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16 February 2016

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 25 February 2016 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 read "Kate Batty-Smith", written over a horizontal line.

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 5)

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

4 **MINUTES** (Pages 6-17)

To confirm the attached Minutes of the meeting of the Committee held on 21 January 2016.

5 **ITEMS DEFERRED** (Page 18)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 19-22)

6 **APPLICATION NO DOV/14/00059 - FORMER CAR PARK SITE, ADJACENT TO THE MANOR HOUSE, UPPER STREET, KINGSDOWN** (Pages 23-41)

Erection of four detached dwellings together with creation of vehicular access, parking and landscaping and fire escape access for use by the village hall

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

7 **APPLICATION NOS DOV/15/00624 AND DOV/15/00625 - THE CHEQUER INN, CHEQUER LANE, ASH** (Pages 42-60)

DOV/15/00624 – Change of use and conversion to residential dwelling (Class C3) (existing lean-to walkway to be demolished) and erection of garage (Planning Permission)

DOV/15/00625 – Internal and external alterations to facilitate conversion into residential dwelling (existing lean-to walkway to be demolished) (Listed Building Consent)

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

8 **APPLICATION NOS DOV/15/01273 AND DOV/15/01274 - KEARSNEY ABBEY, ALKHAM ROAD, RIVER** (Pages 61-73)

DOV/15/01273 – Erection of single storey side and rear extensions to Billiards Room to create visitor facilities and extension to café; replacement gates to boundary wall; construction of new boundary walls; extension to existing parking facilities and new pedestrian bridge over weir (existing toilet block to be demolished) (Planning Application)

DOV/15/01274 – Repair of existing café and erection of a single storey extension to form improved visitor facilities; replacement gates to boundary wall; repair of boundary walls and new pedestrian bridge over weir (Listed Building Consent)

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

9 **APPLICATION NO DOV/15/00198 - LAND TO THE REAR OF 20 ARCHERS COURT ROAD, WHITFIELD** (Pages 74-82)

Erection of detached dwelling and demolition of existing garage

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

10 **APPLICATION NO DOV/15/00533 - LAND FRONTING SEA VIEW ROAD AND REAR OF PALMERSTON, LIGHTHOUSE ROAD, ST MARGARET'S BAY** (Pages 83-91)

Variation of Condition 2 of Planning Permission DOV/14/00021 to allow amendments to approved drawings (application under Section 73)

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

11 **APPLICATION NO DOV/15/00730 - LAND ADJACENT TO 53 CHURCH PATH, DEAL** (Pages 92-104)

Erection of a detached dwelling

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

12 **APPLICATION NO DOV/15/00982 - INNISFREE, GLEN ROAD, KINGSDOWN** (Pages 105-113)

Erection of detached dwelling with integral garage and creation of vehicular access

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

13 **APPEALS AND INFORMAL HEARINGS**

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

14 **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, 21 January 2016 at 6.01 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 (Minute Nos 91 to 98 only)

Officers: Principal Planner
Principal Planner (Renewable Energy)
Principal Planner
Senior Planner
Planning Consultant
Planning Consultant
Planning Delivery Manager
Locum 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/15/00482	Mr Jeremy Abbott	Mrs Barbara Peel
DOV/15/00533	Mr Mike Simmonds	Mr John Heyworth Councillor Paul Watkins
DOV/15/00777	Mr Ian Williams	-----
DOV/15/00444	Mr John Butler	Councillor Linda Keen
DOV/15/00952	Mr John Butler	Mr Anthony Price Councillor Linda Keen

84 APOLOGIES

It was noted that there were no apologies for absence.

85 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute Members.

86 DECLARATIONS OF INTEREST

Councillor A F Richardson made a Voluntary Announcement of Other Interests in respect of agenda items 6 (Application No DOV/15/00638 – Land at Upton House, 4 Mill Lane, Shepherdswell) and 11 (Application No DOV/15/00777 – Former Snowdown Colliery, Snowdown) by reason of his employment with the Canterbury

Archaeological Trust and the fact that archaeological conditions were attached to these applications.

87 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised that Application Nos DOV/15/00624 and 00625 (The Chequer Inn, Chequer Lane, Ash) had been withdrawn from the agenda due to the late submission of a large volume of information which Officers had not had time to assess adequately before the meeting. Given that the information could have had a bearing on the advice given to the Committee, the decision had been taken to withdraw the item. Councillor B Gardner expressed concern that this situation had arisen, and stressed that representations should have been lodged in a timely manner during the statutory consultation period.

88 MINUTES

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

89 ITEMS DEFERRED

The Chairman advised that Application No DOV/15/00444 (Aylesham Village Expansion) was dealt with elsewhere on the agenda.

90 APPLICATION NO DOV/15/00638 - LAND AT UPTON HOUSE, 4 MILL LANE, SHEPHERDSWELL

The Committee viewed plans and photographs of the application site. The Consultant Planner advised the Committee that the application sought planning permission for the erection of three detached dwellings on a site designated for development in policy LA 32 of the Council's Land Allocations Local Plan (LALP). Located in a Conservation Area, any development would need to reflect the character and scale of adjacent development. Members were advised of a correction to the report which referred to Snowdown rather than Shepherdswell in the context of Policy CP1 of the Council's Core Strategy. It was clarified that Shepherdswell was a local centre which was a secondary focus for development in the rural area rather than a hamlet as stated in the report.

Officers had sought revisions to the original application to reduce the number of dwellings from four to three and to reduce their scale. All three dwellings would differ in form, varying from single to two storey and in the materials used. Their design was considered sympathetic to the street scene and Conservation Area. There would be no adverse impact on the privacy of surrounding dwellings, and parking provision met the required standards. Existing hedgerow would be retained as far as possible, with additional hedgerow planted to replace any losses. Overall, the proposed development would have no harmful impact on the significance of the Conservation Area, with the opportunity for improvement. It was in accordance with the LALP, the Core Strategy and the National Planning Policy Framework (NPPF) and was therefore recommended for approval.

Several Members welcomed the reduction in the number of dwellings, and praised the design of the scheme which was in keeping with the surrounding area.

RESOLVED: (a) That Application No DOV/15/00638 be APPROVED subject to the following conditions:

- (i) Timescale for commencement of development;
 - (ii) List of approved plans;
 - (iii) Samples of materials to be used;
 - (iv) Details of hard and soft landscaping, including planting schedule and programme;
 - (v) Provision and retention of parking and accesses;
 - (vi) Provision and retention of cycle parking;
 - (vii) Provision and retention of pedestrian visibility splays;
 - (viii) Provision and retention of vehicle access visibility splays;
 - (ix) Details of surface water drainage;
 - (x) Driveway to be constructed of bound material;
 - (xi) No further windows in side elevations or roof slopes;
 - (xii) Restriction in hours of construction;
 - (xiii) Construction management plan;
 - (xiv) Protection of retained trees during construction;
 - (xv) Archaeological watching brief.
- (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.

91 APPLICATION NO DOV/15/01065 - LAND TO THE REAR OF 19 AND 21 BEWSBURY CRESCENT, WHITFIELD

Members were shown photographs and plans of the application site. The Principal Planner advised that the proposal was for the erection of two detached, 3-bedroomed bungalows. Vehicle access would be provided between nos 19 and 21 by demolishing half of the garage to no 19 and removing the hedge separating the two houses. A solid wall would be built against the existing conservatory of no 19 in order to screen vehicles using the access.

The Committee was advised that two previous planning applications for similar developments on the site had been refused by the Local Planning Authority (LPA). The first, a full application for three dwellings, sought the demolition of the garage at

no 21 with new access provided between nos 21 and 23. Parking and bin storage would have been provided in the front garden. Two floors of accommodation were proposed, with three bedrooms and two bathrooms in the roof space. The second, an outline application, was the same but for two dwellings. The applicant had appealed against both refusals which had been heard at the same time.

The Planning Inspector's decision had reached three principal conclusions. Firstly, in paragraph 7, that the proposals would have little impact on the character of the area, would not be unacceptably intrusive and would be in keeping with the residential character of the area. Secondly, in paragraph 8, that the loss of the grassed front garden and part of the grass verge for parking, together with the bin storage hardstanding, would have a harsh appearance which would detract from the spacious and landscaped appearance of the area. Furthermore, that the proposals failed to integrate into the existing built environment, harming the quality of the area, and were therefore contrary to the NPPF. Thirdly, in paragraphs 9 and 10, the vehicle access was considered. This would be within 1 metre of no 23 which had glass doors and ground-floor bedroom windows facing onto the access road, as well as a patio area. Vehicle traffic would be in close proximity to the patio and bedrooms, and the increase in traffic would result in noise and disturbance and a poor level of amenity for no 23. It was therefore also contrary to the NPPF on these grounds and the appeals were dismissed.

The Committee was advised that the Inspector's decision was a significant material consideration. However, Officers were of the view that the Inspector's conclusions on the proposal's impact on the street scene and its impact on the residential amenity of no 23 had been overcome by the current application. The proposed vehicle access would not have the same impact on nos 19 and 21 as these buildings were configured differently to no 23. No 21 had one side-facing window which was fitted with obscure glass and served a bathroom. The impact on no 19 had been overcome by replacing the glazed side wall of the conservatory with a solid brick wall and the replacement of a privet hedge. Furthermore, car parking and bin storage would now be located to the rear of nos 19 and 21, thus preserving the front gardens of these dwellings.

Members were advised that the occupant of no 23 had sent an e-mail which he had asked to be relayed to the Committee. In summary, this pointed out that the plans had already been rejected twice and dismissed on appeal. Whilst the current plans proposed a change of access, the proposals were still cramped and not in keeping with the rest of the street. Alterations made to the latest application would place the houses two metres closer together. This would exacerbate the cramped appearance and was not reflected in the original plan.

Councillors B W Butcher and Gardner expressed concerns about access arrangements and their effect on no 21. In response to Councillor J S Back, the Principal Planner confirmed that she was satisfied that the amended application was in accordance with paragraphs 17, 61 and 64 of the NPPF, these having been factors behind the refusal of the previous two applications. Given that the proposed dwellings would have windows at first floor level only, and the separation distance between adjacent dwellings, she was also satisfied that there would be no overlooking onto properties in Castle Drive or elsewhere. This would be safeguarded by the removal of permitted development rights. Councillor T A Bond agreed with the concerns raised about access and also questioned the potential impact of two additional dwellings on flooding in the area.

Councillor Richardson stated that he was opposed to back garden development, but accepted that the principle of such development at this site had been established. However, whilst the access arrangements were an improvement on previous proposals, they were not substantially better and he was of the view that the detrimental impact had simply been transferred from nos 21 and 23 to nos 19 and 21.

Councillor S F Bannister commented that, although the proposal was an intensive use of the site, in his opinion they were not cramped. The access was already in place and the proposal would mean a few more cars using it each day. On drainage, he advised that every new house was required to have soakaways installed, and his understanding was that all driveways now had to be of a permeable material.

The Principal Planner advised that Southern Water had not been consulted on this application due to its size. However, the plans indicated that a sustainable drainage system would be used and details of this had been conditioned in order to alleviate residents' concerns. Back land development was not ruled out by the NPPF, but was now assessed on a site by site basis. In reaching his decision, the Inspector had done a thorough assessment of the site and concluded that the general principle of development there was acceptable. Members were reminded of a recent appeal decision relating to Nancowry in St Margaret's-at-Cliffe. That proposal had also sought to develop garden land and had been refused by the Committee. However, the appeal had been upheld and now gave a steer on the principle of back land development being decided on a site by site basis.

It was moved by Councillor B Gardner and duly seconded that the application should be refused on the grounds of the impact on the space and character of the area and access arrangements. However, at the request of Councillor A F Richardson, Councillor Gardner agreed to amend his motion in order that the application would be refused on access grounds only.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/15/01065 be REFUSED on the ground that, by reason of the intensification of the use of the access between nos 19 and 21, the proposal would result in an unacceptable impact upon the amenities of the occupiers of both properties, through the introduction of vehicle movements along the side and rear of these properties and the associated activity and disturbance that would arise from these movements. The proposed development is therefore contrary to Paragraph 17 of the National Planning Policy Framework.

92 APPLICATION NO DOV/15/00482 - GUY'S CLIFF, CHALK HILL ROAD, KINGSDOWN

The Committee viewed photographs, plans and drawings of the site. The Senior Planner advised Members of the reasons for the application being before them. These were set out in detail in section a) of the report. In summary, Officers had incorrectly used delegated powers to grant planning permission when the application should have come to Committee for determination as 6 objections had been received. The Committee was requested to indicate whether it would have resolved to grant planning permission had it determined the application.

The Committee was advised that the proposal sought the demolition of an existing dwelling and its replacement with two two-storey dwellings. The site would be sub-

divided into two plots with access to each plot utilising the existing two access points. Members were informed that the plans for Plot 1 showed a garage which had not appeared in the planning application or been advertised, and this would therefore require the submission of another application should the Committee be minded to approve.

In response to concerns raised by the occupants of Little Stow regarding overshadowing, the applicant had submitted a shadowing study. Whilst the study indicated that there was a significant degree of overshadowing in January, this was reduced in March and considerably reduced in summer when the sun was overhead for much of the day. Given the added factor of the 15-metre distance between dwellings and the presence of an intervening garage, Officers were satisfied that there would be no significant overshadowing. In terms of overlooking, the site fell to the rear and overlooking could therefore potentially be a problem. However, the rear of the proposed dwellings would be between 55 and 56 metres distant from Alexandra Road and, together with the presence of shrubs, bushes, two pine trees and the removal of a Juliet balcony in Plot 2, overlooking was not a matter of concern.

Ringwould with Kingsdown Parish Council had raised objections on highway grounds, preferring the footpath to be extended along the front of the application site for pedestrian safety. However, such an arrangement would be too engineered for a location which was on the edge of the village and therefore considered transitional between countryside and built development. Kent County Council (KCC) Highways were content with the two access points which would be widened and visibility splays provided. It had also raised no objection to the retention of hedges at the access points which would be maintained at 1 metre or lower.

Councillors Butcher and T J Bartlett welcomed the design of the proposed dwellings which were in keeping with the area. Although there might be a small loss of amenity due to overshadowing, this would not be so significant to justify refusal of planning permission. Councillor Richardson agreed, adding that the dwellings would be on large plots and that KCC Highways had raised no objections on highways or access grounds. Councillor Gardner expressed concerns that if planning permission were granted this would be with conditions which referred to drawings that included the garage. The Senior Planner clarified that Drawing No 52A, received on 8 December 2015, had included the garage. However, the application itself had not described a garage and the applicant had therefore been invited to submit a separate application for the garage. The Chairman confirmed that the Committee, if minded to do so, would be granting planning permission for two dwellings only and not for the garage. Several Members pointed out that references to the garage within the report had led to confusion and were not helpful.

RESOLVED: That the Planning Committee indicates that it would have resolved to grant planning permission had it been requested to determine Application No DOV/15/00482, subject to the following conditions (reproduced in full in the Committee report):

- (i) Details in accordance with approved plans;
- (ii) Time limit 3 years;
- (iii) Samples of materials;

- (iv) Details of boundary treatment;
- (v) Hard and soft landscaping;
- (vi) Tree and hedgerow survey;
- (vii) Trees and hedgerows to be retained;
- (viii) Parking spaces;
- (ix) Construction of access;
- (x) Access bound surface;
- (xi) No discharge of surface water onto the highway;
- (xii) Details of cycle and bin storage;
- (xiii) Construction management plan;
- (xiv) Hedgerow site frontage no taller than 1 metre;
- (xv) Access gradient;
- (xvi) Plot 1 – North North West elevation: obscure glass and window openings 1700mm;
- (xvii) Plot 2 – South South East elevation: obscure glass, window openings 1700mm, living-room high-level windows fixed shut;
- (xviii) Permitted development restrictions - new openings North North West elevation Plot 1; South South East elevation Plot 2. New openings and alterations to first-floor windows.

93 APPLICATION NO DOV/15/00533 - LAND FRONTING SEA VIEW ROAD AND REAR OF PALMERSTON, LIGHTHOUSE ROAD, ST MARGARET'S BAY

The Committee was shown photographs and plans of the site which had previously formed part of the garden of Palmerston. The Senior Planner advised Members that an application to build a dwelling on the site had been refused by the LPA in April 2014. A subsequent planning appeal had been allowed and permission granted in January 2015. However, a number of variations to the original planning permission were now sought under Section 73 of the Town and Country Planning Act, albeit that construction was already significantly advanced. The Chairman clarified that the Committee's role was to consider the proposed amendments to assess what impact they would have on the original application and the planning permission granted by the Inspector. It was also clarified that the removal of permitted development rights did not mean that further development could not take place, but simply that planning permission must be sought from the LPA.

The variations sought to the original application included the construction of a basement (already completed) which would have bi-fold doors opening onto a patio. A window serving the en-suite bathroom of the second bedroom would now be moved to the front facing return wall on Sea View Road. A roof terrace had been removed and replaced by an extension incorporating a sea view lounge.

Councillor Butcher expressed concerns about the proposals which he did not think were in keeping with surrounding properties. Councillor Bannister raised concerns about the design, particularly the roof extension which was incongruous to the building and surrounding area. Councillor Richardson commented that he was concerned about overlooking from the bedrooms. The excavation of the basement without planning permission also vexed him, for archaeological reasons, although he had no objection in principle. Like other Members, he was in favour of a site visit to assess the impact of the roof extension. The Chairman commented that Members also needed to consider whether some of the proposed variations would bring benefits.

The Senior Planner clarified that, of the four conditions attached to the Inspector's grant of planning permission, condition 2 was relevant. It was confirmed that there was no archaeological interest in the development. The appeal decision had been issued in January 2015. An application for non-material amendments and an application for a variation (relating only to the roof extension) under Section 73 had been received in the summer. The former had been refused since Officers considered that some of the proposed amendments were material changes. The applicant had subsequently been advised to include the content of the non-material application as part of the application under Section 73 in order to cover all the proposed amendments. This was the application now before Committee. In response to a query from Councillor Gardner, the Senior Planner advised that the basement and glazing works had gone ahead without permission.

