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10 November 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 19 November 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.

Yours sincerely

A handwritten signature in black ink, appearing to be "Kate Batty-Smith", written over a white background. The signature is fluid and cursive.

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 5-12)

To confirm the attached Minutes of the meeting of the Committee held on 22 October 2015.

5 **ITEMS DEFERRED** (Pages 13-14)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 15-18)

6 **APPLICATION NO DOV/15/00627 - PRINCE OF WALES PIER, WESTERN DOCKS, DOVER** (Pages 19-27)

Removal of all furniture to include all historic and late 20th century railings, lamp standards, memorials, mooring bollards (cleats) and gates, and height reduction of late 20th century steel sheet pile section to facilitate works approved under the Dover Harbour Revision Order 2012 – New Terminal 2

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

7 **APPLICATION NO DOV/15/00596 - LAND BETWEEN THE CHALET AND MILNERS, CLAREMONT ROAD, KINGSDOWN** (Pages 28-36)

Outline application for the erection of a detached dwelling (all matters reserved)

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

8 **APPLICATION NOS DOV/15/00639 AND DOV/15/00640 - OLD SCHOOL AND CURFEW HOUSE, KINGSDOWN ROAD, ST MARGARET'S-AT-CLIFFE** (Pages 37-51)

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 the Old School into 2 no. dwellings; creation of parking and formation of vehicular access to The Avenue (Planning Permission)

DOV/15/00640 – Conversion of the Old School 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.

9 **APPLICATION NO DOV/15/00327 - 43 DOLA AVENUE, DEAL** (Pages 52-63)

Erection of 9 chalet bungalows, associated parking and vehicular access

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

10 **FEES AND CHARGES 2016/17** (Pages 64-80)

To note the attached report of the Chief Executive.

11 **APPEALS AND INFORMAL HEARINGS**

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

12 **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. 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 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, 22 October 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
B Gardner
D P Murphy
A F Richardson
P M Wallace (Items 6-11 only)

Officers: Principal Planner
Principal Planner
Senior Planner
Planning Delivery Manager
Planning Solicitor
Trainee Solicitor
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/15/00639 & DOV/15/00640	Mr Rod Springett	Mr Trevor Singh Ms Jackie Warrington
DOV/15/00590	Mr Nigel James	Mr George Selwyn

49 APOLOGIES

There were no apologies for absence.

50 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute Members appointed.

51 DECLARATIONS OF INTEREST

There were no declarations of interest.

52 MINUTES

The minutes of the meeting held on 17 September 2015 were approved as a correct record and signed by the Chairman.

53 ITEMS DEFERRED

The Chairman advised that Application No DOV/15/00444 (Aylesham Village Expansion) remained deferred as there was no further information available.

APPLICATION NOS DOV/15/00120 AND DOV/15/00121 - THE HOPE INN, HIGH STREET, ST MARGARET'S-AT-CLIFFE

The Committee viewed photographs, plans and an aerial view, as well as a 1907 Ordnance Survey (OS) map, of the site. The Senior Planner advised Members that the site consisted of a former public house known as The Hope Inn and its garden which had closed in May 2014. The proposal was for six dwellings, comprising the conversion of the pub building into two dwellings, a detached dwelling beyond the rear line of the existing pub and a terrace of three dwellings to the rear of the site. An existing rear extension to the pub would be demolished.

The pub building was Grade II-listed, and an application to have it listed as an Asset of Community Value had not been successful. Whilst development of the former public house would secure the future of a listed building, the additional development at the rear of the site would have no bearing on this.

The proposal was not considered to be out of keeping with the street scene since development in this part of St Margaret's was of a tight grain and close knit. Furthermore, referring to the 1907 OS map, the Committee was advised that a number of buildings had previously existed on the site, and the detached dwelling in particular would reintroduce an aspect of the historic layout.

The applicant had worked with Officers to reduce the scale and impact of the new build dwellings. These were now considered to be acceptable in terms of their scale and form within the site and in relation to the street scene and Conservation Area. There was a significant change in land levels between the site and some surrounding gardens, which had given rise to concerns regarding over and interlooking. However, with amended designs and appropriate screening, Officers considered that these had been addressed. In fact, the residents of 135 and 136 Mount Pleasant Cottages and Marine Cottage had reversed their objections following amended plans.

In response to Councillor B Gardner, who questioned the low valuation given to the properties in an area like St Margaret's, the Senior Planner clarified that the 5% contribution towards affordable housing was a requirement of the Council's Affordable Housing Supplementary Planning Document (SPD) adopted in 2011 and applied to developments of between 5 and 10 properties. The valuation of £1,080,000 was based on the retail value of 5 dwellings (a net increase of 5 as the pub already had a flat which counted as a dwelling). The research had been carried out by the Planning Officer who had looked at the sales values of similar properties. This was an established approach and in line with the SPD.

Councillor T A Bond agreed with Councillor Gardner that the properties were undervalued. However, he had no objections to the proposed development. In response to further concerns raised by Councillor Gardner, the Chairman reminded Members that the Committee was obliged to follow Government policy and the Local Planning Authority's protocols.

RESOLVED: (a) That, subject to the satisfactory resolution and signing of a unilateral undertaking to pay the affordable housing contribution to the Council, Application Nos DOV/15/00120 and DOV/15/00121

be APPROVED, subject to the following conditions:

- (i) Plans;
 - (ii) Time Limit;
 - (iii) Materials;
 - (iv) Joinery;
 - (v) Rainwater goods;
 - (vi) Boundary treatments including internal boundaries;
 - (vii) Hard landscaping;
 - (viii) Soft landscaping;
 - (ix) Tree/hedge retention/protection;
 - (x) Car parking spaces;
 - (xi) Bound surface five metres from access onto highway;
 - (xii) Discharge of water onto the highway;
 - (xiii) Cycle storage;
 - (xiv) Bin storage;
 - (xv) Construction management plan;
 - (xvi) Surface water drainage details;
 - (xvii) Remove permitted development rights;
 - (xviii) Meter boxes and flue details;
 - (ix) Details of mortar and pointing;
 - (x) Window reveals;
 - (xi) Rooflight details.
- (b) That listed building consent be GRANTED subject to the following conditions:
- (i) Plans;
 - (ii) Materials and colour finishes;
 - (iii) Joinery;
 - (iv) Rainwater goods;

- (v) Timing for demolition;
 - (vi) Protection of features;
 - (vii) Scale drawings of brickwork, masonry, etc for repair;
 - (viii) Meter boxes and flue details;
 - (ix) Details of mortar, bonding and pointing;
 - (x) Window reveals;
 - (xi) Rooflight details.
- (c) 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.

(In accordance with Council Procedure Rule 18.5, Councillor B Gardner requested that his vote against the approval of Application Nos DOV/15/00120 and DOV/15/00121 be recorded.)

55 APPLICATION NOS DOV/15/00639 AND DOV/15/00640 - OLD SCHOOL AND CURFEW HOUSE, KINGSDOWN ROAD, ST MARGARET'S-AT-CLIFFE

Members viewed photographs, plans and an aerial view of the site which lay within the St Margaret's-at-Cliffe Conservation Area. The Principal Planner advised the Committee that the proposals related to the conversion of the Old School, a Grade II-listed building, the erection of a detached dwelling to the rear of The Old School, fronting The Avenue, and the erection of an extension to Curfew House for supported living purposes.

The principle of the development was considered acceptable, in accordance with Policy DM1 of the Core Strategy. The principal issues for consideration were the development's potential impact on the character and appearance of the area, and the impact on a listed building, the highways network and the residential amenity of neighbouring properties. Officers considered that the proposed works to the Old School were largely neutral or positive. Taking into account the Planning (Listed Building and Conservation Areas) Act 1990, it was considered that any negative aspects – such as the introduction of rooflights - were minor in nature and outweighed by the public benefit of bringing the building back into use.

The extension to Curfew House would be set back from the road behind large trees, and it was therefore considered that it would not appear too prominent in views from The Avenue. However, the new detached dwelling would have greater visual impact since it would be adjacent to the road. Whilst the design and use of materials of the buildings was modern, they were of a high standard. Given the diverse design of properties in The Avenue, Officers were of the opinion that the road could accommodate a new style of building. Overall, it was considered that the development would not harm the character or appearance of the area, nor the significance of the Conservation Area or the Old School.

The Committee was advised that there was an existing lawful use of the rear playground of the Old School for car parking. This use had been carried forward under subsequent planning permissions. Kent County Council (KCC) Highways had confirmed that, whilst The Avenue was narrow, the proposed development was unlikely to generate more vehicle movements than those generated by the existing lawful use. Furthermore, the amount of car parking provided would meet residents' needs and would not increase pressure for parking on adjoining roads.

Since the report was written, an additional representation, circulated separately to Members, had been received raising concerns about overlooking, the highway network and the planning history of the site. In particular, the letter raised issues relating to the planning permission granted in 1998 against which the current application was being compared in relation to parking provision. The letter argued that there was no conclusive evidence on the location or number of car parking spaces that the site was able to provide. However, the Principal Planner confirmed that permission granted in 2012 demonstrated that 12 parking spaces were to be provided to the rear of The Old School, accessed via The Avenue.

The same representation also raised concerns that the current proposal bore similarities to the 2012 application for a mobile classroom which had been refused, partly due to overlooking. However, that application related to a building along the side boundary of the Old School, not Curfew House, and was at a higher level than the extension currently proposed. It was therefore concluded that the 2012 application was wholly different to the current application and, therefore, not material to its consideration.

Finally, Officers had carefully considered the impact of the development on the residential amenity of neighbouring properties, in particular Cherry Bank and Fant Cottage. With the extension to Curfew House being set below the level of Cherry Bank, and the new dwelling being set away from the side elevation of Fant Cottage, it was considered that there would be no loss of amenity.

In response to concerns raised by Councillor Gardner regarding the report's failure to mention two previous applications, the Chairman reminded Members that reports would only include information on previous planning applications that were relevant and could have a bearing on the Committee's decision. It was just not practical to include details of every application in the report.

Councillor Gardner raised concerns about parking provision and suggested that the application should be deferred for a full report. In response to Councillor Bond who proposed a site visit and queried the proposed use of the Curfew House extension, the Chairman confirmed that it would be Use Class C3 for residential use. He also confirmed that the Construction Management Plan would seek details of e.g. off-road parking for deliveries and storage of materials. Councillor A F Richardson expressed concerns over traffic and highways, as well as the impact of the extension on the neighbouring property. Given the number of objections and his own reservations, Councillor T J Bartlett supported a site visit.

The Principal Planner clarified that Use Class C3 was for general residential use, including supported living. With the exception of the portion to the rear of Curfew House which was under its ownership, The Avenue was unadopted and there was no registered owner of the land. All details of loading/unloading and site personnel parking would be agreed with the applicant at the conditions stage, supported by a Construction Management Plan.

