

# Public Document Pack



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13 October 2015

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 22 October 2015 at 6.00 pm when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk).

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a white background.

Chief Executive

Planning Committee Membership:

F J W Scales (Chairman)  
B W Butcher (Vice-Chairman)  
J S Back  
S F Bannister  
T J Bartlett  
T A Bond  
B Gardner  
D P Murphy  
A F Richardson  
P M Wallace

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST** (Page 4)

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

4 **MINUTES** (Pages 5-10)

To confirm the attached Minutes of the meeting of the Committee held on 17 September 2015.

5 **ITEMS DEFERRED** (Page 11)

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

**ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING**  
(Pages 12-15)

6 **APPLICATION NOS DOV/15/00120 AND DOV/15/00121 - THE HOPE INN, HIGH STREET, ST MARGARET'S-AT-CLIFFE** (Pages 16-33)

**DOV/15/00120 – Change of use and conversion of existing building into two dwellings, incorporating a dormer to rear catslide, erection of one detached dwelling, terrace of three dwellings and creation of parking (existing extension and outbuildings to be demolished)**

**DOV/15/00121 – Erection of a dormer to rear catslide and associated internal and external alterations to facilitate conversion into two dwellings (existing extension and outbuildings to be demolished)**

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

7 **APPLICATION NOS DOV/15/00639 AND DOV/15/00640 - OLD SCHOOL AND CURFEW HOUSE, KINGSDOWN ROAD, ST MARGARET'S-AT-CLIFFE** (Pages 34-48)

**DOV/15/00639 – Alterations and extensions to Curfew House for supported living use; erection of 1 no. detached dwelling; change of use and conversion of Old School House into 2 no. dwellings; creation of parking and formation of vehicular access to The Avenue (Planning Permission)**

**DOV/15/00640 – Conversion of Old School House into 2 no. dwellings with associated internal and external alterations (Listed Building Consent)**

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

8 **APPLICATION NO DOV/15/00590 - 118 WELLINGTON PARADE, KINGSDOWN, DEAL** (Pages 49-55)

**Erection of two-storey side extension incorporating a garage and dormer Juliet balcony**

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

9 **APPLICATION NO DOV/15/00223 - THE HARE AND HOUNDS, THE STREET,**

**NORTHBOURNE, DEAL** (Pages 56-64)

**Erection of a first floor rear extension, single storey rear and side extensions and associated internal alterations together with external alterations to provide terraces (partial demolition of existing building)**

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

**ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING**

10 **APPEALS AND INFORMAL HEARINGS** (Pages 65-67)

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

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

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

**Access to Meetings and Information**

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is 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](http://www.dover.gov.uk). Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- 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 Kate Batty-Smith, Democratic Support Officer, telephone: (01304) 872303 or email: [kate.batty-smith@dover.gov.uk](mailto:kate.batty-smith@dover.gov.uk) for details.

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

**Declarations of Interest**

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 17 September 2015 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher  
J S Back  
S F Bannister  
T J Bartlett  
T A Bond (Items 44 to 48 only)  
D P Murphy  
A F Richardson  
P M Wallace (Items 44 to 48 only)

Officers: Team Leader (Development Management)  
Principal Planner (Renewable Energy)  
Principal Planner  
Solicitor to the Council  
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/15/00336	Mr Mike Goddard	-----
DOV/13/01106	-----	Mr Chris Shaw

### 39 APOLOGIES

It was noted that an apology for absence had been received from Councillor B Gardner.

### 40 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

### 41 DECLARATIONS OF INTEREST

Councillor A F Richardson made a Voluntary Announcement of Other Interests in respect of Application Nos DOV/15/00336 (Denne Court Farm, Selson Lane, Woodnesborough) and DOV/13/01106 (Old Engine Shed, Sutton Court Farm) by reason of his employment with the Canterbury Archaeological Trust and the fact that archaeological conditions could potentially be attached, were the applications to be approved.

### 42 MINUTES

The minutes of the meeting held on 23 July 2015 were approved as a correct record and signed by the Chairman.

### 43 ITEMS DEFERRED

The Chairman advised that Application No DOV/14/01013 (The Beacon Church and Christian Centre, London Road, Dover) had been withdrawn. Omitted from the agenda was Application No DOV/15/00444 (Aylesham Village Expansion) which had been deferred at the meeting held on 23 July 2015. Further information was not yet available and the item would not therefore be considered at the meeting.

44 APPLICATION NO DOV/15/00336 - DENNE COURT FARM, SELSON LANE, WOODNESBOROUGH

The Committee viewed photographs and plans of the site. The Principal Planner advised Members that the proposal involved the conversion and extension of a stable building known as The Piggery to provide three holiday lets. Two new buildings would be erected to provide three dwellings, with all existing buildings, aside from The Piggery, to be demolished.

The site lay within the countryside where new residential development would not normally be permitted, the erection of new residential buildings being contrary to Policy DM1 of the Core Strategy. However, the conversion of the existing stable building and its use for holiday lets was supported by Policy DM4 and therefore considered acceptable. That said, since the District was unable to demonstrate a five-year housing land supply, the Committee was required to consider the application against the National Planning Policy Framework (NPPF) as a whole but, in particular, paragraphs 29 and 55 which sought to provide a sustainable pattern of development.

The site was situated around 1.2 kilometres from Eastry, reached via Selson Lane which was an unlit country road with no footpaths. As well as poor pedestrian links, access to a regular bus service was extremely limited. These factors had led Officers to believe that residents of the development would be dependent on private modes of transport, and the development was therefore considered unsustainable. Although the NPPF directed that such isolated developments could be approved in exceptional circumstances, the applicant's contention that it was of exceptional quality was not accepted by Officers who did not consider that the development would significantly improve the character of the area.

The applicant had made reference to the granting of planning permission for the Hammill Brickworks site nearby. However, although that development had been contrary to the Development Plan, permission had been granted on the basis of its substantial economic benefits, including 86 jobs, contamination remediation and the provision of a significant number of dwellings.

Whilst the development would not cause any significant harm in terms of its impact on the character and appearance of the area, vehicle movements, residential amenity, ecology and contamination, no substantive benefits would be provided which would demonstrate that there were exceptional circumstances warranting approval of this isolated development. Moreover, although the development would contribute towards the district's housing supply, and provide a short-term economic benefit during construction, it would be located where it would have poor accessibility to facilities and services and thus be heavily dependent on unsustainable forms of transport.

Councillor J S Back made reference to the fact that Kent County Council (KCC) Highways, the Environment Agency and Woodnesborough Parish Council had raised no objections to the proposal. This was a brownfield site whose development would have a positive impact on its rural setting. Moreover, the

development was likely to generate fewer traffic movements than the existing use. Together with the economic and environmental benefits, he argued that the application should be approved. Councillor B W Butcher agreed that derelict sites such as the application site should be developed and not discounted because of their size.

The Chairman reminded Members that the Officer's report set out how the application failed to meet the sustainability tests of the Core Strategy and NPPF. In considering the application, the Committee would need to weigh up any benefits against these. Members should also be mindful that sustainability encompassed not just transport but the impact of development on local communities.

Councillor A F Richardson commended the report which he believed reached a reasonable conclusion. However, it was also reasonable for the Committee to reach a different view. The proposed holiday lets would be of substantial benefit to the area, and were acceptable in policy terms. In his view, the site was not particularly isolated from Eastry and, in any case, it was an accepted part of country living that access to private transport was essential. The site already generated a number of vehicle movements. Whilst he was keen to protect the countryside, there were occasions when the re-development of brownfield sites was appropriate and should be supported. Development of the site would boost tourism and the district's housing land supply and remediate contaminated land. These factors outweighed any concerns relating to transport sustainability.

In response to a query from Councillor S F Bannister, the Principal Planner advised that the Code for Sustainable Homes had been revoked by the Deregulation Bill 2015. Conditions could not be attached to mitigate against environmental impacts. However, an informative could be added. Councillor Bannister added that the proposed holiday dwellings were of a high standard of architectural design, but raised concerns regarding permanent occupation. The Solicitor to the Council advised that it would be possible to attach a condition to ensure that they could not be permanently occupied.

The Principal Planner clarified that the NPPF defined brownfield land as land which is or had been occupied by a permanent structure and with a fixed surface. The application site was now used as livery stables, agricultural activities having ceased some years previously. The site was therefore categorised as brownfield land.

In response to some Members who stated that they felt uncomfortable determining a fellow Member's planning application, the Chairman advised that, unless they were closely associated with the applicant, it was perfectly legitimate for them to determine the application. There was, in any case, no real alternative given that it was an application for a site within the District and had come to the Committee through the normal procedures.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/15/00336 be APPROVED on the following grounds: (i) The redevelopment of a brownfield site; (ii) Its positive impact on the rural setting due to its high standard of architectural design; (iii) Its economic and environmental benefits, including the impact on local tourism and contamination remediation; and iv) The Committee does not consider that the site is as isolated as has been concluded by Officers.

(b) That powers be delegated to the Head of Regeneration and

Development to settle any necessary planning conditions in line with the issues set out in the report and as resolved by the Planning Committee.

- (c) Informative: That the applicant considers the former Code for Sustainable Homes, with a view to ensuring that the development is constructed in a sustainable manner.

45 APPLICATION NO DOV/13/01106 - OLD ENGINE SHED, SUTTON COURT FARM (LAND BETWEEN PINEHAM AND EAST LANGDON)

The Committee was shown photographs and plans of the site. The Principal Planner (Renewable Energy) advised that the application site had been reduced from 22.7 hectares to 10 hectares following concerns raised by Officers when the application was originally submitted in December 2013. The proposal was for an intensive set of arrays on a hillside located to the south-east of Archers Court Road and to the east of the A256. Members were advised that recommendation II of the report had been included in error.

The revised scheme now comprised wholly 3A or Best and Most Versatile (BMV) agricultural land. Whilst this land was of a lesser quality than that previously included in the scheme it was, nevertheless, agricultural land which the Government was seeking to retain. The applicant's argument that the loss of BMV land was temporary was not accepted by Officers on the basis that several appeal decisions had taken the view that 25 years amounted to a generation, during which time the BMV land would not be available for the most productive of agricultural uses. Although the site was well screened in parts, and from many viewpoints only glimpsed views would be seen, there would be an adverse visual impact from short sections of Waldershare Lane and the public footpath.

Officers also disagreed with the conclusions reached by the applicant on the availability of alternative sites. The assessment made by the applicant for discounting sites such as Snowdown and Tilmanstone was flawed, and the case for using the application land therefore not proven.

In summary, the proposal would mean the significant loss of BMV agricultural land which was in conflict with the NPPF and National Planning Practice Guidance. Moreover, there would be limited harm caused by the development's visual impact. For these reasons, Officers recommended that the application should be refused.

RESOLVED: That Application No DOV/13/01106 be REFUSED on the following grounds:

- (a) The proposed solar farm would result in the loss of a significant area of Best and Most Versatile agricultural land and, in the opinion of the Local Planning Authority, it has not been demonstrated that development of the agricultural land is necessary or that no suitable previously developed sites or sites of lower agricultural land are available. The proposal would therefore be contrary to paragraph 013 (renewable and low carbon energy) of the National Planning Practice Guidance and paragraph 112 of the National Planning Policy Framework.
- (b) The proposed solar farm, by reason of its scale, prominence and urbanising impact, which could not be negated from localised



views, would appear as an incongruous and alien feature in the open countryside which would cause harm to its character and appearance contrary to Policy DM15 of the Dover District Core Strategy, the National Planning Policy Framework, which recognises the intrinsic character and beauty of the countryside, and the National Planning Practice Guidance which seeks to avoid the negative impact of solar farms in undulating landscapes.

46 APPLICATION NO DOV/15/00602 - 6 NORTH ROAD, KINGSDOWN

Members viewed photographs and plans of the site. The Team Leader (Development Management) advised that the application sought permission for the erection of a rear dormer roof extension. Several amended plans had been received, gradually reducing the width of the dormer from 2.1 metres in width to 1.2 metres wide. This width was now considered acceptable and mirrored the proportions of the 2012 scheme, permission for which had now lapsed. As outlined in the report, a Kingsdown Conservation Area Appraisal (KCAA) had been drafted but had not yet been adopted by the Council. This recognised the existence of rear dormers in North Road. Kingsdown Parish Council objected to the application and had raised concerns that the application would be determined before the KCAA had been adopted. As a consequence, it had requested that the application be deferred. However, Officers advised that this would not be a legitimate reason to defer and that Members were obliged to determine the application as submitted. With the reduction in width, and the intention to use white-painted timber windows, Officers considered that the proposed extension would appear modest on the rear roof slope, and recommended that the application be approved.

Councillor T A Bond commented that the amended plans were an improvement on those submitted previously. An additional dormer window would not have a significant visual impact since there was already a dormer window and roof-light in the street. In any case, this rear view was not generally visible to members of the public.

RESOLVED: (a) That Application No DOV/15/00602 be APPROVED subject to the following conditions:

(i) Timescale of commencement of development;

(ii) A list of the approved plans (which includes material details);

(b) That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

47 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals or informal hearings.

48 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 7.08 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 22 OCTOBER 2015

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

Members of the Planning Committee are asked to note that the following application(s) have been deferred at previous meetings. Unless specified, these applications are not for determination at the meeting since the reasons for their deferral have not yet been resolved.

1. **DOV/15/00444**      **Variation of Condition 14 of planning permission DOV/14/1206 by removing the wording ‘and 1218/07A (junction improvement 20): application under Section 73’ – Aylesham Village Expansion (Agenda Item 8 of 23 July 2015)**

Background Papers:

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

**MIKE EBBS**

Head of Regeneration and Development

The Officer to whom reference should be made concerning inspection of the background papers is Alice Fey, Planning Technician, Planning Section, Council Offices, White Cliffs Business Park, Dover (Tel: 01304 872468).

## **APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING**

### The Reports

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

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

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

Details of the abbreviated standard conditions, reasons for refusal and informatives may be obtained from the Planning 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).

## **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:

The South East Plan 2009  
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.