RESOLVED: That Application No DOV/15/00533 be DEFERRED for a site visit to be held on Tuesday, 23 February 2016 in order to assist Members in assessing the impact of the proposed variations to condition 2 (including on overlooking, overshadowing, the street scene and form and design), and whether the variations are likely to create any benefits or disadvantages, and Councillors S F Bannister, B Gardner, D P Murphy, A F Richardson and F J W Scales (reserve: Councillor B W Butcher) be appointed to visit the site.

94 APPLICATION NO DOV/15/00777 - FORMER SNOWDOWN COLLIERY, SNOWDOWN

Members viewed photographs and plans of the site which was 50 hectares in size and located immediately to the south of Snowdown. The Principal Planner (Renewable Energy) advised the Committee that the proposal was to develop the central part of the site as a solar farm. Routeing arrangements for construction traffic had initially been of concern but were now considered acceptable following changes made. KCC Highways was also satisfied with the construction traffic management plan, and parking and unloading arrangements. The Environment Agency had initially raised objections due to concerns about groundwater contamination. However, the applicant had made revisions to the scheme with which the Environment Agency was satisfied. Officers were content that there would be no detrimental impact on the colliery buildings which were Grade II-listed, and the proposals would not preclude their re-use.

Members welcomed the proposals which they considered a good use of the site, and advantageous in that they would not prejudice future re-use of the site. That said, it was disappointing that a solution for the re-use of the surrounding site was not in the offing.

RESOLVED: (a) That Application No DOV/15/00777 be APPROVED subject to the following conditions:

- (i) Standard time limit;
 - (ii) Approved plans;
 - (iii) Development carried out in accordance with Construction Traffic Management Plan (as amended);
 - (iv) Details of Construction Management Plan to be submitted to include measures for parking, loading/unloading and health and safety strategy to protect construction workers;
 - (v) Details of ecological Enhancement Plan, including botanical survey, to be submitted;
 - (vi) Archaeological watching brief;
 - (vii) Works to stop in event of contamination being found;
 - (viii) Construction compound to be removed post completion;
 - (ix) Arrays to be removed after 30 years;
 - (x) Implementation of decommissioning plan;
 - (xi) No external lighting;
 - (xii) Improvement of visibility splays.
- (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.

95 APPLICATION NO DOV/15/00444 - AYLESHAM VILLAGE EXPANSION

Members were shown photographs of the junction. The Consultant Planner reminded Members that the original condition for improvements to the A2/A260 junction had been imposed in 2009 on the direction of the Secretary of State for Transport. An application to remove this requirement had come before the Committee on 23 July 2015 when Members had deferred the application in order to allow discussions to take place to consider what measures could be taken to mitigate the increased use of the junction as a result of the Aylesham development.

Since that meeting, further objections on the proposal to remove the requirement had been received from Nonington Parish Council, the Leader of Shepway District Council and seven individuals.

Following several site meetings with Highways England, it was considered that the removal of much of the vegetation, particularly along the 'hard nose' of the junction, would greatly improve visibility and bring benefits for cyclists using the cycle path. If approved, the entire planning permission would need to be re-issued with amendments to condition 14, as laid out in the report at page 96.

Councillor Bannister stated his opposition to the proposals, arguing that the slip road was dangerous and improvements must be made, particularly if traffic lights were to be installed on the overhead bridge which was the subject of another application to be considered by Committee. Councillor Richardson agreed that it was a dangerous junction. However, the junction improvement originally conditioned was now considered sub-standard by Highways England. If the Committee were to go for one that complied with current standards, this would involve making the slip road much longer and require more landscaping. These measures would permanently reduce the main A2 carriageway to one lane at this point which, in his opinion, was not a viable option. Although he would prefer to enforce the original condition, any decision along those lines was likely to be appealed and probably upheld, resulting in no improvements whatsoever. It was therefore far better to try to achieve some kind of improvement, such as the removal of vegetation, rather than nothing at all. Councillor Bond concurred that the vegetation clearance measures were the best that the Committee could hope to achieve in the circumstances.

Councillor Gardner argued that the junction was already a dangerous one and would become more so when lorries from Salvatori and the 1,200 new homes at Aylesham were taken into account. Drivers unfamiliar with the area were particularly at risk. As well as the removal of vegetation, the Committee should request improvements to the signage which was inadequate.

The Consultant Planner emphasised that the applicant could not be expected to solve existing traffic problems. If the application were refused, it was likely to be upheld on appeal since the applicant had sought the advice of several traffic consultants.

The Chairman informed Members that a Highways England officer had advised him that every slip road on the A2 was sub-standard and some worse than the one under consideration. For this reason, even if Highways England funds were available, it was likely they would be used elsewhere. He suggested that the communication from the Leader of Shepway District Council relayed by Councillor Linda Keen to the Committee should be shared with the Leader of the Council in order to support a request for general highway improvements. He undertook to pursue this outside the Committee.

RESOLVED: (a) That Planning Permission be GRANTED subject to Condition 14 being amended to read: 'No more than 25 residential units hereby permitted shall be occupied until and unless a scheme and programme to clear vegetation in the area between the northbound slip road and the main A2 northbound carriageway have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with that programme, and the works to the A2/A260 junction shown on drawing number 1218/43/06C

(junction improvement 21) or such scheme of works to the same general effect which has first been approved in writing by the Secretary of State for Transport, in consultation with the Local Highway Authority and thereafter approved in writing by the Local Planning Authority, have been completed and opened to traffic. Reason: To ensure that the A2 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to improve visibility in the interests of the reasonable requirements of road safety.'

(b) That, in order to address concerns raised by the Planning Committee, the quality and positioning of the 'merge' sign on the A2 be considered as part of negotiations.

(c) That powers be delegated to the Head of Regeneration and Development to settle the detailed wording of all other conditions and informatives forming part of the Section 73 permission in accordance with the extant permission and 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, Councillors S F Bannister, B Gardner and P M Wallace requested that their votes against the application be recorded.)

96 APPLICATION NO DOV/15/00952 - AYLESHAM VILLAGE EXPANSION

The Committee was shown photographs and plans of the application site which comprised the junction of the A260 with the bridge over the A2 at the Aylesham/Barham junction which also carried traffic from the B2046. The Consultant Planner advised Members that the application sought to vary Condition 14 of planning permission granted for application no DOV/14/1206 in order to change the junction design from a roundabout to traffic signals. This was due to land ownership and design effectiveness issues which were set out fully in Appendix 1 to the report. The Committee was advised that it would need to consider whether traffic signals were likely to achieve the same as a roundabout in terms of safety and the effective management of traffic.

The original roundabout configuration, if implemented, would encroach into an Area of Outstanding Natural Beauty (AONB) by 55 metres. Furthermore, in order to comply with current design guidance, additional land would be needed which was not within the ownership of KCC. Without the additional land, the design would be unacceptable by current standards, and the original proposal was therefore no longer viable in design terms. Highways England had advised that the signalised proposal had passed a safety audit, and it therefore raised no objections. KCC Highways had also given technical approval. However, strong objections had been raised by Aylesham and Nonington Parish Councils, the District Ward Member and 44 private individuals.

Councillor Gardner commented that, having visited the site, it was clear that two lanes, with a filter lane for traffic turning left, would be needed in order for traffic signals to be a safe and effective solution. This was because HGVs turning right currently blocked the lane. However, two lanes would require the widening of the bridge which was a very costly option. He could not support the application and called for the roundabout to be implemented.

Councillor Richardson stated that, whilst he was a big defender of the AONB, the benefits of installing a roundabout would more than compensate for the loss of AONB land. Like others familiar with the junction, he was firmly of the view that lights would not offer the same safety and capacity benefits as a roundabout and were likely to make the situation worse because of queueing traffic on the bridge. He believed that Highways England's and KCC Highways' advice was incorrect. He proposed, and it was duly seconded, that the application should be refused. Councillor Bond queried why the experts had not recommended traffic signals at the time of the original application if they were genuinely the best option. Clearly that was not the case and the roundabout solution should be implemented, even if it involved the acquisition of more land.

The Chairman advised the Committee that, if it were minded to refuse the application, it would need to do so on a sound, defensible basis. For that reason, he proposed that the Committee should defer the application in order to seek advice from an independent highways expert. However, he was not willing to defer the application for a site visit on safety grounds. Councillor Richardson agreed to withdraw his motion in order that this approach could be pursued.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/15/00952 be DEFERRED in order for the Planning Committee to receive independent advice from a highways expert, this to include an explanation as to why traffic signals were now considered an acceptable solution when a roundabout had been the preferred option when the original application was submitted.

97 APPEALS AND INFORMAL HEARINGS

The Committee was advised that 13 appeals had been determined between October and December 2015, with 11 LPA decisions upheld and the appeals dismissed. Of the 2 appeals upheld, one had been against a Planning Committee decision and the other against an Officer decision.

The Committee noted the report.

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

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

The meeting ended at 9.54 pm.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 25 FEBRUARY 2016

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/15/00533** **Variation of Condition 2 of planning permission DOV/14/00021 to allow amendments to approved drawings (application under Section 73) – Land fronting Sea View Road and rear of Palmerston, Lighthouse Road, St Margaret’s Bay (Agenda Item 10 of 21 January 2016)**

This application is dealt with elsewhere on the agenda.

2. **DOV/15/00952** **Variation of Condition 14 of planning permission DOV/14/1206 to introduce a new form of layout for junction 21: application under Section 73 (amended description/further details) – Aylesham Village Expansion (Agenda Item 13 of 21 January 2016)**

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.

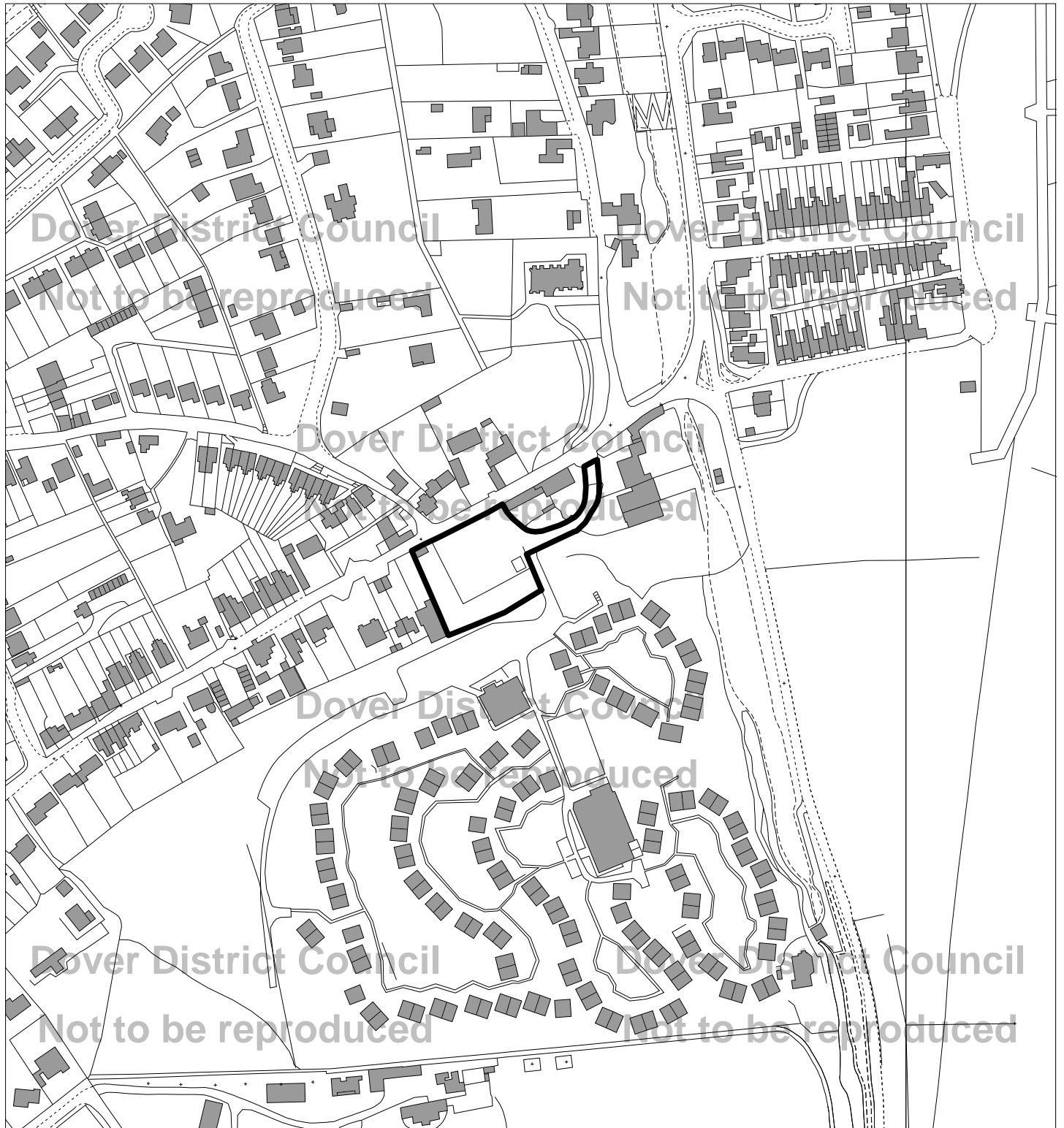
Article 14 - Prohibition of discrimination.

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.



Not to scale

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published 2014

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

Application: DOV/14/00059

Former Carpark Site

Adjacent to The Manor House

Upper Street

Kingsdown

TR37804837



- a) **DOV/14/00059 – Erection of four detached dwellings together with creation of vehicular access, parking and landscaping and fire escape access for use by the village hall - Former Car Park Site, Adjacent to The Manor House, Upper Street, Kingsdown**

Reason for report: The number of third party contrary views.

- b) **Summary of Recommendation**

Planning permission be Granted.

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

- Policy DM1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines, unless justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development;
- Policy DM11 advises that development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that will help to satisfy the demand. Development beyond the urban confines must be justified by other development plan policies.
- Policy DM13 sets out parking standards for dwellings and states that provision for parking should be a design-led approach based upon the characteristics of the area, the nature of the development and design objectives;
- Policy DM16 sets out where the landscape is harmed, development will only be permitted if it is in accordance with allocations made within the Development Plan Documents and incorporates necessary mitigation or it can be sited so as to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts.
- Policy CP1 advises on the hierarchy of settlements throughout the Dover District and states that a village, such as Kingsdown, is a tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community;
- Policy CP2 identifies the requirement for allocating land for houses and employment;
- Policy CP3 identifies the distribution of housing allocations, stating that land to be allocated to meet the housing provisions of CP2 will include land for 1,200 homes in rural areas.

- Policy CP5 requires all new residential properties to meet Code for Sustainable Homes level 4 and encourages the incorporation of energy and water efficiency measures in non-residential buildings under 1,000sqm gross floor space.
- Policy CP6 requires infrastructure to be in place or provision for it to be provided to meet the demands generated by the development.
- Policy CP7 seeks to protect and enhance the existing network of Green Infrastructure, and states that integrity of the existing network of green infrastructure will be protected and enhanced.

Dover District Land Allocations Local Plan 2015

- Policy LA 38 Land Allocation for Residential Development at Kingsdown, includes Land between the village hall and The Bothy, Upper Street, Kingsdown

The site is allocated for residential development with an estimated capacity of 7 dwellings. Planning permission will be permitted provided that:

- (i) the wall fronting Upper Street is retained in its entirety;*
- (ii) a tree survey is undertaken and agreed with the Council that assesses the importance and identifies which trees on the site need to be retained; and*
- (iii) there is no built development on the raised area to the south of the site*

Material Considerations

National Planning Policy Framework

- The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. Para 7 sets out there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
 - An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- Paragraph 8 continues that these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
- Paragraph 14 of the NPPF states that at its heart is a presumption in favour of sustainable development and that for decision-taking this means approving proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.
- The NPPF sets out 12 core planning principles, which includes securing high quality design and a good standard of amenity for all existing and future occupants and conserving heritage assets in a manner appropriate to their significance, so that that they can be enjoyed for their contribution to the quality of life of this and future generations.
- Paragraph 49 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.
- Paragraph 55 sets out to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- Paragraph 56 sets out good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- Paragraph 58 sets out Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an

understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - are visually attractive as a result of good architecture and appropriate landscaping.
- Paragraph 60 states that whilst planning decisions should not impose architectural styles or particular tastes, it is proper to seek to promote or reinforce local distinctiveness
 - Paragraph 61 includes that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
 - Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
 - Paragraph 128 requires the applicant to describe the significance of any heritage assets affected, including any contribution to their setting.
 - Paragraph 131 sets out that local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.
- Paragraph 132 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Paragraph 133 sets out Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- Paragraph 134 sets out 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.
- Paragraph 138 sets out not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

National Planning Policy Guidance

- Provides guidance on matters relating to main issues associated with development

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

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

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

The Kent Design Guide

Sets out examples of good design across a broad spectrum of development types and identifies a number of guiding principles.

Kingsdown Conservation Area Appraisal

This document was prepared by Kingsdown Conservation Group in liaison with DDC. The appraisal looks at the origins of the village, reviews the existing boundary, highlights both positive and negative aspect of its character and makes recommendations for its future protection.

d) **Relevant Planning History**

00/01504	Erection of four semi-detached dwellings	Refused – land outside the defined built-up area confines / insufficient quality in terms of layout and design / traffic impact
01/01182	Erection of seven dwellings	Refused / Appeal Dismissed – development in this location contrary to aims of Structure and Local Plan policies / the scheme fails to meet high standards of design appropriate to the conservation area however inspector did not dismiss the appeal on transport or tree matters which were included in the refusal notice.
01/01319	Change of use from private car park to public car park	Granted

12/00847	Erection of 4 detached properties and 4 semi-detached properties together with the creation of vehicular access, parking and landscaping	Withdrawn
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e) **Consultee and Third Party Responses**

KCC Highways – Whilst this is now a non-protocol matter, confirm no objections in respect of highway matters.

