reviewed annually. In order to meet this requirement all Directors have been asked to review the F&Cs within their areas of responsibility and to produce recommended levels for 2011/12.

The level of Member approval required is dependent upon the types of F&C raised and therefore reports have to be submitted to:

- Licensing Committee
- Regulatory Committee
- Planning Committee (for information only)
- Cabinet

In order to meet this requirement it is proposed to submit the following reports:

- Licensing Committee - Report to the meeting on 16th November 2010 (TBC) of all F&Cs to be set by the Licensing Committee.
- Regulatory Committee - Report to the meeting on 16th November 2010 (TBC) of all F&Cs to be considered by the Regulatory Committee prior to approval by Council.
- Planning Committee - Report (for information) to the meeting on 11th November 2010 of all F&Cs relevant to the Planning Committee.
- Cabinet - Report to the meeting on 6th December 2010 of all F&Cs, but seeking specific approval of those F&Cs set by Cabinet.

Information to be considered in taking the Decision

Members are reminded that in 2004/05 a Member and Officer review group developed a framework of broad guidelines to be considered in formulating proposals for F&Cs.

A copy of the (updated) checklist produced at that time has been circulated to all Directors and to all officers considering F&C so that a rigorous and consistent approach is taken. A copy is attached at Annex 1.

To assist Members the data on F&Cs has been tabulated into a standard format and this is provided at Annex 2. Members are asked to note the following points.

Detail and Narrative (Columns 2 & 3)

These give a brief summary of the type of service being provided.

2010/11 Charge Inc VAT (Column 4)

The charge has been provided inclusive of VAT for two reasons. First, it shows what the customer will actually pay and is therefore more meaningful.

Second, charges for some services, especially those such as car parking, which are not simply a direct recovery of costs, are set at a level, inclusive of VAT, based on the appropriate market level. The VAT is therefore a deduction from the amount of charge retained by DDC and is not a key factor in determining the appropriate charge. Members are asked to approve this approach.

Statutory (Column 6)

This indicates whether a charge is “Statutory” or not. If a charge is “Statutory” then it is effectively set by Government and although formal Member approval is still sought, there is little or no scope to make changes.

2010/2011 Total Expected Income ex VAT (Column 7)

This gives a broad indication as to how much income DDC will receive and has been included to provide Members with a sense of the relative importance of individual charges. It may therefore save Members from debating the merits of an increase in a charge level, where the overall amount of income is not significant.

In some cases, the level of use is very low, or infrequent, or the service has only recently been introduced and so no level of income has been included.

2011/12 Proposed Charge Inc VAT (Column 8)

This is the recommended charge for 2010/11 and will, subject to Members' approval, be included in the 2010/11 budget.

Reason for the Change in Charges (Column 11)

This provides Members with a brief explanation for the change. This will often be due to inflation or "catch up" inflation if the increase has been previously deferred until it can be made to a sensible rounded figure.

In some instances guidance is still awaited from Government as to the basis upon which F&Cs should be set. In these cases it has not always been possible to set a fee level, member's approval is sought to enable officers to adopt such fees at or close to government directed levels without a further report.

Directors, Service Manager and Portfolio Holder (Columns 12, 13, 14)

These show the responsibilities for specific F&Cs.

Significant Charges

To assist Members the more significant charges (generating over £3,000 per annum) are highlighted in bold text.

Photocopying

In putting forward recommendations in respect of photocopying charges particular regard has been had to the decision of the Information Tribunal in March of 2006 in the case of David Markinson v the Information Commissioner. The Tribunal directed that in assessing its charges

"the Council should adopt as a guide price the sum of 10p per A4 sheet, as identified in the "Good practice guidance on access to and charging for planning information" published by the Office of the Deputy Prime Minister and as recommended by the DCA".

Having regard to this decision, the view has been taken that the Council should adopt a corporate view and set its charges at 10p per A4 sheet unless there are reasons for adopting a higher fee which are both cogent and legally sustainable.