RESOLVED: That Application Nos DOV/15/00639 and DOV/15/00640 be DEFERRED for a site visit to be held on Tuesday, 17 November 2015 in order to assist Members in assessing the impact of the development on (i) neighbouring properties; (ii) parking and road access; and (iii) the Conservation Area, and Councillors S F Bannister, T J Bartlett, B Gardner, D P Murphy and A F Richardson (reserve: Councillor F J W Scales) be appointed to visit the site.

56 APPLICATION NO DOV/15/00590 - 118 WELLINGTON PARADE, KINGSDOWN, DEAL

Members were shown photographs, plans and drawings of the proposed development. The Principal Planner advised that the proposal concerned the erection of a 2-storey side extension to a chalet bungalow lying within the village confines of Kingsdown. Of note was a mature cedar tree in the south-east corner of the site that was subject to a provisional Tree Preservation Order dated August 2015 which had to be confirmed or otherwise within six months.

Considering the potential impact on the residential amenity of 120 Wellington Parade, it was concluded that the 1.8-metre fence and 12 metre separation distance between the front elevation of the extension and the northern boundary of no. 120 were sufficient mitigation measures to address any overlooking. The cedar tree would also contribute towards limiting views towards no. 120.

Councillor B W Butcher commented that the visual impact of the extension would be limited. Given the significant distance between the application site and neighbouring properties, and the presence of the cedar tree, overlooking was not an issue. He requested that a condition be added to ensure that the tree would be replaced should damage occur during construction. Councillor Richardson requested that an informative be added to ensure the applicant was aware that the Committee was looking to preserve the tree and would want it replaced with something similar if that became necessary.

The Principal Planner confirmed that Officers would seek to condition tree protection measures during construction. The Tree Preservation Order was provisional but, until it was confirmed or otherwise, the tree would be fully protected.

RESOLVED: (a) That Application No DOV/15/00590 be APPROVED subject to the following conditions:

- (i) Timescale of commencement of development;
- (ii) 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;
- (iv) Hand dug excavation around the roots of the cedar 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;
 - (viii) Tree protection measures to be implement during construction;
 - (ix) A replacement tree to be provided should the cedar tree be irrevocably damaged during construction.
- (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.
 - (c) Informative: The Committee is keen to see the cedar tree preserved but, if damage should occur during construction which necessitates removal of the tree, it should be replaced with a similar tree.

57 APPLICATION NO DOV/15/00223 - THE HARE AND HOUNDS, THE STREET, NORTHBOURNE, DEAL

The Committee viewed photographs, plans and drawings of the proposed development. Referring to paragraph 4.4 of the report, the Principal Planner clarified that the site was within the Northbourne Conservation Area. Since the report was written, a representation had been received from the occupants of Vine Lodge raising concerns about noise nuisance caused by the kitchen extension and requesting that this be addressed with insulation. The letter had also raised concerns about the guest accommodation. Members were advised that noise insulation was a matter that could be addressed by condition. KCC Highways had confirmed that car parking provision would be sufficient. The LPA's Conservation Officer had raised no objections to the proposals.

Several Members expressed support for the proposals at a site where parking and traffic had never been an issue. In response to the Chairman, the Principal Planner confirmed that flues and extraction equipment would require planning permission in their own right and a condition on noise insulation for such equipment could therefore be added at the time.

RESOLVED: (a) That Application No DOV/15/00223 be APPROVED subject to the following conditions:

- (i) Timescale of commencement of development;
- (ii) 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;
- (viii) Construction Management Plan (which will include Tree Protection Measures and Supervision details) during construction phase.

- (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.

58 APPEALS AND INFORMAL HEARINGS

The Planning Delivery Manager introduced the report and advised as a correction that only one appeal had been received against a Committee decision in the Second Quarter 2015 and this had been dismissed. Against a target of 20%, 17% of appeals had been upheld to date this year.

The Chairman advised that an appeal had recently been dismissed which related to the erection of 20 houses at Eythorne. The Committee had refused the application against Officer recommendation. The result was gratifying for Members and demonstrated that their reasons for refusal had been measured and reasonable.

RESOLVED: That the report be noted.

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

The Chairman advised that he had taken action in relation to Application No DOV/14/01213 (The Barn, North of 7 Millfield, St Margaret's-at-Cliffe). The standard condition relating to powers delegated to the Head of Regeneration and Development had not been included in the report and he had therefore agreed the conditions when they were finalised. At Councillor Gardner's request, the Principal Planner agreed to circulate the conditions to Members by e-mail.

The Committee noted the action taken since the last meeting.

The meeting ended at 8.53 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 19 NOVEMBER 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)**

This application is not for consideration at this meeting

2. **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) (Agenda Item 7 of 22 October 2015)**
3. **DOV/15/00640** **Conversion of Old School 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) (Agenda Item 7 of 22 October 2015)**

Applications DOV/15/00639 and 00640 are dealt with elsewhere on the agenda

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.

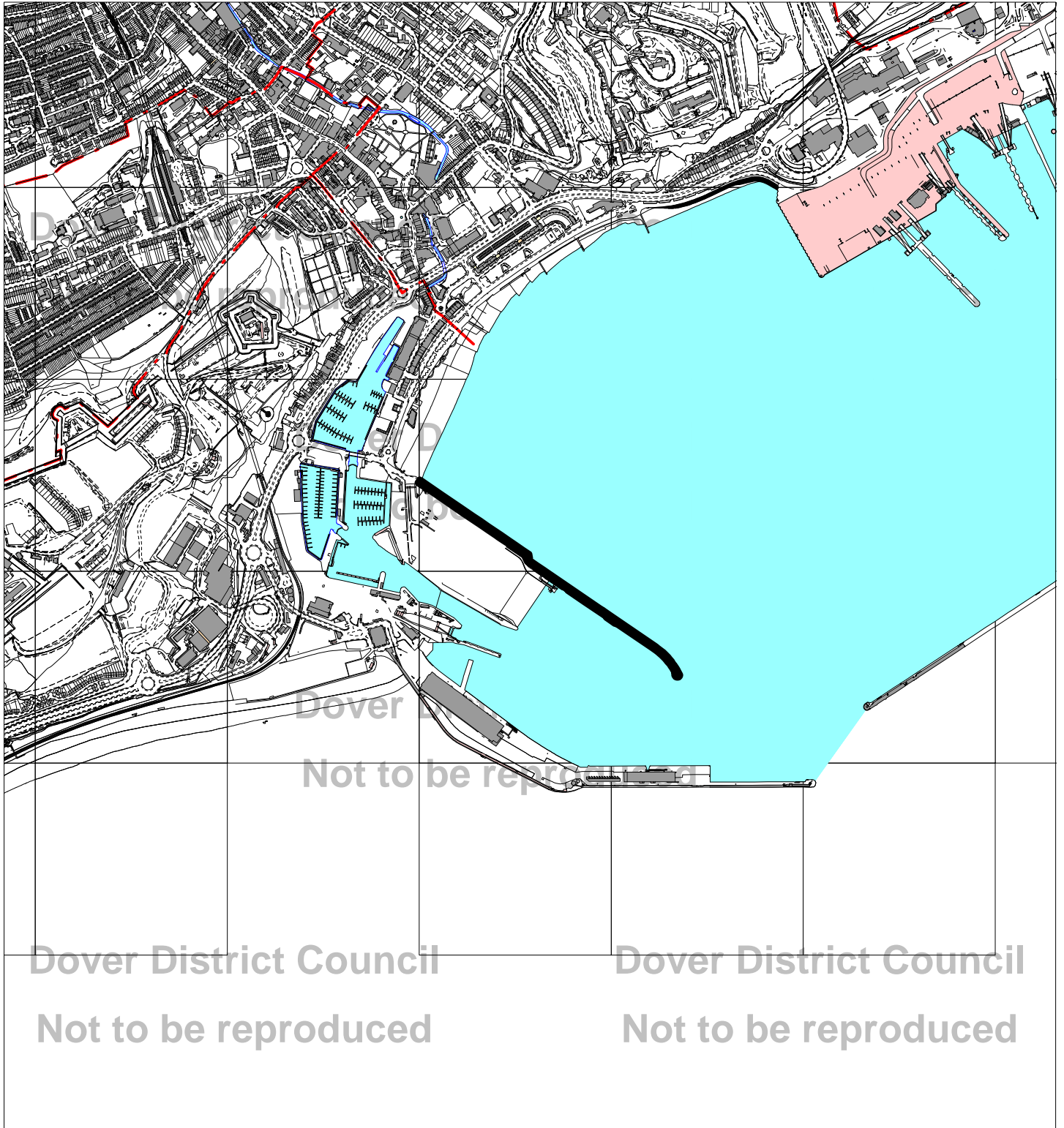
Article 14 - Prohibition of discrimination.

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

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.



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Application: DOV/15/00627

Prince of Wales Pier

Western Docks

Dover

CT17 9BX

TR32344048



- a) **DOV/15/00627 – Removal of all furniture to include all historic and late C20 railings, lamp standards, memorials, mooring bollards (cleats) and gates, and height reduction of late C20 steel sheet pile section to facilitate works approved under the Dover Harbour Revision Order 2012, New Terminal 2 – Prince of Wales Pier, Western Docks, Dover**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Grant consent.

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).

In addition there are a number of other policies and standards which are material to the determination of Listed Building Consent applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and the Historic Environment in Local Plans Good Practice Advice note.

A summary of the relevant planning policy pertaining to this application is set out below:

Dover District Core Strategy (2010)

An objective of the Core Strategy is to *'ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used positively to support regeneration, especially at Dover'*.

Although not a material consideration for the determination of an application for Listed Building Consent, policy CP8 of the Core Strategy is considered relevant to consideration of the public benefits of the proposal in line with paragraph 134 of the NPPF.

Saved Dover District Local Plan (2002) policies

None applicable

National Planning Policy Framework (NPPF) (2012)

The NPPF demonstrates a presumption in favour of sustainable development and is a significant material planning consideration. The NPPF sets out 12 core principles and states that the conservation of heritage assets should be carried out in a manner appropriate to their significance.

Paragraph 128 states that *'in determining application, local planning authorities should require an applicant to describe the significance of any heritage assets affecting, including any contribution made by their setting'*.

Paragraph 129 states that *'local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal...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'*.

Paragraph 132 states that *"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. 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."*

Paragraph 134 states *"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."*

National Planning Practice Guidance (NPPG)

The NPPG provides guidance on the interpretation of the NPPF. Paragraph 15 states that *"sustaining heritage assets in the long term often requires an incentive for their active conservation."* Paragraph 19 continues, *"a clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm"*.

Historic Environment in Local Plans; Good Practice Advice (GPA) (2015)

The GPA provides information to assist in implementing the policies in the NPPF and the NPPG.

Section 16 of the Planning (Listed Buildings and Conservation Areas Act) 1990

This requires that in considering whether to grant Listed Building Consent for works the local planning authority must have special regard to the desirability of preserving the building or its setting or any features which it possesses that are of special interest.