DDC Conservation Officer – No objections raised

DDC Tree Officer – No objections raised

Environmental Health – There are no contaminated land issues on this site but recommend a condition to restrict noisy activity

Parish Council Responses:

September 2014 –

no objections to the proposed houses, but would request that the path offered by the applicant to give access to the rear exit door of the village hall is included as a section 106 condition.

August 2015 – in summary comment as follows:

The Parish Council does not have any serious objection to the proposal of four detached dwellings. However there is a concern over access for the disabled which has not been addressed in this application...

There is at present a gravel road access to the rear door of the village hall on this raised section and we consider that the planning committee should consider this as one possible option to give disabled access to the Village Hall...

We consider that there should be some social gain applied to this application for the benefit of the residents in the villages and a disabled access meets this criteria This would be in line with the social role outlined in item 7 of the NPPF. If vehicular access for the disabled is not included within this planning application it is very unlikely the Village Hall will ever have proper disabled access. Reference is made for the Planning and access for disabled people: a good practice guide March 2003 and the July 2002 Sustainable Communities: Delivering through planning, the land use planning system has a key role in creating and sustaining mixed and inclusive communities.

December 2015 – In summary comment as follows:

The Parish Council objects to this revised planning application. It does not allow for any access for the disabled which has been raised on all our previous replies to this site.

We consider there should be some social gain for the benefit of the residents in the villages and a disabled access meets this criteria. Kingsdown has a considerable number of disabled residents together with others who have mobility difficulties. The previous applications have consistently ignored this situation and this offers a last chance to assist residents, this would then be in line with the social role outlined in item 7 of the NPPF. If vehicular access for the disabled is not included within this planning application it is very unlikely the Village Hall will ever have proper disabled access. Reference is also made to the Planning and access for disabled guide and the Sustainable Communities document.

Other points raised by the Parish Council in the December 2015 comments:

- the Design Statement has not been updated
- there are also concerns over the height of the houses and the blending within the CA
- the raised area to the rear is a gravel road access and this should be incorporated to give disabled access
- the TPO would have to be removed to give room for the emergency access only assists escaping from any fires via the rear door
- the raised area is being removed bringing it down to the same level as the car park

Third Party Representations –

Three consultations took place for the application. The first in September 2014 for the original scheme submitted of 6 units, the second for the reduced number of units to 4 in June 2015 and the final with further revisions to the 4 units in December 2015.

For the original application submitted for 6 units, there were 34 letters of objection, 5 letters of support and 1 letter with comments.

The objections raised in the original consultation September/October 2014 included:

- the proposed housing is not in keeping with the village of Kingsdown
- the dwellings should be affordable and first time buyer properties
- the proposals to accommodate the village hall have been reduced with the removal of proposed parking
- Poor access and traffic concerns particularly on Upper Street
- Concerns in relation to pedestrian access
- Concern with height of the four rear properties and the density and design completely out of character with the area
- The proposed height would mean the junction of the Rise and Upper Street would be overshadowed

- No design and access statement provided and no tree survey, and there are inaccuracies on the drawings
- Visitor parking considered inadequate
- No mention of boundary treatment in the submitted documents
- The site is an opportunity for eco or energy saving scheme
- village hall accessibility proposals are inadequate and do not allow for disabled access
- Building works will bring construction vehicles and HGV
- Concern over accessibility for emergency vehicle access for the village hall and the proposed dwellings
- the land should have a village/community centre priority
- properties are too large and close to the front wall boundary with Upper Street resulting in dominating views not in keeping with the CA
- Parking should be provided for general village use
- Impact on existing services, sewage and surface drainage
- Alternative development of 4 cottage style affordable housing allow for more space, more parking and in keeping with the CA.
- Two mature trees of visual importance on the sites western boundary
- A landscaping plan should form part of the application
- Steps to access for village hall not suitable for wheelchair users

The letters of support in September 2014 outlined the following:

- The site is allocated for an estimated capacity of 7 dwellings and as such the quantum of development proposed is appropriate
- The net density is modest
- The application shows the buildings sited on the lower part of the site and not on the higher rear part
- The dwellings will be visually contained and will not have a dominating impact providing an interesting vista
- The siting and design fits well with the form and character of the existing development
- However it may be worth some greater vertical/horizontal articulation and the dwellings should appear more organic
- The materials appropriate to the CA
- The application retains the important flint with brick wall – however it does not indicate how existing wall will be treated
- Landscaping and trees should be confirmed
- Support the application subject to access path of hall is 1.5m wide and it is fenced so it cannot be used by the new property owners

Thirteen objections were submitted for the second consultation on the revised scheme in July/August 2015 outlined the following:

- Proposals continue to be inappropriate and previous objections raised still relevant
- Site better use as a car park for the village and increasing the use of the village hall
- Although number of units have reduces still over-intensive development and not sympathetic to the area
- Heights of the garages and the units should be reduced
- The design should enhance the village and at the same time relieve parking issues

- The proposed houses are too tall and too close to the flint wall
- Re-iterate concerns in relation to traffic congestions and parking
- Drainage a concern

Seventeen objections were submitted for the third consultation on the revised scheme in December 2015 outlined the following:

- no proper wheelchair access to the village hall will not be possible
- no provision for disabled parking and lack of parking on upper street renders the village hall inaccessible to wheelchair users with the removal of the car park
- houses still too large and living space above the garage
- small windows in attic will be used for additional living accommodation
- two of the houses still dominate the wall
- if proposing such large houses should be restricted to two and set back from the wall. this would also reduce the traffic in and out of the site
- additional landscaping details required
- would support if access path to the village hall can be used by wheelchair users
- car park should be retained for the village
- location suited for those retiring and family homes not appropriate
- affordable homes should be provided
- no public meeting held
- there is no social gain to the village
- this is the only opportunity for the village hall to develop proper access for people with a disability

Two comments were submitted for the third consultation on the revised scheme in December 2015 outlined the following:

- The village hall side access way would be too steep for unassisted wheelchair use but it is within the norms for assisted wheelchair use. Ask that a condition be placed on the grant of permission that an unstoppped path be constructed to enable wheelchair use and that it should have a non-slip surface and hand rails as necessary and be 1.5m wide.

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

- 1.1 The site is allocated in the Land Allocations Local Plan (Policy LA 38). It is also located in the Conservation Area.
- 1.2 The site is 0.29ha and as identified in the LALP, it is located close to the core of the village and was formerly used as a car park for a restaurant which used to be located in The Manor House to the east. The restaurant was converted to residential use and the car park site is no longer used.
- 1.3 The site is located on the southern side of Upper Street between the Village Hall and The Bothy. A substantial part of it is covered in tarmac, whilst the rest is overgrown. The land rises from north to south, and there is a raised bank at the southern part of the site containing a number of trees.

1.4 The site is overgrown with sycamore trees and other mature trees. The tops of the trees are visible from Upper Street and The Rise. There is a blanket Tree Preservation Order across the site.

1.5 A brick and flint wall forms the frontage of the site to the north. It is approximately 3m high. It screens the view of the car park, with the exception of one opening in the wall. The site levels rise up to the south. A holiday village/campsite is located to the south and residential properties to the east. The village hall lies to the west and beyond this, residential properties. Access to the site is from the road off Upper Street to the north east, which curves up to the rear of the site. A number of residential units and Kingsdown Holiday Homes also use this road.

1.6 Planning permission is sought for four detached dwellings with garages. The original application submitted included 2 detached properties to the front and four terrace houses to the rear of the site, however due to concerns over the scale of development, the impact on the conservation area and impact on the street scene, revisions were sought reducing the number of units to four and amending the design of the dwellings.

1.7 Plot 1 –

This is a six bedroom detached dwelling with two full storeys and accommodation in the roof space. It would have a pitched roof with gable ends and includes a garage with accommodation in the roof space. Revisions were sought to the dwelling to reduce the sale of the adjoining garage to ensure it remained subordinate to the dwelling house.

It would be broadly an L shape with a maximum height of 8.5m, the main bulk of the dwelling is 10.5m wide x 7m and the side extension which projects forward into the L shape is approximately 13m x 6m and has a height of 6.5m. It is 250sqm.

The ground floor includes living room, dining room, kitchen, study and the garage. The first floor includes four bedrooms including 3 ensembles and a separate family bathroom and the second floor includes two bedrooms with a further bathroom.

The materials proposed include plain tiles, reproduction cast iron gutters and down pipes, white painted joinery windows, white render walls, with red brick facings to plinth and the facias painted joinery.

1.8 Plot 2 –

Is a 5-bedroom two storey detached dwelling. It includes a pitched roof to the front elevation, with a double valley pitch to the side. The garage and south east side extension is of lower height. The garage includes accommodation in the roof space. The front elevation includes a Juliette balcony.

It would be broadly 'L' shape. The height of the two storey element is approximately 8m and the width of the main bulk of the two storey is

approximately 12m. The side extension of the house would be approximately 13m long x 6m wide. It is 6.5m in height. It is 250sqm.

The materials include plain tiles, reproduction cast iron gutters and down pipes, white painted joinery windows and red brick walls with white render projection to the front elevation.

The ground floor includes living room, dining room, kitchen, study and garage. The first floor includes five bedrooms including 3 ensembles and one family bathroom.

1.9 Plot 3 –

Four-bed two storey detached dwelling, with garage. It is approximately 14m wide x 12.5m long it is in a 'L' shape. It is approximately 7.5m high, reducing to 4.5m high at the garage. It is 210sqm.

The ground floor includes living/dining room, kitchen, utility, study and the garage. The first floor includes four bedrooms including two ensembles and a family bathroom.

The plot was revised to remove the accommodation above the garage and reduce the height of the garage.

The proposed materials include plain roof tiles, reproduction cast iron gutters, tile hanging walls with render and red brick facings to lower section.

1.10 Plot 4 –

Four-bedroom two storey detached dwelling and is 210sqm. It is approx. 7.5m high, lowering to approx. 4.5m at the garage. It is approximately 17m wide and extends at a 'L' shape to 12.5m.

The ground floor includes dining room, study, living room, kitchen, family room and garage. The first floor includes four bedrooms with two ensembles and a separate family bathroom. The accommodation over the garage has been removed and the height of the garage reduced.

1.11 Each property has two independently accessible parking spaces with a private drive. A highways plan is provided showing turning space for cars and also turning space at the access for refuse vehicle.

1.12 The plans also include a side access for the Village Hall.

1.13 *Plans will be displayed*

2. **Main Issues**

2.1 The main areas of assessment are:

- The principle of residential development;
- Impact on the Conservation Area and the character of the area;

- Impact on Neighbours;
- Accessibility and Highways;
- Other matters; and
- Conclusion

3. **Assessment**

Principle of development

- 3.1 As the site is allocated in the Land Allocations Local Plan Policy LA 38, the principle of residential development on site is considered acceptable. The site is allocated for residential development with an estimated capacity of 7 dwellings. The policy sets out that planning permission will be permitted provided that (i) the wall fronting Upper Street is retained in its entirety; (ii) a tree survey is undertaken and agreed with the Council that assesses the importance and identifies which trees on the site need to be retained; and (iii) there is no built development on the raised area to the south of the site. These aspects are discussed further below.
- 3.2 In addition paragraph 3.380 sets out that the site offers potential for limited residential development subject to a scheme that '*preserves and enhances the special character of the area*'. It continues that the design should reflect the informal character of the area and reflect the established pattern of the existing development. It states that development would be restricted to the lower portion of the site, and the elevated areas should be garden land only.
- 3.3 As such whilst the principle is acceptable, the proposed development should be acceptable in all other respects including the impact on the character of the area and the conservation area; residential amenity; and highways. These matters are considered below.

Impact on the Conservation Area and the character of the area

- 3.4 As identified by the LALP this is a very sensitive site, with most of the site falling within the Kingsdown Conservation Area, with just the southern part falling outside the Conservation Area boundary.
- 3.5 The Kingsdown Conservation Area Appraisal (KCAA) sets out that the conservation area defines the historic core of Kingsdown Village. It has three distinct character areas: the upper part, with mostly high density two storey cottages, with small front gardens; the middle section, which is more diffuse, with generally larger buildings set in more spacious grounds, with some substantial brick and front boundary walls and the lower (seaside) part with high density two storey terraced housing and the beach.
- 3.6 The site is considered to fall within the 'middle area' where large buildings predominate, with substantial spaces and mature landscaping between buildings which add to its special character and rural charm.
- 3.7 The original submitted application comprised two detached dwellings on the northern part of the site; a terrace of four houses to the

southern part with an access road and turning facility and parking for visitors. Whilst it retained the wall and kept development off the southern part of the site it was considered the layout and design did not integrate well with the existing development. The entrance was dominated by parking spaces and it was considered a reduction in units would give an opportunity to have a more informal layout that would be less dominated by the requirements of the car. In particular the terrace of four units was very regimented in appearance and did not respond to their informal context.

- 3.8 The revised proposals sought to address concerns raised by reducing the number of units and also revising the design to reflect the informal character of the area. The proposals continue to retain the existing wall fronting Upper Street which is a key characteristic of the conservation area.
- 3.9 The proposed development extends approximately 3m into the elevated land to the rear of the site, however the proposals include cutting into the elevated land to ensure the dwellings are not situated on raised land. It is considered this largely addresses the policy objectives to avoid any built environment to the raised area as any development that was elevated would be likely to impact on the conservation area and also to ensure the protection of the trees. The drawings show the policy objective would be met as the development will not be raised and it continues to protect the retain trees. The majority of the raised area would remain without any built development and a condition is proposed to remove permitted development rights for any permanent and temporary outbuildings or extensions in the curtilage of the dwellings.
- 3.10 The new dwellings are all of a different form, varying in architectural styles and would use a mixture of materials the influence for which has been drawn from the surrounding properties. The dwellings reference the architectural detailing from the historic buildings surrounding the site, with rendered elevations and slate finished roofs along with plan tile roofs and brick tile and rendered elevations opposite the site.
- 3.11 The proposed dwellings would also vary in height with the rear plots slightly higher and then lowering for the plots fronting Upper Street. Given the changes in levels of the site and Upper Street sloping down from west to east, the heights of the proposed dwellings will sit below the ridge heights of Village Halle stepping down to the Bothy and The Gate House. Additional revisions were sought to reduce the height of the dwellings and the garages. In particular for plots 3 and 4 fronting Upper Street the garage height has been reduced significantly by removing the accommodation over the garage. This reduces the impact of plots 3 and 4 on the streetscene and ensures a sufficient gap is maintained between the plots reflecting the characteristics of the area. Plots 3 and 4 are set back from the front boundary and will be largely screened by the existing flint wall, albeit views of the first floor will be visible.
- 3.12 There are a number of trees on site, one sycamore in the north-west corner, one sycamore to the west beside the village hall and two to the southern part of the site. There is a further strip of trees located along

the boundary with the Holiday Park. The proposed development includes the removal of three trees however replacement planting is proposed that will increase the greenery on site and break up the built development.

- 3.13 The Tree Officer raised no concerns with the submitted tree report, subject to conditions securing the details of the replacement planting. Overall, the dwellings are set in relatively large plots with garden areas. The proposals include additional trees to be planted to provide a greener feel to the site and help break up the built development. Full details of soft and hard landscaping including a schedule of planting would be secured by condition.
- 3.14 Section 72(1) of the Planning (listed Buildings and Conservation Areas) Act 1990, requires local authorities to pay 'special attention' to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 3.15 In addition to the Conservation Area, there is also a Grade II listed building north east of the site. It is an early C18 house. Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.'
- 3.16 Under the NPPF conservation areas and listed buildings are classed as designated heritage assets, and 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'.
- 3.17 The NPPF paragraph 129 includes that the local planning authorities should identify and assess the particular significance of any heritage asset and 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.
- 3.18 Where proposals would lead to any 'harm' then a judgement needs to be made, under paragraphs 133 and 134, as to whether this would be classed as 'substantial' or 'less than substantial' harm. Where harm would amount to 'less than substantial harm' then this harm should be weighed against the wider public benefits of the scheme.
- 3.19 The development would result in a loss of the unused car park which is currently in in disrepair and has overgrown vegetation. It is identified in the KCAA as an unkempt, vacant site and as a specific area that is a negative feature in the conservation area and an opportunity for enhancement. Whilst it is noted a number of comments raised would prefer the site to be a public car park, the use for residential development is inevitable due to the allocation of the site for residential. The key to achieving an acceptable impact on this sensitive location is expected to be achieved through careful and

sympathetic design of any scheme. In this case the revised scheme has resulted in a sympathetic design solution which incorporates a more informal arrangement in terms of design and layout whilst still respecting the character and appearance of the area.

- 3.20 Overall in view of the revised scheme it is considered that the development would preserve and enhance the setting and character Conservation Area and would ensure no harmful impact to setting of the nearby listed building. As identified by Planning Practice Guidance on how proposals can avoid or minimise harm, the revised proposals show a clearer understanding of the significance of the heritage assets and its setting to avoid substantial or less than substantial harm. The proposed development would preserve and enhance the existing significance of the conservation area. This also accords with section 72 of the Act which requires special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. It also ensures special regard has been given to the desirability of preserving the listed building and its setting in accordance with Section 66(1) of the Act.