Resource Implications

The effects of the proposed F&Cs will be reflected in the production of the budget for 2011/12

Consultation Statement

Consultation between Directors and Chairman of Committee / Portfolio Holders has taken place.

Impact on Corporate Objectives

The recommended F&Cs relate to the financial health of the Council and are consistent with service delivery objectives.

Publication

A simplified version of the tables at Annex 2 will be placed on the Council's website and intranet for access by officers and the public.

Customer Access Review

These are undertaken for the service as a whole. They have regard to the fees and charges but are not generally undertaken for individual fees. More information on CARS is provided on the Cabinet report.

Attachments

Annex 1 – Fees and Charges checklist.

Annex 2 – Schedule of recommended F&Cs

Annex 3 – Planning Fees schedule – statutory fees (linked to annex 2)

Annex 4 – Pre-application Planning Fees – statutory fees (linked to annex 2)

MICHAEL DAWSON

Director of Development and Public Protection

Fees and Charges Checklist**Corporate and Service Objectives**

Are links made between charges and our corporate and service objectives and are we able to use charges to help deliver these objectives.

Users of the Service

Is there sufficient understanding of our service users and their needs and wishes.

Have we considered different pricing to specific target groups and has the potential impact of charges or the changes to existing charges been assessed

Ensure that you consider the potential diversity and equality issues and where necessary consider and document any issues and mitigation.

Comparison with other providers

Is there a complete picture of competition and providers of similar services – including other Local Authorities

Consultation

Has the relevant Portfolio holder been consulted and do charges meet with their aspirations and requirements.

Is wider community consultation appropriate for any of your charges? Has it been undertaken?

Performance Management

Are the principles for charges clearly defined and are clear targets set and monitored. Do we have a clear picture of what is a success.

Financial Considerations

Is the charge at a level to fully recover all costs or if is subsidised - why?

Have we considered all services for which we can / should charge a fee?

Are there any fees that we charge, that have not been included in the schedule?

Are we being radical in our approach to charging and are our charges cost effective.

Corporate Income Policy

Please ensure you adhere to the main principals of the Corporate Income Policy when setting your fees and charges.

Legal Considerations and Other Guidance

Does the Council have the power to levy the charges. Is there any ministerial or other guidance that should be taken into account.

Customer Access Review

Consider whether the CAR for your service includes and issues for specific fees

			2010/11			2010/11	2011/12	2011/12					
Service	Detail	Narrative	Charges inc VAT	Vatable? Y/N	Statutory Y/N	Total Expected Income ex VAT	Proposed Charges inc VAT	Total Expected Income ex VAT	% change	Reasons for Change in Charges and/or income	Head of Service	Service Manager	Portfolio Holder
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Planning	General	Section 52 Agreements, Section 106 Agreements, Tree Preservation Orders and Article 4 Directions and Enforcement Notices	£5.00	Y	Y	£100.00	£5.00	£100.00	0%	No change - Very few requests	MDw	T.FLISHER	Cllr Kenton
Planning	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	A4 10p A3 20p Over A3 £5.00	N	N	£2,000	A4 10p A3 20p Over A3 £5.00	£2,000	0%	Reduction in fees due to more copies being sent electronically from April 2011	MDw	T.FLISHER	Cllr Kenton
Planning	General	Planning Application Fees	See Annex 5	N	N	£440,000	See Annex 5	£440,000	0%	No fee increases for next year and new PD rights	MDw	T.FLISHER	Cllr Kenton
Planning	General	Pre-application advice	See Annex 6	Y	N	£15,000	See Annex 6	£25,000	NA	No change	MDw	T.FLISHER	Cllr Kenton
Planning	General	Research on Planning Histories, Permitted Development Rights and Use classes	£35.00 per request	Y	N	£500	£35.00 per request	£500	0%	Very few requests	MDw	T.FLISHER	Cllr Kenton
Planning	General	Details pursuant to conditions	£25.00 (householder) or £85.00 per request	Y	Y	£15,000	£25.00 (householder) or £85.00 per request	£13,000	0%	No change- Statutory Requirement	MDw	T.FLISHER	Cllr Kenton
Planning	General	Advice on compliance of conditions information	£25.00 (householder) or £85.00 per request	Y	Y		£25.00 (householder) or £85.00 per request				£2,000	MDw	T.FLISHER