Other considerations

SI 2012 No.416: The Dover Harbour Revision Order 2012

d) Relevant Planning History

- DO/75/1095- substantial alterations to form Hovercraft facility - granted consent.
- DOV/88/01255 - Replacement of storm damaged cafe - granted permission.
- DOV/13/00944 - Demolition of the side fendering system, restricted area fencing, mooring walkway and platform, and erection of new parapet fence - grant consent.
- 2012 – Consent given by the Secretary of State under The Dover Harbour Revision Order 2012 to maintain and construct 41 no. works as part of the proposal to build Terminal 2 at Dover Western Docks. Consent subject to a Principal and Side Agreement between Dover District Council and Dover Harbour Board to address specific/detailed requirements.
- DOV/14/00204 – Screening Opinion relating to Cargo facilities in the vicinity of the former Hoverport apron – EIA not required.

e) **Consultee and Third Party Responses**

Dover Town Council – response received prior to consultation on and re-advertising of additional details and information submitted. Object on the following grounds:

- The loss of the pier and public amenity
- The works would change the view of the seafront
- No related planning application has been submitted to demonstrate the use of the site to justify the loss of the furniture.
- The economic case has not been demonstrated.
- There has been a lack of consultation with the town.

Historic England – comment:

- Content that the further details which have been submitted address the issues that were initially raised and now provide clear and convincing justification.
- Consent should be granted subject to conditions which require further details to be submitted to include a photographic record and methodology for the removal of the furniture, and a plan for reinstatement to an agreed milestone in the project.

Victorian Society – comment:

- Previous objection withdrawn.
- Conditions to include refurbishment and reuse of the furniture within a reasonable timeframe.

Public Representations - objection x 349; support x 5.

The following issues were raised prior to the consultation and re-advertising of additional details and information submitted. Object on the following grounds:

- The process of listing should protect the pier from alteration.
- Application fails to show how the scheme will impact on the pier.
- Would result in the loss of a heritage feature.
- Loss of the furniture would affect the individuality of the structure.
- Details should be submitted on when and where the furniture is to be relocated.
- Lack of consultation on the proposal by the Dover Harbour Board.
- Pier should be protected from development and remain in use by the public.
- Loss of recreational use of the pier.

The following issue was raised following consultation and re-advertising of the additional details and information submitted:

- The additional information shows that the scheme relates to T2 and not the DWDR proposal, therefore the original submission does not meet the requirements for a Design and Access Statement.

f) **1. Site description**

1.1. The site comprises a grade II listed pier constructed between 1893 and 1902 to a design by Sir John Coode noted in the list description as “*probably the most distinguished harbour engineer of the C19*”. It was listed in 1975 with an amendment to the description in 2009 to take account of the late C20 alterations.

1.2. Located at the Western Docks to the south of Dover town centre, the pier extends 2,910 feet from Marine Parade into Dover Harbour and forms part of a group of designated structures within the harbour. The western (landward) end was

originally constructed of a framework of cast iron trestles and piles but was altered and concealed within a steel sheet and concrete pile structure in the late C20 to form the Hovercraft facility. To the eastern (seaward) end the pier is constructed of stone with granite coping and terminates in a lighthouse.

- 1.3. The pier retains a number of historic items of furniture including cast iron railings with ornate end piers, lamp standards bearing the shield of Dover Harbour Board, mooring bollards and a white granite plinth with pink granite memorial plaque commemorating the opening of the pier
- 1.4. Late C20 alterations to the pier include the works to facilitate the Hovercraft facility noted above (part d), a café and shelters. The latter are noted in the Isit description as being of no interest. The cast iron entrance gates are noted as late C20 date to traditional details.

2. Proposed works

- 2.1 This application is for Listed Building Consent for the removal all furniture from the pier, to include both historic and later pieces, and the lowering of the northwestern side of the landward end by partial removal of the sheet steel pile structure.
- 2.2 The application has been submitted within the context of a range of works referred to by Dover Harbour Board (the applicant) as the Dover Western Dock Revival (DWDR). The DWDR is proposed to be carried out under a combination of the works for Terminal 2 at Dover Western Docks, approved through the Dover Harbour Revision Order 2012 (granted by the Secretary of State) and the use of permitted development rights for transport related development under Part 8 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the latter being used to construct a cargo handling facility within the vicinity of the former Hoverport site. The overall works package is extensive, and when completed would see the transformation of the Western Docks to provide a mixed use port-related commercial and water-based leisure environment with publically accessible harbour-side development opportunities.
- 2.2 In taking her decision on the Harbour Revision Order (HRO) the Secretary of State accepted that a range of impacts, including impacts on architectural heritage, would be necessary for the development to proceed. She also acknowledged that other permissions, including listed building consent, would need to be sought, including for works affecting the Grade II listed Prince of Wales Pier.
- 2.3 It is relevant to note that the carrying out of substantial alterations to the Prince of Wales Pier was an implicit part of the HRO proposals and it is in connection with the alterations required to the Pier as part of the build out of the DWDR scheme, that the current Listed Building Consent application has now been submitted. It is understood that the current application will be one of several Listed Building Consent applications that will need to be submitted in connection with the DWDR scheme.

3. Main Issue

- 3.1 The main issue to consider is the impact of the proposed works on the significance of the grade II listed structure.

4. Assessment

- 4.1** Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant Listed Building Consent for works, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features which it possesses that are of special historic or architectural interest. This is endorsed by paragraph 132 of the NPPF which states that *“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. 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.”*
- 4.2** Paragraph 17 of the GPA states that *“in general terms, substantial harm is a high test, so it may not arise in many cases... It is the degree of harm to the [heritage] asset’s significance rather than the scale of the development within its setting. While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all... Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”*

Significance of the heritage asset.

- 4.3** The Prince of Wales pier was designed by one of the foremost engineers of the late C19 to provide both shelter for the eastern side of the harbour and berths for cross-channel steamers and transatlantic liners. The long and dramatic sweep of the pier retains a number of pieces of historic furniture along its length which contribute to its character. The lighthouse is a principle feature on the pier and will remain unaffected by the works proposed in this application.
- 4.4** By 1905 a railway track was laid along the pier to provide a direct connection with the shipping berths. In its early life the pier would have been a bustling depot with travellers arriving and departing by train and boat, The Pier also played a significant part in the Dunkirk evacuation when 200,000 men were returned from Dunkirk to Dover in eight days.
- 4.5** The character of the pier changed significantly in the C20 to accommodate the change in mode of sea transport, with alterations to facilitate the Hovercraft port located on the south side of the pier. At this time the principle use of the pier changed to recreational, becoming a promenade and providing tourists and residents with views of the town and castle to the east and the Hovercraft to the west (evidenced by the viewing windows within the concrete curtain wall). The pier is highly valued as a heritage asset that can be enjoyed today as a recreational facility.

Assessment of proposed works to the heritage asset.

- 4.6** The planning history for the alterations to form the Hovercraft port indicate that the original cast iron structure was reduced by approximately 2.5 metres in height before the remains were encased in the steel sheet piling. The current application seeks to reduce the height of the steel sheet piling by approximately 2.5 metres. Whilst it is possible that the works will impact on remaining historic fabric, the 1975 alterations resulted in significant loss of both historic fabric and visual aesthetics of this section of the original structure. The works now proposed are noted in the

Combined Design and Access and Heritage Statement as being necessary on safety grounds as the steel sheet pile section is under stress. The potential impact on the significance of the heritage asset as a result of the proposed further works to this section is considered to be negligible.

- 4.7** The Combined Design and Access and Heritage Statement notes that the enabling works of removal of the furniture will allow for the reduction of the steel sheet piling section and for the future redevelopment of the harbour approved by the Secretary of State under the Dover Harbour Revision Order 2012. The application notes that the furniture will be safeguarded in a secure unit to enable re-erection in the future. As it may not be possible to re-erect the furniture on the Prince of Wales Pier, due to the nature of the redevelopment works proposed, the statement has suggested other possible sites for relocation, all of which are in the vicinity of the Western Docks.
- 4.8** A survey has been submitted detailing each item, both historic and non-historic, that is proposed for removal and its condition *in situ*. Due to the exposed marine environment much of the furniture has suffered from significant corrosion, particularly the late C20 entrance gates and the original cast iron hand railing. However, many of the lamp standards and mooring bollards appear to be in fair to good condition.
- 4.9** Paragraph 134 of the NPPF states that where a proposal results in less than substantial harm it must be weighed against the public benefits of the proposal.
- 4.10** The listing description notes that the pier is 'substantially intact'. The removal of the historic furniture will cause harm to the significance as they contribute to the historic character and appearance of the pier, whilst the removal of the late C20 items will have an impact on the aesthetics of the pier. The lighthouse and stone structure of the pier remain intact and the works under this application are considered to cause less than substantial harm to the heritage asset.
- 4.11** In assessing the impact of the proposed works on the heritage asset in accordance with paragraph 134 of the NPPF, the wider public benefits of the proposed redevelopment of the Western Docks as referred to in section 2 above is considered to outweigh the less than substantial harm caused by the proposed removal of the furniture. In addition, the submission proposes the relocation of the furniture within the immediate setting of the pier. A relevant condition has been recommended to ensure that the historic fabric is not permanently lost and will continue to be enjoyed by the public.
- 4.12** A consequence of the works subject of the current application would be the closure of public access to the pier. The removal of access to the pier is the main objection cited by third parties. Within the context of the wider DWDR programme, it is understood the current timetable for build-out would see the pier closed to public access from the start of 2016 with the construction of the Marina Curve and New Marina Pier, including the reintroduction of the pier furniture where appropriate, complete in 2018.

Heritage Asset Conclusion

- 4.13** In terms of the impact on the listed structure, as set out in the assessment above, the character and appearance of the pier would be harmed as a result of the proposed works. These works are considered to be less than substantial. Paragraph 134 of the NPPF requires that where there is less than substantial

harm the public benefits of the works should be considered. The redevelopment of the Western Docks is a nationally strategic scheme of significant public benefit and as such is considered to outweigh the impact on the listed structure. Mitigation for the loss has been presented, and relevant conditions recommended, in the form of relocating the furniture to agreed locations. The proposal is therefore considered to be compliant with the statutory duties set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.14 At the time of drafting this report, the period for public comment associated with the re-advertising of material submitted by the applicant had not yet expired. It's important to note that the advertisement period also postdates the date of the Planning Committee meeting at which this item will be heard. For this reason, a verbal update will be provided at the meeting on the contents of any new representations received. In addition, the recommendation at g) I below is framed to allow for the consideration of further representations made up to the close of the period for public comment. In the event that new material planning issues are received after the committee meeting, it is requested that these be considered and the application determined in consultation with the Chairman and Vice-Chairman of the Planning Committee.

g) Recommendation

I SUBJECT TO no representations being received (post the Planning Committee meeting and prior to the closure of the current advertisement period) raising new material planning considerations LISTED BUILDING CONSENT BE GRANTED, subject to the following conditions:

(i) Prior to the commencement of works, a written schedule detailing the proposed methodology for the removal of the furniture shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.