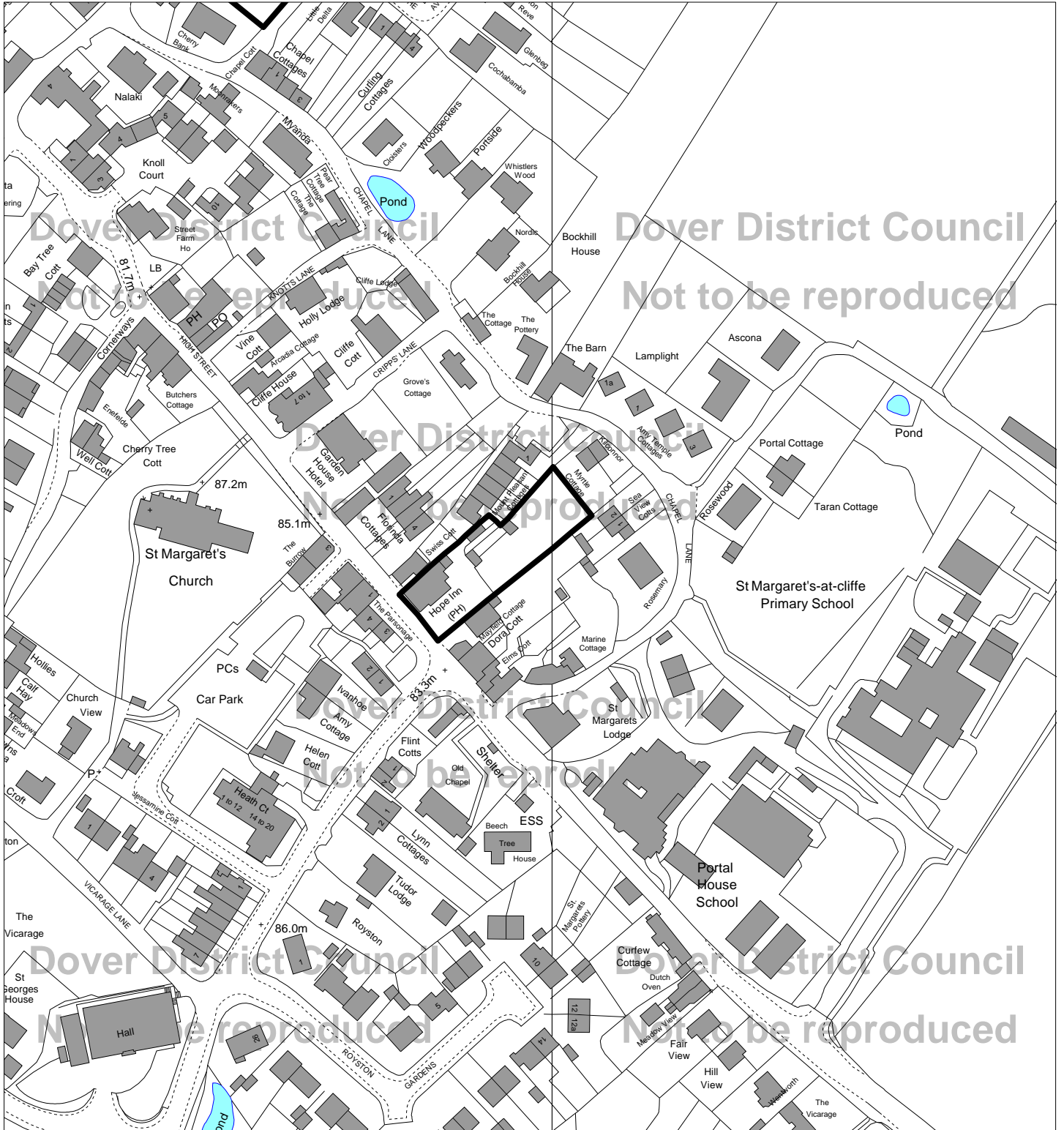
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

(PTS/PLAN/GEN) HUMANRI

## PUBLIC SPEAKING AT PLANNING COMMITTEE

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1. The scheme for public speaking at Planning Committee only concerns matters relating to the determination of individual applications for planning permission contained in the Planning Committee agenda and not to other matters such as Tree Preservation Orders or Enforcement.
2. The scheme for public speaking will apply at each meeting where an individual application for planning permission is considered by the Planning Committee.
3. Any person wishing to speak at the Planning Committee should submit a written request using this form and indicate clearly whether the speaker is in favour of, or opposed to, the planning application.
4. The form must be returned to Democratic Support no later than two working days prior to the meeting of the Planning Committee.
5. Speaking opportunities will be allocated on a first come, first served basis but with the applicant being given first chance of supporting the scheme. Applicants or agents will be notified of requests to speak. Third parties who have applied to speak will be notified of other requests only when these directly affect their application to speak. The names, addresses and telephone numbers of people who wish to speak may be given to other people who share their views and have expressed a wish to address the Committee. The identified speaker may defer to another at the discretion of the Chairman of the Committee.
6. One person will be allowed to speak in favour of, and one person allowed to speak against, each application. The maximum time limit will be three minutes per speaker. This does not affect a person's right to speak at a site visit if the Committee decides one should be held.
7. Public speakers will not be permitted to distribute photographs or written documents at the Committee meeting.
8. The procedure to be followed when members of the public address the Committee will be as follows:
  - (a) Chairman introduces item.
  - (b) Planning Officer updates as appropriate.
  - (c) Chairman invites the member of the public and Ward Councillor(s) to speak, with the applicant or supporter last.
  - (d) Planning officer clarifies as appropriate.
  - (e) Committee debates the application.
  - (f) The vote is taken.
9. In addition to the arrangements outlined in paragraph 6 above, District Councillors who are not members of the Committee may be permitted to address the Planning Committee for three minutes in relation to planning applications in their Ward. This is subject to giving formal notice of not less than two working days and advising whether they are for or against the proposals. In the interests of balance, a further three minutes' representation on the contrary point of view will be extended to the identified or an additional speaker. If other District Councillors wish to speak, having given similar notice and with the agreement of the Chairman, this opportunity will be further extended as appropriate.
10. Agenda items will be taken in the order listed.
11. The Chairman may, in exceptional circumstances, alter or amend this procedure as deemed necessary.



**Not to scale**

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

**Application: DOV/15/00120 & DOV/15/00121**

**Hope Inn  
High Street  
St Margarets-at-Cliffe  
CT15 6AT**

**TR35984476**





- a) **DOV/15/00120 – Change of use and conversion of existing building into two dwellings, incorporating a dormer to rear catslide, erection of one detached dwelling, terrace of three dwellings and creation of parking (existing extension and outbuildings to be demolished) – The Hope Inn, High Street, St Margaret’s-at-Cliffe**

**DOV/15/00121 – Erection of a dormer to rear catslide and associated internal and external alterations to facilitate conversion into two dwellings (existing extension and outbuildings to be demolished) - The Hope Inn, High Street, St Margaret’s-at-Cliffe**

Reason for report – number of contrary representations

- b) **Summary of recommendation**

Grant permission.

- c) **Planning Policies and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

- Policy DM1 – Settlement boundaries.
- Policy DM5 – Provision of affordable housing.
- Policy DM13 – Parking provision.
- Policy DM24 – Retention of rural shops and pubs.
- Policy DM27 – Providing open space.

Saved Dover District Local Plan (2002) policies

None applicable.

Dover District Land Allocations Local Plan (2015)

- Policy DM27 – Providing open space.

National Planning Policy Framework (NPPF)(2012)

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

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

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...
- take account of the different roles and character of different areas...
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling...

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary...

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### **Other considerations**

St Margaret's-at-Cliffe conservation area

Planning (Listed Buildings and Conservation Areas) Act 1990

“72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Grade II listed building

Planning (Listed Buildings and Conservation Areas) Act 1990

“16(2) In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

“66(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

d) **Relevant planning history**

None relevant.

e) **Consultee and third party responses**

#### **St Margaret's Parish Council**

- Pleased that development is low density.
- Considers properties to the rear not to be sympathetic in style.
- Concern about access for emergency services through underpass.
- Considers internal layout of Hope Inn to be odd.
- Prefer for existing boundary hedges to be retained.
- Consideration needs to be given to difference in land levels and existence of Lime Pit.

#### **KCC Highways**

Recognises concern regarding traffic generation but considers this to be no worse than existing permitted use of the site. Visibility is below standards but proposals are unlikely to increase the use of the existing access.

## **Southern Water**

- Proposed informative relating to connection to public sewerage system.
- Need to consider adequacy of soakaways for surface water drainage.

## **Public representations – objections x 10, support x 2, neutral x 1**

### Issues raised

- Infill, small site, unsuitable.
- Loss of privacy, overlooking.
- Overbearing.
- Too many buildings proposed for land available.
- Concern regarding emergency vehicle access to the rear of the site.
- Loss of light to Mount Pleasant Cottages.
- Concern regarding increased car movements.
- Dwellings at rear of site should be single storey.
- Concern regarding junction opposite (Reach Road/Sea Street/High Street).
- Privacy concerns – Kilconnor, Myrtle Cottage, Sea View Cottages.
- Too many dwellings in the area.
- Concern regarding structural soundness of retaining wall (where land level is significantly different).
- Views into and through the site will be lost.
- Residential development not required in terms of need for the village.
- Concern regarding increase of hard standing on site – run off.

### f) **1. The site and the proposal**

#### 1.1. The site

The site is a broadly rectangular plot of land in St Margarets at Cliffe. It is situated on a south west/north east axis on the northern side of High Street/Sea Street, within the St Margarets at Cliffe conservation area.

1.2. The site comprises in its south west corner, the Hope Inn, a grade II listed Shepherd Neame public house, which has been closed since 2014. Also at the front is a tarmac area, which was used as the car park.

1.3. The listing describes the Hope Inn as follows:

“Public House. Mid C18, extended late C19. Flint and red brick, rendered to main elevation, with plain tiled roof, and extended with painted brick and tile hanging. Original range 2 storeys on plinth with parapet to half-hipped roof with central stack. Regular fenestration of 3 sash windows on first floor and 1 sash and 1 plate glass window on ground floor with central door of 6 raised and fielded panels in raised semi-circular surround. Exposed flint and red brick on right return. C19 rear wing with 3 wooden casements on each floor and half glazed door in weather boarded gabled porch.”

1.4. The dimensions of the Hope Inn are:

Width – 11.5 metres.

Depth – 21.2 metres.

Ridge height (front) – 8.1 metres.

Eaves height (front) – 5.9 metres

- 1.5. Approximately half way into the site from the road frontage at the south west end, is an overgrown lawn area, which was the pub garden. On the western boundary at this point is a disused skittle alley.
- 1.6. The boundary to the site is comprised of a number of elements. On the north west boundary, the southern (front) half is a 1.8 metre timber panel fence. The northern (rear) half is an overgrown mature hedge, approximately 2 metres tall. At the north eastern (rear) boundary of the site is a mature hedge 2 to 2.5 metres tall. On the south eastern boundary, the northern half is a mature hedge approximately 2 metres tall. The southern half of this boundary is comprised of a wall, which is in part the external wall of an outbuilding to Mayfield Cottage.
- 1.7. **Neighbours.** The site has a number of immediate and close neighbours. The organic and close nature of the way that the area has developed means that the neighbouring site boundaries are irregular. A row of terraced dwellings, beginning with Mayfield Cottage abuts the site to the south east. The garden to Elms Cottage runs alongside the rear garden.
- 1.8. The land level of Elms Cottage garden is significantly lower than that of the site. A former pit for mining lime is suggested to have been present at this location. The difference in land level is up to 3 metres at its greatest point. The site sits above a brick and block retaining wall enclosing the rear garden to Elms Cottage, which is reinforced with buttresses and is up to 2.5 metres tall.
- 1.9. South east of the rear garden to Elms Cottage are the gardens to Queensland Cottage and Marine Cottage.
- 1.10. Adjacent to the north west boundary at the front is Swiss Cottage. This is at the same land level as the site. Bordering to the rear are Mount Pleasant Cottages, a relatively recent refurbishment of a terrace of six dwellings. The land level of Mount Pleasant Cottages is lower than the site but not significantly so.
- 1.11. North east of the site is Myrtle Cottage and Kilconnor, a semi-detached block of cottages. Myrtle Cottage is the closer of the two dwellings. The land level of Myrtle Cottage is 2 metres lower than that of the site.
- 1.12. Immediately east of the site rear boundary (at an oblique angle to the site) is another semi-detached block of cottages, Sea View Cottages. The eaves height of these cottages is below the height of the application site boundary hedge at this location.
- 1.13. The dimensions of the site are:
  - Width (road frontage, including existing pub) – 20.8 metres.
  - Width (rear) – 20.6 metres.
  - Depth – 66.6 metres.
- 1.14. Proposed development  
The proposed development comprises the change of use, division and conversion of the existing pub building to create two 2 storey dwellings

(units 1 and 2), the erection of a detached dwelling beyond the rear line of the existing pub (unit 3) and the erection of a terrace of three 2 storey dwellings at the rear of the site (units 4, 5 and 6). An existing extension to the rear of the pub would be demolished.

- 1.15. **Pub conversion.** The detailed works and alterations to convert the pub are dealt with under DOV/15/00121, the listed building application. These works involve internal alterations, including the addition and removal of internal walls. A dormer window is proposed to be added to the rear catslide roof to give headroom above the stairwell to unit 1.
- 1.16. The two dwellings proposed under the conversion proposals would contain three bedrooms (unit 1) and two bedrooms (unit 2).
- 1.17. **Detached dwelling.** The detached dwelling (unit 3) is located adjacent to the south eastern boundary of the site, 24 metres from the access point/road frontage. The dwelling would be L shaped with two gable ends and a wing projecting across the site, also with a gable end. It is comprised of a storey and a half arrangement with rooms in the roof and dormer windows. The wing of the dwelling is in effect first floor only, with pedestrian and vehicular access to the rear of the site taken through an undercroft access. A parking space is also located at the ground floor level.
- 1.18. The internal layout of the detached dwelling comprises an entrance hall, kitchen and dining room on the ground floor and the living room, two bedrooms and a bathroom on the first floor. The bathroom and bedrooms are located in the first floor projecting wing.
- 1.19. Amenity space is provided in front of the detached dwelling, bounded by what is indicated as a brick wall.
- 1.20. The dimensions of the detached dwelling are:
  - Width – 13 metres.
  - Depth – 7.1 metres.
  - Depth (wing) – 4.8 metres.
  - Ridge height – 6.2 metres.
  - Eaves height – 3.6 metres.
  - Eaves height (wing) – 3.8 metres.
- 1.21. **Rear terrace.** The rear terrace is a block of three dwellings with a storey and a half arrangement comprising dormer rooms in the roof. Each end of the terrace comprises a hipped roof.
- 1.22. The end dwellings each have two bedrooms, whereas the middle dwelling has three bedrooms. Gardens are provided north east of the proposed terrace row with sheds and bin storage indicated.
- 1.23. Dimensions of the terrace are as follows:
  - Width – 16.1 metres.
  - Depth – 10 metres.
  - Ridge height – 6.8 metres.
  - Eaves height – 2.8 metres.