PLANNING APPLICATION FEES

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008

General advice about planning fees can be obtained from the Council's website at www.dover.gov.uk/planning or the Planning Section at White Cliffs Business Park, Dover, Kent CT16 3PJ, Telephone (1304) 821199, Fax (01304) 872351.

This summary is intended for the guidance of applicants. It is not meant to be an exact or legal interpretation. The above Regulations and appropriate Circulars should be consulted for further information, in particular concerning whether you may be exempt from a fee.

If, at the same time, you are depositing an application under the Building Regulations a combined cheque may be submitted. All cheques should be made payable to "Dover District Council" and crossed. Fees required by the Planning Regulations are not subject to VAT.

SCALE OF FEES

OPERATIONS

- The erection of dwelling houses (other than development within category 6).
 - (a) Outline applications

Where the site area does not exceed 2.5 hectares, £335 for each 0.1 hectare, or part thereof, of the site area.

Where the site area exceeds 2.5 hectare, £8,285+ £100 per additional 0.1 hectare or part thereof, subject to a maximum in total of £125,000.
 - (b) In other cases

Where the number of new dwelling houses is 50 or fewer, £335 for each dwelling house.

Where the number of new dwelling houses exceeds 50, £16,565+ £100 per dwelling house in excess of 50 dwelling houses, subject to a maximum in total of £250,000.

- The erection of buildings (other than buildings coming within categories 1, 3, 4, 5 or 7).
 - (a) Outline Applications

Where the site area does not exceed 2.5 hectares, £335 for each 0.1 hectare, or part thereof, of the site area.

Where the site area exceeds 2.5 hectares, £8,285 + £100 per additional 0.1 hectare in excess of 2.5 hectares, subject to a maximum in total of £125,000.
 - (b) In other cases
 - (i) where no floor space is to be created by the development, £170.
 - (ii) where the area of gross floor space to be created by the development does not exceed 40 sq metres, £170.
 - (iii) where the area of gross floor space to be created by the development exceeds 40 sq metres but does not exceed 75 sq metres, £335.
 - (iv) where the area of gross floor space to be created by the development exceeds 75 sq metres, but does not exceed 3750 sq metres, £335 for each 75 sq metres or part thereof.

- (v) Where the area of gross floor space to be created by the development exceeds 3,750 sq metres, £16,565 + £100 for each 75 sq metres in excess of 3,750 sq metres, subject to a maximum in total of £250,000.
- The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes (other than buildings coming within category 4).
 - (a) Outline applications

Where the site area does not exceed 2.5 hectares, £335 for each 0.1 hectare, or part thereof, of the site area.

When the site area exceeds 2.5 hectares, £8,285 + £100 per additional 0.1 hectare or part therefore, subject to a maximum of £125,000.
 - (b) In other cases
 - (i) where the area of gross floor space to be created by the development does not exceed 465 sq metres, £70.
 - (ii) where the area of gross floor space to be created by the development exceeds 465 sq metres but does not exceed 540 sq metres, £335.
 - (iii) where the area of gross floor space to be created by the development exceeds 540 sq metres, but does not exceed 4215 sq metres, £335 for the first 540 sq metres + £335 for each 75 sq metres, or part thereof, in excess of 540 sq metres.
 - (iv) Where the area of gross floor space to be created by the development exceeds 4,215 sq metres, £16,565 + £100 per 75 sq metres in excess of 4,215 sq metres, subject to a maximum in total of £250,000.
- The erection of glasshouses on land used for the purposes of agriculture.
 - (a) Where the gross floor space to be created by the development does not exceed 465 sq metres, £70.
 - (b) Where the gross floor space to be created by the development exceeds 465 sq. metres, £1,870.
- The erection, alteration or replacement of plant or machinery.