Reason: These details are required prior to commencement to ensure special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

(ii) Within 3 months of the removal of the furniture, as shown on plans no. SKT-032A rev 01 and SKT-032B rev 01, an inventory, to include a photographic record, detailing the age, condition and details of the manner of protection of each and every item during storage shall be submitted to and approved in writing by the local planning authority. The approved details of protection shall be maintained for the full period that the items are in storage prior to their relocation.

Reason: These details are required prior to commencement to ensure special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

(iii) Within 12 months of the commencement of the works, details of the proposed relocation of the removal furniture, to include a schedule of works for the repair and refurbishment of the furniture, address and plan indicating the proposed position and a timetable detailing the commencement and completion of the relocation of each and every item of furniture, shall be submitted to and agreed in writing by the local planning authority. The works thereafter shall be carried out

in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: These details are required prior to commencement to ensure special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

(iv) Prior to the commencement of the works hereby approved, a phasing schedule shall be submitted to and approved in writing by the local planning authority. The schedule shall include a timetable detailing when the works are proposed to be undertaken and shall outline their phasing within the context of the works approved as part of the Dover Harbour Revision Order 2012 (HRO). The works hereby approved shall only be carried out in accordance with the approved phasing schedule and timetable and as part of the implementation of the HRO.

Reason: to ensure that the public benefits proposed as part of the HRO, and which are material to the grant of consent, are delivered, and that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building as required by the Planning (Listed Building Conservation Areas) Act 1990.

- II In the event that any further representations are received post the consideration of the application by the Planning Committee, raising new material planning considerations, powers be delegated to the Head of Regeneration and Development to determine the application in consultation with the Chairman and Vice-Chairman of the Planning Committee.
- 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

Alison Cummings



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Application: DOV/15/00596

**The Chalet & Milners Land Between,
Clarendon Road
Kingsdown
CT14 8BU**

TR37344875



- a) **DOV/15/00596 – Outline application for the erection of a detached dwelling (all matters reserved) - Land between the Chalet and Milners, Claremont Road, Kingsdown**

Reason for report: The number of third party representations.

- b) **Summary of Recommendation**

Planning permission be Granted.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of s38 (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 newly adopted Land Allocations Local Plan. 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:

Core Strategy (CS) Policies

- Policy CP1 (Settlement Hierarchy) identifies a hierarchy of centres within Dover District. Dover is placed atop the settlement hierarchy (Secondary Regional Centre) and St Margaret's is identified as a village where the tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially it's home community.
- In order to help operate the settlement hierarchy through the development management process Policy DM1 (Settlement Boundaries) proposes settlement boundaries for planning purposes and sets out how these will be used to help judge the acceptability of individual development proposals. Development outside settlement confines will not be permitted, unless specifically justified by other development plan policies.
- Policy DM13 (Parking Provision) Determining parking solutions should be a design-led process based on the characteristics of the site, the locality, the nature of the proposed development and its design objectives.

Dover District Local Plan (DDLp) Saved policies – None Applicable

Land Allocations Local Plan (LALP) – None applicable

National Planning Policy Framework (NPPF) & National Planning Policy Guidance (NPPG)

At a national level, the NPPF sets out the Government's planning policies for England and how these are expected to be applied. In the introduction, the Government sets out that the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning applications. With its adoption in March 2012, it replaced all previous national planning policy statements with immediate effect. Therefore, it should have significant weight in the consideration of any planning application.

The NPPF articulates an overriding presumption in favor of sustainable development which should be seen as a 'golden thread' running through both plan-making and decision taking. There are three dimensions to sustainable development: economic, social and environmental. For decision making this means approving development that accords with the Development Plan without delay; and where the development plan is absent or silent or relevant policies are out-of-date granting planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the NPPF indicate development should be restricted (para 14).

National Planning Policy Framework (NPPF)

Chapter 7 – Requiring good design (Paragraphs 56 -68)

- Seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. A core principle is to always seek to secure high quality design and a good standard of amenity.
- Decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.
- Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years' worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.

- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development; secure high quality design and a good standard of amenity for all existing and future residents; recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

National Planning Practice Guidance (NPPG)

- On 6th 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.

Other Material Considerations

- Kent Design Guide – sets out examples of good design across a broad spectrum of development types and identifies a number of guiding principles.

d) **Relevant Planning History**

There is no relevant planning history on the site

e) **Consultee and Third Party Responses**

Ringwoud with Kingsdown Parish Council – Does not object in principle to outline planning for a dwelling on the plot. The application is for a two storey dwelling with four bedrooms, we consider that a too large development for this plot

KCC Footpaths – No comments to make

Ecology Officer - No historical information on the strip of lane. It may be suitable for reptiles and would recommend a habitat suitability assessment is carried out. Results of the ecology survey show that a condition is required for the safe capture and translocation of the slow worms to be an identified and enhanced receptor site which should then be monitored for three years. Best practice and in economic terms this would be best part of the applicant’s site.

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

- Application has included an area of land which forms part of the un-adopted roadway
- Part of the land outlined does not belong to the applicant
- Application form pertains to a net gain of four dwellings
- Two storey property would cause overlooking and a loss of privacy
- Site location plan does not reflect the footprint of the neighbouring property
- If approved as applied for this will restrict vehicular access to other properties in the cul-de-sac as well as for emergency vehicles and waste and recycling vehicles
- A stage 1 walkover ecological survey should have been submitted as the site is not brownfield and has treed/vegetative boundaries
- Single storey building would be more appropriate for this plot
- Height should be restricted as plot is in-between two bungalows
- Two storey dwelling would be out of keeping

Two letters neither supporting nor objecting has been received and the comments are summarised as follows:

- Property should be in-keeping with the other properties on either side of the land i.e. should be single storey or chalet style bungalows
- Concerns regarding being overlooked and a potential loss of privacy
- Positioning and height of any building will be crucial to maintaining privacy

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

1.1 The application site relates to a parcel of land, which is situated within the confines of Kingsdown and lies on Claremont Road. The site was previously used as an access to the field to the rear (north) of Claremont Road.

1.2 The site is rectangular in shape and measures approximately 65m by 10.5m and is currently overgrown with trees and hedging along the northwest and southeast side boundaries. There is a public footpath to the rear of the site.

1.3 The application seeks outline planning permission for the erection of a detached dwelling. While all matters are reserved and no indicative plans have been submitted, the application submission indicates that approval is being sought for a two storey, 4 bedroom dwelling.

1.4 *Plans will be on display*

2. **Main Issues**

2.1 The main issues for consideration are: Principle of the development; impact of the development on the street scene; impact of the development on the neighbouring properties; highways and ecology matters.

3 **Assessment**

Principle of the development

- 3.1 At present the land the subject of this application has no development on it. The last use of the site was as an access to the field to the rear. It is understood that this use has now ceased.
- 3.2 The site is located within the village confines and within an existing residential area where, in accordance with Policy DM1 of the Core Strategy, development will generally be considered acceptable subject to site specific considerations.
- 4 Design and impact of the development on the street scene
- 4.1 The proposed dwelling would be located between 'The Chalet' and 'Milner', both of which are detached bungalows. The general pattern of development in the area is one of varying plot widths and depths. However, the predominant form of dwellings within the area is detached bungalows or chalet bungalows with some full two storey dwellings further to the northwest of the site.
- 4.2 The width of the application plot is approximately 10.5m with a depth of 65m. The property to the immediate southeast (Milner) has a width of approximately 20m with the site to the immediate northwest (The Chalet) having an approximate width of 14.5m.
- 4.3 Further to the northwest and southeast, there are a number of properties, which have plot sizes which range from 10.5m upwards. Therefore whilst the plot width is considered to be small relative to the immediate neighbouring plots of Milner and The Chalet, it would be fairly commensurate with other plots, which are within a reasonable distance. For this reason, it is not considered that the principle of a dwelling on the site would result in a form of development that would appear inconsistent with the spatial and visual character of the locality.
- 4.4 The application form indicates that a two storey four bedroom dwelling is being applied for. However, no details (indicative) relating to the appearance, height and scale of the dwelling have been provided. At this stage, your Officers are of the view that further details would be required in order to demonstrate that a dwelling of this scale/size could be accommodated which reflects the visual character of the area. Should this application be approved, any reserved matters application would need to provide a detailed design analysis, which indicates how the design and form of the dwelling has taken account of the immediate character of the local vernacular and how it would relate to the existing buildings.
- 4.5 Consideration would also need to be given to the potential for a two storey dwelling to 'fill the plot' given its fairly restricted nature and whether this would result in any unacceptable levels of harm to the character and appearance of the street scene. It is suggested that a street scene elevation be required by condition in any forthcoming reserved matters application, which would show the relationship of the new property with the existing dwellings surrounding the site.
- 4.6 However, for the purposes of this outline application, it is considered that a dwelling could be accommodated within the application site. It would be for the reserved matters stage however, (when full details

are provided) to determine whether anything more than a single storey unit, or perhaps a chalet styled dwelling, could be adequately accommodated.

5 Impact on neighbours

- 5.1 This is an outline application, with all matters reserved; further details in terms of design, layout, appearance and siting would be required.
- 5.2 Concerns have been raised in relation to the potential impact that a dwelling could have on neighbouring occupants in terms of overlooking and loss of privacy.
- 5.3 It is considered that a single storey building should safeguard the living conditions of neighbours. Ultimately however, detailed drawings would need to be submitted as part of the reserved matters application which showed that any proposal would not lead to unacceptable levels of overlooking and loss of privacy.
- 5.4 Any dwelling would need to be located within the site to ensure that there would be no overbearing, overshadowing or enclosing impact on the neighbouring properties specifically at The Chalet and Milner. Sufficient details would need to be submitted to demonstrate that any potential for this could be adequately mitigated.
- 5.5 In conclusion it is considered that a single storey dwelling should be capable of being sited so as to avoid unacceptable levels of harm to the residential amenity of the neighbouring occupants. Whether a dwelling with accommodation at first floor level could achieve the same would be subject to detailed consideration at the Reserved Matters stage.

6 Highways

- 6.1 In accordance with Policy DM13 the proposed dwelling would need to provide up to two independently accessible off-road parking spaces. These details would need to be submitted as part of any reserved matters application.

7 Ecology

- 7.1 As the land may be suitable for reptiles, an Herpetofauna Survey has been undertaken following the consultation with the Ecology Officer. The results of this survey show that a total of 82 slow-worms were observed during the 2015 survey period. The maximum number of adults which were recorded during a single survey was 21. The population size class within the survey has been classified as exceptional. It was recorded that a majority of the observations were recorded along the western boundary. It was further observed that immature and neonate slow-worms were observed, which indicates the presence of a breeding population. A condition has been suggested which will require that prior to the submission of a reserved matters application, a translocation strategy should be submitted, which would detail the methodology for safe capture and translocation

to an adequate receptor site together with a monitoring programme for three years for approval of the local planning authority.