- 1.24. **Car parking.** Communal car parking is proposed primarily to the rear of the detached dwelling, with visitor spaces proposed adjacent to the undercroft access point (where the existing pub car parking is located). In all 14 spaces are proposed, two per dwelling and two visitor spaces. The spaces for unit two in the pub conversion are proposed to be provided in tandem. The surface of the car park has not been indicated.
- 1.25. **Bin collection.** A communal bin collection point is proposed adjacent to the undercroft of the detached dwelling. Bin storage for each dwelling would be located in their respective curtilages.
- 1.26. **Boundary treatments.** The existing hedge on the north west, north east and south east boundary is proposed to be retained. In addition a close board fence up to 2.4 metres tall, is indicated inside of the existing hedge enclosure to reinforce it on the north east and south east boundaries. Internally, the boundaries between plots is indicated as either 1.8 metre tall close board fencing or 0.9 metre tall picket fencing. The amenity space to the detached dwelling is indicated as being bound by a brick wall.
- 1.27. Plans will be on display.

## **2. Main issues**

- 2.1. The main issues to consider are:
- Principle and loss of public house
  - Heritage considerations and design
  - Impact on residential amenity
  - Highways and access
  - Surface water drainage

## **3. Assessment**

### **3.1. Principle and loss of public house**

3.2. The proposed development is within the St Margarets at Cliffe settlement boundary, so in that respect is in accordance with policy DM1 of the Core Strategy.

3.3. Policy DM24 regarding the retention of rural shops and pubs, does allow for the loss of pubs in the following circumstances.

“Planning permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable and genuine and adequate attempts to market the premises for retail purposes or as a pub (as appropriate) have failed.”

3.4. Policy DM24 is applied in two parts. Part one, the development would be permitted if its loss would not harm the economic and social viability of the community that it serves, and part two, if it would harm the economic or social viability, the development would be permitted if it has been adequately demonstrated through marketing that the

original use is no longer viable.

- 3.5. **Economic viability.** The applicant's agent sets out that five tenants attempted to run the pub in the six years prior to its closure in September 2014. The longest period that a tenant remained at the pub in this time was for two years from 2009 until 2011.
- 3.6. The viability information provided with the application indicates a declining barrellage over the period 2006 until 2013. Figures indicating a surplus of £25.5k have been submitted, from which either (or both) rent or loan interest would have to be paid. The conclusion drawn from this is that the return on the investment would be unacceptable.
- 3.7. In May 2014 Shepherd Neame instructed Porters to market the property at a guide price of £400,000. This marketing involved putting the details on the Porters website, the Publican Morning Advertiser website and the Daltons Weekly website. The details were further circulated to the Porters mailing list, containing approximately 450 contacts.
- 3.8. There was some interest in maintaining the premises as a pub, but this did not result in a sale. In October 2014, the current owners exchanged contracts.
- 3.9. The applicants instructed Porters in November 2014 to continue marketing the whole property, and the pub alone, for £425,000 and £250,000 respectively, although this marketing has since ceased.
- 3.10. One public representation was submitted to the consultation that suggested a valid offer to maintain the pub as such had been submitted but not sufficiently considered. This representation was followed up with the applicants and with their marketing agents, who confirmed that the offer was considered to be of too low a value and as such it was not considered acceptable.
- 3.11. **Asset of community value.** An application was made on 30 October 2014 to list the Hope Inn as an Asset of Community Value. This was subsequently refused on 22 December 2014 for the following reason:

“On the basis of the nomination as submitted there is insufficient evidence provided to demonstrate that this property's actual and current use further the social wellbeing and interests of the local community sufficiently to satisfy the statutory tests set out in sections 88(1) and 88(2) of the Localism Act 2011.”
- 3.12. Subsequent to the closure of the Hope Inn, there remain three open public houses in the immediate area, The Red Lion, The Smugglers Inn and The Coastguard (at St Margarets Bay).
- 3.13. It is reasonable to say that The Hope Inn previously provided a community facility to the village and this was considered of high value to local people. This is despite it not having been officially listed as an asset. However, it is not evident that its loss has resulted in a community without any facilities or has severely diminished the facilities available given there are three other pubs available in the village.



- 3.14. The loss of the pub is regrettable, but it is not considered that its loss would harm the economic and social viability of the community it serves, as there is a range of similar facilities nearby in the village. Marketing took place for at least seven to eight months, which is a reasonable period considering the premises is standing empty.
- 3.15. Policy DM24 requires first that the economic and social viability of the community is considered. There is certainly no evidence that this would be adversely affected by the loss of this particular pub.
- 3.16. It is evident that there has been little, if any reasonable interest in operating the pub as such as an ongoing concern. An alternative use is therefore necessary to ensure the site and, indeed the building itself, does not deteriorate.
- 3.17. The evidence submitted by the applicants is considered to be acceptable and to adequately address the necessary considerations and it is for these reasons that the development is considered acceptable in principle.
- 3.18. Heritage considerations and design
- 3.19. Proposed listed building works  
The pub conversion would see the kitchen, public bar and the first floor living space divided into two separate dwellings, dwellings 1 and 2. A number of internal partition walls are proposed in the bar area to create equivalent kitchen, dining, living room and hall areas. Additionally dwelling 1 would contain a family room and bedroom on the ground floor. On the first floor, the blocking up of a passageway would enable two bedrooms to be provided for each dwelling. A staircase in the entrance hall would be made for dwelling 2. Dwelling 1 would also have an attic and a cellar.
- 3.20. External alterations would see conservation style roof lights added to the roof above the kitchen dining area of dwelling 1. A dormer extension to the rear catslide would be added to ensure sufficient headroom above the hall staircase. An existing timber clad toilet block extension at the rear (north east) of the pub, would also be demolished. The ground floor windows in the High Street facing elevation (front) of the Hope Inn are proposed to be replaced with 2/2 vertical sliding sash windows to match the existing originals.
- 3.21. Special regard for the listed building  
Sections 16 (2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special regard' is had 'to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses'.
- 3.22. **The building.** The applicants agreed to amend the original plans following the request of the council's heritage officer. They were proposed in order to reflect as best as possible existing bedroom sizes and the external appearance of the building. The dormer extension to the rear catslide is a change from the original proposal – which was to provide a gable end.

- 3.23. The heritage officer was satisfied with the proposed amendments.
- 3.24. The applicant's heritage consultant notes that there are only nine listed buildings in the village, contending that this adds more significance to the Hope Inn than may have otherwise been the case for a building of its age, which has been altered in the past. In any case it is considered important to secure its future by giving it an active use.
- 3.25. **The setting.** The full application proposes development within the setting of the listed building, the most immediate being the detached dwelling (dwelling 3), which is proposed at a right angle to the north west/south east boundaries.. Having reviewed historic Ordnance Survey maps, which indicate the existence of an outbuilding of some form in a similar position to the proposed dwelling 3, the council's heritage officer considered this aspect of the proposal acceptable because it would reintroduce a perception of the historic layout. In order for the proposed dwelling to evoke the sense of an outbuilding, amendments have been achieved which reduce its scale and utilise timber weatherboarding which would make it subservient in form and appearance.
- 3.26. A condition can be attached which would require that the rear and side boundaries of the gardens to the listed building and the detached dwelling will be constructed from brick.
- 3.27. In the rear (north eastern) half of the site, dwellings 4, 5 and 6, are proposed in a terrace row. Between the undercroft of dwelling 3 and the terrace row is a parking court, providing two spaces for each dwelling, i.e. twelve spaces. Subject to satisfactory landscaping details being submitted, bonded gravel for the parking court is proposed. It is considered that the terrace row to the north east and the detached dwelling to the south west would provide a sympathetic enclosure to the site that would re-create a courtyard and out building character, which would respect the setting of the listed building.
- 3.28. Special attention to the conservation area  
Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'special attention' is paid 'to the desirability of preserving or enhancing the special character or appearance' of the conservation area.
- 3.29. The existing nature of the St Margaret's at Cliffe conservation area is in part a remnant of a distinct development pattern in evidence from the Victorian period and earlier. The development was bounded by the High Street and Chapel Lane, with properties lying between those two roads, in part served by Cripps Lane and Knotts Lane.
- 3.30. The late 19<sup>th</sup> century map shows what appears to be an organic form of development bounded by these roads and lanes, with some intervening backland developments and open spaces.
- 3.31. The applicant's heritage statement considers that the development proposed responds to and builds on the local historic character by adding 'development in depth' in what it considers to be an 'unusually deep site' from the High Street. The statement recognises that the

proposed terrace row at the north eastern end of the site has no immediate context, but contends that its context is new, formed by proposed dwelling 3 and the enclosed courtyard.

- 3.32. The assessment of the prevailing character in this part of the conservation area is considered broadly accurate and while the proposed rear terrace row of dwellings has no immediate context, it is considered that its scale, form and siting has evolved in a manner which responds to its heritage location.
- 3.33. Heritage assets conclusion
- 3.34. In terms of the listed building, changes are proposed that would alter some of its historic fabric. However, changes are also proposed that would reveal internally its historic fabric and return some of its original rooms to their original proportions. The setting of the building would change, however, as set out above it is considered that the proposed development evokes a courtyard characteristic that would be a benefit in historic terms.
- 3.35. In terms of the conservation area, the proposed development reflects the tight-knit grain and character that has evolved organically over a number of years, originating from before the Victorian period. The detached dwelling (3) is proposed to be sited in a similar location to a previous outbuilding and its appearance has been designed in a way to suggest that character. The rear terrace and courtyard are recognised as setting a new context in terms of character and layout. It is, however, considered that this layout has been conceived sympathetically.
- 3.36. Alterations to the listed building itself are relatively minor in nature. The amended proposals will ensure that the historic fabric and appearance of the building is not harmed. There is some understandable concern over the wider development proposals and the effect on the existing setting of the building. However, as set out above there are benefits to the proposals, which will involve a return to the historic layout of the site and the certainty of preservation and protection of this heritage asset. The setting of the building and the conservation area would be changed to some extent with the provision of the terraced row of dwellings to the far rear of the site. However, those changes are considered to be relatively low-key in nature and suitably sympathetic in this location to ensure the setting and appearance of the building and the special appearance and character of the conservation area are not lost or harmed. The public benefits of the development also has to be considered, and would mean an active use would be secured for the listed building and the site would be developed in a way which ensures it has a long term future. Accordingly the development proposals are considered not to be harmful, thereby having a neutral effect, whilst bringing added benefits, in accordance with the requirements of the Act and aims and objectives of the NPPF.
- 3.37. Design of the new builds  
The design of the new build dwellings has been amended through the planning process so that they better fit into the site in terms of scale and form, respecting the surrounding character and appearance of the

conservation area and street scene.

- 3.38. **Detached dwelling.** The design of the detached dwelling originally incorporated a ridge line that was taller than that of the listed building. This was reduced to make the dwelling subservient, particularly given that it is open to views from the street. The original design also incorporated flint features, reflecting the Sea Street terrace, however, it was considered that dark stained weatherboarding would be a more appropriate solution for a building intended to be subservient, evoking the character of an outbuilding, rather than a primary building in its own right. The applicants worked to evolve this design and it is now considered appropriate in this context. Public comments were made regarding the accessibility of the rear terrace for emergency services, the design is acceptable in this respect, a fire hose can reach 40 metres, which is the distance from the entrance of the undercroft to the rear (north east end) of the rear gardens in the terrace row.
- 3.39. **Design of the rear terrace row.** The scheme has been amended so the first floor is now located within the roof, using dormer windows. This has benefits for residential amenity, which is discussed below, but it also serves to reduce the impact of the dwellings on the wider conservation area. In combination with lowering the existing ground level at this location by 500mm, the eaves height of the rear terrace would now be marginally above the height of the boundary fence/hedge, with a hipped roof above that.
- 3.40. There are flat roofs placed between pitched roofs at the rear of the terrace. This design solution has been incorporated in order to maintain the angle of pitch. This feature would not be visible from the wider area. The rear of the terrace, while visible from Chapel Lane, will be screened in large part by the existing hedge and the proposed close board fence. Views of the terrace will be most prominent when travelling south east on Chapel Lane past the entrance of Mount Pleasant Cottages.
- 3.41. Overall, the design, scale, features and proportions of the terraced row are satisfactory – giving the appearance of cottages or almshouses, which would be subordinate to the listed building and adjacent conservation area.
- 3.42. Impact on residential amenity
- 3.43. **Myrtle Cottage and Kilconnor.** The relationship of the site and the proposed development with Myrtle Cottage and Kilconnor means that it is the first floor windows in the rear elevation of the rear terrace row that could potentially provide views overlooking the private amenity space of both of these properties. Interlooking concerns have been addressed by virtue of the existing facing elevation of Myrtle Cottage not comprising any windows.
- 3.44. The applicants have proposed to keep the existing hedge on the rear boundary of the site, which is between 2.5 and 3 metres tall, on top of the 2 metre tall retaining wall, which encloses the rear garden to Myrtle Cottage. The garden at Kilconnor is further away and would not be affected. The applicants have also proposed to erect a 2.4 metre tall fence on this boundary.

- 3.45. The location of these cottages to the north east of the site means that overshadowing may be likely to occur to some degree during the course of the day. Overshadowing into rooms is unlikely to occur because the facing elevation of Myrtle Cottage has no windows and the elevations that do contain windows do not face the development. However, due to the relative elevation of the application site and the mature hedge which delineates the rear boundary of the site, any shadow cast is unlikely to be noticeably different from that which already occurs.
- 3.46. Accordingly, the potential effect on the residential amenity of the occupants at Myrtle Cottage and Kilconnor is considered to be acceptable.
- 3.47. **Sea View Cottages**, in a semi-detached block of cottages, are located immediately east of the rear of the site. 2 Sea View Cottages contains a first floor window, which is in close proximity to the site. The consideration in this instance is whether there would be any interlocking achievable from the proposed first floor window at the rear of the easternmost dwelling of the rear terrace. The applicants have provided a plan which shows the relationship between the two windows to be at an oblique angle beyond 30 degrees. It is considered that this angle, in combination with a proposed 2.4 metre fence and the existing hedge, which the applicants intend to retain, will ensure the privacy of the occupants at 2 Sea View Cottages. Number 1 is far enough away not to be affected.
- 3.48. The location of these cottages directly east of the terrace at the rear of the site means that any shadowing of the cottage would not occur until later in the day when the sun is in the west of the sky. This would normally be exacerbated by the difference in land levels, however, where the boundary of the site is closest to Sea View Cottages the existing hedge means that the shadow cast on the existing properties would be unlikely to alter.
- 3.49. **Elms Cottage, Queensland Cottage and Marine Cottage**. There is potential for the overlooking of the private amenity space at the rear of these cottages and for the privacy of their occupants to be detrimentally affected. The applicants have amended the design of the rear terrace so that the end unit closest to the garden would not have two first floor windows, but one. This means that the first floor window in that unit has been brought away from the boundary. The applicants decreased the height of that proposed window by proposing to lower the ground level by 500mm thus enabling the entire rear terrace to be lowered into the site. There would also be a 2.4 metre tall fence on the dividing boundary, as well as the retention of the existing hedge. The applicants have provided a visual representation of the effects from the rear garden of Elms Cottage, which shows that views from the first floor windows of the terrace would no longer be achievable.
- 3.50. The detached dwelling that is proposed also has the potential for providing views over different parts of the gardens. However, its layout and siting is considered to address these issues. The first floor window to its rear is above a stairwell, so is unlikely to be used for viewing purposes and the first floor window to the front is located far

enough south adjacent to the south east boundary that any views achieved of the rear gardens would be at a very oblique angle and would not be wide ranging.