Where the site area does not exceed 5 hectares, £335 per 0.1 hectare, or part thereof, of the site area.

Where the site area exceeds 5 hectares, £16,565 + £100 per 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £250,000.
- The enlargement, improvement or other alteration of existing dwelling houses.
 - (a) Where the application relates to one dwelling house, £150.
 - (b) Where the application relates to two or more dwelling houses, £295.
- (a) The carrying out of operations (including the erection of a building) within the curtilage of an existing dwelling house, for purposes ancillary to the enjoyment of the dwelling house as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing house.

£150

- (b) The construction of car parks, service roads and other means of access on land used for the purpose of a single undertaking, where the development is required for a purpose incidental to the existing use of the land. £170
- The carrying out of any operations connected with exploratory drilling for oil or natural gas.
 - (a) Where the site area does not exceed 7.5 hectares, £335 per 0.1 hectare of the site area.
 - (b) Where the site area exceeds 7.5 hectares, £25,000 + £100 per 0.1 hectare in excess of 7.5 hectares, subject to a maximum in total of 2£50,000.
 - The carrying out of any operations not coming within any of the above categories.

In the case of operations for the winning and working of minerals:

 - (a) Where the site does not exceed 15 hectares, £170 per 0.1 hectare, or part thereof, of the site area.
 - (b) Where the site exceeds 15 hectares, £25,315 + £100 per 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000.

In any other case, £170 per 0.1 hectare of the site area, subject to a maximum of £250,000.
- ## USES OF LAND
- The change of use of a building to use as one or more separate dwelling houses.
 - (a) Where the change is from a previous use as a single dwelling house:
 - (i) Where the change of use is to 50 or fewer dwelling houses, £335 for each additional dwelling house;
 - (ii) Where the change of use is to more than 50 dwelling houses £16,565 + £100 for each dwelling house in excess of 50 dwelling houses, subject to a maximum in total of £250,000
 - (b) In all other cases
 - (i) Where the change of use is to 50 or fewer dwelling houses, £335 for each dwelling house;
 - (ii) Where the change of use is to more than 50 dwelling houses £16,565 + £100 for each dwelling house in excess of 50 dwelling houses, subject to a total of £250,000.
 - The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from the land; or the use of land for the storage of minerals in the open.
 - (a) Where the site does not exceed 15 hectares, £170 for each 0.1 hectare, or part thereof, of the site area;
 - (b) Where the site area exceeds 15 hectares £25,315 + £100 for each 0.1 hectare in excess of 15 hectares, subject to a maximum in total of £65,000
 - The making of a material change in the use of a building or land (other than a material change of use coming within any of the above categories). £335

ADVERTISEMENTS

- Advertisements displayed on business premises, on the forecourt of business premises or on other land within the curtilage of business premises, wholly with reference to all or any of the following matters:- £95

- (a) the nature of the business or other activity carried on the premises.
- (b) the goods sold or the services provided on the premises;
- (c) the name and qualifications of the person carrying on such business or activity or supplying such goods or services.

- Advertisements for the purpose of directing members of the public to, or otherwise drawing attention to the existence of, business premises which are in the same locality as the site on which the advertisement is to be displayed but which are not visible from that site. £95

- All other advertisements. £335

AGRICULTURAL BUILDINGS

- Determination as to whether prior approval is required. £70

TELECOMMUNICATIONS

- Determination as to whether prior approval is required. £335

DEMOLITION

- Prior notification £70

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

- Certificate to establish the lawfulness of an existing land-use or of development already carried out. The fee would be the same as applying for a new permission for that use or operation.
- Certificate to establish that it was lawful not to comply with a particular condition or other limitation imposed on a planning permission. £170
- Certificate to state that some future development would be lawful. The fee would be half what it would be necessary to pay if one were applying for planning permission to carry out whatever form of development is the subject of the certificate.