8 Conclusion

- 8.1 The outline proposal for the erection of a detached dwelling is considered acceptable in principle. It meets the policy requirement for new dwellings to be located within the settlement confines and it is considered that subject to suitable details being submitted at the Reserved Matters stage, a dwelling should be capable of being accommodated within this plot, which would be acceptable in terms of its impact on the neighbouring properties as well as its impact on the character and appearance of the street scene and surrounding area. Without further details however, it is not possible to conclude that a four bedroom, two storey dwelling (referred to in the application form) would be acceptable.
- 8.2 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 OUTLINE PLANNING PERMISSION BE GRANTED subject to conditions to include:- i) Approval of Reserved Matters, ii) Time limit for submission of Reserved Matters, iii) Time limit for commencement of development following approval of Reserved Matters, iv) Approved plans, v) Highway conditions to include: provision and permanent retention of parking spaces prior to first occupation; provision and retention of cycle parking facilities prior to first occupation; provision and maintenance of visibility splays to be shown on submitted plans prior to first occupation; details for construction vehicle parking, vi) Sample of materials, vii) Soft and hard landscaping details, viii) Tree/shrub replacement, ix) Landscape management plan, x) Details of boundary treatments xi) Details of disposal of foul and surface water, xii) Existing and proposed sections through the site, to include details of existing and proposed ground levels and finished floor levels and thresholds, xiii) Translocation strategy for slow-worm, xiv) Street scene elevation showing proposed development, xv) For the avoidance of doubt, the permission hereby given relates to a single dwelling only and does not confer approval for a two storey four bedroom property referred to in the application submission, the acceptability of which or otherwise would need to be assessed as part of any Reserved Matters submission.
- 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

- 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 (Planning Permission) – Old School and Curfew House, Kingsdown Road, St Margaret’s-at-Cliffe**

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

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

There are other planning applications related to the application site. However, these have not been included within this list as they are not considered to be material to the determination of the current application.

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) 1st 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/15/00327

43 Dola Avenue

Deal

CT14 9QH

TR36715242



a) **DOV/15/00327 – Erection of 9 chalet bungalows, associated parking and vehicular access - 43 Dola Avenue, Deal**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning Permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Deal is identified as a District Centre, which will be the secondary focus for development in the District; suitable for urban scale development.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.

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 effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; 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.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

There is no planning history for the application site which is directly relevant to the determination of the current application. However, the following applications, which relate to neighbouring sites, are of note in the assessment of the current application.

210 Middle Deal Road, Deal (Rear of Site with Access Proposed off Foster Way)

DOV/04/01318 – 2 No. detached two storey 3 bedroom houses – Granted

Land Rear of 41 Dola Avenue, Deal

DOV/04/01287 – Erection of two detached bungalows – Refused and Dismissed at Appeal.

DOV/06/01461 – Erection of one detached chalet bungalow – Refused and Allowed at Appeal.

e) **Consultee and Third Party Responses**

In respect of the initial consultation, the following representations were received:

Deal Town Council – Recommend that the application be refused. The development would have: an overbearing impact on the local community; negative environmental impact; and would have serious issues on parking and highway safety with insufficient car parking per dwelling.

Environmental Health – No observations to make.

Environment Agency – No comments to make.

KCC Highways and Transportation – Foster Way and Dola Avenue are suitable to accommodate the additional dwellings. Clarification should be provided to show that the applicant has access over the section of Dola Avenue leading to the site. Allocated car parking accords with Policy DM13, however 2 visitor spaces are also required under this policy. The applicant should discuss refuse arrangements with DDC.

KCC Flood Team – Object. Surface water is to be disposed of via soakaways; however, the feasibility of soakaways at this site is in considerable doubt and, as such, the development could lead to an increased risk of surface water flooding. In order to overcome this objection, the applicant should undertake a ground investigation to the appropriate standard, which demonstrates ground water conditions are of sufficient permeability to enable the effective use of infiltration structures.

Public Representations – Thirty-eight letters of objection have been received, raising the following concerns:

- Overdevelopment
- Increased congestion in Dola Avenue and Foster Way
- Harm to highway safety and the free flow of traffic
- Insufficient car parking has been proposed
- The development would harm the character and appearance of the area
- Trees were removed from the site prior to the submission of the application
- The proposed trees would impact upon neighbouring buildings
- The development would harm the living conditions of neighbouring properties, including through overlooking and noise and disturbance
- Inadequate infrastructure to serve the development
- The loss of vegetation has resulted in the loss of wildlife, including protected species, and their habitat
- The proposal should not create a through road/the proposal should be for a new cul-de-sac
- The dwellings would be served by inadequate green space/gardens
- The proposal would not provide adequate surface water drainage

Following amendments to the application and additional information, which reduced the number of dwellings proposed from 10 to 9, introduced additional car parking, altered the design of the buildings and introduced soakaway areas; the following consultee and third party responses were received:

KCC Flood Team – Remove objection, as it is likely that the provision of large soakaway structures will adequately accommodate surface water runoff from the site; however, a condition is recommended as there are some outstanding concerns with the information provided to date.

KCC Public Rights of Way – It would be preferable to have no vehicular access over the public right of way. Visibility out of the site could be improved whilst, should DDC be mindful to approve the application, a ramped pedestrian crossing should be included, signed to alert vehicles of pedestrian priority.

Principal Infrastructure and Delivery Officer – The development would give rise to a need for 0.044ha of Open Space. A project has been identified in Victoria Park to reconfigure hard courts to provide dual use for both tennis and netball. The development would give rise to a need to provide a contribution of £5,690 towards the funding of this project.

Arboricultural Officer – No objections following receipt of the tree report.

Environmental Health – No observations to make.

Environment Agency – No comments to make.

Deal Town Council – Object. The development would have: an overbearing impact on the local community; negative environmental impact; and would have serious issues on parking and highway safety with insufficient car parking per dwelling.

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

- Overdevelopment
- Insufficient car parking provision
- Harm to highway safety and the free flow of traffic
- The areas of soft landscaping will not be maintained
- The proposed trees would impact upon neighbouring buildings
- The loss of vegetation has resulted in the loss of wildlife, including protected species, and their habitat
- Inadequate refuse provision
- Insufficient foul and surface water drainage provision
- Noise and disturbance

Following further amendments to the application, which amend the access to the site to provide one point of access from Dola Avenue (removing the access to Fosters Way and instead providing a pedestrian link in this location); the following consultee and third party responses were received:

Deal Town Council – Object. The development would have: an overbearing impact on the local community; negative environmental impact; would have serious issues on parking and highway safety with insufficient car parking per dwelling; and would have a detrimental impact on the quality of life of local residents.

KCC Public Rights of Way – The vehicular access over the public right of way should include a ramped pedestrian crossing, signed to alert vehicles of pedestrian priority.

KCC Highways and Transportation – The development includes an access to Dola Avenue only, which is acceptable. The proposal also includes a raised table and improved visibility splays. No objections are raised, subject to conditions.

Arboricultural Officer – No objection to the removal of the Sycamore on site, subject to the provision of replacement trees of a reasonable height and species. The trees should be protected by a requirement to replant any trees which are lost. Some trees may be protected by TPO's, once established.

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

- Concern regarding the introduction of a pedestrian access onto Foster Way
- The builders of the development should not access the site from Foster Way
- Overdevelopment
- Concern that a subsequent planning application may be submitted to provide an access into Foster Way
- Future maintenance of the landscaped areas
- People could congregate in the area of open space, causing noise and disturbance
- The proposed trees would impact upon neighbouring buildings

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

1.1 The site lies within a wholly residential area of Deal. The area has a mixed character with linear and perimeter block development to the south east and winding cul-de-sacs to the north west. The scale and form of development is equally varied, with a mixture of detached, semi-detached and terraced properties of one, one and a half or two storeys in height.

- 1.2 The site itself currently contains one detached bungalow facing towards Dola Avenue to the north east, with an extensive garden extending to the south west towards Foster Way. A Public Right of Way (ED21) runs along the north east boundary of the site.
- 1.3 This application seeks planning permission for the erection of nine dwellings within the extensive garden of the existing property. A total of fifteen car parking spaces would be provided, two for the existing dwelling, one for each of the proposed dwellings and four communal visitor spaces. These car parking spaces would be served by one vehicular access to Dola Avenue and an access road through the site, with a turning head to the south of the site. Following amendments to the application, the vehicular access, and subsequently the pedestrian access, to Foster Way has been omitted.

2 **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact of the development on the character and appearance of the area
- The impacts of the development on the living conditions of neighbouring properties
- The impact on the highway network

Assessment

Principle

- 2.2 The site lies within the settlement confines of Deal, 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.
- 2.3 Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". At present, the council is unable to demonstrate a five year supply of housing land. As such, and in accordance with paragraph 14 of the NPPF, planning permission must be granted, unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies" of the NPPF, or where specific policies of the NPPF "indicate development should be restricted".

Character and Appearance

- 2.4 The development would provide a linear form of development to create a small cul-de-sac, which would respond to the prevailing pattern of development within this part of Deal. There is a mixture of building types within the area, including single, one and a half and two storey dwellings. However, properties in the spur off Dola Avenue which would access the site are predominantly single storey, whilst the properties in Foster Way are predominantly one and half storeys. The proposed dwellings largely comprise one and a half storey properties; however, the dwelling facing Dola Avenue would be single storey. It is therefore considered that the layout, pattern of development and scale of the proposed dwellings accords with the character of development in the area.

- 2.5 The design of properties in the area vary significantly. Distinct groups of buildings display a coherent design; however, each group of buildings differs from the next. The proposal would create a holistic and self-contained development which would produce a character of its own, whilst responding to the proportions of the neighbouring properties, in particular those in Foster Way. The proposed dwellings would provide a regular rhythm to their fenestrations, whilst detailing such as a red brick plinth under yellow brick walls, together with vertical glazing would add interest to the buildings. Having regard for the mixed character of the area and the strong design of the development as a whole, it is considered that the proposal would produce a high quality design which respects the character and appearance of the area.
- 2.6 The development proposes front garden areas and landscape margins along the sides of the access road. These areas include the provision of thirty-eight new trees which would significantly soften the site and provide maturity to the development. It is considered that it would be reasonable to secure the provision and maintenance of the proposed landscaping by condition.