- 3.51. As such, this concern is considered to have been satisfactorily addressed, to the extent that the occupants of Elms Cottage and Marine Cottage now support the proposal.
- 3.52. **Mayfield Cottage.** The location of this cottage is such that there could be an interlooking and overlooking concern. The concern arises from the proposed location of the detached dwelling and its living room windows, which are at first floor on its front elevation.
- 3.53. The interlooking concern is considered to be overcome due to the nearest proposed first floor window being approximately 20 metres from the first floor window of Mayfield Cottage and the siting of the outbuilding, which forms the side boundary of Mayfield Cottage partially blocking this view. The nearest ground floor window is at approximately the same distance as the first floor window, but the view between it and the proposed living room window would be wholly blocked by the outbuilding. The remaining windows in Mayfield Cottage that could potentially be affected are at a distance of more than 21 metres and as such, are considered to be far enough away to not be affected. Angles of view in any case would be oblique.
- 3.54. In terms of the courtyard and potential overlooking concerns, the majority of the courtyard is obscured from view by the siting of the outbuilding. Any views that may be achievable are likely to be at an oblique angle and not readily available to a person looking out of the proposed living room window.
- 3.55. **Mount Pleasant Cottages.** Mount Pleasant Cottages are located west/north west of the proposed rear terrace. The applicants have indicated that from the base of the existing cottage rear extensions, a 45 degree angle would not intersect any part of the proposed rear terrace. This is sufficient for summer months when the sun is higher in the sky. Combined with the proposed end hips to the rear terrace, it is considered that Mount Pleasant Cottages are unlikely to be affected to a significant degree. The likely time that any shadow would be cast would be in the mornings of the winter months, but this effect would recede by midday.
- 3.56. Residents at 1, 3, 5 and 6 Mount Pleasant Cottages removed their objection to the development, following amendments to the scheme.
- 3.57. Highways and access
- 3.58. KCC highways have indicated that they are content with the development proposal. Given the existing use of the site, the proposed development is unlikely to increase the number of vehicles using the site access. The parking spaces proposed are above the minimum standard. The highways officer requires a number of conditions to be placed on any permission, which are considered appropriate.
- 3.59. Surface water drainage

- 3.60. Concern has been raised over surface water drainage. This can be dealt with by a condition seeking details.
- 3.61. Affordable housing contributions
- 3.62. Adopted policy DM5 of the Core Strategy is applicable to this development proposal. As the development proposed is for a net increase of five dwellings (the existing public house counting as one dwelling), the developer can choose to make a financial contribution, an on-site provision, or a combination of the two.
- 3.63. The applicant is proposing a financial contribution for affordable housing, as per the calculation contained within the Affordable Housing SPD addendum, adopted in 2011.
- 3.64. The financial contribution proposed is £54,000, representing 5% of a gross development value of £1,080,000.
- 3.65. The predicted sales values were assessed against local sales values information and considered to be broadly accurate. The £54,000 proposed contribution is therefore considered acceptable and in accordance with policy requirements.
- 3.66. The applicant has submitted a unilateral undertaking confirming the affordable housing contribution.
- 3.67. Open space contributions
- 3.68. Policy DM27 requires that open space provisions, either physical or financial, are made for developments incorporating five or more dwellings, unless sufficient local provision already exists.
- 3.69. Discussion with the council's infrastructure officer confirmed that for a development of six units, the only likely open space contribution that would be sought, would be for children's equipped play space. However, further investigation confirmed that the St Margaret's at Cliffe play space had recently been upgraded. In light of this, it was considered that the existing local provision was sufficient and that no contributions for this could be sought.
- 3.70. Conclusion
- 3.71. The development is considered to be acceptable. In terms of principle, it is within the St Margaret's at Cliffe settlement boundary and there is enough evidence submitted with the application, combined with the remaining good provision of public houses in the village, to show that the loss of this public house in particular, although regrettable, will not adversely affect the social or economic viability of the community.
- 3.72. The Hope Inn itself is a listed building and the site is located within the St Margaret's at Cliffe conservation area. The applicants have considered the heritage aspects of the proposal and have sought to convert the public house in a way that respects its historic fabric. The associated listed building consent is recommended for approval. The design of the new build elements has evolved in a manner which

sought to be sympathetic to the character and appearance of the conservation area, while maintaining residential amenity.

- 3.73. Given the close proximity of the development to its neighbours on all sides, the consideration of maintaining residential amenity has been a particularly important factor. The applicants have worked to reduce the impact of the proposed dwellings in terms of overlooking, interlooking and potential overshadowing. Some public representations have changed during the process to support the proposal, having initially objected to it and this is a reflection of the work that the applicants have put in.
- 3.74. No open space contribution has been requested by the council, but the development proposal has been subject to an affordable housing contribution, calculated at £54,000. This requirement came relatively late in the application process, as the result of a legal case. It should be recognised that the applicants have accepted the need to make this contribution and this is a benefit of the scheme.
- 3.75. It is considered that the development would provide needed housing within St Margaret's at Cliffe and reuse a prominent site and buildings that otherwise could become derelict.
- 3.76. As has been said above, the loss of a pub is to be regretted. However, sufficient marketing evidence has been submitted to show there is no market interest in running the business as an ongoing concern. It should also be noted that the application to register the Hope Inn as an Asset of Community Value was refused.
- 3.77. The reuse of the heritage asset for an alternative use and provision of additional dwellings, is considered to bring benefits to the wider village, in that it would ensure the preservation of the building (albeit being used differently) and provide additional housing for the village. This scheme has the added benefit of providing contributions towards affordable housing.
- 3.78. In conclusion, the proposal is considered to deliver sustainable development, meeting government aims in respect of securing economic, social and environmental objectives.
- 3.79. All third party comments have been taken into consideration in reaching this recommendation.

g) **Recommendation**

Subject to the satisfactory resolution and signing of a unilateral undertaking to pay the affordable housing contribution to the Council,

- I. Planning permission be GRANTED, subject to conditions including:  
(1) Plans (2) Time limit (3) Materials (4) Joinery (5) Rainwater goods (6) Boundary treatments including internal boundaries (7) Hard landscaping (8) Soft landscaping (9) Tree/hedge retention/protection (10) Car parking spaces (11) Bound surface five metres from access onto highway (12) Discharge of water on to the highway (13) Cycle storage (14) Bin storage (15) Construction management plan (16) Surface water drainage details (17) Remove permitted development

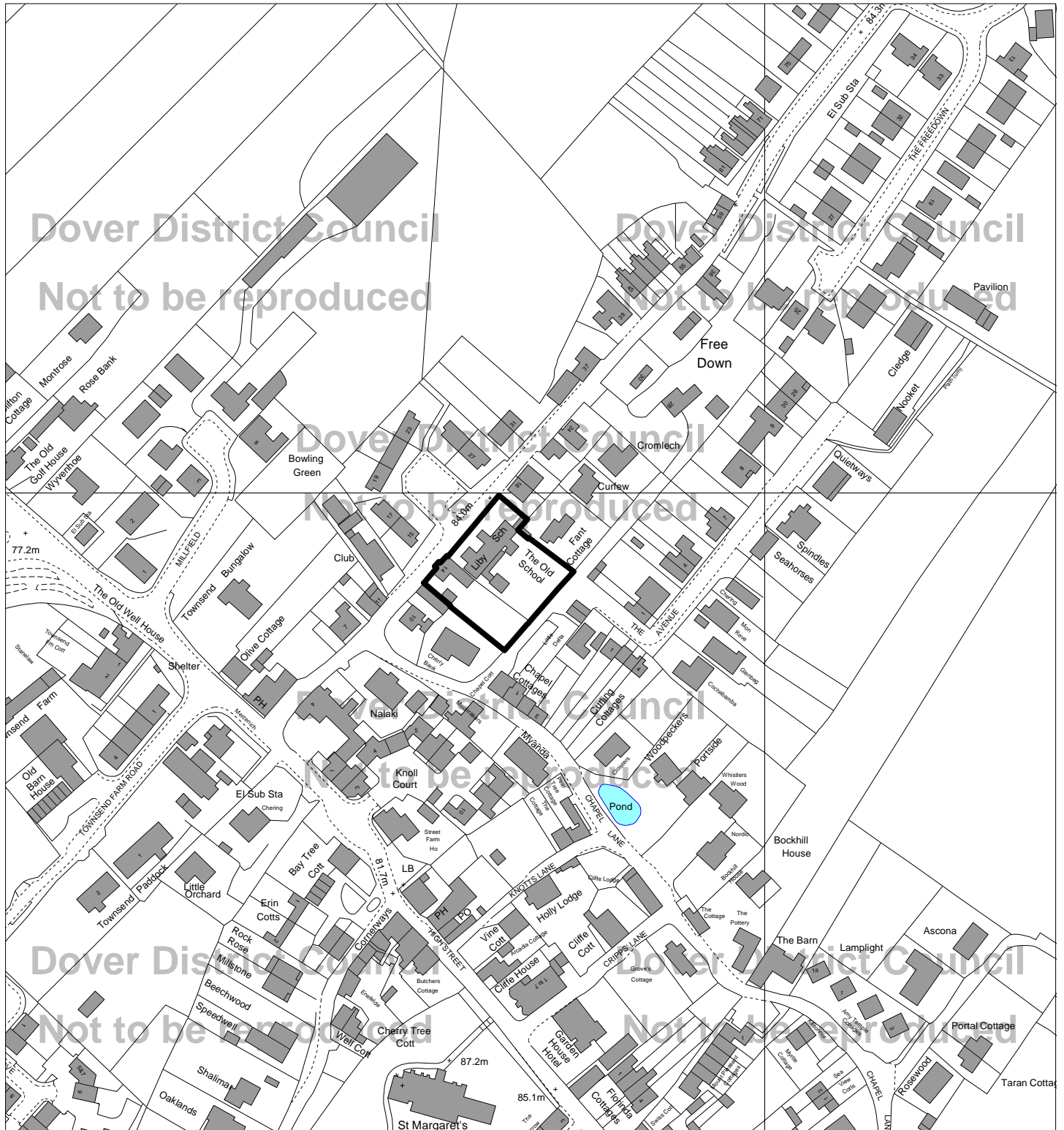


rights (19) Meter boxes and flue details (20) Details of mortar and pointing (21) Window reveals (22) Rooflight details.

- II. Listed building consent be GRANTED, subject to conditions including:  
(1) Plans (2) Materials and colour finishes (3) Joinery (4) Rainwater goods (5) Timing for demolition (6) Protection of features (7) Scale drawings of brickwork, masonry etc. for repair (8) Metre boxes and flue details (9) Details of mortar, bonding and pointing (10) Window reveals (11) Rooflight details.
- III. That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case officer

Darren Bridgett



**Not to scale**

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

**Application: DOV/15/00639 & DOV/15/00640**

**Old School & Curfew House**

**Kingsdown Road**

**St Margarets-at-Cliffe**

**CT15 6AZ**

**TR35894496**



- a) **DOV/15/00639 – Alterations and extensions to Curfew House for supported living use; erection of 1 no. detached dwelling; change of use and conversion of Old School House into 2 no. dwellings; creation of parking and formation of vehicular access to The Avenue - Old School and Curfew House, Kingsdown Road, St Margaret's-at-Cliffe (Planning Permission)**

**DOV/15/00640 – Conversion of Old School House into 2 no. dwellings with associated internal and external alterations - Old School and Curfew House, Kingsdown Road, St. Margaret's-at-Cliffe (Listed Building Consent)**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be granted.

Listed Building Consent be granted.

- c) **Planning Policies and Guidance**

**Core Strategy Policies**

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 - Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM17 – Within Groundwater Source Protection Zones 1 and 2, certain development which has the potential to cause contamination will not be permitted unless adequate safeguards against possible contamination are provided.

**National Planning Policy Framework (NPPF)**

- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future occupants and buildings; encourage the reuse of existing resources, including conversion of existing buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; conserve heritage assets in a manner appropriate to their significance; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be

required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.

- Chapter six of the NPPF seeks to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter eight seeks to facilitate social interaction and the creation of healthy, inclusive communities. Planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.
- Chapter Twelve requires that the historic environment be conserved or enhanced. Where development would harm heritage assets or their settings, the development should be refused unless the harm caused is outweighed by public benefits.

#### The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

#### The Planning (Listed Buildings and Conservation Areas) Act 1990

- In assessing this application, regard must be had for the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special regard must be had for the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest they possess, whilst special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

#### d) Relevant Planning History

CH/6/71/00015 – Use of disused primary school as village social centre - Granted

DO/76/00562 – Use of disused primary school as a village social centre – Granted

DOV/98/00851 – Change of use to school – Granted

DOV/14/01052 – Proposed alterations and single storey rear extension to Curfew House for supported living use (involving demolition of existing extension and outbuilding to the Old School House); erection of 3no. terraced houses and formation of vehicular access to The Avenue- Withdrawn

DOV/14/01053 – Demolition of existing rear extension and outbuilding with associated alterations – Granted

#### e) Consultee and Third Party Responses

##### Full Application

St Margaret’s at Cliffe Parish Council – No objection, although the Parish Council would like to see St Margaret’s residents given preference for assisted living accommodation.

Southern Water – No objection, subject to informatives being attached to any grant of permission.

Environmental Health – No observations.

Kent County Council Highways and Transportation – No objection, subject to conditions requiring details to be submitted of loading/unloading, turning, wheel washing facilities and parking facilities for construction vehicles and the provision and retention of car and cycle parking spaces. Their full comment is as follows:

Curfew House

I understand that planning consent is not required for the proposed use of the properties as it remains within C3 use as a dwelling. In accordance with Policy DM13 the minimum parking requirement for the proposed use is the same as that for the existing two apartments, and existing parking is available on the site. I would therefore not recommend refusal on highway grounds.