Residential Amenity

- 3.21 Plots 3 and 4 are closest to existing residential properties fronting Upper Street. The existing wall provides significant screening, however two windows on plot 4 and one window on plot 3 would be visible from the road. The plots are set back approximately 2.5m from the wall and there is a further distance of approximately 11m to the properties across the other side of the road.
- 3.22 For the proposed dwellings, each dwelling is provided with its own private amenity space and the reduction in units allows for more space between the proposed dwellings to ensure acceptable levels of privacy.
- 3.23 It is proposed that a condition should be imposed removing permitted development rights for additional windows and openings on the side elevations and the roof planes of the units to ensure privacy is maintained. Environmental Health has also recommended a condition to control any demolition and construction hours of work to ensure noisy activity is controlled. A condition would also require a construction management plan to be submitted.
- 3.24 It is recognised concerns were raised regarding the potential for the proposed dwellings to extend further into the roof space. It is proposed a condition would be attached removing permitted development rights to insert any additional windows in the elevations or roof planes.
- 3.25 Overall it is considered, following the revised proposals the development would provide a good standard of amenity for all existing and future occupants of land and buildings and safeguard the amenities of the adjoining residents. Therefore, the development would be in keeping with the character of the area, in accordance with the core principles of paragraph 17 in the NPPF to provide a good standard of amenity.

Accessibility and Highways

- 3.26 A number of concerns have been raised in relation to the impact the properties will have on parking and highway safety.
- 3.27 Following KCC Highway comments a number of revisions were undertaken to the scheme to ensure it included refuse vehicle swept path that could enter and leave the site in forward gear. It also ensured there were 2 independently accessible parking spaces for each dwelling in accordance with Core Strategy policy DM13.
- 3.28 As the access road will remain private, a condition will be secured for details of refuse storage and collection.
- 3.29 KCC Highways commented that they had no objection in principle to the use of the existing access to serve the residential development on the site, bearing in mind the current lawful use of the site as a car park. Following the inclusions of the revisions to the scheme, Highways confirmed no objection.

Other Matters

- 3.30 It is recognised the Parish Council and a number of third party representations have raised objections that the proposed development does not include provision for a disabled access to the Village hall. Whilst paragraph 7 of the NPPF is referred to as part of the justification that it would be a social gain, there is no planning policy which justifies such provision as part of the application. The LALP Policy 38 for the site makes no reference to a requirement to provide a disabled access to the Village Hall. No representations were made during the consultation on the LALP requesting such to be included as part of the policy allocating the site. Whilst the policy does not require the provision of a disabled access, provision has been made as part of the submitted application to provide an access way to the side of the Village hall to the side door. This would be a positive benefit as part of the application. It is also understood the applicant would be willing to provide an internal stair lift however this would be outside the remit of this planning application to control. As the side access way is included as part of the application it would be appropriate to include a condition requiring additional detail on the side access and to secure the provision of the side access to the Village Hall prior to first occupation of the dwellings.
- 3.31 Core Strategy Policy CP5 seeks all new residential developments to meet Code for Sustainable Homes. However this part of the policy is no longer being applied as the Government have withdrawn Code for Sustainable Homes. As such, this application is no longer required to achieve Level 4 Code for Sustainable Homes.
- 3.32 A number of objections raised concern that the properties should be affordable, however the development does not fall within the threshold of Policy DM5 for the provision of affordable housing.

Conclusion

- 3.33 The Land Allocations Local Plan 2015 includes the site as a residential allocation and as such the principle of residential development is acceptable. Following revisions to the scheme, reducing the number of units and revising the design, the proposal integrates better with existing development and is more in keeping with the Conservation Area. The revised proposals ensure the development would be sympathetic to ensure a neutral impact, conserving the significance of the conservation area and listed buildings.
- 3.34 The proposed scheme retains the wall fronting Upper Street and a tree survey has been provided for the site. Whilst three sycamore trees will be lost replacement planting is proposed that will introduce more greenery to the site. It is considered the revised proposals would also ensure no adverse impact on residential amenity to existing neighbouring properties. As such the development is considered to meet the aims and objectives identified in CS policy LA38 and the NPPF.
- 3.35 In terms of highways, no objections have been raised by KCC Highways and the development provides sufficient parking in accordance with policy DM13.

g) Recommendation

- I Permission be Granted subject to conditions to include: (i) timescale for commencement of development (ii) list of approved plans, (iii) samples of materials to be used, (iv) details of hard and soft landscaping, including planting schedule (including details of size) and programme, (v) provision and retention of parking and access, (vi) provision and retention of cycle parking (vii) details of surface water drainage (viii) driveway to be constructed of bound material (ix) no further windows in side elevations or roof slopes (x) removal of permitted development rights for permanent or temporary additional buildings within the curtilage of the dwellings (xi) Restriction in hours construction (xii) construction management plan (xiii) Protection of retained trees during construction (xiv) details of refuse (xv) Village hall access to be provided prior to occupation (xvi) details of the eaves (xvii) details of window joinery
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Kate Kerrigan

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Application: DOV/15/00624 & 625

Chequer Inn

Chequer Lane

Ash

TR28545846



- a) **DOV/15/00624 - Change of use and conversion to residential dwelling (Class C3) (existing lean-to walkway to be demolished) and erection of a garage – The Chequer Inn, Chequer Lane, Ash**

DOV/15/00625 - Internal and external alterations to facilitate conversion into residential dwelling (existing lean-to walkway to be demolished) (Listed Building Application) – The Chequer Inn, Chequer Lane, Ash

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**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent the local planning authority *“shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.”*

Section 66 of the 1990 Act requires that in granting planning permission the planning authority should pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses.

Section 72 of the 1990 Act requires that in granting planning permission the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Core Strategy (CS) Policies

- CP1 – The application site falls within the Ash Local Centre suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities
- DM1 - Development will be permitted within the settlement boundaries
- DM4 – Reuse or conversion of Rural Buildings will be permitted for structurally sound, permanent buildings within Local Centres for commercial, community or private residential uses
- DM24 – Retention of Rural Shops and Pubs. Permission will only be granted for the change of use of a rural shop or pub if its loss would not harm the economic and social viability of the community that it serves or, if such harm would occur, it has been adequately demonstrated that the use is no longer commercially viable and genuine and adequate attempts to market the premises for retail purposes or as a pub have failed.

Land Allocations Local Plan

- Annex 1 to the Plan draws on the District Heritage Strategy in order to provide guidance on preparing heritage statements to support planning applications.

Dover District Heritage Strategy

- An objective of the Strategy is to “ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used to positively support regeneration”.

National Planning Policy Framework (NPPF)

- Paragraph 14 sets out the presumption in favour of sustainable development. This is set out in full in the Overall Conclusions section at the end of this report
- Paragraph 17 sets out 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Paragraph 28 of NPPF promotes the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.
- Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development
- Paragraphs 69-70 of NPPF seek to promote healthy and viable communities
- Paragraphs 131-134 of NPPF seek to reinforce the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 by setting out guidance on assessing the impacts of development on designated heritage assets. This is amplified in the national Planning Practice Guidance.

The Historic Environment in Local Plans; Good Practice Advice (GPA) (2015) This document provides information to assist in implementing policies in the NPPF and the NPPG.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development that takes into account context as part of the evolution of the design.

d) **Relevant Planning History**

15/00622 – for the erection of a detached dwelling and garage within the grounds of the site. Withdrawn.

e) **Consultee and Third Party Responses**

15/00625 – Listed Building Application

Parish Council: Initial response stated no objection in principle providing the building is sympathetically treated. With regard to the conversion, the Parish Council states its

objections against the increase in hard surfaces and the garages to be built over tree roots. Having considered the matter further the Parish Council has subsequently written to say that, it recognises the community support that has arisen to retain the pub use as a significant village facility and that, subject to a viable business plan with funding to purchase and run the building as a pub, it supports its retention as a village pub.

Society for the Protection of Ancient Buildings (SPAB): Requires a proper historical analysis of the building fabric and a detailed schedule of the works to be agreed before work is undertaken.

Seven letters of objection have been received against the proposal.

Three letters of support have been received.

Principle Heritage Officer: Raises no objections

15/00624 – Planning Application

Parish Council: As above, but with the amended drawings the Parish Council raises no objections.

There is an overlap in the comments made on both applications. Overall, there are some 92 letters of objection, including from the local MP, and 3 letters in support. In summary, those letters of objection raise the following concerns:

- The building should be used by and made available for the community
- The pub was intentionally made non-viable and was poorly managed
- The proposal would mean the loss of an Inn and an important community resource, community hub and meeting place
- The proposal would diminish community life
- The comings and goings to and from the proposed house would prejudice pedestrian and highway safety
- The proposal would affect the local economy and result in the loss of jobs
- The proposal is contrary to Policy DM24 and the NPPF
- There is no need for another large house in the village
- The pub has a cultural heritage value
- The pub is an asset of community value and a further application for it to become a recognised asset of community value is being made
- The pub could be viably operated and better managed
- Once lost the pub use will not return
- Part of the garden is not included within the application site. The garden of the proposed house would be small and an awkward shape
- The removal of part of the garden from the application site should be clarified
- There is a risk of flooding with the amount of hardsurfacing
- The garage development would give rise to harm to the setting of the designated heritage assets and the nearby properties.

In addition, a summary note of opposition has been submitted by an individual but “On behalf of: The residents of Ash and environs” together with detailed objections relating to legal requirements, planning policy, the economic and social importance of village pubs and the economic viability of tied pubs. This material is itself supported by 12 Appendices.

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

Site

- 1.1 The Chequer Inn is a modestly sized detached building on a prominent junction within the core of the village of Ash. Its last use was as a public house, but more recently it has been vacant. It became vacant at the beginning of 2014, and has remained vacant since.
- 1.2 The Chequer Inn was listed in 1952 at grade II and is a Sixteenth Century timber framed Wealden type hall house. The key features of the Wealden type hall house are recessed central bays flanked by two end bays which have projecting first floors (jetty) to the principle elevation, and is a rich architectural form that demonstrated the wealth or importance of the medieval owner. The listed building retains its original medieval character to a significant extent externally, internally at first floor level and the roof structure. The principle elevation of the listed building faces Chequer Lane but is slightly turned to provide a view of it from The Street, once the main road from Sandwich to Canterbury. The close studding (used for aesthetic more than structural purposes) remains exposed to the central recessed bays and the ground floor of the right hand side projecting bay. The timber framing to the ground floor has been partially removed and replaced with painted brickwork and at first floor is concealed behind what appears to be cement based render. The large fully hipped Kent peg tiled roof is a dominant feature of the building. Internally, the building retains exposed large timber members to the first floor and a crown post roof structure, which would originally have been viewed within the central full height hall. Importantly, the roof retains smoke blackened rafters and daub, rare survivors of the medieval fabric.
- 1.3 In addition to the replacement of some of the timber framing with brickwork, alterations to the medieval hall house over time have included the flooring over of the central open hall and concealment of the roof structure with a ceiling. A domestic property in origin, the latest incarnation of the listed building was as a public house as a consequence of which the original medieval partitions, which would have divided the ground floor living space, have been removed creating a large open plan space. No evidence of the original medieval plan form or fabric remains internally at ground floor level. The bar appears to date from the early Twentieth Century and fireplaces have been altered possibly in the mid to late Twentieth Century. To the rear a single storey addition creating a catslide roof has been added, possibly dating to the early or mid Nineteenth Century. The building has had further single storey additions to the rear forming a dining/function room, toilets and store.
- 1.4 The application site falls within The Street, Ash Conservation Area. The Conservation Area is strongly linear, centred along the important historic route between the Cinque Port of Sandwich and Canterbury. The area has a dense built form with buildings generally facing directly onto the highway and tightly packed along The Street. Open spaces are limited to a few gardens to the front of large properties, the small triangle of land at the junction of Moat Lane, the churchyard of the grade I listed Church of St Nicholas and the junction of The Street with Chequer Lane. This sudden opening up of the built form at the junction allows the Chequers to be fully appreciated within the context of the conservation area. The Chequers Inn is additionally notable for being the one of the very few buildings in the conservation area with exposed timber framing evidencing its medieval origins, whilst the

majority of historic buildings in Ash are of Eighteenth and Nineteenth Century appearance. The Chequers Inn consequently makes a highly significant contribution to the conservation area by virtue of its architectural and historic character and appearance.

Proposal

- 1.5 The proposal comprises the change of use and conversion of the building to a 4 bedroom house and the internal and external works to facilitate the change of use.
- 1.6 The change of use and conversion of the building to a dwelling house would accommodate sitting, dining, kitchen/breakfast and other ancillary rooms on the ground floor with 4 bedrooms on the first floor.
- 1.7 The drawings have been amended from their original submission. Only part of the existing grounds of the public house is included within the garden area of the proposed house. There is an area immediately behind the building dedicated to lawn and paved terraced area. There is a further area served by the access adjoining the northern part of the building which would accommodate 3 parking spaces to the side/rear of the garden. A single garage is also shown within the garden, which will have a pitched roof. Land to the west of this garden area is retained by the applicant and does not form part of the proposed curtilage of the new house. It was shown on the originally submitted drawings to accommodate a new house and garaging, with access through the current application site as part of application 15/0622. This has now been deleted from the amended drawings as that separate application has been withdrawn. Some of the third party representations refer both to this area and the proposed garage(s) – which do not form part of this consideration.
- 1.8 The external works proposed are all located to the rear and include:
 - the demolition of a later glazed lean-to addition adjoining the single storey rear extension of the main building.
 - the addition of a dormer window and two roof lights into the rear roof elevation
 - the removal of roof lanterns and replacement of felt roof with slates, replacement of doors with windows and a window with door all to the later single storey rear addition.
 - Erection of a single storey garage, and topping of the existing asphalt access and parking area with shingle.
- 1.9 The internal works proposed include:
 - the removal of modern partitions and the bar, and the erection of new partitions to ground floor to form two reception rooms
 - the removal of a modern ceiling at first floor level to expose the original crown post structure.
 - Creation of a bathroom at first floor level.

2. **Main Issues**

2.1 The main issues are:

- The principle of the change of use from a public house to a dwelling house
- The impact of the proposals on the designated heritage assets
- The impact on design/street scene
- The impact on residential amenity
- Other matters

Principle

Loss of use as a public house

- 2.2 The starting point for considering this issue is the relevant policies in the Development Plan. The Core Strategy, through Policy CP1, identifies Ash as a Local Centre in the Settlement Hierarchy in recognition of its size, range of services and role that it plays in providing services to adjacent communities in addition to its home population. Supporting paragraph 3.10 in the Core Strategy notes the key services associated with designated rural settlements (including Local Centres) and this does not include public houses. The policy requires the location and scale of development to comply with the Settlement Hierarchy in that it is proportionate to the category of settlement and the function it performs. Paragraph 3.12 states that the policy will be used to inform development plan making decisions and decisions on planning applications. The issue raised by the planning application (15/00624) is whether loss of the public house use would jeopardise the role of Ash as a Local Centre.
- 2.3 The Core Strategy specifically considers the issue of the retention of rural shops and pubs under policy DM 24 and the outcome of an assessment under this policy is very relevant to reaching a conclusion under Policy CP1.
- 2.4 The supporting text to Policy DM24 provides guidance on assessing the loss of a public house and its impact upon village communities. Paragraph 1.77 states that account will be taken of the public house's importance to the community that it serves and the range of other facilities and services that would remain. Permission for alternative uses will not be given if the community would be left without any local shops or facilities, or the range would be seriously diminished, unless the applicant has established that a pub use is no longer commercially viable.
- 2.5 The applicant has submitted information to address Policy DM24. The applicant considers that, if permission is given, the village would still be well served by the range of remaining facilities. The applicant notes these as including:

Another public house in the village (The Volunteer)

Two schools

Two churches

Shops – the Co-op convenience store, Londis general store, Hardware store, Beauty Salon, Chemist (Boots), take-away outlet (serving food in the evening and drinks during the day)

Halls/meeting places – Ash Village Hall (available to hire during the day and evenings), Jubilee Hall, Sports Pavilion, Scout Hut.

- 2.6 The Council's 2014/2015 Authority Monitoring Report was approved by Cabinet in December 2015. It considers the range of services and facilities available in rural settlements and, in summary form, verifies the range in Ash identified by the applicant.
- 2.7 Whilst the proposed loss of the public house is regrettable it can be seen from the above that the village would still be served by a public house - The Volunteer. The issue is therefore whether the proposed loss of The Chequers as a pub would seriously diminish the range of facilities in Ash and thereby harm the economic and social viability of the community. Seen against the range of facilities that would remain (including another public house) it is not considered that the proposal would result in harm to the social and economic viability of the community as referred to in Policy DM24 and amplified in paragraph 1.77. On this basis, it is not necessary to address the second part of Policy DM24 regarding whether the pub use is no longer commercially viable and that genuine and adequate attempts to market it have been made.
- 2.8 It is concluded from the above that in relation to Development Plan policy the proposed loss of the public house use would not cause harm as envisaged under policy DM24. Taking this into account, together with the point that although the number of pubs in Ash will reduce, the range of facilities will remain and that, in any event, pubs are not noted in paragraph 3.10 of the Core Strategy as key facilities for designated rural settlements, it is concluded that the proposal would not jeopardise the role of Ash in a way that runs counter to policy CP1 and its role as a Local Centre in the Settlement Hierarchy.
- 2.9 It next needs to be considered whether there are any material considerations that would alter these conclusions. The material considerations consist of the NPPF, the situation regarding registration as an asset of community value, and any other matters raised by third parties.
- 2.10 The fourth bullet point of paragraph 28 in the NPPF seeks planning policies to promote the retention and development of local services and community facilities in villages and, amongst other uses refers to public houses. The Council has such a policy basis in policies CP1 and DM24 and in this respect the NPPF does not add any further considerations. Paragraphs 69 and 70 relate to promoting healthy communities. The first bullet of paragraph 70 relates to planning positively for the provision of, amongst other things, pubs and appears more directed towards plan making where the issue has been

addressed through Policy CP1. The second bullet relates to guarding 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. The proposed change of use to residential would, if implemented, reduce the facilities available to Ash but it needs to be taken into account that the premises are not currently trading as a pub and have not done so for a significant period. No specific evidence has been put forward to show that the community is less able to meet its daily needs as a result of closure although there is a considerable volume of public representation to indicate that it was/is a valued facility. The conclusion from this is, therefore, mixed but does not amount to such a clear and compelling consideration as to outweigh the positive assessment under Development Plan policy.