Impact on Residential Amenity

- 2.7 The site is bounded by residential properties on all sides, with properties particularly close to the north west, north east and south west boundaries of the site.
- 2.8 To the north west of the site are No.27 Foster Way and No.'s 41 and 41a Dola Avenue. The proposed row of dwellings would back onto the side boundaries of these properties, which enclose their rear gardens. The proposed dwellings would be set around 6m away from these boundaries and 7.1m and 13m from the side elevations of No.'s 27 and 41a respectively. Whilst the proposed dwellings would be relatively close to these properties, it is not considered that any unacceptable loss of light or sense of enclosure would be caused to these neighbouring properties, or their gardens, due to the restricted height of the development, having an eaves level of 2.3m rising to a ridge of 7.5m.
- 2.9 The proposal would include first floor dormer windows and roof lights to the rear roof slope, facing towards No.27 Foster Way and 41 and 41a Dola Avenue. Whilst these windows would be close to these properties, they have been designed to have a cill height of 1.7m above the finished floor level of the rooms they serve. For this reason, it is considered that the potential for overlooking has been mitigated. Furthermore, trees are proposed within the rear gardens of properties which, whilst not being relied upon, would further reduce the perception of overlooking.
- 2.10 To the east of the site is Marbaling, which would be located around 7.5m from the closest point of Unit 1, which is entirely single storey in height. At this distance, and having regard for the height of Unit 1, no loss of light or sense of enclosure would be caused. Furthermore, as Unit 1 would provide no accommodation at first floor level, no overlooking would be caused. Whilst Unit 2 does provide windows at first floor level, these would be at an obtuse angle to Marbaling and at a distance of around 23m and would not, therefore cause unacceptable harm.
- 2.11 To the south west of the site is No.44 Foster Way, which is located around 12m from the side elevation of Unit 9. Unit 9 would be approximately level with the front car parking areas of No.44 and this relationship, together with the

separation distance between the two properties will ensure that no unacceptable loss of light or sense of enclosure would be caused. Furthermore, whilst an elongated window would be provided in the side elevation of No.9, this would face the front car parking area of No.44, which is already open to public views, and would produce no direct overlooking of private areas. Furthermore, this window serves a stairwell, which would be likely to be used intermittently. The development would not, therefore, cause any significant harm to the living conditions of No.44.

- 2.12 To the south east, the site is bounded by the rear elevations of properties on Middle Deal Road. These properties have long rear gardens (in excess of 40m) and, as such, the proposed dwellings would be located a significant distance away from the rear elevations of these neighbours, causing no loss of light, sense of enclosure or overlooking.
- 2.13 It is not considered that any other properties would be impacted by the proposed development and, as such, the development would not cause any unacceptable harm to the living conditions of any neighbouring property.
- 2.14 Regard must also be had for the living conditions of future occupiers. The dwellings would be of a reasonable size, whilst all habitable rooms would be served by windows to provide natural light. Concern has been raised that the gardens of the proposed dwellings would be too small. Whilst there is no minimum garden size for new dwellings, it is considered that the gardens provided would be adequate to meet the day to day needs of occupants, providing sufficient space for refuse and cycle storage, and general amenity space. The living conditions for future occupiers are therefore considered to be acceptable.

Impact on the Highway

- 2.15 The proposal has been amended through the course of the application to provide a single means of access from Dola Avenue. The scheme had originally included a second access to Foster Way; however, this was removed and a turning head provided following significant local objection. Several objections have been received regarding the replacement of the vehicular access to Foster Way with a pedestrian access, which could encourage occupants of the development to park in Foster Way. Subsequently, the applicant has agreed to remove this pedestrian access and construct a boundary wall across the north western boundary of the site adjacent to Foster Way to provide a physical barrier. However, at the time of writing this report, this amendment had not been received. Should permission be granted subject to this amendment, the application will not be formally determined until suitable amended drawings have been submitted.
- 2.16 The proposed access, which would utilise the access to the existing dwelling, would lead from Dola Avenue and would pass over a Public Right of Way (PROW). Concern had been raised that the intensification in the use of the access could reduce the usability of the PROW; however, the proposal now includes a raised table to the access, reducing vehicle speeds as they enter and exit the site. Furthermore, the development would secure generous pedestrian visibility splays of 2m by 3m. Forward visibility for vehicles entering the site would also be acceptable.

- 2.17 The layout of the internal road proposed would allow sufficient width to provide access through the site, whilst the turning head at the end of the road would allow vehicles to turn within the site and exit in a forward gear.
- 2.18 Following several site visits, it has been noted that the roads within the locality provide very limited opportunities for on-street car parking and it is therefore concluded that the development cannot rely on on-street car parking. The development would provide one off-street space per dwelling, together with four visitor spaces. The site is considered to be within a suburban location where, having regard for the guidance for car parking provision outlined in Table 1.1 of the Core Strategy, two bedroom dwellings will be expected to be provided with one allocated car parking space, together with 0.2 spaces per dwelling for visitors. As such, the development is required to provide eleven car parking spaces. The development would provide thirteen spaces for the proposed dwellings (plus two spaces for the existing dwelling). Whilst on-street car parking in the surrounding area is constrained, it is considered that the car parking proposed is sufficient to meet the needs generated by the development.
- 2.19 The proposal does not show any provision for the parking of bicycles. However, the site provides sufficient space for the provision of cycle parking and the applicant has confirmed that he would be happy for a condition to be attached to any grant of planning permission to secure the provision of cycle parking. Subject to the inclusion of a suitably worded condition, it is considered that the development is acceptable in this respect.
- 2.20 Whilst access to the site is considered to be acceptable, access by large lorries and construction vehicles along the relatively narrow section of Dola Avenue is constrained, whilst the site itself is relatively small, providing only limited opportunities to load and offload 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.
- 2.21 Subject to conditions being attached to any grant of permission, and the submission of a suitable amended drawing omitting the pedestrian access to Foster Way and providing a wall to the boundary with Foster Way, it is considered that the development would cause no harm to highway safety, the free-flow of traffic or the convenience of road users.

Contributions

- 2.22 Core Strategy Policy DM5 requires that for schemes of 5 to 14 dwellings an on-site provision of affordable housing or an equivalent financial contribution (or a combination of both) will be required. The applicant has completed the Councils Affordable Housing Pro-forma, which sets out that developments will be expected to provide a financial contribution equivalent to 5% of the Gross Development Value.
- 2.23 Two bedroom dwellings of a similar size to those proposed, within a 1 mile radius of the site, are typically advertised for sale in the region of £180,000 to £285,000, with the more expensive dwellings typically comprising detached bungalows and the cheaper properties typically being semi-detached and one and half storeys. There are two new build detached bungalows for sale in Hancocks Field which are advertised at £235,000, which are the closest advertised properties of this

type to the application site. The most comparable property to those of the proposed development is a 2 bed semi-detached one and a half storey dwelling on Southwall Road, which was advertised at £199,995 and has sold subject to contract. Whilst actual sales values may be slightly below the advertised values, it is considered that the dwellings would reasonably attract a sales value of approximately £200,000. Consequently, the applicants estimated Gross Development Value of £1,799,550 (£199,950 per dwelling) is considered to be reasonable. As such a contribution of £89,977.50 is required.

- 2.24 Policy DM27, which is included in the Land Allocations Local Plan (LALP), requires that planning applications for residential development will be expected to provide, or contribute towards the provision of open space to meet the needs generated by the development.
- 2.25 Having regard for Table 1.4 in the LALP, the total amount of civic open space required by the additional residents is approximately 0.041 ha, comprising 0.027 ha accessible green space, 0.014 ha outdoor sports facilities, 0.0007 ha equipped play space and 0.002 ha allotments/community gardens. There is no opportunity to provide open space within the development. As such, it is likely that facilities at Victoria Park would come under increased pressure; it is located around 1km from the development along footpaths (500m as the crow flies).
- 2.26 Given the size of the proposed dwellings, together with the existing provision within the locality, it is considered that the most relevant need arising from the development will be outdoor sports facilities. The adopted Playing Pitch and Outdoor Sports Facilities Strategy identify a need to increase capacity at the hard courts at Victoria Park so as to meet additional need for outdoor sports expected during the plan period.
- 2.27 The need for sports facilities arising from the development is 0.0141ha or 141m². An identified project which would meet the need for additional sports demand is the construction and laying out of a dual use tennis and netball court at Victoria Park. According to Sport England guidance the area of a doubles tennis court, including run-offs is 669m². Therefore the proportion of a tennis court required would be 0.21. According to LTA guidance the cost of constructing a porous macadam court is £27,000 therefore a reasonable contribution may be calculated as £5,690.
- 2.28 As such, contributions of £89,977.50 and £5,690 would be necessary, directly related to the development, deliverable and reasonable in all other respects, in accordance with the CIL Regulations.
- 2.29 At the date of writing this report, a legal agreement securing the required affordable housing and open space contributions has not been submitted; however, the applicant has confirmed that he is happy to provide such an undertaking to provide the required contributions. This undertaking is currently being written for submission. Subject to receipt of an acceptable legal agreement, it is considered that the development would provide the infrastructure required by Policies DM5 and DM27 to meet the needs generated by the development.

Surface Water Drainage

- 2.30 The proposal seeks to discharge ground water runoff via soakaways. The site lies in an area where groundwater is located at a relatively shallow depth, reducing the grounds ability to quickly drain away water. At the time that the application

was submitted, no ground investigation had taken place and, as such, ground conditions or drainage rates were unknown. In the absence of such information, it could not be demonstrated that sufficient unsaturated, permeable material was present to enable the effective drainage of the site and avoid localized surface water flooding.

- 2.31 During the course of the application, the applicant undertook drainage testing to demonstrate the permeability of the ground and provided details of the size and design of soakaways and construction details of the permeable hardstanding areas. This testing, whilst undertaken having regard for BRE365, was not carried out to the correct depth (0.75m as opposed to 1m) and was not carried out for the correct period of time. The errors in the methodology could result in a slightly lower rate of permeability than suggested by the test results. However, the results were sufficient to demonstrate that the drainage proposed is likely to be feasible and, consequently, KCC's Flood Team have not objected to the development, instead recommending that a condition is attached to any grant of permission requiring the submission of details of a surface water drainage scheme, including further drainage testing.

Trees

- 2.32 The site includes one tree to the southern corner of the site. This tree is a mature sycamore of around 13m in height, but is not covered by a Tree Protection Order. It is considered that, as the largest tree in the area, it provides a contribution to the visual amenity of the area. Following amendments to the scheme, it is proposed to fell this tree to make way for a vehicular turning head.
- 2.33 The loss of the tree would detract from the wider visual amenity of the area; however, the application proposes the provision of thirty-eight trees. Whilst these replacement trees, due to being smaller than the sycamore they would replace, would not mitigate the loss of visual amenity in the wider area, they would enhance the visual amenity of the site itself in views from Dola Avenue and Foster Way. It is considered that this significant enhancement would outweigh the loss of the single sycamore. Furthermore, the provision of trees, including details of their size and species, can be secured by condition. Such a condition could also secure the re-provision of trees which are lost, to maintain the benefits to the visual amenity of the area which would accrue.
- 2.34 Concerns have been raised by third parties that a significant number of trees and other vegetation were removed, prior to the submission of the application. Having reviewed aerial images of the site, it appears that these assertions are correct. However, the site is not covered by any Tree Preservation Orders or any other legislation which would prevent the loss of trees or other vegetation. The loss of this vegetation is not, therefore, material to the assessment of the current planning application.

Ecology

- 2.35 In furtherance to the loss of vegetation, which has been raised in the previous paragraph, concern has been raised that this loss of vegetation has resulted in the loss of protected species and their habitat. However, these works do not form a part of this application and are not, therefore, material to this assessment. Notwithstanding this, the applicant has a duty under the Habitats Directive and the Wildlife and Countryside Act 1981. Having regard for Natural England's Standing Advice, it is not considered that there is any significant likelihood that

the application site, at the time of the application, provides habitat to any protected or notable species.