Old School House and New Dwelling

The Avenue is a private street which connects to the highway at the junction with Chapel Lane. Whilst Chapel Lane is narrow and visibility at the junctions with The Avenue and Kingsdown Road is limited, the proposals are unlikely to generate a significant increase in vehicle movements over that associated with the previous and permitted use as parking for the school. The amount of car parking and maneuvering room shown is acceptable. I would therefore not recommend refusal on highway grounds.

The following should be secured by condition:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Public Representations: Ten letters of objection have been received, raising the following concerns:

- The proposal is an over development of the site
- The building should remain in a community use which benefits the village
- Inadequate car parking provision
- The development would harm highway safety and the free flow of traffic
- The surrounding roads have no capacity for additional parking
- The development would damage the road surface
- There is insufficient space on site for vehicles to park, load and unload during construction
- Noise and disturbance to neighbouring properties during construction

- The development would harm the living conditions of neighbouring residential properties, in terms of loss of light, sense of enclosure, overlooking and noise and disturbance
- Loss of habitat for wildlife
- The development would harm the character and appearance of the area
- The development would harm the character of the Conservation Area and the setting of a Listed Building
- The development has the potential to cause contamination to groundwater (the site lies in Groundwater Protection Zone 2)
- The applicant proposes that the buildings will be constructed to Code for Sustainable Homes level 4. However, the Code is no longer applicable.

In addition one letter has been received neither objecting to nor supporting the application has been received, raising the following points:

- The principle of converting the Old School is supported.
- Concern is raised regarding parking

### **Listed Application**

St Margaret's at Cliffe Parish Council – No objection, although the Parish Council would like to see St Margaret's residents given preference for assisted living accommodation.

Public Representations: Eight letters of objection have been received, raising the following concerns:

- Lack of car parking
- Impact on highway safety
- Overdevelopment
- Impact on the residential amenity of neighbours
- Harm to the character and appearance of the area
- Harm to designated heritage assets
- Impact on trees and wildlife
- The building should be used for the residents of the village

- f) 1. **The Site and the Proposal**
- 1.1 The site lies within the settlement confines of St Margarets at Cliffe and within the conservation area. The area is predominantly residential in character, although some local community facilities do exist, including the library, which is on the application site and the bowling green. The roads in the area are typically narrow and lack footpaths, although Kingsdown Road is slightly wider and has a small stretch of footpath adjacent to the site. Buildings in the area vary greatly in their relationship with the road, scale, height and architectural style.
- 1.2 The existing site includes a building which was last used as a school and community centre, although these uses are currently dormant. Around a third of the building also accommodates a library. The building, which is single storey, is grade II listed and was built as a school in 1847. There is a play ground to its rear which has been used for car parking. The site also contains Curfew House, which is a mid C19th two storey dwelling. This property has an extensive garden to its rear which contains a number of trees.
- 1.3 The proposal seeks to: convert the Old School into two two-bedroom dwellings, following the demolition of several outbuildings and extensions; erect a single

storey rear extension to Curfew House to provide a four bedroom dwelling for supported living, again following the demolition of outbuildings and extensions; and the erection of a detached one and a half storey, three bedroom dwelling to the rear of the site on a portion of the existing playground area, addressing The Avenue. The remaining play ground area would be used for gardens and car parking provision, which would be accessed via The Avenue.

## 2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on heritage
- The impact on residential amenity
- The impact on the highway

### Assessment

#### Principle

2.2 The site lies within the settlement confines of St Margaret's, as defined by the Proposals Map. Within this area, having regard for Policy DM1, the principle of the proposed development is acceptable subject to other material considerations.

#### Character and Appearance and Heritage

2.3 The Old School is a Grade II Listed Building. Listed in 1971, the list description reads:

The building is now a Library and Old Persons Club. Dated 1847. Flint with red and white brick dressings and slate roof. F-shaped plan. One storey with stacks to end left and end right. Projecting gabled wing to right and projecting central gabled porch. Double sash in wing with pointed light over. Two sashes either side of porch, with ogee headed door and label hood with inscription over: National. School AD 1847 The end left bay is probably a slightly later extension.

2.4 Whilst the village contains other listed buildings, with the exception of the Old School, these are well separated from the site. The site also lies within the St Margaret's at Cliffe Conservation Area.

2.5 In assessing this application, regard must be had for the Planning (Listed Buildings and Conservation Areas) Act 1990. In furtherance to this, the NPPF requires that regard must be had for whether development would cause harm to any heritage asset, whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) that outweighs that harm.

- 2.6 It is proposed to convert the Old School into two dwellings, whilst retaining the existing library to the south west of the building. This change of use would require the demolition of the existing outbuildings and extensions to the rear of the building, together with making internal alterations to the building.
- 2.7 Externally, it is proposed to demolish an existing outbuilding, lean to extension and toilet block extension. All of these are later additions to the building which detract from the simple and regular appearance of the rear elevation. These features are not considered to be of any evidential, historic, aesthetic or communal significance and, as such, their demolition is supported. Externally, the only other changes are the construction of two ramps to the front and side of the building, the replacement of windows and doors to the rear of the building and the insertion of roof lights to the rear roof slope. The ramps would be relatively modest and would be largely concealed from external views by the boundary wall, whilst improving accessibility to the building (including providing improved access to the public library). Subject to details of these ramps being secured by condition, it is not considered that they would cause any harm to the significance of the building. The windows and doors to the rear of the building have been much changed, with around half being non-matching replacements. The proposal seeks to remove the non-original openings and replace them with windows and doors of a consistent design, similar in appearance to the historic windows and doors within the building. It is considered that this change is positive. The proposed roof lights have been concentrated on the rear roof slope, avoiding alterations to the more prominent front roof slope. The roof lights are of a 'conservation' type design and are set flush with the plane of the roof. At present the roof has a simple appearance, which would, to a degree, be lost by the introduction of the roof lights. However, it is considered that the design and siting of the roof lights substantially reduces this harm. Furthermore, it is considered that this intervention is the least required facilitating the reuse of the building and, therefore, on balance it is acceptable.
- 2.8 Internally, the building (excluding the library, which is to remain unchanged) is split into three rooms. This split has some historic and evidential significance, as it demonstrates how the building would have been used for teaching. The proposal seeks to use this approximate split to inform the layout of the proposed dwellings, utilising two of these spaces to form the large living area of each, with the third central space being subdivided to form the bedrooms and bathrooms. It is also proposed to install a mezzanine floor, which would provide additional living space and bedrooms, again working with the three sections of the building. The use of a mezzanine retains a gap to the outside walls and the feeling of space within the building, preserving its character. The central wall at ground floor level between the two dwellings veers off as nears the rear wall of the building. Whilst this would create an incongruous feature internally, it is considered that this solution is the best available to avoid subdividing a window which would cause more significant harm.
- 2.9 Overall, it is considered that the works to the Old School provide an appropriate balance between securing the long term viable future of the building and minimising disturbance to the building.
- 2.10 Curfew House, whilst not listed, is of reasonable age and is considered to add to the character of the conservation area. No changes are proposed to the most prominent front elevation of the building, with the works concentrated to the rear.



- 2.11 The proposed rear extension would replace existing rear extensions to the buildings and a garage. These features are of no heritage significance and have a neutral impact on the character of the conservation area and the area more generally.
- 2.12 The rear extension would not be highly visible from Kingsdown Road, but would be visible from The Avenue to the rear of the site. In these views, the rear extensions would be partially screened by the trees which are to be retained. The scale of the extension, whilst deep, would not be readily apparent from The Avenue, whilst the limited height of the building, reaching a maximum of 2.8m above ground level would allow the extension to appear subservient to the main buildings fronting onto Kingsdown Avenue. The Avenue is also at a slightly higher level than that of the proposed extension and would be set lower than the road, further reducing its visual impact.
- 2.13 The design of the extension to Curfew House, and the materials which are to be used, are distinctly modern. The extension would only be visible from The Avenue and, in these views, it is only the rear elevation of the building which would be seen. The Avenue has a wide range of building designs with little uniformity and, as such, the introduction of a new style is not itself objectionable. The rear elevation of the proposed extension would, as previously discussed, be subservient. The detailing of the rear elevation includes perpendicular windows, of traditional proportions which respond positively to those of the host building. The use of timber cladding and a green roof also departs from the materials typically used within the area; however, these choices do respond to the sylvan character of the existing garden and would, over time, soften the building into its context. Having regard for the set back from the rear boundary of the site, the screening provided by the retained trees, the modest scale of the building as seen from The Avenue, and the detailed design which, whilst modern in some respects, responds to the more traditional host building, it is not considered that the proposed extension causes any significant harm to the setting of the listed building, the character of the conservation area or the character of the area more generally.
- 2.14 The proposed new dwelling would be located to the rear of the Old School, adjacent to The Avenue. This dwelling would occupy the portion of the existing school playground furthest from the school building. From studying the historic maps of the area, it is clear that the original school did not include a playground, comprising solely the school building and the open space to its front. Whilst this limits the heritage significance of the playground, it is considered that the openness to the front and rear of school does enhance the setting of the listed building. The proposed new dwelling would be set adjacent to The Avenue, retaining a separation distance to the Old School of around 15.5m which is considered to be appropriate to retain the open setting to the listed building. The scale of the new dwelling would be modest, rising to one and a half storeys. Having regard for this scale and the separation distance to the Old School, it is not considered that the development would harm the setting of the listed building.
- 2.15 The scale of building would sit comfortably on the north western side of The Avenue, as the area contains a mixture of single, one and half and two storey dwellings ranging from those of a relatively modest size to large properties. Equally the design of properties in The Avenue varies, with no strong unity to buildings, particularly on the stretch which links to Chapel Lane. The proposed new building, like the rear extension of Curfew House, is stylistically modern and utilises materials associated with contemporary architecture. Whilst this is

somewhat a departure from its relatively traditional neighbours, the building incorporates a pitched roof and a domestic fenestration which responds to the buildings in the vicinity. Furthermore, whilst new materials are introduced such as timber weatherboarding, the building also incorporates a brick plinth wall and a section of flint wall which positively respond to the materials within the Conservation Area. Overall, the building, whilst introducing new elements to the area, respects the character of this part of the Conservation Area and the setting of the listed building, whilst forming a bridge between the traditional architecture in the area and the proposed rear extension to Curfew House.

- 2.16 For the reasons outlined, having special regard for the desire to preserve the listed building and its setting and having paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, it is considered that the development would cause limited, and less than substantial, harm to the listed building, and no harm to its setting or the conservation area. It is considered that the harm caused to the listed building has been minimised through the careful design of the scheme. Furthermore, this limited harm is considered to be more than outweighed by the significant benefit of providing a long term viable use for the building, securing its future and its continued maintenance. The layout, scale, design and use of materials of the development would cause no harm to the character of the area more generally.

#### Impact on Residential Amenity

- 2.17 The site adjoins four residential properties, Cherry Bank, Fant Cottage, No.12 Kingsdown Road and No.18 Kingsdown Road. No.'s 12 and 18 are located to the sides of the existing buildings on the site. Having regard for the locations of the extensions, alterations and new build proposed, it is not considered that the living conditions of these properties would be harmed by the development. However, the relationship of the development with Cherry Bank and Fant Cottage require detailed consideration.
- 2.18 Cherry Bank lies to the south west of the site and occupies the corner of Chapel Lane and The Avenue. The living areas of the property are elevated above the level of the road, over a garage which is partially set within earth banks. The rear elevation of Cherry Bank would face towards the application site and includes habitable rooms, whilst the main garden areas wrap around the north east and south east sides of the property.
- 2.19 The rear extension to Curfew House would be located between 8.5m and 10m away from the rear elevation of Cherry Bank and would rise to a flat roof of around 2.8m in height, but would be set slightly lower than the garden and ground floor level of Cherry Bank, by around 0.3m. Having regard for the separation distance between the proposal and Cherry Bank, together with the height and levels of the proposed extension, it is not considered that an unacceptable degree of loss of light or sense of enclosure would be caused. Equally, as the development would be set lower than Cherry Bank and would be single storey, unacceptable overlooking would be avoided.
- 2.20 It is not considered that the proposed new build dwelling or the conversion of the Old School would impact Cherry Bank, both being located a significant distance away. As such, it is not considered that the development would cause any significant loss of amenity to Cherry Bank, or its occupiers.

- 2.21 Fant Cottage lies to the north east of the site. This property is two storeys in height, with a parking area to its front and a garden to its rear. Its plot is separated from the application site by an established hedge. The proposed new build dwelling, fronting The Avenue, would be set around 8m away from the southern corner of Fant Cottage. Given the proximity to, and relationship with, the proposed dwelling, it is not considered that any windows or amenity space would suffer an unacceptable loss of light or sense of enclosure.
- 2.22 The proposed dwelling would include two dormer windows to its rear elevation; however, these would provide only angled views, at a distance of around 12m towards the rear garden of Fant Cottage. The new dwelling would also provide one first floor side facing window which would face towards the front parking area of Fant Cottage. Whilst the location of this window could give rise to overlooking, this window would serve a bathroom and, as such, could be obscure glazed and non-opening, which would mitigate this concern. Regard must also be had for the proposed roof lights at first floor level within the Old School. The closest of these, would be located around 10m from the rear of Fant Cottage. Whilst this distance would, ordinarily, result in a significant degree of overlooking, the intervening land is occupied by an outbuilding within the curtilage of Fant Cottage, which would block direct views. Furthermore, the internal mezzanine floor proposed within the Old School, would be set away from the roof light, further reducing overlooking. For the reasons, and subject to a condition requiring that the side facing window within the new dwelling is provided with obscure glass and is non-opening, it is not considered that the development would cause any unacceptable overlooking to Fant Cottage.
- 2.23 Having regard to the location, scale and design of the development, it is not considered that the living conditions of any other properties would be harmed.