- 2.11 As regards the issue of asset of community value the premises have been included on the register following a further nomination. The Government's Community Right to Bid: Non-statutory advice note for local authorities 2012 paragraph 2.20 considers the relationship inclusion on the list of community assets may have to planning decisions and states:

"The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case."

- 2.12 It is considered that, in the circumstances of this case, the property's inclusion on the list is a material consideration because it is an indicator of the value of the pub use to, at least, a sector of the public which should be taken into account. The weight that should be placed on this factor is a matter of planning judgement. In deciding this it is useful to consider the view of the Inspector who considered an appeal relating to The Alexandra, 98 Fortis Green, London (APP/Y5420/W/14/3001921) who said at paragraph 20 of his report "The primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent otherwise acceptable development." That conclusion appears consistent with the Government's non-statutory guidance quoted above. The focus therefore needs to be on deciding whether the proposals are, in all other legal, policy and material respects, acceptable and then to consider the influence of listing on that conclusion. The Inspector in The Alexandra case gave listing some weight but did not consider it to be a determinative factor; a conclusion which appears to be consistent with the preceding reasoning. It is, therefore, likely to be very hard to demonstrate that permission should be refused if ACV listing was the only reason but it might add weight to other reasons for refusal. This aspect is considered further in the final section of the report.

- 2.13 Public representations in objection to the proposed change of use raise several other points:

It is put forward that in relation to policy CP1 the proposal would not reinforce the role of Ash in the Settlement Hierarchy but rather it would diminish it. There is, however, no requirement in CP1 for individual applications to demonstrate that they would reinforce the role of a settlement. The reference relates to the scale of any development proposed being appropriate to the role of the settlement and is primarily concerned to ensure that the scale of development allocated or applied for at a designated rural settlement is not of a scale that is larger than warranted by the settlement's size and function. The assertion that the proposal would diminish the role of Ash is not supported by any specific evidence and is not considered to alter the assessment under policies CP1 and DM24 above. It is also relevant to note again that a public house is not a use mentioned in paragraph 3.10 of the Core Strategy which reduces further the case for arguing that the loss of such use would diminish the role of the settlement.

- 2.14 It is asserted that the proposal will cause harm under policy DM24 on the basis that the reference to the "range" of facilities and services in supporting paragraph 1.77 should be interpreted as meaning not just type but also variety; in other words, there should be a range within each type of facility. On this basis it is argued that a reduction of two pubs to one eliminates choice in that particular facility and is therefore harmful. This interpretation of the policy is not agreed. The term "range" is given no special meaning in the Core Strategy and should be understood in this context by the ordinary definition of a series of things. If the Core Strategy had intended the meaning put forward by the representation it would have needed to make this plain as it is a much more onerous test. It is not therefore accepted that the proposal would cause harm within the meaning of the policy.
- 2.15 An issue has been raised that the application should be assessed against the marketing criterion in policy DM24. It has been put forward in representations that the marketing information supplied by the applicant does not adequately demonstrate that a pub use is no longer commercially viable and that sufficient and genuine attempts to market the premises have been made and have failed. This case is made primarily on the basis that the applicant's information is predicated on a failed model of the tied pub. A considerable amount of information has been submitted to support this point. Officer assessment is that as the proposal has not been found to cause harm under the first part of the policy there is no need for it to be assessed against the marketing criteria in the second part of the policy. Nevertheless, in seeking to address this matter the applicant has submitted marketing material relating to the previous owner's attempts to sell the property that eventually led to the purchase by the applicant. On the face of it, this material appears to comply with the requirements in paragraph 1.78 of the Core Strategy in that it was carried out by an appropriate specialist agent for a considerable period of time but, given the officer assessment that this is not a determining factor this has not been scrutinised in detail.

- 2.16 Public representation has raised an issue that the proposal is contrary to Core Strategy Policy DM2 relating to the protection of employment land and buildings. This policy is, however, not relevant as it relates only to the B Class of uses (see supporting paragraph 1.9 to the Policy and the Core Strategy Glossary) whereas the pub use falls within the A Class.
- 2.17 Representations have referred to saved policies from the Dover District Local Plan 2002 and, specifically to paragraphs 3.13 to 3.14, and 3.69 from the Local Economy chapter of the Plan. Paragraphs 3.13 and 3.14 provide general text on the Plan's Economic Development Strategy which relates to the only remaining saved policies in this chapter regarding Albert Road in Deal and Tilmanstone. It is argued that the proposal would be contrary to these paragraphs which seek to support existing businesses. It should be noted that these paragraphs are 'supporting text' rather than "saved policies", they do not relate to saved policies that are relevant to this case, and are of a very generalised nature offering no criteria for judging individual proposals. It is therefore considered that this aspect can be given only extremely limited weight.
- 2.18 Representations also refer to paragraph 3.69 of the 2002 Local Plan regarding rural diversification. There are, however, no saved policies remaining in this section of the Plan and the paragraph is therefore of no relevance.
- 2.19 Overall, it is concluded that material considerations do not alter the assessment against development plan policies.

Change of use to a Dwelling

- 2.20 As set out in the previous section, Ash is classified as a Local Centre in the Settlement Hierarchy in Core Strategy Policy CP1 and is a suitable location in the rural area for residential development. In order to help operate the Hierarchy, Policy DM1 identifies settlement boundaries beyond which countryside protection policies apply and subject to specified exceptions, development will not be permitted. The application site falls within the settlement confines for Ash and is an appropriate location for the creation of new dwellings. The proposals do, however, need to be acceptable in all other relevant planning respects.
- 2.21 Policy DM4 relates to the re-use or conversion of rural buildings. The first part of the policy states that permission will be given for the re-use or conversion of structurally sound, permanent buildings within Local Centres (amongst other settlements) for commercial, community or private residential uses. There is no evidence to indicate that the building the subject of this proposal is not structurally sound or a permanent structure and it is therefore concluded that proposed conversion to residential use is consistent with this policy.
- 2.22 The proposed change of use is therefore in accordance with the relevant development plan policies for housing.

- 2.23 With regard to material considerations, NPPF paragraph 47 sets out the Government's general objective of boosting the supply of housing through plan making and the maintenance of a five year supply of housing land. Paragraph 49 in the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development (itself set out in paragraph 14 of the NPPF). It also states that relevant policies for the supply of housing should not be considered up-to-date if there is not a five year housing land supply. The District does not have a five year housing land supply. Paragraph 51 requires local planning authorities to identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies.
- 2.24 The proposal would make a modest contribution towards boosting the supply of housing in circumstances where the District does not have a five year supply of deliverable housing sites and it is consistent with paragraph 51 of the NPPF in that it represents bringing an empty building into residential use in line with policy DM4.
- 2.25 The proposed residential use is therefore consistent with the NPPF's housing policies. An assessment of the proposals under the presumption in favour of sustainable development is undertaken at the end of this report.
- 2.26 Other housing policy matters have been raised in public representations. Reference has been made to Policies DM 5 to 10. These Policies relate to very specific types of housing development, such as affordable housing and accommodation for dependent relatives, and are not relevant to the assessment of the proposals. Reference has been made to the Land Allocations Local Plan Policies LA20 to LA23 which allocate land for housing development at Ash. Paragraph 3.252 in the LALP is also referred to in that it notes the constraints imposed by Ash's conservation areas and listed buildings on the identification of land for new housing development and that the Plan's housing allocations are well away from these heritage assets, including the Chequer Inn. The representation appears to interpret the Plan as only proposing housing development on the allocated sites. This is however based on a misunderstanding of the Plan. While the Plan allocates sites for housing developments of more than 5 dwellings this does not preclude further windfall proposals being permitted for conversions to residential or the redevelopment of suitable sites elsewhere within the settlement confines. None of these matters therefore alter the assessment above in relation to the relevant housing policies in the development plan and the NPPF.

Designated Heritage Assets

Listed Building

- 2.27 The significance of the Chequers Inn is as a medieval Wealden hall house which retains its original historic form and fabric to a high degree externally, and internally at first floor and roof level. The original roof form with the crown post structure and smoke blackened daub and rafters in particular are of

highly significant historic value due to their relative rarity. Unfortunately the change of use from its medieval origins as a domestic property to a public house has resulted in the significant loss of both fabric and form to the ground floor interior. The signage to the front elevation is modern but is unimposing and has not compromised the architectural detailing of the listed building.

- 2.28 The proposed alterations are to the rear and interior and will have no impact on the principle front elevation of the listed building. The addition to the rear elevation of the dormer window and roof lights are a modest intervention into the roof form, which has historically been broken by the existing dormer window. Due to the presence of smoke blackened rafters care will need to be taken with the proposed dormer window to ensure the least loss possible; the rooflights are located within the later addition and will result in no loss of medieval fabric.
- 2.29 The removal of the ceiling at first floor level to expose the crown post and rafters within a bedroom enables one of the principle features of the medieval building to be experienced. A relevant condition has been recommended to ensure that there will be no loss of the smoke blackening, for example by cleaning, painting or application of any other coating, and for further details of any proposed insulation to ensure that important historic fabric is preserved.
- 2.30 The proposed removal of the lean-to glazed structure and internal partitions to the main body of the listed building will result in the loss of fabric of no historic or architectural value. The significance of the listed building is unaffected by this aspect of the proposal.
- 2.31 The proposed garage is set back from the highway and due to its discrete location, simple and traditional detail and form does not impact detrimentally upon the setting of the Chequers Inn particularly when viewed from the public realm. The garage is also proposed close to the boundary with Mulberry House, a grade II listed building. However, the height of the existing boundary wall limits any impact the proposed garage could have on the setting of Mulberry House.
- 2.32 The existing boundary wall is part brick and part painted render and it is unlikely that it comprises an original or historic structure of special or historic interest in its own right. It is however part of the historic setting of the listed building and can be viewed obliquely from the public realm. The garage would partly block views of the wall but is proposed to be detached from it. As such, its fabric and structural integrity should not be harmed, and its function as a boundary wall not compromised.

Conservation Area

- 2.33 As noted above The Chequers Inn makes a significant contribution to the historic and architectural character and appearance of the conservation area by virtue of its prominence in the street scene and its medieval origins as a Wealden hall house. The proposed physical changes to the building are to the rear of the property or internal and would therefore not be visible from the public highway. The proposal does not include the removal of the existing modern pub signage. Consequently there will be no direct impact on the appearance of the conservation area.

- 2.34 The Chequers Inn is located within an area of largely residential properties and a small commercial core clustered around the junction of The Street with Chequer lane. The listed building is currently not being maintained as a public house and the loss of the use to a dwelling would not materially affect the character within the local community
- 2.35 The proposed garage is a single storey pitched roof building located behind and to the side of the main building. It will be visible from Chequer Lane across the access. It would be set back from the front of the main building and located adjacent to the boundary wall. The garage is set far enough from the highway and it is modest in scale and size so as not to be imposing or incongruous in its context. Its impact upon the character and appearance of the conservation area would be neutral.

Conclusion on impact on designated heritage assets

- 2.36 Due to the limited impact the physical works will have on any features which contribute to the significance of the listed building it is considered that the works are considered to be of less than substantial harm as defined by paragraph 134 of the NPPF. There is potential harm through the proposed insertion of a dormer window as this may result in the loss of medieval fabric; however a condition has been recommended to mitigate this harm by requiring full constructional details. The removal of the ceiling and exposure of the crown post structure is considered to be a sympathetic alteration that will enable the significance of the listed building to be better appreciated. It is considered that the proposed change of use and the garage will cause no harm to the setting of the listed building.
- 2.37 The proposal would, by virtue of the lack of any physical alterations to the principle elevation, have no impact upon the historic or architectural character or appearance of the conservation area. The new garage would be adjacent to the boundary wall and therefore should not affect its fabric or structure. The wall forms the boundary to the setting of the listed buildings (the application property and Mulberry House), it is not of itself a structure of special or historic interest, and it would continue to contribute towards their setting.
- 2.38 In addition, paragraph 131 of the NPPF states that in determining planning applications local planning authorities should ensure that the conservation of the heritage asset is consistent with their use. The listed building has not been in use as a public house for some considerable time and the proposed use will, by bringing it back into use as a dwelling, ensure the continued preservation of the listed building and therefore meets the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The change of use to a dwelling house could be considered to be a reinstatement of the original use for which the listed building was intended. Consequently the proposal would provide a wider public benefit through the maintenance and management of this designated heritage asset.

Design/Street Scene

- 2.39 As the proposed works to the building are modest and mostly to the rear the impact upon the design of the building and the street scene is limited. The single storey rear extension is visible from The Street across the garden of the adjacent property (No.2). The replacement roof material (from felt to slate) would represent a more appropriate use of materials. The slight

amendment to the parapet above the flat roof of the rear extension would not change the design or appearance of the building to any material extent. The increased height would allow the roof lanterns to be inserted into the flat roof without being intrusive above the new parapet. The new garage would be seen from Chequer Lane but would not be prominent nor incongruous as it is set back into the site and is of modest scale.

- 2.40 Overall, the changes in the design and appearance of the building are modest and acceptable. The consequent impact upon the street scene would preserve its existing character and appearance.

Conclusion on design/street scene matters

- 2.41 Paragraphs 17, 56-59 and 64 of the NPPF require that any new development should be well designed, within context and appropriate. Poor design should be rejected. The proposed design and its impact upon the street scene are considered to be acceptable and appropriate to the sensitivity of the building and its location.

Residential Amenity

- 2.42 The proposed garden for this 4 bedroom house is quite small, with most land being taken up by hard surfacing. The constrained size of the retained plot for the rear garden area and parking spaces, limits the future potential for the occupiers of the building to erect outbuildings and other domestic paraphernalia. The Council does not have specific guidance on size of gardens, however any an objection against the size of the plot and the private amenity area cannot be sustained under this application as a garden area adequate for the use of the converted building is proposed. The proposal ensures a reasonable degree of amenity for the future occupiers of the house.
- 2.43 The development is a good distance from other nearby residential properties and is so located so as avoid any undue impact and harm through overlooking and interlooking. There are no additional windows in the side elevations of the building that might give rise to overlooking. The proposed dormer extension would look principally along the rear garden of the site.

Other Matters

- 2.44 The future use of the land to the west of the proposed curtilage of the house is not under consideration. The land to the west does not appear to have any other access apart from through the current application site. The access to this plot of land will remain through this application site and space for a right of way to it will need to be provided. This may require some form of boundary treatment between the right of access and the private garden of the converted house to prevent views into its garden. Additional screening may have an impact upon the setting of the listed building and the future amenities of the occupiers of the converted house and conditions are suggested to require such details to be approved.
- 2.45 It is not considered that there would be an increase in highway and pedestrian safety concerns as the comings and goings of vehicular activity

from a dwelling house are not considered to be any worse than those from a public house.

- 2.46 The original garage “block” has been deleted and a single garage is now proposed and has been moved forward to avoid undue impact upon existing trees and neighbouring amenity.
- 2.47 The proposal reduces the degree of hardsurfacing on the site and therefore it is unlikely that further surface water flooding would occur from the proposed use. Conditions can be imposed which would ensure there is no discharge of surface water from the site onto the highway.
- 2.48 Representations refer to the proposed Ash Neighbourhood Plan as a material consideration. While a Neighbourhood Plan Area was approved in 2013, plan making has not yet reached a consultative stage and there is therefore no material against which to assess the application. Very little, if any, weight can be attached to this point.

Overall Conclusion

Planning application

- 2.49 It has been concluded that the heritage aspects of the planning application comply with the legal duties relating to conservation areas. With regard to the listed buildings legal requirement it has been identified that the proposed insertion of a dormer window has the potential to cause harm to a feature of special architectural or historic interest but that this can be avoided, or sufficiently mitigated, through the imposition of a condition. Special regard has been paid to this aspect and it is considered that the legal duty has been met. The assessment has also shown that the planning application is in accordance with Development Plan policies and should be approved unless material considerations indicate otherwise.
- 2.50 In relation to material considerations an overall assessment needs to be made of the proposal against the NPPF’s presumption in favour of sustainable development. The presumption itself is set out in full below.
- 2.51 “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

For decision-taking this means:¹⁰

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹
- 9. For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.
- 10. Unless material considerations indicate otherwise.”

2.52 It is the second part of the presumption regarding decision taking that needs to be focused upon. The assessment in this report has shown that the proposals are in accordance with the development plan and, under the first bullet in the decision taking section of the presumption, should be approved. As, however, the District does not currently have a five year housing land supply the relevant housing policies are deemed out-of-date and the second bullet points must be considered. The assessment in the report has considered NPPF policies and has found the loss of the pub use to be neither clearly in accordance with or contrary to the NPPF. The proposed change of use to residential would be in accordance with NPPF housing policy and offer a modest benefit. The assessment concludes that the proposals are consistent with NPPF policy regarding design and street scene.

2.53 The assessment of the heritage aspects of the proposal (which is a specific policy consideration) show that the dormer window proposal has the potential to cause less than substantial harm to the significance of the building. It is proposed to deal with this issue by imposing a condition requiring full constructional details in order to minimise harm, or if possible, avoid it. The possibility of some harm occurring does require, under paragraph 134, a consideration as to whether there are public benefits to the proposal that would outweigh the harm. The public benefits offered by the scheme are bringing the listed building back into use against an otherwise uncertain future with associated prospect for its future maintenance and the modest but useful contribution to housing supply. Bearing in mind the potential harm to the building is quite limited in scope and would be minimised by condition, it is considered that the benefits outweigh the harm. The proposed changes to the design and appearance of the building will have no impact upon the street scene and will consequently preserve the character and appearance of the conservation area. This assessment does not therefore indicate that development should be restricted.

- 2.54 Overall, it is considered that the adverse impacts of the proposal (the reduction in the community's ability to meet its daily needs) are not clear-cut and are outweighed by the identified benefits. The inclusion of the property on the list of assets of community value is a further material consideration but, for the reasons set out within the report, do not outweigh this conclusion. The other material considerations that have been raised similarly do not outweigh this conclusion.