Overall Conclusions

- 2.36 Subject to the provision of an amended drawing showing the removal of the pedestrian access from the site to Foster Way and the submission and agreement of a suitably worded legal agreement to secure the provision of affordable housing and Open Space contributions, it is considered that the development is acceptable in principle and in all material respects, subject to conditions. Furthermore, the Council is unable to demonstrate a deliverable five year housing land supply and, as such, weight must be given in favour of the development by virtue of providing an additional nine dwellings, within the settlement confines and in a relatively sustainable location.

g)

Recommendation

- I Subject to the submission and agreement of a s106 agreement to secure contributions and an amended plan showing the omission of the pedestrian access to Foster Way, PERMISSION BE GRANTED subject to conditions to include:-
- (i) approved plans, (ii) samples of materials to be used, (iii) details of landscaping, (iv) provision and retention of car parking, (v) provision and retention of cycle parking, (vi) provision and retention of access, (vii) construction management plan, (viii) details of the raised table, (ix) provision and retention of visibility splays, (x) details of surface water drainage, (xi) the first floor windows in the north west roof slope of units 2 to 9 inclusive to have a cill height of 1.7m above finished floor level, (xii) boundary wall to be provided to the north west boundary adjacent to Foster Way.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree amended drawings and a s106 agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Luke Blaskett

Subject:	FEES AND CHARGES 2016/17
Meeting and Date:	Planning Committee (for information) – 19 November 2015 Cabinet – 11 January 2016 (part of larger report)
Report of:	Nadeem Aziz, Chief Executive
Portfolio Holder:	Councillor N S Kenton, Portfolio Holder for Environment, Waste and Planning
Decision Type:	Key
Classification:	Unrestricted

Purpose of the report: This report has been prepared in order to bring the levels of fees and charges (F&Cs) for the financial year 2016/17 to Members attention. These revised F&Cs will be included in the budget estimates for 2016/17.

Recommendation: Planning Committee

That Members note the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2

Cabinet

That Members approve the Council's fees and charges set out in Appendices 5.1 and 5.3 and note the national planning fees set out in Appendix 5.2

Minor adjustments to the local fees and charges to be delegated to the Head of Regeneration and Development in consultation with the Director of Finance, Housing and Community.

1. Summary

The constitution specifies that the Council's F&Cs shall be reviewed annually. In order to meet this requirement all Directors have been asked to review the F&Cs within their areas of responsibility and to produce recommended levels for 2016/17. The fees and charges for planning are included in Appendices 5.1 and 5.3 for members to note. Members will also note the national fees for planning included in Appendix 5.2. These were introduced in November 2012 and include a 15% increase on fees prior to this date.

2. Introduction and Background

2.1 The Council's constitution specifies that F&Cs shall be reviewed annually.

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

- Licensing Committee
- Regulatory Committee
- Planning Committee
- Cabinet

- 2.3 In order to meet this requirement the following reports are produced for setting the Planning fees:
- Planning Committee – Report to the meeting on 19 November 2015 of all F&Cs relevant to the Planning Committee.
 - Cabinet – Report to the meeting on 11 January 2016 of all F&Cs, but seeking specific approval of those F&Cs set by Cabinet.
- 2.4 Members are reminded that a framework of broad guidelines to be considered in formulating proposals for F&Cs is in place. This includes a checklist which has been circulated to all Service Directors and to all officers considering F&Cs so that a rigorous and consistent approach is taken. A copy is attached at Appendix 1.
- 2.5 As in previous years, in order to assist Members, the data on F&Cs has been tabulated into a standard format that has been used for Appendix 5.1

Detail and Narrative (Columns A & B)

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

Set by Government (Column C)

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

2015/16 Charge Inc VAT (Column D)

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

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

2015/16 Total Expected Income ex VAT (Column G)

This gives a broad indication as to how much income DDC is expecting to receive and has been included to provide Members with a sense of the relative importance of individual charges.

2016/17 Proposed Charge Inc VAT (Column H)

This is the recommended charge for 2016/17 and will, subject to Members' approval, be included in the 2016/17 budget.

2016/17 Total Expected Income ex VAT (Column J)

This gives a broad indication as to how much income DDC is expected to receive and has been included to provide Members with a sense of the relative importance of individual charges or group of similar charges. The more significant income streams (generating over £3k) have been highlighted in **bold** type.

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

Reason for the Change in Charges (Column L)

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

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

3. Basis for Setting of Fees

3.1 Members should take into account the following matters referred when noting the fees and charges included in Appendices 5.1-5.3:

- The statutory basis for levying the charges.
- All relevant legal requirements and government guidance.
- The cost of providing the service.
- The need to maximise income at a time of grant cuts and council tax capping so as to ensure that in so far as possible, and taken year on year, the fees and charges are sufficient to meet the costs of providing the services.
- Comparable charges at neighbouring authorities.
- What the market can bear.
- The matters referred to in the checklist of issues to consider (at Appendix 1)

4. Resource Implications

See Appendices.

5. Corporate Implications

5.1 Comment from the Director of Finance, Housing and Community (linked to the MTFP): Finance have been involved in the production of this report and have no further comment to make (VB).

5.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comment to make.

5.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

6. Appendices

Appendix 1 – Fees and Charges checklist

6.1

Appendix 5.1 – Schedule of recommended F&Cs

Appendix 5.2 - A Guide to National Fees for Planning Applications in England

Appendix 5.3 – Pre-application Planning Fees

Contact Officer: Mike Ebbs, Head of Regeneration and Development.

Fees and Charges Checklist

<p>Corporate and Service Objectives Are links made between charges and our corporate and service objectives and are we able to use charges to help deliver these objectives?</p>
<p>Users of the Service Is there sufficient understanding of our service users and their needs and wishes? Have we considered different pricing to specific target groups and has the potential impact of charges or the changes to existing charges been assessed? Ensure that you consider the potential diversity and equality issues and where necessary consider and document any issues and mitigation.</p>
<p>Comparison with other providers Is there a complete picture of competition and providers of similar services – including other Local Authorities?</p>
<p>Consultation Has the relevant Portfolio holder been consulted and do charges meet with their aspirations and requirements? Is wider community consultation appropriate for any of your charges? Has it been undertaken?</p>
<p>Performance Management Are the principles for charges clearly defined and are clear targets set and monitored. Do we have a clear picture of what is a success?</p>
<p>Financial Considerations Is the charge at a level to fully recover all costs or if is subsidised - why? Have we considered all services for which we can / should charge a fee? Are there any fees that we charge, that have not been included in the schedule? Are we being radical in our approach to charging and are our charges cost effective?</p>
<p>Corporate Income Policy Please ensure you adhere to the main principals of the Corporate Income Policy when setting your fees and charges.</p>
<p>Legal Considerations and Other Guidance Does the Council have the power to levy the charges. Is there any ministerial or other guidance that should be taken into account?</p>
<p>Customer Access Review Consider whether the CAR for your service includes any issues for specific fees.</p>

Fees and Charges 2016/17

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	A	B	C	D	E	G	H	I	J	K	L
1				2015/16	2015/16	2015/16	2016/17	2016/17	2016/17		
2	Detail	Narrative	Set by Government? Y/N	Charges inc VAT	Units / Comments	Total Expected Income ex VAT	Proposed Charges inc VAT	Units / Comments	Total Expected Income ex VAT	Fee % change	Reasons for Change in Charges and/or income
3	Planning - N. Aziz - M. Ebbs - Cllr Kenton										
4	General	Section 52 Agreements, Section 106 Agreements, Tree Preservation Orders and Article 4 Directions and Enforcement Notices	Y	£5.00		£750	£5.00		£750	0%	
5	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.10	A4		£0.10			0%	
6	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£0.20	A3		£0.20			0%	
7	General	Plans submitted with planning applications or accompanying other planning documents and other miscellaneous photocopying	N	£5.00	over A3		£5.00			0%	
8	General	Research on Planning Histories, Permitted Development Rights and Use classes	N	£35.00	per request		£35.00			0%	
9	General	Planning Application Fees (see Appendix 5.2 - A Guide to the Fees for Planning Applications in England)	Y			£537,500			£550,000	2%	To reflect activity in development sector
10	General	Pre-application advice (see Appendix 5.3)	N			£40,000			£55,000	38%	Partly to now make the hourly charge +vat and increase in applications
11	General	Details pursuant to conditions	Y	£25.00	householder	£15,000			£15,000	0%	
12	General	Details pursuant to conditions	Y	£85.00	per request					0%	
13	General	Advice on compliance of conditions information	Y	£25.00	householder					0%	
14	General	Advice on compliance of conditions information	Y	£85.00	per request					0%	

A Guide to the Fees for Planning Applications in England

These fees apply from 15 April 2015 onwards.

This document is based upon '[The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#)'

The fee should be paid at the time the application is submitted. If you are unsure of the fee applicable, please [contact your Local Planning Authority](#).

All Outline Applications		
£385 per 0.1 hectare for sites up to and including 2.5 hectares	Not more than 2.5 hectares	£385 per 0.1 hectare
£9,527 + £115 for each 0.1 in excess of 2.5 hectares to a maximum of £125,000	More than 2.5 hectares	£9,527 + £115 per 0.1 hectare

Householder Applications		
Alterations/extensions to a single dwelling , including works within boundary	Single dwelling	£172

Full Applications (and First Submissions of Reserved Matters)		
Alterations/extensions to two or more dwellings , including works within boundaries	Two or more dwellings (or two or more flats)	£339
New dwellings (up to and including 50)	New dwellings (not more than 50)	£385 per dwelling
New dwellings (for <i>more</i> than 50) £19,049 + £115 per additional dwelling in excess of 50 up to a maximum fee of £250,000	New dwellings (more than 50)	£19,049 + £115 per additional dwelling

Continued on next page...