#### Impact on the Highway

- 2.24 The existing site includes a school building with a playground to the rear and a building which has been split into two dwellings, comprising a two bedroom flat at ground floor and a one bedroom flat at first floor.
- 2.25 Whilst the school building is currently unoccupied, its lawful use as a school (Use Class D1 – Non-residential Institution) has not been materially abandoned and could be reoccupied in any non-residential institution use without requiring planning permission. Furthermore, the use of the school site includes the lawful use of the playground to the rear for the parking of cars. This use was first established under planning permission CH/6/71/00015 and was subsequently carried forward under permissions DO/76/00562 and DOV/98/00851. It is considered that this represents a significant fallback position in the assessment of the current application. As such, both the existing flats at Curfew House and the Old School have the potential to generate their own car parking requirements and vehicle movements.
- 2.26 The proposal seeks permission for the erection of one three bed dwelling, the conversion of the Old School building into two two-bed dwellings and the extension of the ground floor of Curfew House to provide the ground floor flat with two additional bedrooms (four bedrooms in total).
- 2.27 Policy DM13 states that parking provision should be a design led process, based on the characteristics of the site, the nature of the development and its design objectives. However, parking provision should be informed by Table 1.1, which

sets out the starting point for establishing parking provision. In this location, Table 1.1 states that the proposed development would create a demand for approximately eight car parking spaces, comprising 7 spaces for residents and 0.8 spaces for visitors. The proposed site plan includes the provision of six car parking spaces to the rear of the Old School, together with two spaces to the side of Curfew House, in accordance with the guidelines in Table 1.1. Notwithstanding this, concern has been raised by third parties that insufficient car parking would be available to occupiers and visitors. Whilst some availability of car parking can be found on Kingsdown Road, this road can become heavily parked up at times whilst the Avenue and Chapel Lane are narrow and, particularly close to the site, provide no opportunity to park. It can therefore be established that the roads surrounding the site provide little opportunity for on-street parking and the concerns of neighbours are therefore understandable. However, it is not considered that the development would be deficient in parking provision and, furthermore, it is considered that the provision of additional car parking provision would be highly likely to harm the significant of Conservation Area and the setting of the Old School, which is a Grade II Listed Building. As such, on balance, the level of parking provision is considered to be acceptable.

- 2.28 Two car parking spaces would be provided to the east of Curfew House, one of which is already present, whilst the second would be provided following the demolition of the existing garage. These spaces would access directly onto Kingsdown Road, which is of a reasonable width at this section. Access to these spaces is considered to be acceptable. A further six spaces would be provided to the rear of the Old School which would be accessed from The Avenue. This area was granted permission for use as a car park in 1971, 1978 and 1998 permissions and is also accessed from The Avenue. The proposal is to widen this existing access from approximately 3.5m to 5.5m, which will allow unconstrained access and egress by vehicles and would represent an improvement to the current situation.
- 2.29 Concern has been raised that The Avenue is unsuitable for additional vehicle movements, being narrow, bounded by walls and lacking footpaths. In particular, due to its restricted width, The Avenue does not allow two vehicles to pass each other. Consequently, at peak times when there is a concentration of vehicle movements, vehicles have to reverse along the roads in the area. Whilst the narrow width of the road has been noted, it is not considered that the proposal would materially exacerbate this issue, generating a relatively low number of vehicle movements during peak hours. Furthermore, this must be balanced against the lawful use of the buildings on the site which, if brought back into use, would be likely to produce a greater number of movements during peak hours. The NPPF states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. As such, on balance, it is not considered that the development would cause unacceptable harm to the local highway network.
- 2.30 The development includes secure, covered storage for eight cycles. Whilst this provision falls just below the recommended provision of one space per bedroom required by Kent Vehicle Parking Standards SPG4, it is noted that the proposed use as assisted living would be likely to reduce the use of bicycles. Notwithstanding this, should the use of the properties change and demand for cycle storage increase, it is noted that each property would have access to a private rear garden which would facilitate safe storage. It is not, therefore, considered that the level of cycle parking provided is unacceptable.

- 2.31 Whilst access to the site is considered to be acceptable, access by large lorries and construction vehicles is constrained, whilst the site itself is relatively small, providing only limited opportunities to load and upload vehicles, store materials and park construction workers vehicles. It is considered that, in order to ensure that the development does not cause harm to the neighbouring roads and the living conditions of neighbours, a condition should be included in any grant of permission requiring that a Construction Management Plan is submitted for approval.
- 2.32 Concern has been raised that the development would cause harm to the road surface of The Avenue. The Avenue is an unadopted road which currently serves approximately 30 dwellings. Having regard for the existing use of The Avenue, it is not considered that that proposal would significantly increase the use of The Avenue or wear and tear. Furthermore, the part of The Avenue from the rear of Curfew House to its junction with Chapel Lane is owned by the applicant, as evidenced by Land Registry mapping, with the remainder of The Avenue being unregistered, with no private ownership.

#### Groundwater

- 2.33 The site lies within Groundwater Protection Zone 2, within which Policy DM17 directs that development which would be likely to cause contamination to groundwater will not be permitted unless adequate safeguards against possible contamination are provided.
- 2.34 At present, the existing hard surfaced areas drain in an uncontrolled manner into the ground. The proposed resurfacing of the playground to form the vehicle parking area would utilise permeable materials (paving and bound aggregate) which will distribute surface water infiltration across the site. All existing roofs will retain their existing drainage to rain water outlets. The proposed roofs will drain to new soakaways located within the parking areas and gardens of the development.
- 2.35 There is no history of contamination on the site, which has been used for education and as a village social building since its construction. It is therefore highly unlikely that any contamination is present on site which could be disturbed by the development. Furthermore, it is not considered that the parking of a small number of cars on the site, which already takes place at present, would be likely to release contaminants.
- 2.36 The green roof of the proposed extension to Curfew House would retain some precipitation, slowing down the movement of surface water. Whilst this effect would be modest, it would nonetheless be likely to reduce the likelihood of localised flooding.

#### Ecology

- 2.37 Concerns have been raised that the development will result in the loss of habitat for wildlife. The proposals will lead to the loss of three trees and other vegetation to the rear of Curfew House.
- 2.38 The site includes buildings which provide an opportunity for bat and bird ingress and semi-mature and over-mature trees. Having regard to Natural England's Standing Advice, these features have the potential to support bats and nesting birds.

- 2.39 The application has been supported by a Bat and Nesting Bird Report, which confirms that daytime internal and external inspections have taken place, together with a dusk echolocation survey. Whilst no evidence of bats or birds was identified, both Curfew House and the Old School had gaps and lifts within their roofs and gaps in their barge boards, which could provide access for bats. Subsequently, the report recommends that precautionary principles are applied prior to development, requiring further checks in advance of and during works. Additionally, it is recommended that lighting of the buildings is minimised and crevice roosting features are incorporated into the development to provide an ecological enhancement of the site. It is considered that these recommendations should be secured by condition, should permission be granted.

### Trees

- 2.40 There are nine trees on the site, including three to the front of the Old School and six to the rear of Curfew House. Whilst these trees are not covered by a tree preservation order, they are afforded a degree of protection by virtue of being located within a Conservation Area.
- 2.41 The three trees to the front the Old School comprise two Walnuts and one Black Walnut. No works are proposed to these trees, other than the maintenance works to improve the health of the trees.
- 2.42 The six trees to the rear of Curfew House comprise three large trees close to the boundary with The Avenue and three smaller trees towards the centre of the site.
- 2.43 The three larger trees, which comprise an Ash, a Robinia and a Beech, are prominent features in the area, adding to the character of the Conservation Area and the setting of the listed building. These trees are to be retained, although works are proposed to the Ash and the Beech. It is proposed to crown reduce the Ash by 3-4m, crown raise to 4m and remove deadwood. These works would retain a reasonable crown spread and a crown height of around 10m and are therefore considered to be acceptable. In assessing these works, regard must also be had for Ash dieback which will be likely to result in the loss of the tree within the next 10-15 years. Beech trees are relatively sensitive to significant reductions to their crowns. The proposal seeks permission to cut back the extending limbs to the north of the crown. These limbs unbalance the tree and their removal is therefore positive. Equally, lifting the crown to 4m will retain a well-proportioned crown. The works would reduce the crown by around 20-25%, which is considered to be an acceptable reduction and would not significantly harm the longevity or appearance of the tree. It is also proposed to sever ivy to each tree, which will assist the longevity of the trees.
- 2.44 It is proposed to fell the three smallest trees to the rear of Curfew House, to allow for the erection of the rear extension to the building. These trees are relatively small semi-mature examples comprise two Ash and one Rowen. Again, regard must be had for Ash dieback. Whilst these trees are in reasonable condition, it is not considered that they provide any significant benefit to the amenity of the area, being visually concealed and crowded out by the more prominent and larger trees closer to The Avenue. As such, it is not considered that the felling of these trees would cause any significant harm.
- 2.45 The development includes some small scale works within the root protection areas of trees; however, these works largely comprise the laying of hard standing

which do not require any significant excavations and it is therefore considered that no unacceptable harm would be caused to the root systems of the trees. It is, however, considered that, should permission be granted, a condition should be attached requiring measures to protect the trees to be retained during construction.

#### Other Matters

- 2.46 The applicant intends to build the development to Code for Sustainable Homes (the 'Code') level 4; however, an objection has been received which draws attention to the fact that the code has been withdrawn. No details have been submitted to demonstrate how the development would be constructed to high environmental standards, or what environmental technologies would be incorporated. The Code was withdrawn when the Deregulation Bill 2015 received Royal Assent and, as such, it cannot be relied upon to demonstrate that the development would be constructed in a highly sustainable manner and, consequently, no weight can be attributed in favour of the development in this respect.
- 2.47 The St Margaret's Neighbourhood Plan is only at the early stages of development and it has not been published for consultation. As such, at this stage, only the designation of the Neighbourhood Plan Area can be given weight; however, no policies exist which can be considered as part of this application.

#### Overall Conclusions

- 2.48 It is considered that the development is acceptable in principle. It is also considered that the development would not cause unacceptable harm in terms of its impacts on the character and appearance of the area, heritage assets or their settings, neighbouring properties or the local highway network, and would be acceptable in all other material respects, subject to conditions. It is therefore recommended that planning permission and listed building consent are granted.

g)

#### **Recommendation**

- I PLANNING PERMISSION BE GRANTED, subject to conditions to include:-
- (i) approved plans, (ii) construction management plan (iii) provision of car parking and access (iv) provision of cycle parking (v) samples of materials (vi) details of windows (vii) reveals to windows (viii) sample panel of flint (ix) 1<sup>st</sup> floor window in north east elevation of new dwelling to be obscure glazed and non-opening (x) roof lights to be flush with roof plane (xi) details of any flues or vents (xii) plans, elevations and sections of proposed access ramps (xiii) protection of trees during construction (xiv) details of boundary treatments (xv) boundary wall to south west boundary to be constructed prior to commencement (xvi) details of refuse stores (xvii) ecological precautionary principles and enhancements.
- II LISTED BUILDING CONSENT BE GRANTED, subject to the conditions to include:-
- (i) approved plans, (ii) samples of materials (iii) details of windows (iv) reveals to windows (v) sample panel of flint (vi) roof lights to be flush with roof plane (vii) plans, elevations and sections of proposed access ramps (viii) demolition to be concurrent with development (ix) details of measures to protect internal features and a schedule of repairs (including the re-use of internal timber screens) (x) details of any flues or vents.

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

Case Officer

Luke Blaskett and Allan Cox





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**Application: DOV/15/00590**

**118 Wellington Parade**

**Kingsdown**

**CT14 8AF**

**TR 37944873**



- a) **DOV/15/00590 – Erection of a two-storey side extension incorporating a garage and dormer Juliet balcony - 118 Wellington Parade, Kingsdown**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM12 – The access arrangements of development proposals will be assessed with regard to the Highway Network set out in the Local Transport Plan for Kent. Planning applications that would involve the construction of a new access or the increased use of an existing access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation.

National Planning Policy Framework (NPPF)

- p.17 “Securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings” is one of the 12 core planning principles set out in the NPPF.
- p.56 “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- p.64 “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

- d) **Relevant Planning History**

DOV/92/0486 – Erection of one 2-bedroomed detached chalet style house.

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

Ringwould with Kingsdown Parish Council

No objection in principle to this application. However request Dover District Council look at a possible privacy issue with adjoining properties, due to the first floor window shown on the Proposed East Elevation and the new balcony shown on the Proposed South Elevation. Also request that a stipulation is made that the existing Scots Pine tree remains intact.

### Tree Officer

DDC's tree officer is satisfied with the findings of the arboricultural survey submitted by the applicant and has recommended the following conditions:

Hand dug excavation around the roots of the tree; and details to be submitted and agreed showing extent of the reduction of the canopy.

Public Representations: Twenty six letters of objection have been received, raising the following matters:

- The proposed extension is huge and would be out of proportion to the existing host property and its garden.
- The proposed extension would be only one and half metres away from the dividing boundary with no.116 and would overlook its garden.
- High roof causing loss of light
- The mature scotts pine tree would need to have its branches cut as the extension would be very close to the tree and the roots will be destroyed during building works.
- The proposed first floor balcony would overlook the back windows, including bedrooms of the next door house at no. 120 and intrude into the amenity of all those nearby with the potential for exuberant socialising. It would also overlook the adjacent properties nos 114 and 116 and would affect their privacy and outlook.
- The proposal would create a precedent which would change the character of the neighbourhood.
- Overpowering impact
- Unsuitable and unsympathetic development

f)

#### 1. **The Site and the Proposal**

- 1.1 The application relates to a chalet bungalow which lies within the village confines of Kingsdown. The site lies within a predominantly residential area located between Wellington Parade (fronting the seafront) and Cliffe Road which meets Kingsdown Road leading to Deal. The property was approved under planning permission DOV/92/00486 and was formally part of the garden of no.116 Wellington Parade. The site is accessed from an unadopted road which connects Cliffe Road and Wellington Parade.
- 1.2 The exterior façade of the property is partly painted render and partly painted feather-edge weatherboarding. It has a plain clay tiled roof and timber framed doors and windows. It has car parking space to the east side of the property with the majority of the garden area to the west. A mature Cedar tree lies within the southeast corner of the application site which is subject to a provisional Tree Preservation Order dated August 2015.
- 1.3 The character of this area in terms of the design, size and age of properties varies widely, from smaller terraced properties on South Road and North Road to more substantial detached houses sited within elongated plots fronting onto Wellington Parade. In recent years, there has been more modern development and infilling within the area.
- 1.4 The application dwelling is sited over 25m from the rear elevation of no.116 Wellington Parade to the east and about 7m from the common boundary with the same, formed by a 1.8m high close boarded wooden fence. The northern dividing boundary between nos.116 and 114 comprises a well established hedgerow and high fence which maintains privacy between each property.

There is dense mature tree planting within the private garden of no.116 along the west boundary and across its garden.