Listed Building Consent

- 2.55 Subject to the imposition of the recommended conditions it is considered that the proposal satisfies the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.56 The proposed works will, when considered under NPPF policy, cause less than substantial harm to the special interest of the designated heritage asset but this can be minimised through the imposition of a condition. This minimised harm is outweighed by the benefits of bringing the building into use after a significant period of vacancy and creating a more positive outlook for its future maintenance. In addition, the creation of a dwelling would make a small but useful contribution towards housing supply.
- 2.57 In conclusion, the proposal satisfies the relevant legal and policy requirements and listed building consent can be granted.

g) **Recommendation**

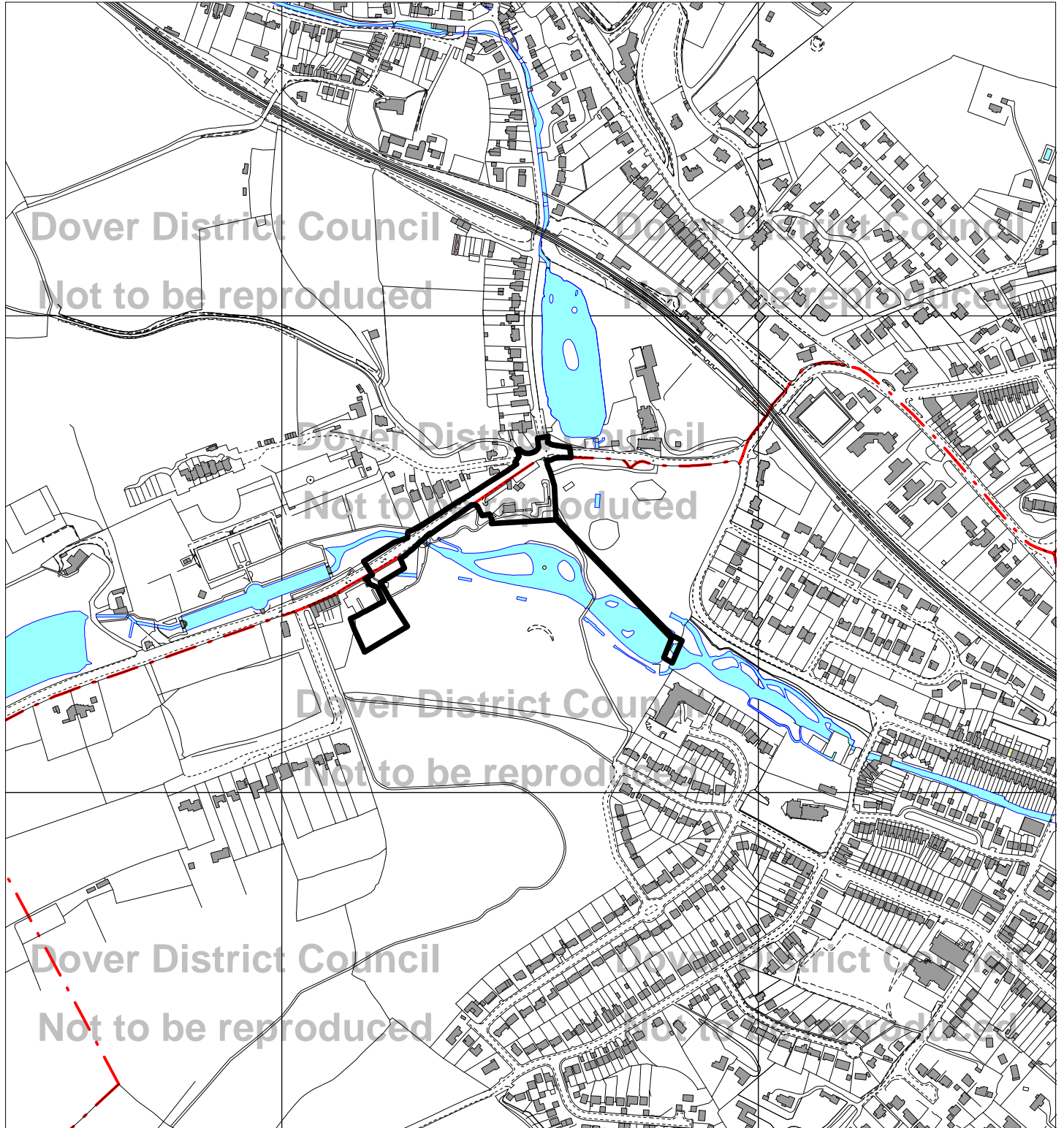
- I In respect of DOV/15/00624 PLANNING PERMISSION BE GRANTED, subject to conditions set out to include, in summary: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) soft/hard landscape works to be submitted, iv) soft/hard landscape works to be carried out including new boundary treatments and structures within the site , v) replacement planting, vi) boundary treatment to be submitted, vii) materials to be submitted, viii) parking spaces to be provided, ix) Details of cycle and refuse storage areas shall be submitted to and approved in writing by the local planning authority and put in place before the first occupation of the house commences and maintained for such purposes thereafter, x) details of a scheme for management and maintenance of the land to the west of the site, xi) no cutting through rafters to facilitate the dormer window and construction details of dormer window to include details of any loss of existing fabric
- II In respect of DOV/15/00625 LISTED BUILDING CONSENT BE GRANTED, subject to the following conditions set out to include, in summary: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) The works shall not be carried out otherwise than in accordance with detailed drawings; such drawings to be submitted to and approved by the Local Planning Authority in writing to show: a) joinery details; b) bathroom service details; c) alterations to flooring; d) room by room schedule of works; e) roof light details; f) partition walling details; g) works of making good the existing external fabric of the building; and h) details of new openings and the closing up of existing openings iv) no cutting through rafters to facilitate the dormer window, v) details of any mechanical ventilation to be submitted, vi) materials to be submitted; roof insulation details; protection of

smoke blackened timbers and daub; construction details of dormer window to include details of any loss of existing fabric.

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

Case Officer

Vic Hester



Not to scale

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Application: DOV/15/01273 & DOV/15/01274

Kearsney Abbey

Alkham Road

River

CT16 3DZ

TR28624375



- a) **DOV/15/01273 – Erection of single storey side and rear extensions to Billiards Room to create visitor facilities and extension to cafe; replacement gates to boundary wall; construction of new boundary walls; extension to existing parking facilities and new pedestrian bridge over weir (existing toilet block to be demolished) (Planning Application) – Kearsney Abbey, Alkham Road, River**

DOV/15/01274 – Repair of existing cafe and erection of a single storey extension to form improved visitor facilities; replacement gates to boundary wall; repair of boundary walls and new pedestrian bridge over weir (Listed Building Consent) - Kearsney Abbey, Alkham Road, River

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.
- DM19 – Permission will not be given for development which would adversely affect the character, fabric, features, setting or views to and from the District's Historic Parks and Gardens
- DM25 – Policy DM25 states that proposals which would result in the loss of open space will not be permitted unless there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space or where there is such a deficiency the site is incapable of contributing to making it good, or where the site is capable of contributing to making it good, a replacement area with at least the same qualities and equivalent community benefit, including ease of access, can be made available, or in the case of a school site the development is for educational purposes or in case of small-scale development it is ancillary to the enjoyment of the open space and in all cases except point 2 the site has no overriding visual amenity interest, environmental role, cultural importance or nature conservation value.

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which, amongst other things, seeks to: secure high quality design; encourage the reuse of existing resources; 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 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.

Dover District Heritage Strategy

- 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’*.
- Highlights the importance of grand country houses and estates set in significant areas of parkland as an important element of the districts heritage. The historic gardens at Kearsney are maintained as public gardens and provide valuable green space close to the urban centre of Dover and are highly valuable to the community. The strategy recognises that opportunities should be taken to promote, interpret and develop the historic gardens as an important local amenity space.

Dover District Green Infrastructure Strategy 2011

- States that Kearsney Abbey and Russell Gardens are among the most significant publicly accessible green infrastructure in the district. Consultation shows Kearsney Abbey to be the most popular green infrastructure site in the district and faces pressure from high visitor numbers. Strategy also emphasises that planned residential development will put pressure on Kearsney Abbey and Russell Gardens – mitigation measures are set out including the restoration of the existing facilities and infrastructure including historic fabric alongside new and improved facilities.

d) **Relevant Planning History**

CH/2/72/0296 – The erection of a public convenience – Conditional outline approval

CH/2/72/0296A – Details of the public convenience – Details approved

DO/82/1007 – Car park – No objections

DOV/00/00917 – Amended plans for formation of footpath between existing path in Kearsney Abbey grounds and gate in Applecroft's external wall – Granted

DOV/04/00715 – Access ramp (required for compliance with Disability Discrimination Act 1995) – Planning permission granted

DOV/04/00716 – Access ramp (required for compliance with Disability Discrimination Act 1995) – Listed building consent 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

River Parish Council – No comments

Temple Ewell Parish Council – No views to date

Environmental Health – Whilst the area of the car park to the south of the Kearsney Tea Rooms has some history of potential contaminative use (corn mill) the development area is not impacted by this and EH have no concerns over this development

Kent Gardens Trust – No views to date

Ecology Officer - Catalpa tree should be retained if possible. If has to be removed should be replaced with at least two replacements. Biosecurity measures should be conditioned and a bat scoping survey should be undertaken

High Hedges and Tree Officer – Reservations regarding the removal of one particular tree and another group of trees as well as the proposed replacements situated in the car park. Proposed replacements are not particularly imaginative and will more than likely fail in the near future. Not the type species you would find in a public garden. The

landscape architect should supply a list of size and species that would be appropriate for the conditions in the park and their amenity value. Shame to lose the Catalpa tree due to the level of amenity it provides to the park and its potential to grow further to a spectacular tree in its further 40+ years. If the tree is to be lost a substantial replacement would be required to follow the authorities 2-1 replacement also.

Environment Agency – No objection - Recommends condition for biodiversity and informative for flood risk

County Archaeologist – Recommends conditions

Principal Infrastructure and Delivery Officer - Unfortunate that 1330m² of protected open space will be converted to overflow car park but overall merits of the project make this element of the proposal acceptable. The Council has previously identified that the capacity of the Kearsney Park complex should be increased and overall the project will achieve that objective, for example by improving pedestrian circulation between Kearsney Abbey and Russell Gardens. In addition, the overflow car park will not be visually intrusive due to the materials selected.

Kent County Council Highways and Transportation – Subject to the removal of the zebra crossing and reference to a crossing point east of Lower Road being deleted and to the access from the existing car park to the car park extension being widened to enable use by two way traffic – No objections

Public Rights of Way Officer – No comments

Building Control – Provision of railing required for the ramp to the west of the billiard room, all other ramps will be compliant with Part M and will not require any railings

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

- Design is too bland, utilitarian and unimaginative
- No detail to the roofline
- Windows could have been set in an arch
- Should reflect the historic nature and importance of the existing building
- Setting of new build does not reflect the surrounding features of the Abbey Gardens
- Not in keeping with the original building
- Alterations should be sympathetic and not a modern addition
- Once in a lifetime opportunity to create a quality improvement
- Southern elevation is a scaled down version of a modern car retail outlets
- Design gives a disproportionate/ unbalanced glazed appearance
- Sliding doors further degrade the overall feel and impact of the design
- Other elevations are drab and uninspiring
- Internally there is no flow from new facilities to Billiard Room, leaving it isolated
- Corridor forms a barrier between new and old
- Discrepancy in plans – dwg 546SK02 shows 40 covers whilst the design statement claims 50 cover
- Eye-catcher bridge is immature, ill-conceived and will detract from setting of the lake
- Why is the lake needed

- Conflicts with the two existing arch bridges and the hoop design is too remote from the building to offer any visual connection
- Inclusion of expensive bronze design in a remote location will encourage vandalism and theft
- Timber decking under tree line will create a health and safety slip hazard
- Cheapest option being chosen with no respect for heritage
- Unique opportunity for a modern, high spec, creative design which would complement the beauty of the site
- Opportunity for DDC to leave a "Grand Design" legacy for the benefit of the current and future generations who value this location
- 50% increase in parking is not enough, facility cannot cope in the summer and people park in adjacent roads
- 30-40 extra spaces will not help and will rob the park of some decent areas
- Park attracts sufficient visitors already and the money could be better spent
- Employ more park keepers to ensure it is a clean and tidy place
- Enhance existing toilet facilities
- Perceived increase in visitors by 50% is a concern; Alkham Road is suffering with extra traffic from TAP. Whole road infrastructure will suffer
- Loss of parking at the eastern café site are well used and removing them for disabled spaces many intended users would be unable to use this facility
- Not everyone comes under the category of permanently disabled, might be temporary such as an accident or operation or generally frail
- Western car park is a long distance from café, has a slight incline and is impractical for some
- Disagree with suggestion that using café as a drop off point would suffice as could feel vulnerable if left alone
- Would result in increase of cars crossing the traffic lanes
- Changes to western entrance are sensible but poor quality with the loss of the brick wall to one side
- Is there a proper, enforceable traffic and parking management plan to ensure the cars accommodated in the new car park are not replaced by more visitors parking along the road

Listed Application

River Parish Council – No comments

Temple Ewell Parish Council – No objection

Historic England – the proposals sit outside of the registered landscape and therefore content for the application to be granted in accordance with national and local policy guidance, and on the basis of DDC expert conservation advice.

Public Representations: One letter of objection raising the issue of the plans lacking detail on the connection between the historic building and the proposed extension.

- f) 1. **The Site and the Proposal**
- 1.1 The site lies outside Dover's urban boundary and is designated open space. The surrounding area is predominantly residential in character. The site is situated on the main Alkham Road with bus stops situated towards the western end of the park. Car parks are at present located to the western and eastern entrances to the site. The site is also accessible from a number of footpaths, which run along the front of the site.

- 1.2 This application is submitted as part of the Kearsney Parks project, which relates to Kearsney Abbey and Russell Gardens. The project is being led by Dover District Council who has secured Heritage Lottery Funding round one, development stage funding for the project. For the purposes of this application, the works under consideration are contained almost exclusively within Kearsney Abbey. The works proposed to be undertaken within Russell Gardens as part of the wider project can be undertaken using permitted development rights and are therefore not covered by the applications subject of this report
- 1.3 The existing site includes the remaining section of the Abbey, the Billiard Room, which at present is used as the café area for the park. In addition to this built form there is a toilet block to the rear of the café. The café building was built in 1821, is single storey, grade II listed and is the remaining part of the Abbey which was demolished in 1959 due to extensive dry rot damage. There is a playground to the east of the café building.
- 1.4 The proposal seeks permission for: repairs to existing café building, erection of a single storey extension to the existing Billiard room to form improved visitor facilities, replacement gates to boundary wall, construction of new boundary walls, extension to parking facilities and new pedestrian bridge over weir.
- 1.5 The single storey extension to the billiard room, which would extend to the side and rear of the existing building would measure 22.5m by 13.3m at its greatest. The extension has been designed with a flat roof which would have a height of 4.8m at its greatest. In addition to the main extension a covered terrace is proposed to the side of the extension which would measure 5.3m by 11m with a height of 3.9m. This extension would provide accommodation for an increased café area, a kitchen, server, plant room, toilets and baby change area and would be finished in reconstituted stone panel cladding to the front and brick to the side and rear with largely glazed elevations and external blind awnings. The existing café area within the billiards room would be kept available for seating. A gallery area separates the two seating areas and provides access to the rear of the extension where the other amenities are proposed. To the front of the extension is a new terraced area. This would be constructed in natural stone paving and would have a ramped and stepped access to the east and west sides. The ramp which is to the west of the billiard room would have an incline of 1:10 and as such would require the installation of railings. These railings are shown on the plans however full details will be required by condition. A ramp is also proposed to the rear of the extension.
- 1.6 The eastern car park adjacent to the existing café will be reconfigured to provide six parking bays for disabled visitors, 3 parking bays for staff/members of the model boat club and cycle parking. The existing storage buildings will be retained in-situ. The remainder of this area will be landscaped with the hardsurfacing being tar spray and chip. The installation of planting beds and flush setts would denote the footprint of the original manor house. The area to the side of the café under the tree canopy where informal parking has taken place in recent years will be blocked off to prevent vehicular access.
- 1.7 The Western car park is shown to be extended to accommodate additional vehicles. The total number of spaces being proposed in this car park will increase from 36 to 109. In order to create this additional parking, plans show the creation of a 'golpa' grass reinforced area which would measure 42m by 31m and would require excavation up to some 2m to achieve the appropriate land levels. This area would then be re-profiled and grass seeded with trees planted to replace those being removed. In addition to the extension of the car park, it is

proposed to alter the existing pedestrian entrance adjacent to the car park. The plans show the creation of an entrance through the existing wall and hedging. The wall and hedging are shown to be retained either side of the entrance with three bollards being installed adjacent to the public footpath.

- 1.8 A number of the pedestrian entrances to the park are proposed to be altered as part of the planning application. The most northeasterly pedestrian entrance to Russell Gardens, will see the relocation of the wooden entrance gate away from the boundary with the neighbouring property 'Cheviot House' and the planting of a section of hedging and the realignment of the footpath – the brick wall which exists would remain in-situ unchanged.
- 1.9 The pedestrian entrance into Kearsney Abbey opposite Lower Road has existing guardrails, gates and bollards at this entry point, with two disused wooden doors to either side. It is proposed to refurbish the existing disused wooden doors and to install proposed double solid hardwood gates to match the side doors (left gate to be permanently open) with a single section of guardrail being retained. Refurbishment works are also shown to the boundary walls along this section.
- 1.10 Tactile paving is proposed to provide an enhanced crossing point at the Lower Road junction with Alkham Road. A further crossing point (east of Lower Road) to demark a point to cross Alkham Road has been removed from the plans to address concerns raised by KCC Highways about a lack of visibility at this point.
- 1.11 The eye catcher bridge which is shown over the weir is to be constructed of metal with a timber deck. The bridge has been amended to show the 'portal frames' removed from the plans.