Full Applications (and First Submissions of Reserved Matters) continued...		
Erection of buildings (not dwellings, agricultural, glasshouses, plant nor machinery):		
Gross floor space to be created by the development	No increase in gross floor space or no more than 40 sq m	£195
Gross floor space to be created by the development	More than 40 sq m but no more than 75 sq m	£385
Gross floor space to be created by the development	More than 75 sq m but no more than 3,750 sq m	£385 for each 75sq m or part thereof
Gross floor space to be created by the development	More than 3,750 sq m	£19,049 + £115 for each additional 75 sq m in excess of 3750 sq m to a maximum of £250,000
The erection of buildings (on land used for agriculture for agricultural purposes)		
Gross floor space to be created by the development	Not more than 465 sq m	£80
Gross floor space to be created by the development	More than 465 sq m but not more than 540 sq m	£385
Gross floor space to be created by the development	More than 540 sq m but not more than 4,215 sq m	£385 for first 540 sq m + £385 for each 75 sq m (or part thereof) in excess of 540 sq m
Gross floor space to be created by the development	More than 4,215 sq m	£19,049 + £115 for each 75 sq m (or part thereof) in excess of 4,215 sq m up to a maximum of £250,000

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Full Applications (and First Submissions of Reserved Matters) continued...		
Erection of glasshouses (on land used for the purposes of agriculture)		
Gross floor space to be created by the development	Not more than 465 sq m	£80
Gross floor space to be created by the development	More than 465 sq m	£2,150
Erection/alterations/replacement of plant and machinery		
Site area	Not more than 5 hectares	£385 for each 0.1 hectare (or part thereof)
Site area	More than 5 hectares	£19,049 + additional £115 for each 0.1 hectare (or part thereof) in excess of 5 hectares to a maximum of £250,000

Applications other than Building Works		
Car parks, service roads or other accesses	For existing uses	£195
Waste (Use of land for disposal of refuse or waste materials or deposit of material remaining after extraction or storage of minerals)		
Site area	Not more than 15 hectares	£195 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£29,112 + £115 for each 0.1 hectare (or part thereof) in excess of 15 hectares up to a maximum of £65,000
Operations connected with exploratory drilling for oil or natural gas		
Site area	Not more than 7.5 hectares	£423 for each 0.1 hectare (or part thereof)
Site area	More than 7.5 hectares	£31,725 + additional £126 for each 0.1 hectare (or part thereof) in excess of 7.5 hectares up to a maximum of £250,000

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Operations (other than exploratory drilling) for the winning and working of oil or natural gas		
Site area	Not more than 15 hectares	£214 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£32,100 + additional £126 for each 0.1 in excess of 15 hectare up to a maximum of £65,000
Other operations (winning and working of minerals) excluding oil and natural gas		
Site area	Not more than 15 hectares	£195 for each 0.1 hectare (or part thereof)
Site area	More than 15 hectares	£29,112 + additional £115 for each 0.1 in excess of 15 hectare up to a maximum of £65,000
Other operations (not coming within any of the above categories)		
Site area	Any site area	£195 for each 0.1 hectare (or part thereof) up to a maximum of £1,690

Lawful Development Certificate	
Existing use or operation	Same as Full
Existing use or operation - lawful not to comply with any condition or limitation	£195
Proposed use or operation	Half the normal planning fee.

Continued on next page...

Prior Approval	
Agricultural and Forestry buildings & operations or demolition of buildings	£80
Telecommunications Code Systems Operators	£385
Proposed Change of Use to State Funded School or Registered Nursery	£80
Proposed Change of Use of Agricultural Building to a State-Funded School or Registered Nursery	£80
Proposed Change of Use of Agricultural Building to a flexible use within Shops, Financial and Professional services, Restaurants and Cafes, Business, Storage or Distribution, Hotels, or Assembly or Leisure	£80
Proposed Change of Use of a building from Office (Use Class B1) Use to a use falling within Use Class C3 (Dwellinghouse)	£80
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), where there are no Associated Building Operations	£80
Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and Associated Building Operations	£172
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), where there are <u>no</u> Associated Building Operations	£80
Proposed Change of Use of a building from a Retail (Use Class A1 or A2) Use or a Mixed Retail and Residential Use to a use falling within Use Class C3 (Dwellinghouse), and Associated Building Operations	£172
Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to Dwellinghouses (Class C3)	£80
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3)	£80
Notification for Prior Approval for a Change of Use from Amusement Arcades/Centres and Casinos, (Sui Generis Uses) and any land within its curtilage to Dwellinghouses (Class C3), and Associated Building Operations	£172

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Prior Approval continued...		
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3)		£80
Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3), and Associated Building Operations		£172
Notification for Prior Approval for a Change of Use from Shops (Class A1) and Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure Uses (Class D2)		£80

Reserved Matters		
Application for approval of reserved matters following outline approval		Full fee due or if full fee already paid then £385 due

Approval/Variation/discharge of condition		
Application for removal or variation of a condition following grant of planning permission		£195
Request for confirmation that one or more planning conditions have been complied with		£28 per request for Householder otherwise £97 per request

Change of Use of a building to use as one or more separate dwellinghouses, or other cases		
Number of dwellings	Not more than 50 dwellings	£385 for each
Number of dwellings	More than 50 dwellings	£19,049 + £115 for each in excess of 50 up to a maximum of £250,000
Other Changes of Use of a building or land		£385

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Advertising	
Relating to the business on the premises	£110
Advance signs which are not situated on or visible from the site, directing the public to a business	£110
Other advertisements	£385

Application for a New Planning Permission to replace an Extant Planning Permission	
Applications in respect of major developments	£575
Applications in respect of householder developments	£57
Applications in respect of other developments	£195

Application for a Non-material Amendment Following a Grant of Planning Permission	
Applications in respect of householder developments	£28
Applications in respect of other developments	£195

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CONCESSIONS
EXEMPTIONS FROM PAYMENT
For alterations, extensions, etc. to a dwelling house for the benefit of a registered disabled person
An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted
Listed Building Consent
Planning permission for relevant demolition in a Conservation Area
Works to Trees covered by a Tree Preservation Order or in a Conservation Area Hedgerow Removal
If the proposal is the first revision of an application for development of the same character or description on the same site by the same applicant within 12 months of making the earlier application if withdrawn or the date of decision if granted or refused (including signs only if withdrawn or refused) and NOT a duplicate application made by the same applicant within 28 days
If the proposal relates to works that require planning permission only by virtue of an Article 4 Direction of the Town & Country Planning (General Permitted Development) Order 1995. I.e. where the application is required only because of a direction or planning condition removing permitted development rights.
If the application is for a lawful development certificate, for existing use, where an application for planning permission for the same development would be exempt from the need to pay a planning fee under any other planning fee regulation
If the application is for consent to display an advertisement following either a withdrawal of an earlier application (before notice of decision was issued) or where the application is made following refusal of consent for display of an advertisement, and where the application is made by or on behalf of the same person
If the application is for consent to display an advertisement which results from a direction under Regulation 7 of the 2007 Regulations, dis-applying deemed consent under Regulation 6 to the advertisement in question
If the application is for alternate proposals for the same site by the same applicant, in order to benefit from the permitted development right in Schedule 2 Part 3 Class E of the Town and Country Planning (General Permitted Development) Order 1995
If the application relates to a condition or conditions on an application for Listed Building Consent or planning permission for relevant demolition in a Conservation Area
If the application is for a Certificate of Lawfulness of Proposed Works to a listed building
Prior Approval for a Proposed Larger Home Extension

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CONCESSIONS continued...
EXEMPTIONS FROM PAYMENTS continued...
Notification for Prior Approval for a Development Consisting of the Erection or Construction of a Collection Facility within the Curtilage of a Shop
Notification for Prior Approval for the Temporary Use of Buildings or Land for the Purpose of Commercial Film-Making and the Associated Temporary Structures, Works, Plant or Machinery required in Connection with that Use
Notification for Prior Approval for the Installation, Alteration or Replacement of other Solar Photovoltaics (PV) equipment on the Roofs of Non-domestic Buildings, up to a Capacity of 1 Megawatt

CONCESSIONS
REDUCTIONS TO PAYMENTS
If the application is being made on behalf of a non-profit making sports club for works for playing fields not involving buildings then the fee is £385
If the application is being made on behalf of a parish or community council then the fee is 50%
If the application is an alternative proposal being submitted on the same site by the same applicant on the same day, where this application is of lesser cost then the fee is 50%
In respect of reserved matters you must pay a sum equal to or greater than what would be payable at current rates for approval of all the reserved matters. If this amount has already been paid then the fee is £385
If the application is for a Lawful Development Certificate for a Proposed use or development, then the fee is 50%
If two or more applications are submitted for different proposals on the same day and relating to the same site then you must pay the fee for the highest fee plus half sum of the others
Where an application relates to development which is within more than one fee category, the correct fee is simply the highest of the fees payable (if not including residential)
Where an application consists of the erection of dwellings and the erection of other types of buildings (categories 1-4) the fees are added together and maximum can be exceeded
Where an application crosses one or more local or district planning authorities then the fee is 150% and goes to the authority that contains the larger part of the application site or a sum of the fees if it is less than 150%

ENDS

Pre-application Advice

Why Seek Advice?

Whether you are a developer of a large scheme or a householder wishing to improve your home, it is advisable to seek advice before submitting your planning application. We can let you know whether your proposals are supported by planning policy and whether there are any issues that may prevent you from obtaining planning permission.

Basic administrative advice on the planning process is available by visiting a local office or over the telephone and our website contains a wealth of information on planning matters. All of this is available free of charge.

If you would prefer a specific review of your proposals and detailed guidance on the application process, we would recommend you obtain formal pre-application advice. This is a charged-for service and is available to meet any scheme.

We are happy to provide advice at any time, whether it is just a discussion on some initial ideas or a review of more detailed plans. You can use the service just once or it is often beneficial to obtain advice throughout the evolution of your scheme.

There are considerable benefits in seeking our advice such as

- It gives you an opportunity to understand how our policies will be applied to your development
- It can identify at an early stage where there is a need for specialist input, for example about listed buildings, trees, landscape, noise, transport, contaminated land, ecology or archaeology
- It will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, will be handled more smoothly
- It may lead to a reduction in time spent by your professional advisors in working up proposals
- If a proposal is unlikely to be acceptable we can advise you in advance to enable you to suggest amendments or consider alternative proposals

Our charges

All householder enquiries, small scale developments of up to 5 dwellings, general advice on land-use and small commercial developments of up to 500sq metres of commercial space.

We charge £60 per hour with a minimum charge of 1 hour and then at £30 per 30 minutes or part thereof. This includes travel time to site visits if required. The Officer allocated to deal with your pre-application enquiry will be dependant on the nature and scale of the proposals and resources available.

The Planning Officer will advise you at the outset of the estimated cost and will not exceed this without your agreement. Advice will only be provided once the fee, in line with the estimation, has been received.

You can minimise costs by providing as much information about your scheme as possible in advance, but there is no requirement to do this.

Listed Buildings

Proposals which involve Listed Buildings, or affect their setting, will have a minimum charge of £180 to enable specialist advice to be obtained. This charge will be higher if the proposal also requires the involvement of a Planning Officer.

All other applications

Fee

- £500 or 1.5% of the appropriate fee under the Application Fees Regulations, whichever is the greater, for up to an hour long meeting and written response
- If the Planning Officer recommends further time is spent on your proposal we will provide you with an estimate and obtain your agreement.

We also need the following information

- Written details of the address and proposal
- Description of the nature and scale of the development proposed and the uses to which land and buildings are to be put
- Site location plan with the site clearly marked (to a recognised scale, north point etc)
- Sketch drawings providing details of the proposal (to a recognised scale)
- Photographs of the site and surrounding area, with particular regard to any nearby houses or other development which might be affected by your proposal
- Contact details including phone number and email address
- An initial design and access statement
- Access and parking arrangements
- This may also need to be accompanied by ecological, landscape, contamination, flood and transport assessments depending upon the location, nature and complexity of the development.

What the costs cover

These fees cover administration costs and the time spent in research, assessment, a meeting as necessary, and in making a written response.