- 1.5 No.120 Wellington Parade lies to the south of the application property across the unadopted road leading to the seafront. It comprises a rectangular plot occupying a corner position at the junction of Wellington Parade with the unadopted access road. A boundary wall some 1.8m high forms the northern boundary of the property along the back edge of the access road.
- 1.6 This application seeks permission to erect a two storey side extension incorporating a garage on the ground floor and a new bedroom with a Juliet balcony within a dormer on the first floor. Originally, the application sought consent for a two storey extension with a south facing dormer balcony to the first floor which was later amended to a Juliet balcony to overcome the issues relating to the loss of privacy to the occupiers of no.120 Wellington Parade.
- 1.7 The proposed two storey extension would be sited to the east and join the L-shaped eastern elevation of the host property. It would be narrow towards the south measuring 3.7m in width and would increase to 4.9m in width towards the north. The depth of the extension would measure 6.5m. It would have a barn hipped roof. The extension would measure 2.3m in height at eaves level to the south elevation and 3.1m in height at eaves level to the east elevation of the extension (barn-hipped). The total height of the extension would be 6.5m in line with the ridge height of the main roof of the host property.
- 1.8 A Juliet balcony has been proposed to the south side elevation of the proposed extension to the first floor level which would serve the proposed bedroom. A double casement timber framed window and a single door would be inserted in the north elevation to the ground floor level and two high level rooflights would be inserted within the northern roofslope of the proposed extension. An obscure glazed window to the first floor level would be inserted in the east elevation of the host property. No new openings have been proposed to the east elevation of the proposed extension.

## 2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on the highway network
- The impact on mature (Cedar) tree

### **ASSESSMENT**

#### **Principle of the development**

2.2 The site lies within the village confines of Kingsdown. It is considered that principle of the development is acceptable, subject to site-specific considerations.

#### **Impact on the Character and Appearance of the area**

- 2.3 In terms of design, the extension would be setback from the front elevation facing the unadopted road and would be in line with the existing ridge height. The proposed roof form and fenestration would be in keeping. The materials used for exterior finish would also match existing. Overall, the extension would be in keeping with the design of the property and would appear as a sympathetic addition.
- 2.4 For the foregoing reasons, it is considered that the extension would be sympathetically designed and would not harm the character and appearance of the host property or the street scene.

### **Impact on Residential Amenity**

- 2.5 No.116 Wellington Parade to the east is sited 20m away from the dividing boundary with no. 118 (application site) and finished extension would be sited approximately 1.9m from the same boundary. The separation distance between the two properties and the proximity of the extension to the dividing boundary is considered to be sufficient to avoid any unacceptable overbearing and/or loss of light impacts to the living areas within no.116. Furthermore, on visiting the property at no.116, it was noted that apart from the existing 1.8m high solid close boarded wooden fence along the dividing boundary, there was mature tree planting at this point and across the garden which would screen any views from no.118. In addition, no windows have been proposed to the east elevation of the extension, thereby eliminating concerns about potential any overlooking into no.116. However, a window to serve the existing bathroom is proposed facing east, it can be conditioned to be obscure glazed. Even without the prevailing tree screening in place, your officers are satisfied that the living conditions at no.116 would not be unduly affected.
- 2.6 No.114 Wellington Parade to the north of no.116 is sited 20m away from the boundary to the east and would be 25m away from the proposed extension. The existing 1.8m high close boarded wooden fence and mature tree planting over 4m in height within the private garden of no.114 would screen any views from no.118. Two rooflights are proposed within the northern roofslope of the extension however these would be high level openings with no potential for harmful downward overlooking. Therefore, no harm from overlooking to the private garden at no.114 would result.
- 2.7 The separation distance between the front elevation of the extension and the north boundary of no.120 would be approximately 12m. No.118 benefits from an existing balcony to the first floor level of the north elevation and already overlooks the private garden at no.120 to some degree. The proposed extension would have a Juliet dormer balcony with doors opening inwards. Although it is recognised that the full height glazed doors of the proposed Juliet balcony might allow some views into the private garden of no.120, considering the degree of outlook that persists due to the existing first floor balcony to the application property and the distance of this area of garden from the private amenity area immediately to the rear of no.120, it is not considered that the addition of a new Juliet balcony with limited views into the private garden of no.120 would cause such an unacceptable loss of privacy to justify the refusal of the application. It is also important to note that the existing Cedar Tree would substantially limit views towards no.120 from the dormer. The importance of retaining this Cedar Tree for amenity reasons are considered further below.

- 2.8 Given the siting of the extension, substantial separation distances and its design approach, the proposal is not considered to cause loss of light, outlook, privacy or overshadowing and would not have an overbearing impact on the occupants of the neighbouring properties nos 114, 116 and 120.

**Impact on mature (Cedar) tree**

- 2.9 The existing Cedar Tree within the southeast corner of the site is considered to be an attractive feature within the street scene and should be retained. Concerns were raised regarding the possible loss of the Cedar tree due to the siting of the proposed extension. The applicant was requested to carry out a tree survey to assess the potential for damage to the Cedar tree. As a precautionary measure, the tree was made subject of a provisional preservation order on 4<sup>th</sup> August 2015. In response to the recommendation for a tree survey, a report containing an arboricultural survey and an initial impact assessment to demonstrate the feasibility of building the extension without harm to the tree was submitted by the agent to the Council.

- 2.10 The Council's Tree Officer is satisfied with the findings of the Arboricultural survey and have made the following comments:

*"The impact of the footprint of the extension will indeed only affect a small portion of the RPA (Root Protection Area) of the tree, this coupled with the soil type and compaction of the driveway and the likely depth of the rootstock, it is unlikely that the substantial root stock of the tree will be compromised. However, if during the excavation, substantial roots are uncovered, a hand dug excavation is recommended around these roots to minimise the damage incurred.*

*With regards to the reduction of the canopy, no more than 15-20% reduction of the affecting limbs should be permitted to address the issues arising from branch tips interfering with extension".*

- 2.11 Some cutting back of branches will be required to accommodate the extension, although the applicant's agent has stated that the extent of such works should be minor and it is anticipated that it would be well within the limits specified by the tree officer.

- 2.12 In summary, the potential for harm to be caused incurred to the Cedar tree in question has been demonstrated to be minimal and could be further controlled by making any permission subject to suitably worded conditions requiring the following:

Hand dug excavation around the roots of the tree; and details to be submitted and agreed showing extent of the reduction of the canopy.

**Impact on the Local Highway Network**

- 2.13 In the event of planning permission being granted, the extended application property would have 2 bedrooms. According to the policy DM12 – Road Hierarchy and Development, a provision of 1.5 spaces per unit should be provided for 1&2 bed houses within village confines. The proposed garage would make provision for only one car. There is also limited land in front of the garage which could be used for parking in addition to on street parking in the vicinity.

g) **Recommendation**

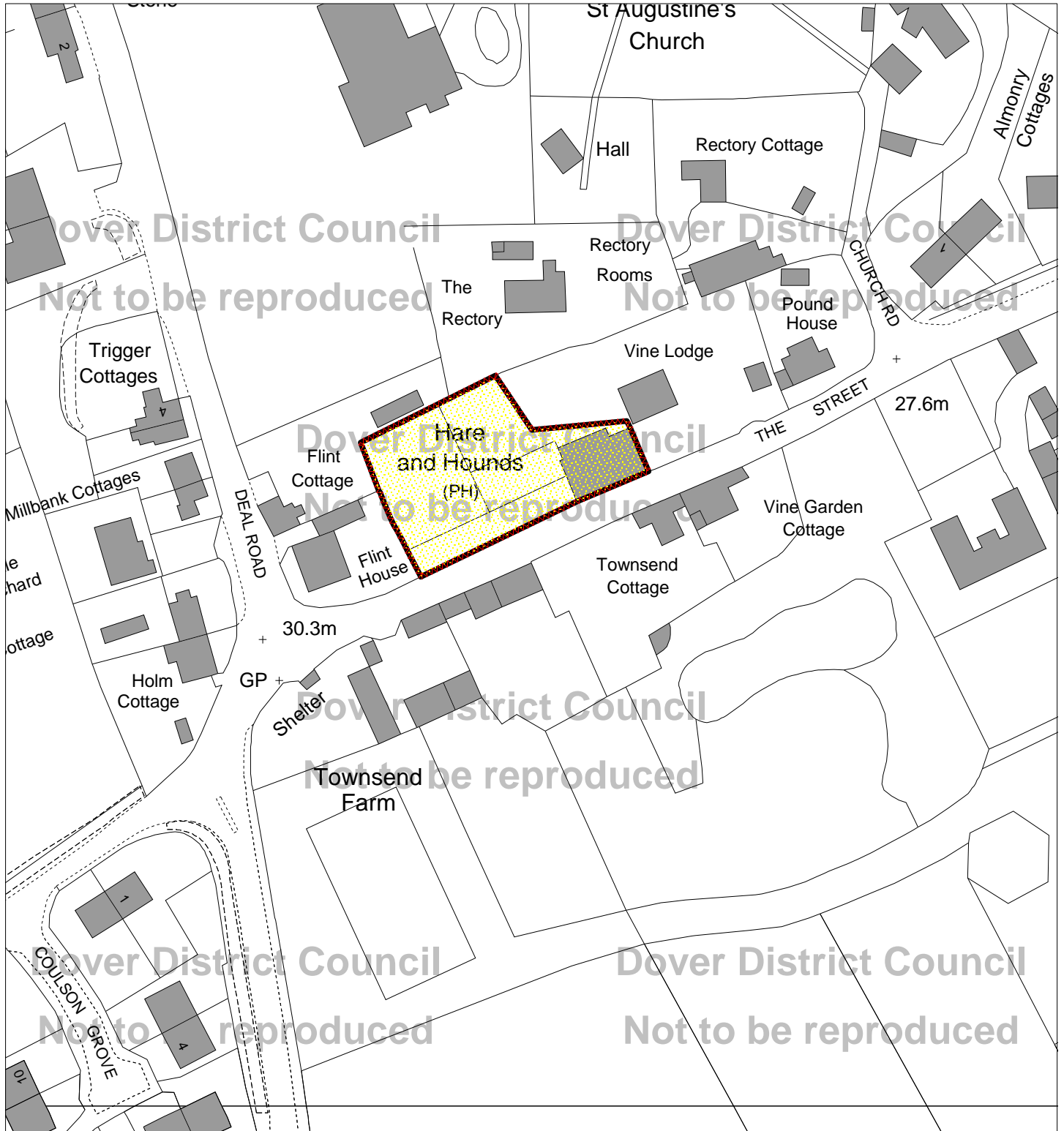
- I PERMISSION BE GRANTED subject to the following conditions: i) Timescale of commencement of development, ii) A list of approved plans iii) The

proposed single casement window to the East Elevation of the host property to be obscure glazed and fixed shut, and iv) Hand dug excavation around the roots of the tree (v) Details to be submitted and agreed showing extent of the reduction of the canopy (vi) Materials to match existing (vii) No new openings to south, north and east elevations.

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

Case Officer  
Benazir Kachchi

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**Application: DOV/15/00223**

**Hare & Hounds**

**The Street**

**Northbourne**

**CT14 0LG**

TR33315212





- a) **DOV/15/00223 – Erection of a first floor rear extension, single storey rear and side extensions and associated internal alterations together with external alterations to provide terraces (partial demolition of existing building) - Hare and Hounds, The Street, Northbourne, Deal**

Reason for report: The number of third party representations

- b) **Summary of Recommendation**

Planning permission be Granted.

- c) **Planning Policy and Guidance**

**National Planning Policy Framework (NPPF)**

The NPPF sets out a presumption in favour of sustainable development and includes core planning principles which seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- The NPPF has 12 core planning principles which amongst other things include the need to proactively drive and support sustainable economic development to deliver business needs. They also seek to secure high quality design and a good standard of amenity for all existing and future occupants and support economic growth
- Section 1 (Building a strong, competitive economy) states that significant weight should be placed on the need to support economic growth through the planning system
- Paragraph 6 of NPPF states that the purpose of the planning system is to contribute to achieving sustainable development. Further in paragraph 7 the NPPF goes on to state that there are three dimensions to sustainable development: economic, social and environmental
- Paragraph 28 of the NPPF promotes the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship
- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings
- Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as public houses) and other local services to enhance the sustainability of communities and residential environments

- Paragraph 128-136. LPAs should assess significance of any heritage asset which may be affected by a proposal. Where proposal would lead to less than substantial harm, harm should be weighed against public benefits of proposal. The more important the asset the greater the weight should be.

#### National Planning Practice Guidance (NPPG)

- On 6 March 2014 the Department for Communities and Local Government launched a planning practice guidance web-based resource. This contains a number of sections to enable users of the planning system to obtain information in a useable and accessible way. It is a material consideration when making decisions as it replaces the previous planning guidance documents which are now cancelled

#### Dover District Core Strategy (CS)

- Policy CP1 sets out the Government strategy which is to focus new development at urban areas, which amongst other things seeks to underpin urban revival. Dover is a Secondary Regional Centre which is the major focus for development in the District; suitable for the largest scale developments
- Policy DM3 sets out that permission for new commercial development or the expansion of an existing business will be given provided that it is located at a Rural Service Centre or a Local Centre, it is consistent with the scale and setting of the settlement or it is a Village as designated within the Settlement Hierarchy provided that it would not generate significant travel demand and is in all other respects consistent with the scale and setting of the settlement. In all cases development should be sited within the settlement confines unless it can be demonstrated that no suitable site exists, in which event it should be located adjacent to the settlement unless there is a functional requirement for it to be located elsewhere
- Policy DM13 requires that the provision of car parking be design-led approach based upon the characteristics of the site, the locality, the nature of the proposed development and its design objective.

#### Sections 66(1) (listed building) and 72(1) (conservation area) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.'

Section 72(1) states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

d) **Relevant Planning History**

98/00231 – Rear first floor extension - Granted

e) **Consultee and Third Party Responses**

Arboricultural Officer: No objections

Northbourne Parish Council: Have studied the amended plans but feel although it is obvious the applicant have made significant changes, they still have the following concerns: 1) that there should be adequate supervision of tree work during the construction phase (*this can be dealt with by way of condition,*) 2) that the local community may be worried that proposed works would result in significant loss of parking space

KCC Highways: Are satisfied that the resultant car parking is adequate

Conservation Officer: The proposed side extension with double pitched and hipped roof replaces a smaller extension. The re-modelling of the rear of the building to include pitched roof extension, resulting in a double pitched configuration is not out of character with the building (although it could have included hipped ends rather than gables). The general scale and massing will have a neutral impact on the setting of the conservation area. It would be advisable to avoid velux rooflights in favour of a roof light that sits flush with the roof tiles/slates, this and external materials and hard landscaping can be conditioned.