2 **Main Issues**

- 2.1 The main issues are:
 - The principle of the development
 - The impact on heritage and design
 - The impact on the highway
 - Groundwater
 - Flood risk
 - Impact on trees
 - Impact on ecology
 - Impact on open space

Assessment

Principle

- 2.2 The site lies outside of Dover's urban boundary, as defined by the Proposals Map. Within this area, having regard for Policy DM1, the development will not be permitted unless specifically justified by other development plan policies, functionally requires such a location or is ancillary to existing development or uses. In this instance the development proposed would be ancillary to the

existing use taking place on the site and such could be acceptable subject to site specific considerations.

Impact on Heritage and design

- 2.3 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority in considering whether to grant Listed Building Consent to have “*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.*” The same applies to the consideration of planning applications affecting listed buildings under S.66(1) of the Act. Section 66(2) and 72(1) of the Act states that when considering whether to grant planning permission special regard shall be paid to the desirability of preserving the listed building, and preserving or enhancing the character or appearance of the conservation area.
- 2.4 The NPPF recognises that heritage assets are irreplaceable resources and they need to be conserved in a manner appropriate to their significance. Local Planning Authorities are required to take into account the desirability of sustaining and enhancing the significance of a heritage asset.
- 2.5 Local Planning Authorities are required to assess development, which may affect the significance of a heritage asset taking into account the available evidence. In consideration of the impact of a proposal on a heritage asset conflict between the heritage assets conservation and any aspect of the proposal is sought to be avoided. Great weight is required to be given to an assets conservation. In addition proposals that do not preserve or enhance conservation areas or their setting should be resisted.
- 2.6 In this case the proposed café extension will be attached to a Grade II listed building and as such due consideration must be given to whether there would be harm caused to the character and appearance of the listed building with the LPA having special regard to the desirability of preserving a listed building or its setting (S.16(2) and 66 (1) of the 1990 Act) and special attention being paid to the desirability of preserving or enhancing the character or appearance of the conservation area (S.66(2) and S.72 (1)). Paragraphs 133 and 134 of the NPPF states that where there is harm identified, an LPA must consider whether this can be outweighed by public benefits, including securing its optimum viable use. Where none can be found to outweigh the harm, listed building consent and planning permission must be refused.
- 2.7 The listed building comprises the billiard room and is the last standing remains of the early Nineteenth Century Kearsney Abbey, the majority of which was demolished during the late Twentieth Century. It is a modest structure constructed in a simple Gothic style of rendered brick with a slate roof, glazed lantern and large French doors facing the lake. A key feature of the billiard room which contributes to its significance is the wood panelled interior. The flint and brick boundary wall is individually listed at grade II.
- 2.8 The extension has been designed to be a modern addition to the Grade II listed billiard room. This choice of design was chosen over designing a pastiche extension to ensure that the extension would not compete with the architectural detailing of the billiard room. Concerns have been raised in relation to the design of the extension however, it is considered that the extensions and alterations have been designed to create a built form of development which would not compete visually with the listed building and would instead represent a simple, low-key addition to the existing billiard room which would be sympathetic to the

historic and architectural significance of the existing building. The extension does have a large footprint when compared to the existing listed structure; the need for the size and scale of the extension has been outlined by the applicant as the least required to provide the improved visitor facilities that are required.

- 2.9 A principle aspect of the listed building consent application is the restoration of the billiard room. The interior wood panelling is showing signs of movement and water ingress and in order to ensure the continued preservation of the listed building repair works are now required as detailed in the condition survey report. Repairs are also proposed to the listed boundary wall.
- 2.10 As part of the application details of Public Consultation events which were run have been submitted. These events were run in July and October 2015 with over 400 people taking part. As part of the July consultation session, respondents said that better visitor facilities including café, toilets and parking were their top priority for the project and no comments were received about the designs. At the October sessions one comment was received that expressed disappointment with the designs. With the exception of this one comment relating to the design of the extension, no further comments were received as part of the pre-planning consultation events. The application was lodged following a consideration of responses received to the public consultation events.
- 2.11 Having fully considered the potential for harm on the designated heritage assets it is considered that the proposal would result in less than significant harm as defined by paragraph 134 of the NPPF. As such the public benefits of the proposal must outweigh the harm for the proposal to be considered acceptable. It is considered that the public benefit of restoring the billiard room and extending to provide a much improved visitor facility, which will encourage a greater number of visitors to Kearsney Abbey to enjoy both the listed building, the parkland and the neighbouring Registered Park of Kearsney Court, outweighs the harm identified.

Impact on the Highway

- 2.12 Kearsney Abbey at present has two car parks, one to the western end of the site and the other immediately behind the café building to the eastern end of the site. Together these car parks provide 78 spaces, 42 in the eastern car park (including 4 disabled spaces) and 36 in the western car park.
- 2.13 It is proposed as part of this application to increase the parking availability to 118 spaces across the two car parks. 109 of these spaces would be created in the western car park with the remaining 6 being provided in the eastern car park. The 6 spaces being provided in the eastern car park would be disabled spaces with a further 3 spaces being reserved for members of the model boat club. The Transport Statement accompanying the application states that the increase seeks to address both the existing issue of overspill parking in the area and the anticipated increase in visitor numbers following the restoration of the parks (currently circa 30,000 per annum to 45,000 per annum). These conclusions have not been disputed by KCC Highways.
- 2.14 The plans originally submitted showed the creation of a zebra crossing towards the western car park which would replace the existing traffic island providing a pedestrian crossing between Kearsney Abbey and Russell Gardens. Following consultation with KCC (Highways) the zebra crossing has been removed from the application on the basis that further traffic calming interventions would be necessary to meet a safety audit for the crossing. No objections are raised by

KCC Highways to the current/continued use of the 'pedestrian refuge' crossing (linking the Abbey and Gardens) to serve the proposed development. Should any future upgrade of the crossing be proposed it would be possible for this to be dealt with directly between the applicant (DDC) and KCC under a S.278 agreement, outside the scope of this application.

- 2.15 Concern has been raised that the additional development would cause harm to the road infrastructure given the proposed increase in visitor numbers. It is not considered however that that proposal would increase the level of vehicular traffic to such an extent as to cause unacceptable impacts on the highway network. No objections in this respect have been raised by KCC Highways.

Groundwater

- 2.16 The site lies within Groundwater Protection Zone 1, 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.
- 2.17 The proposed resurfacing and extension of the western car park would utilize a mixture of permeable materials (tarmac and golpa grass reinforcement) which will distribute surface water infiltration across the site. The existing and proposed roofs will retain their existing drainage to rain water outlets.
- 2.18 No objections have been raised by the Environment Agency in respect of the impact on groundwater.

Flood risk

- 2.19 The site is located within a Flood Risk Zone 2 and 3. The proposed use falls within the Less Vulnerable use category, which includes the use of buildings for shops and other services including cafes. As such it is considered that the extension to the café is appropriate within this area. No objections are raised by the Environment Agency.

Impact on Trees

- 2.20 There are ten trees to the western car park which are shown as being removed as part of the extension and resurfacing of this car park. Whilst these trees are not covered by a tree preservation order, they are considered to contribute to the character and appearance of the site. In addition to the loss of trees to facilitate the car park alterations, four trees are shown as being removed near to the existing café and parking area. An additional two trees slightly further away from this area are also shown as being removed.
- 2.21 As part of the application, it is proposed to plant six new trees at the western end of the site (3 within the extended car park and 3 just outside the car park). Seven trees are shown to be planted in and around the café extension and resurfaced car park to compensate for the loss here. In order to fully consider the trees which will be re-planted as part of the planning application and to address some concerns raised by the Tree Officer, it is considered necessary to place a condition on any planning permission which requires a detailed scheme for the planting of replacement trees, which should include a programme for this planting as well as a list of species.

- 2.22 The installation of the bridge over the weir will require the loss of one tree. Having considered this loss the Tree Officer has confirmed that he has no objection to the removal of this tree and as such it is considered to be acceptable.
- 2.23 Work is shown on the plans to the existing footpaths in and around the site, many of which are in close proximity to trees. In view of this it is considered that should permission be granted a condition should be attached requiring measures to protect the trees which are being retained during construction.

Ecology

- 2.24 As the site relates to parkland the opportunity for wildlife exists, a bat scoping survey has been submitted which shows that bats are present in and around the existing café building. As such the report makes recommendations relating to the presence of a bat worker during any external refurbishment works, provision of bat friendly measures such as the installation of bat roost boxes and no brightly lit areas planned along the existing hedge or treeline areas. Any planned external lighting should be of low intensity with light angled down and away from hedge, border and wetland areas. The development should be carried out in accordance with the recommendations of the bat report and details of lighting will need to be secured by condition. In addition to this, the River Dour is considered to be a high quality chalk stream particularly in the Kearsney and River area. As such it is a priority habitat and the LPA has a duty of regard to maintain and enhance such a habitat. In light of this a condition is suggested to ensure biosecurity.

Impact on open space

- 2.25 The area of land subject to this application is designated as public open space in the Core Strategy. Policy DM25 requires that development which would result in the loss of open space should not be permitted unless it is ancillary to the enjoyment of the open space. The extensions and alterations proposed here will result in the loss of some of this open space. However, these proposals form part of a wider project which aims to increase enjoyment of the park with improved and more accessible visitor facilities. It is considered that as the proposals would be ancillary development to an existing use taking place on the site that the loss of an element of open space in this instance can be considered acceptable.

Overall Conclusions

- 2.26 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, flood risk, impact on trees or ecology 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) Timescale of commencement of development, ii) A list of the approved plans, iii) External materials to be submitted, iv) Scheme for hard and soft landscaping scheme including written specifications, schedules of trees plant, species, sizes and densities/siting, v) Laying out and permanent retention of parking spaces and cycle parking spaces shown on the approved plans, vi) Construction

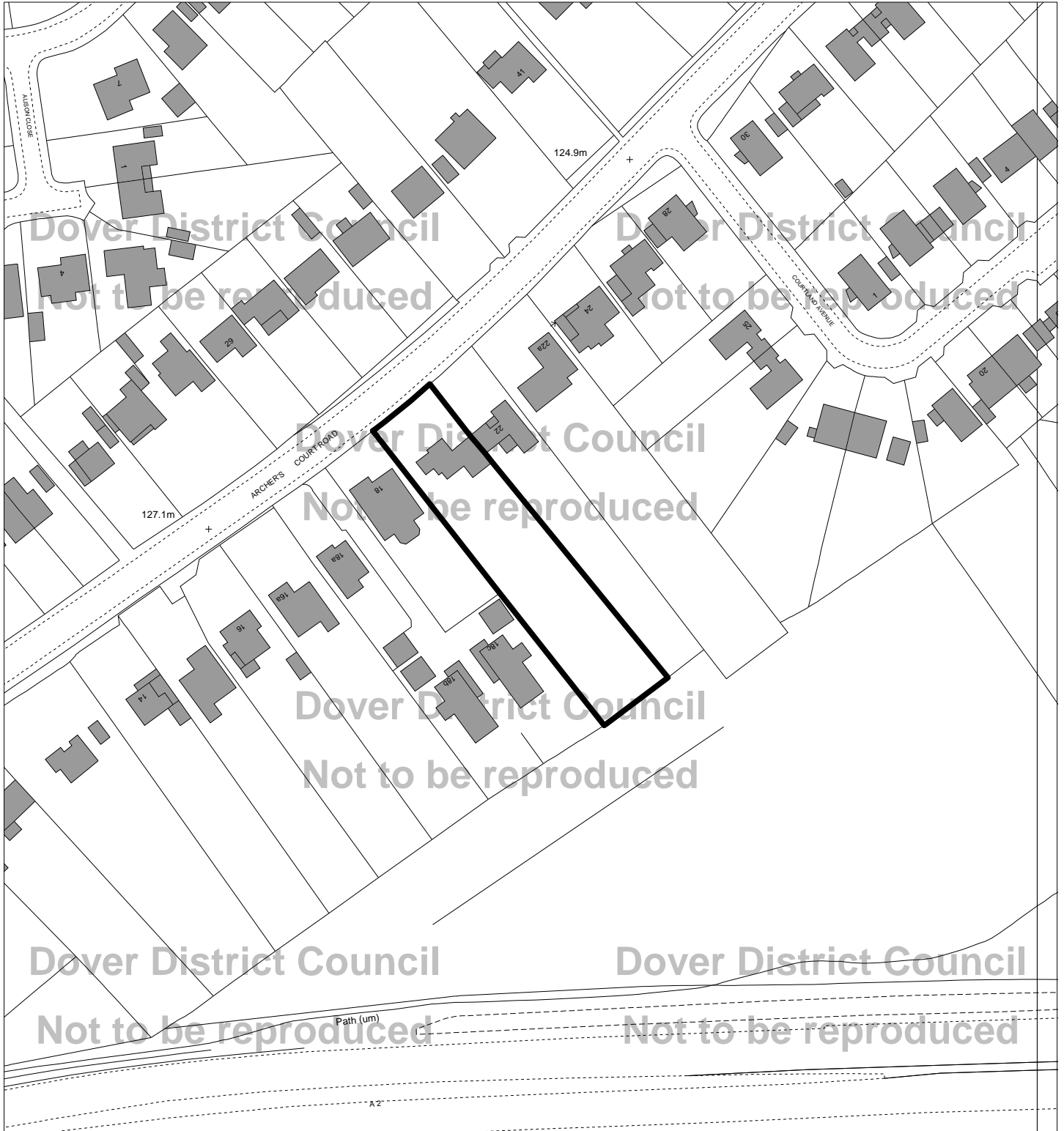
Management Plan (which will include Tree Protection Measures and Supervision details) during construction phase, vii) Travel Plan shall be submitted and approved, viii) Details of the size, appearance, materials and finish of the new railings, ix) Biosecurity, xii) Development to be carried out in accordance with the Bat Survey Report - Provision of bat worker on site during construction, xiii) Provision of bat boxes, xiv) External lighting details xv) Programme of archaeological work, xvi) Implementation of building recording.

- II LISTED BUILDING CONSENT BE GRANTED, subject to the conditions to include:- i) Timescale of commencement of development, ii) A list of the approved plans, iii) flexible joint between the existing building and new development, vi) joinery, v) eaves detail, vi) sample panel of the repointing of the boundary wall, vii) details of proposed new render to billiard room, viii) sections and elevations to show the detail of the reopening of the blocked doorways.
- 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 Officers

Kerri Bland and Alison Cummings

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Application: DOV/15/00198

**Land to the rear of 20
Archers Court Road
Whitfield
CT16 3HP**

TR30374480



- a) **DOV/15/00198 – Erection of detached dwelling and demolition of existing garage – Land to the rear of 20 Archers Court Road, Whitfield**

Reason for report – the number of third party contrary representations and a Member request.

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.
CP11 – The managed expansion of Whitfield.
DM1 – Settlement boundaries.
DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None applicable.

Dover District Land Allocations Local Plan (2015)

None applicable.

National Planning Policy Framework (NPPF)(2012)

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

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...”

“49. 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.”

“56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...”

Definition of... “Previously developed land... This excludes... land in built-up areas such as private residential gardens...”

Other Considerations

Tree protection order, 8 of 1981.

Kent Design Guide

- Page 59 – Designing in context.
- Page 66 – Designing streets and spaces.
- Page 92 – Privacy.

d) **Relevant Planning History**

DOV/14/00675 – Erection of a first floor extension, additional and new windows and alterations to front elevation, including insertion of first floor windows – **GRANTED**.

e) **Consultee and Third Party Responses**

Whitfield Parish Council

- Very large and out of character.
- Over-intensive backland development.
- Road is congested, will add to existing traffic problems.
- Queries what will happen regarding trees.

Public representations

Objections – 10.

- Overlooking.
- Traffic impact.
- Not required in light of proposed expansion to Whitfield.
- Concern about precedent.
- Overdevelopment.
- Proposes site visit is required.
- Concern regarding tree roots in relation to proposed garages.
- Objects to garden development.

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

1.1. The site

The site comprises the residential dwelling, 20 Archers Court Road, and its garden land. The site is located in Whitfield, which is within the Dover urban settlement boundary. The site is orientated on a north

west/south east axis.

- 1.2. The existing building, 20 Archers Court Road, is a two storey dwelling. Attached to the dwelling on its north east elevation is a garage. The north east garage wall is located adjacent to the north east site boundary. Vehicular access to the site is taken in front of the garage.
- 1.3. The front garden at 20 Archers Court is used as a parking area. There is pedestrian access alongside the south west elevation of the dwelling to the rear garden.
- 1.4. The rear garden is substantial, measuring 64 metres from the south east (rear) elevation of number 20 to the rear boundary of the site and 17.5 to 18.5 metres in width. It is primarily laid to lawn. Its north eastern boundary is formed of a combination of mature trees and some hedgerow. At the rear (south east) boundary there are more mature trees some of which are up to 20 metres tall.
- 1.5. Neighbouring the site are residential dwellings. North east of the site is 22 Archers Court Road, which is situated adjacent to the existing garage at number 20. The dwelling has an individual design, which incorporates its living area on the first floor at the rear.
- 1.6. South west of the site are two residential dwellings, 18 and 18c Archers Court Road. 18 Archers Court Road is a replacement dwelling, which was constructed adjacent to the north east boundary of its plot and subsequently in closer proximity to number 20. 18c is part of a development that occurred under DOV/08/00421, DOV/10/00174 and DOV/12/00537, where the former garden land to the original number 18 was developed for three dwellings 18a, 18b and 18c.
- 1.7. Dimensions of the site are:
 - Depth – 88.5 metres.
 - Width – 17.5 metres (front), 18.5 metres (rear).
- 1.8. Proposed development
The proposed development comprises a two storey, chalet styled dwelling in the rear garden of number 20 Archers Court Road. The dwelling would provide for four bedrooms.
- 1.9. Access to the dwelling would be achieved by demolishing the garage at the side of number 20 and creating an access road between number 20 and number 22. This road would lead to four parking spaces located 6 metres from the south western boundary, two serving the existing dwelling (number 20) and two serving the proposed dwelling.
- 1.10. The proposed dwelling would incorporate two ground floor bay windows to its front (north west) elevation, with a portico entrance in between. At first floor there would be two roof lights either side of a recessed full height window. The roof lights are proposed at a cill height of 1.7 metres.
- 1.11. No windows are proposed at first floor on the south western elevation.