CONDITIONS

- Application for discharge of details reserved by condition on a planning permission
 - (a) Development either involving the extension or alteration of a dwelling or within the curtilage of a dwelling, £25 per request.
 - (b) All other development, £85 per request.

- Request for confirmation that conditions have been discharged
 - (a) Development either involving the extension or alteration of a dwelling or within the curtilage of a dwelling, £25 per request.
 - (b) All other development, £85 per request.

CHARGING FOR PRE-APPLICATION ADVICE

Research of Permitted Development Rights and Planning Histories

This provides confirmation of whether or not permitted development rights have been removed from a dwelling. You may need to know this to confirm if planning permission is required or not.

- Research on Permitted Development Rights: £35
- Research on Planning Histories: £35
- If no research is required there will be no fee but photocopying charges may apply.

All prices are inclusive of VAT

Major Developments

- New residential development of 10 or more new dwellings;
- Change of use of buildings or land where the gross floorspace or site area is 1,000m² or more;
- New non-residential buildings and extensions to non-residential buildings of 1,000m² or more of gross floorspace;
- Mixed use developments where the combined gross floorspace is of 1,000m² or more.
- Other large scale or complex/specialist applications that require significant officer input (to cover cases such as the Langdon Wind Farm which otherwise would fall as a 'minor development' based on these criteria)

Fee

- £250 or 1% of the appropriate fee under the Application Fees Regulations, whichever is the greater, for written advice only. Additional advice may be required and will be charged at the same rate;
- £500 or 1.5% of the appropriate fee under the Application Fees Regulations, whichever is the greater for up to an hour long meeting plus written confirmation, additional meetings may be required and these will be charged at the same rate. The Planning Officer will agree the need for additional meetings and may recommend the involvement of third parties if it is felt necessary (Specialist Advice, Ward Members, Parish Councils etc.);
- Where such proposals involve a parallel application relating to a Listed Building, there will be a single charge at the higher rate.

Minor Developments

- New residential developments of 1 to 9 dwellings;
- Residential conversions involving change of use to more than one dwelling;
- Change of use of buildings or land where the gross floorspace or site area is less than 1,000m²;
- New non-residential buildings and extensions to non-residential buildings from 100m² to 1,000m² of gross floorspace;
- Mixed use developments where the combined gross floorspace is less than 1,000m².
- Proposals affecting Listed Buildings or Conservation Areas;
- Advertisements.

Fee

- £150 for written advice only. Additional advice may be required and will be charged at the same rate;
- £250 for up to an hour long meeting plus written confirmation, additional meetings may be required and these will be charged at the same rate. The Planning Officer will agree the need for additional meetings and may recommend the involvement of third parties if it is felt necessary (Specialist Advice, Ward Members, Parish Councils etc.);
- Where such proposals involve a parallel application relating to a Listed Building, there will be a single charge at the higher rate.

Other Types of Developments

- New buildings and extensions and alterations to non-listed buildings that require permission and are not covered above.
- Works to protected trees

Fee

- £50 for written advice only. Additional advice may be required and will be charged at the same rate;
- £60 for up to an hour long meeting plus written confirmation, additional meetings may be required and these will be charged at the same rate. The Planning Officer will agree the need for additional meetings and may recommend the involvement of third parties if it is felt necessary (Specialist Advice, Ward Members, and Parish Councils etc.);
- Where such proposals involve a parallel application relating to a Listed Building, there will be a single charge at the higher rate.

Please note that there will be no charge for 15 minutes' advice with our Duty Officer on one occasion at our Offices on such matters to District householders. If you wish us to visit your site, the higher charges will apply.