Public Representations: Eight letters of objection have been received and their comments are summarised as follows:

- Plans reduce the number of parking spaces whilst increasing the dining area
- Loss of parking spaces
- Increase in footfall
- Village already suffers from a lack of parking
- Too close to the rear boundary and provides clear views into their garden
- Access ramp would result in loss of privacy and compromise security
- Where will managers/staff accommodation be
- Removal of trees
- Overlooking
- Small terrace area adjacent to the boundary would result in noise and disruption
- Redesign and alteration of the pub is out of keeping with the village
- Main car park is situated on a steep slope and this appears to discourage a lot of visitors
- Proposals will impact on neighbours privacy
- Access ramp and extension to rear along the neighbouring boundary line will compromise privacy and security
- At present only one window at the back of the pub at first floor level
- Ramp would become an extended playground and smoking area
- Rear terrace would create noise in close proximity to neighbouring property

- Scale of the proposed extension and alterations are inappropriate
- Building would be too large and imposing
- Out of keeping with the conservation area
- Increase in noise and disturbance through additional traffic
- Additional bedrooms what provision has been made for additional services such as sewerage capacity
- No provision for 24 hour on-site management

One letter neither supporting nor objecting has been received and the comments are summarised as follows:

- Having seen the plans and considering the impact on the village and so far have been unable to see a downside

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

1.1 The application site is a public house, which lies outside of any settlement confines on the main street through Northbourne.

1.2 The building is within a predominately residential area and also lies within the Northbourne Conservation Area and is adjacent to a number of listed buildings. The property is finished in white painted render and has an existing single storey extension to the west. There are a number of single storey flat roof extensions to the rear of the building. The main two storey element of the building has a catslide roof to the rear. The public house has an existing garden and there are car parking facilities to the west of the main building.

1.3 Planning permission is sought for the erection of a first floor rear extension, single storey rear and side extensions and associated internal alterations together with external ground work alterations to provide terraces to the existing garden area which would be extended forward.

1.4 At ground floor the kitchen area would be extended and renovated to incorporate the existing ground floor extensions. This single storey rear extension would have six rooflights in its flat roof. To the west side elevation a single storey extension is proposed to replace the existing side extension to facilitate a larger dining room. Externally it is proposed to carry out works to upgrade the existing outside terrace garden areas to the west of the building. The plans have been amended following the original submission to address concerns.

1.5 The first floor additions would see the continuation of the existing first floor flat roof extension at the eastern end of the building to facilitate three bedrooms and en-suites. The existing flat roof would be replaced with a pitched roof, which would be continued along the rear elevation to enable an increased footprint. This first floor addition would extend 13m across the existing roofplane and would end within 1m of the edge of the building to its west elevation in order to retain some of the original catslide. It is proposed to insert two windows in the first floor rear facing elevation, which would serve the stairs and a landing. Five rooflights are also proposed in the roofplane to provide additional light into the hallway and also into en-suite bathrooms. It is of note that the

plans have been amended to remove an originally proposed external walkway, which would have extended along the dividing boundary up to first floor level in order to provide access at first floor to the proposed guest suites. These suites will now be accessed internally through the public house and no provision is to be made for an external access to the first floor. The proposals involve the removal of one tree, which is detailed in the Arboricultural Report as a Cordyline (T10). The remaining trees on site can be protected by tree protection measures, which can be required by condition.

1.6 *Plans will be on display*

2. **Main Issues**

2.1 The main issues for consideration are:

- The principle of development
- Impact on residential amenity
- Impact on highway safety
- Impact on the street scene and Conservation Area and Setting of Listed Buildings

2.2 **Assessment**

**The principle of the development**

2.3 The site lies within a hamlet, where as designated by Policy CP1 further development is not suitable unless it functionally requires a rural location. As the public house is an existing business in a rural area and the proposals are to extend the existing business it is considered that the principle of the development is acceptable in policy terms.

2.4 Government guidance seeks to promote economic growth and supports the sustainable growth and expansion of all types of businesses in rural areas. The NPPF also emphasises that the planning system plays an important role in creating healthy, inclusive communities. The NPPF at paragraph 28 also promotes the retention and development of local services and community facilities in villages, such as public houses. Further at paragraph 70 planning policies and decisions should plan positively for the provision and use of shared space, community facilities such as public houses to enhance the sustainability of communities and residential environments. In light of Government guidance contained within the NPPF it is considered that the proposal would comply with national policy.

2.5 **Impact on residential amenity**

2.6 The surrounding properties are primarily residential in use.

2.7 The side extension to the west elevation would face directly onto an existing car parking area and would measure 4m by 6.3m (this has been reduced from 6.5m by 6.3m). Due to the siting of the extension it

is not considered to adversely impact on the residential amenities of any neighbouring occupants.

- 2.8 The proposed alterations to the rear would be in close proximity to the neighbouring boundary and property 'Vine Lodge'. Vine Lodge shares a dividing boundary with the Hare and Hounds, with their private residential amenity area running parallel to the boundary. The ground floor addition to the kitchen and toilet areas (which will extend the existing single storey ground floor area) would run parallel to the dividing boundary and would be at its closest approximately 300mm from the boundary. The existing storage extensions areas to the west flank would become the W.C's.
- 2.9 There are now only two small first floor windows that would look towards the Vine Lodge curtilage to the north and they only serve a stairwell and landing area. In addition given the amendments which have been made to the proposal to reduce the potential for overlooking, especially from the first floor with the removal of the external ramp and a number of windows, it is considered that the first floor rear extension would not result in any harmful over/interlooking or loss of privacy into the private amenity area of Vine Lodge. Any additional shadowing from the pitched roof extension would fall across the dining room windows and front garden in late afternoon. The tree screening to the north boundary, which are owned by the occupants of Vine Lodge would largely remain. Further, the provision of the ground floor extensions would be set below the ground level of the garden of Vine Lodge. As such no undue harm to the amenities of the occupants of that property are envisaged as a result of the extensions.
- 2.10 The terracing works to the garden area are unlikely to result in any loss of residential amenity given the distance between the extended garden area and nearest properties. Any noise nuisance or unneighbourly harm would be dealt with by Environmental Protection under their legislation, as is the current situation.
3. Impact on highway safety
- 3.1 The site has a fairly large car park to the west and currently provides some off road parking to the front. The proposed side extension and alterations to the garden area would result in the loss of approximately 4 car parking spaces along the front. However, it is considered that whilst there would be a slight reduction in the number of car parking spaces, there remains sufficient provision on site. In addition it is possible to park on street, which is already utilised by both patrons to the public house and people living nearby. The site is within close proximity to a bus stop and is located at the centre of the village which would encourage walking to the site.
- 3.2 KCC Highways have confirmed that there would be sufficient parking within the car park to ensure that no undue harm would result on highway safety and parking. Implementation and permanent retention of the car parking spaces shown on the plans can be conditioned.
4. Impact on street scene and conservation area and setting of listed buildings

- 4.1 Section 72(1) of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area when considering an application to any building or land in a conservation area.
- 4.2 The NPPF recognises that heritage assets are irreplaceable resources and they need to be conserved in a manner appropriate to their significance. Local Planning Authorities are required to take into account the desirability of sustaining and enhancing the significance of a heritage asset.
- 4.3 Local Planning Authorities are required to assess development, which may affect the setting of a heritage asset taking into account the available evidence. In consideration of the impact of a proposal on a heritage asset conflict between the heritage assets conservation and any aspect of the proposal is sought to be avoided. Great weight is required to be given to an assets conservation. Proposals that do not preserve conservation areas and their setting are resisted.
- 4.4 In this case due to the close proximity of the designated conservation area and listed buildings, due consideration must be given to whether there would be harm caused to setting and appearance of the conservation area and listed building with the LPA having special regard to the desirability of preserving a listed building or its setting (S.66 (1)) and special attention being paid to the desirability of preserving or enhancing the character or appearance of that area (S.72 (1)). Where there is harm identified an LPA must consider whether this can be outweighed by public benefits, including securing its optimum viable use. Where none can be found to outweigh the harm permission must be refused.
- 4.5 The west side elevation of the building is clearly visible upon entering The Street with clear views achievable of this end elevation. The area is open to the street and there is no road frontage screening given that the property is built directly up to the road edge. The open nature of the street scene makes the detached public house a prominent and imposing structure within the street scene and the Conservation Area. At present there is a single storey side extension, which is white painted render. This elevation would be altered with the introduction of the new larger single storey side extension, with partial views achievable of the first floor pitched roof addition.
- 4.6 Whilst the proposals will inevitably result in a built form which would be visible from the surrounding street scene and Conservation Area; the extensions and alterations have been well designed to blend in sympathetically to the built form of the existing building and would not appear as incongruous. It is further considered that the replacement and renovation of the existing extensions on the building would help to ameliorate the somewhat tired appearance of the additions in particular the flat roof elements to the rear. Having fully considered the potential for harm it is considered that the proposal would not result in harm to the surrounding designated heritage assets and is therefore acceptable. It is considered that the general scale and massing of the proposed extension would have a neutral impact on the

setting of the conservation area and as such the proposals are acceptable in terms of impact on the conservation area.

### Conclusion

- 4.7 The National Planning Policy Framework (NPPF) reflects the government's commitment to building a strong and competitive economy. The proposal would be a sustainable form of development in terms of social, economic and environmental and therefore complies with this core principle of the NPPF. The NPPF further promotes the retention and development of local services and community facilities whilst also supporting the expansion and growth of rural businesses.
- 4.8 The NPPF makes it clear that all decisions should be made in conformity with the Local Plan and equal weight should be given to economic, social and environmental factors. The development would comply with Core Strategy Policies CP1. The development would ensure that the public house can continue to operate as a community facility which would help contribute towards and enhance the sustainability of communities and residential environments.
- 4.9 In reaching a recommendation, due regard has been paid to comments and representations received.
- 4.10 In conclusion, the development proposals are acceptable in terms of policy objectives and the aims and objectives of the NPPF and it is considered that planning permission should be granted.
- 4.11 In respect of the Public Sector Equality Duty under the Equality Act, the recommendation is not considered to disproportionately affect any particular group.

g) **Recommendation**

- I PERMISSION BE GRANTED subject to conditions to include: i) Timescale of commencement of development, ii) A list of the approved plans iii) External materials to match those used in the existing building, iv) Roof lights to be flush within roofslope (conservation style), v) Scheme for hard and soft landscaping, vi) Obscure glazed windows to rear elevation, vii) Laying out and permanent retention of parking spaces shown on the approved plans, ix) Construction Management Plan (which will include Tree Protection Measures and Supervision details) during construction phase.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

### Case Officer

Kerri Bland



**Report to Planning Committee – 22 October 2015**

**Planning Appeals**

1. There were 9 appeals determined between July and September 2015. One appeal was against a decision of the Planning Committee and the remainder against delegated decisions. Seven of the decisions were upheld and the appeals dismissed. The two appeals that succeeded were both against delegated decisions.

2. Members have been issued with the full decisions, but in brief the reasons were:

- 2 Freemans Way, Deal

This application had been approved and the appeal was only against one of the conditions – namely the hours of opening of the business. The condition stated that the opening times should be

“9am and 6pm on Mondays to Saturdays, and shall not be open at any time on Sundays or Bank Holidays “

During the appeal process, which was only to open for a longer, unspecified, time, the Council had suggested revised longer hours and these were accepted by the Inspector.

- 1 Kimberley Walk, Dover

This application, for a single dwelling, was refused because of its effect on the character and appearance of the area. The Inspector felt that, whilst this property was not directly in keeping with the area there was not a sufficiently negative impact to warrant a refusal.

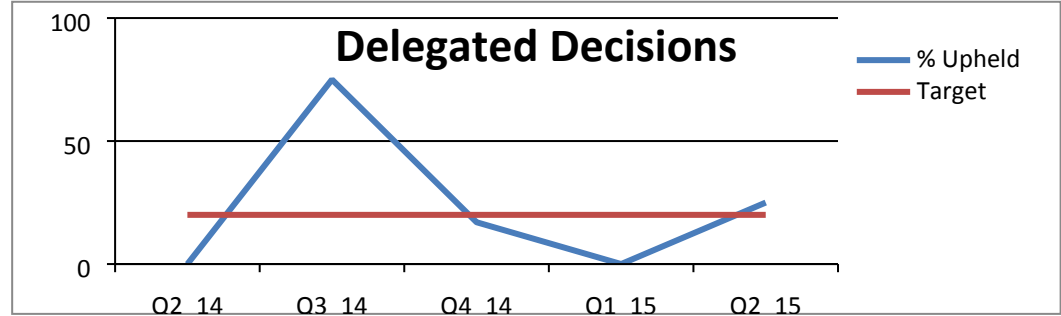
3. The annual target is that a maximum of 20% of appeals are upheld. The overall performance is 17% - within target

4. Statistical analysis is attached

Dave Robinson

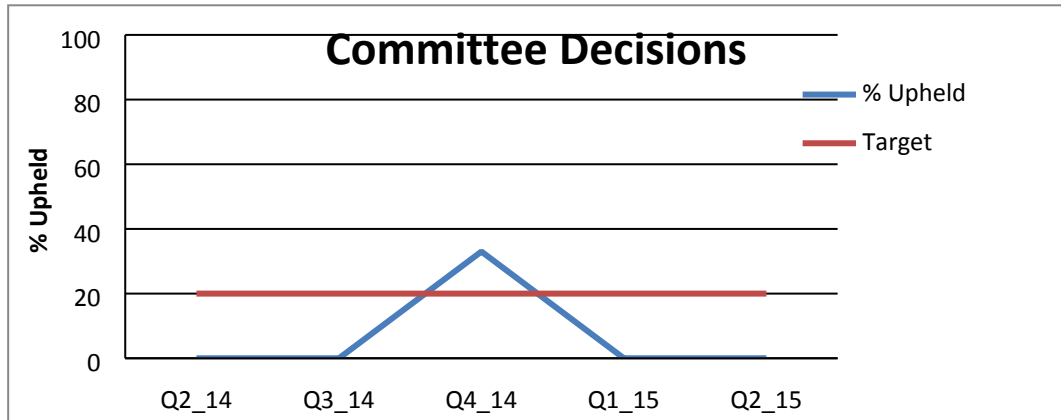
**Delegated Decisions**

Quarter	Number	Upheld	Dismissed	% Upheld
Q2_14	7	0	7	0
Q3_14	4	3	1	75
Q4_14	6	1	5	17
Q1_15	1	0	1	0
Q2_15	8	2	6	25



**Committee Decisions**

Quarter	Number	Upheld	Dismissed	% Upheld
Q2_14	5	0	5	0
Q3_14	0	0	0	0
Q4_14	3	1	2	33
Q1_15	2	0	2	0
Q2_15	1	0	2	0



Performance 2015

Number of appeals	12
Appeals upheld	2
<b>% upheld</b>	<b>16.67</b>