- 1.12. A single roof light is proposed in the north east roof pitch. It would be set at a cill height of 1.7 metres.
- 1.13. In the rear (south east) elevation three dormer windows are proposed at first floor.
- 1.14. Dimensions of the proposed development are:
 - Number 20 plot depth – 48.5 metres.
 - New dwelling plot depth – 40 metres.
 - Dwelling depth – 11.3 metres (including bay windows).
 - Dwelling width – 11.9 metres.
 - Dwelling eaves height – 3.4 metres.
 - Dwelling ridge height – 7.2 metres.
- 1.15. The new access would have a 2m x 2m pedestrian visibility splay and an increased width of 4.2 metres for the first 6 metres to allow for vehicles turning in. Beyond the first 6 metres the drive width would be 3.2 metres.
- 1.16. The originally submitted plans proposed two double garages but these have been deleted from the proposal and are no longer being considered.
- 1.17. Plans will be on display.

2. Main Issues

- 2.1. The main issues to consider are:
 - Principle of development.
 - Residential amenity.
 - Design and street scene.
 - Highways and traffic impact.
 - Tree matters.

3. Assessment

3.1. Principle of development

The proposed development is located within Whitfield and by extension, it is within the Dover urban settlement boundary. In principle the development is considered acceptable, subject to its details.

3.2. Residential amenity

The proposed development potentially affects four existing dwellings – 18, 18c, 20 and 22 Archers Court Road.

- 3.3. **18 Archers Court Road.** Number 18 is a two storey dwelling fronting on to Archers Court Road. Its plot is 48.5 metres long. The revised plot for 20 Archers Court Road is the same length.

- 3.4. It is not considered that the amenity of number 18 would be adversely affected beyond what is already experienced. The layout of the proposed development is such that the rear amenity space of number 18 will still neighbour a garden. The residents at number 18 were concerned about the effect of two originally proposed garages

affecting the root system of a sycamore tree at the rear of their garden. The applicant has agreed to delete the garages from the proposal to address this issue.

- 3.5. The residents at number 18 are concerned about overlooking into their rear garden, however, the amended scheme, which shows roof lights to the front elevation and a recessed window, is considered to address these concerns. The cill height of the proposed roof lights would be set at 1.7 metres above the internal floor level so any person inside the dwelling would not be able to see the rear garden of number 18.
- 3.6. The window to the front of the dwelling is recessed thereby restricting oblique views.
- 3.7. The back to back distance with number 18 is approximately 38 metres from the first floor windows.
- 3.8. **18c Archers Court Road.** The proposed dwelling is located 6 metres north east of 18c Archers Court Road and 3 metres from the dividing boundary, in the rear of the site. 18c is a chalet style dwelling 7.2 metres tall at the ridge.
- 3.9. No windows are proposed in the south west (facing 18c) elevation. Additionally a 2 metre tall close board fence is proposed along this boundary.
- 3.10. **22 Archers Court Road.** The existing residents at number 22 have raised concerns about overlooking. There is also a consideration of the access, which is proposed to be made where the existing garage to number 20 stands.
- 3.11. The applicant originally submitted plans for a two storey dwelling with front (north west) facing first floor windows. Following the concerns raised about overlooking and interlooking, the applicant has redesigned this aspect of the proposal so that the first floor rooms are located in the roof space. The master bedroom and bathroom at the front of the dwelling each have a roof light. In addition, the master bedroom also benefits from a casement window recessed into the roof. It is considered that these aspects of the design overcome the concern raised by number 22. In any case the rear elevation of number 22 is separated by the front facing elevation of the proposed dwelling by approximately 39 metres.
- 3.12. There is a roof light in the north eastern facing roof pitch, which faces towards the garden of number 22, but this is set at a height of 1.7 metres above finished floor level, so views into the garden would not be readily available.
- 3.13. **20 Archers Court Road.** The rear boundary of number 20 is approximately 14 metres from the recessed window proposed at the new dwelling. The back to back distance between the recessed window and number 20 is 38 metres. It is considered that at 14 metres there may be some potential for overlooking afforded, however, this is balanced to a degree by the recessed nature of the window and the location of rear boundary at a slight angle. The rear boundary was originally proposed at a distance of 21 metres due to the proposed

location of garages, however, in consideration of the root system to the sycamore tree in number 18 this aspect of the scheme was deleted.

- 3.14. **Access drive between number 20 and number 22.** The access to the proposed dwelling would be taken between number 20 and number 22. At the garage, the dwellings are separated by approximately 5.5 metres. The drive would be set approximately 1 metre from the side elevations of each dwelling.
- 3.15. The ground floor at number 22 is occupied by a garage with a bedroom above it. At ground floor level this is not considered to cause an issue because the garage is a non-habitable room. At first floor level it is considered that the combination of height, the width of the external wall and the small separation between the proposed drive and the side elevation of number 22 would relieve any detrimental impacts.
- 3.16. At number 20, a dining room neighbours the proposed access. This is a habitable room. There may be some impact of movements to and from the rear of the dwelling, but given that it is the addition of one dwelling only, the movements should be sufficiently limited as to not cause undue harm to the amenity of the occupants.
- 3.17. Design and street scene
The design of the dwelling is considered to be of a good standard. The proportions of the windows and openings are well related. The design is simple and effective and incorporates the necessary elements to ensure that the privacy of neighbouring occupiers is maintained.
- 3.18. The bay windows at the front of the dwelling give it a balanced appearance and the portico entrance is a suitable feature.
- 3.19. The applicant was asked to explore lowering the eaves height to begin immediately above the ground floor windows, but this could not be accommodated due to internal head room requirements. In any case, this design is considered to work and reflects the considerations that have gone into it. The scale/height of the building would be in keeping with the neighbouring units (18c and 18b) built subsequent to a 2010 and 2012 approval.
- 3.20. The view from the street scene is likely to be fleeting due to the location of the proposal at the rear of the existing dwelling, however, when views are achieved, it is considered that the scale and form of the proposal would not cause harm, particularly when viewed in the context of the rear of the site and the trees beyond.
- 3.21. The design and impact on the street scene is therefore considered acceptable.
- 3.22. Highways and traffic impact
The proposed development is for one dwelling accessed via an existing access onto a classified road. The size of the scheme means that it falls outside of the Kent Highways consultation protocol. Informal discussion with the highways officer confirms that the access proposals, including a 4.2 metre width at the point of access and 2

metre x 2 metre pedestrian visibility splays, are considered acceptable.

- 3.23. The proposed dwelling has four bedrooms, which means that in a suburban location the recommendation is for two independently accessible spaces. This is achieved by the design and is therefore considered acceptable. Two independently accessible replacement spaces are also proposed for number 20.
- 3.24. Tree matters
The TPO grouping (8 of 1981) at the rear (south east) of the site is not proposed to be a part of the development, with the land at that point remaining in its current form as garden land. The tree officer has advised informally that should permission be granted, the protection of the TPO grouping should be conditioned throughout the period of construction.
- 3.25. Conclusion
On balance, this proposal is considered acceptable. The proposed dwelling has been designed to a good standard, which is considered a minimum requirement if proposing to develop on garden land in a residential setting.
- 3.26. Concerns regarding overlooking and interlooking are considered to have been addressed by the amended proposal.
- 3.27. The increased use of the existing access that is proposed, and its impact on traffic on Archers Court Road, is considered acceptable because the situation could occur without planning permission being required.
- 3.28. The impact of the proposed access on the residential amenity of number 22 has been considered but its internal layout combined with a 5.5 metre width at this point is considered sufficient to accommodate vehicle movements without undue harm to the existing occupiers.
- 3.29. Having considered the issues, the recommendation on balance is to grant permission. All views have been taken into account in making this recommendation.

g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions including: (1) Plans (2) Time limit (3) Materials (4) Boundary treatment, means of enclosure, gates (5) Hard and soft landscaping (6) Access gradient (7) No surface water discharge (8) Access material bound for first 5 metres (9) PD restrictions – no extensions, no alterations to roof, no alterations to first floor windows, garages (10) Construction management plan (12) Protection of TPO trees throughout construction (13) Obscure glazing.
- II. That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case officer

Darren Bridgett



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Application: DOV/15/00533

Land Fronting Sea View Road & rear of Palmerston

Lighthouse Road

St Margarets Bay

CT15 6EL

TR36204405



- a) **DOV/15/00533 – Variation of condition 2 of planning permission DOV/14/00021 to allow amendments to approved drawings (application under section 73) - Land fronting Sea View Road and rear of Palmerston, Lighthouse Road, St Margaret’s Bay**

Reason for report – this application was originally reported to Planning Committee because of the number of third party representations contrary to the recommendation. At the meeting on 21 January 2016, it was resolved that the application be deferred for a site visit to be held on Tuesday, 23 February 2016 in order to assist Members in assessing the impact of the proposed variations to condition 2 (including on overlooking, overshadowing, the street scene and form and design), and whether the variations are likely to create any benefits or disadvantages.

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

None applicable to proposed variation.

Saved Dover District Local Plan (2002) policies

None applicable to proposed variation.

Dover District Land Allocations Local Plan (2015)

None applicable to proposed variation.

National Planning Policy Framework (NPPF)(2012)

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

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...”

“56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...”

Other Considerations

None.

d) Relevant Planning History

DOV/14/00021 – Erection of a detached dwelling and construction of a vehicular access – REFUSED, APPEAL ALLOWED.

AMD/14/00021/A – Non-material amendment to DOV/14/00021 – alterations to windows, internal alterations and extension of basement – REFUSED.

A tree application was also submitted:

DOV/14/00423 – To tree T7 remove 1 large limb, ivy on main stem and large diameter dead wood, to tree T10 remove dead ivy and dead branch stubs to height of 8 metres – GRANTED.

e) Consultee and Third Party Responses

St Margaret's Parish Council

The Parish Council objects on grounds of the increased height of the property, creating overlooking of neighbours and giving an inappropriate appearance in this area.

Public representations

The application was advertised twice. The resulting comments received across the two consultations, not double counting where consultees have submitted more than one comment, were 25x objections and 1x support.

Reasons for Objections:

- Obtrusive development.
- Dominating and overbearing.
- Out of proportion to surrounding dwellings, no heed for nature and character of the area.
- Unattractive form and design, unsightly and jumbled appearance.
- Overlooking into bedroom windows at Kumara.
- Overlooking into Kingsmead.
- Overlooking into La Manica Vista including bathroom and rear garden.
- Overlooking front of Casale.
- Will allow access onto the roof, with further overlooking.
- Previous agreement not to include the sea view room and terrace.
- Flue dimensions and location.
- 3 storey house blends in but 4 storey house does not.

Reasons for Support:

- Amendments to design with reduced amount of glazing addresses privacy concerns.
- Set back from front of roof so obscures view from dwellings opposite.

- South facing windows taking advantage of the view is a common feature in St Margaret's Bay.

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

The site

1.1. The site is located within the settlement confines of St Margaret's Bay, in a residential area which has a strong rural character. The site, which was part of the garden of Palmerston (on Lighthouse Road), fronts on to Sea View Road. It is in close proximity to a designated conservation area. The land rises primarily in a west/south west direction.

1.2. On 3 April 2014, the council refused permission for a detached dwelling and construction of a vehicular access at this site.

1.3. The reasons for the council refusing permission were:

"1. The development, if permitted, by reason of the restricted size of the plot and the siting, height, and scale of the dwelling would result in an intrusive, cramped and constrained form of development, which would not relate well to the spatial character of the area and surrounding properties and would detract from the open characteristics and leafy spacious appearance of the street scene. The proposal would therefore be contrary to the National Planning Policy Framework and Kent Design Guide."

"2. The proposed development, by virtue of its design, siting, scale and height would result in an overbearing form of development which would give rise to the opportunity for overlooking and interlooking between dwellings, resulting in a loss of privacy and lead to a perception of overlooking to the occupants of both Kingsmead and La Manica Vista. The proposal would have a seriously detrimental impact on the residential amenity of these properties, contrary to the National Planning Policy Framework."

1.4. **Appeal.** A subsequent planning appeal was allowed and permission was granted on 9 January 2015. The construction of that dwelling is now substantially advanced, with three storeys (including a basement) and the roof having been erected to date.

1.5. The Inspector's decision is included at Appendix 1 to this report. Some of the points raised by the Inspector are :

Character and appearance

1.6. "Para. 9. Casale and Kumara are large houses and the proposal would be similar in size and scale to these properties. Although closer to the road than these two properties, the dwelling would still be set back sufficiently within the site so as not to be overly dominant or overbearing against the chalet bungalow and bungalow on the opposite side of the road. I therefore do not agree with the Council that the proposed dwelling would appear intrusive within the streetscene."

1.7. "Para. 11. ... I accept that there are not many examples of contemporary dwellings or extensions and alterations to existing

properties, nevertheless there are some present and the variety of designs is very extensive. I therefore consider that a contemporary dwelling in this location would not be at odds with the wider character of the area.”

Living conditions

- 1.8. “Para. 14. In respect of the effect of the proposed development on the occupiers of La Manica Vista, there would be a bedroom and other windows on the first floor that would face towards the front rooms and the front garden of that property. However, there would be a distance of over 20 metres to the front elevation of La Manica Vista...”
- 1.9. “Para. 15. With regard to Kingsmead, the balconies and windows of the lounge and a bedroom of the proposed dwelling which would face towards this property, including the front garden. However, the window of the room on the north corner of the front elevation of Kingsmead would be seen at a slightly oblique angle from the appeal property. This is due to the relative position of the appeal site with Kingsmead. This would also be at a distance well in excess of 20 metres.”
- 1.10. “Para. 16. Whilst I accept that there would be views from the appeal site towards La Manica Vista and Kingsmead where there currently are none, I consider that the relationship between these houses and the proposed dwelling would be sufficient to ensure that acceptable levels of privacy would be maintained for the occupiers of those properties.”
- 1.11. **Dwelling.** The dwelling is detached and built over three storeys. The land has been excavated in part by around two metres to accommodate the dwelling and its basement. It has a footprint of approximately 17.5 metres by just under 15 metres.
- 1.12. The dwelling is positioned towards the rear (north west) of the site, being set in 2.4 metres from the dividing boundary with Palmerston. Parking for two vehicles is provided on a drive area in front of the building. The drive is around eight metres in length.

Proposed development

- 1.13. The dwelling house was permitted through the planning appeal process, whereas this application is submitted pursuant to the approved scheme (submission under Section 73 of the Town and Country Planning Act) and seeks essentially to change the details granted planning permission, by the Inspector under condition 2 of his original decision
- 1.14. The proposed amendments include :
- A roof extension above the existing permitted roof level.
 - Combination of glazing heights on south east elevation, one high level pane above wall interrupting views to the south, three full height panes next to this (north east pane fixed shut, two remaining panes ‘slide aside’ opening). Restraining balustrade to restrict access to roof.
 - South west elevation – high level windows above wall.
 - Excavation of a larger basement area (already undertaken)
 - North west elevation – window changed to a full height window.
 - South east elevation – bi-fold doors to games room added.

- Patio added in front of games room (in front of south eastern elevation).
- Addition of high level obscure window to north east elevation.
- Bedroom 2, small window facing Kumara moved to front (south east) facing return wall.

and some other internal alterations.

1.15. Dimensions of the roof extension (sea view lounge):

- Height – 2.4 metres.
- Width – 5.3 metres.
- Depth – 5.5 metres.
- Distance set back from face of front facing south eastern elevation – 5.2 metres.

1.16. *Plans will be on display.*

2. Main issues

2.1. The main issues to consider are:

- Principle of development.
- Residential amenity.
- Design and street scene.
- Other matters.

3. Assessment

Principle of development

3.1. The principle of a dwelling house on this site has been established by the Inspector through the planning appeal process. The proposals seek to alter some elements of the approved scheme. The dwelling house is within the confines and as such, and subject to other considerations, set out below the proposed changes are considered acceptable in principle.

Residential amenity

3.2. In considering the potential impact of the development proposals, it is necessary to bear in mind what has already been permitted, the amendments that are proposed and if there is any resultant harm caused by those changes.

3.3. **Overlooking.** The proposed roof extension incorporates full height glazing to the south east elevation. Of the three full height panes, the north eastern most pane would be fixed shut. The two remaining panes would form a 'slide aside' opening. The applicant has agreed to the provision of a restraining balustrade across the full height windows to prevent access to the roof, and has agreed to a condition which would achieve this.

3.4. South east of the site are Kingsmead and La Manica Vista. The south east, sea-facing, elevation of the sea view lounge also faces towards Kingsmead and La Manica Vista.

3.5. Neighbours' concerns are that the height of the proposed sea view lounge will exacerbate any overlooking opportunities.

- 3.6. It is not considered that the proposed sea view room exacerbates what has already been permitted at appeal. Standing at the front extent of the proposed sea view lounge, the south east projecting roof restricts views towards Kingsmead, giving views of its roof and the landscape/seascape beyond.
- 3.7. The front of La Manica Vista, next to Kingsmead, can be seen from this location. The proposal has been amended so that part of its south east facing elevation is screened, which restricts views towards La Manica Vista. Two protected trees, referred to as T7 and T10, remain on the south east site boundary with the public highway and these assist in interrupting views towards neighbours opposite. A high level window would remain on the south east elevation facing La Manica Vista to allow for natural illumination of the room. These screening features including the set back of the sea view lounge from the front of the building, the protected trees and the distance between the sea view lounge and those properties opposite would prevent undue harm through overlooking/interlooking opportunities. Accordingly it is not considered that an exacerbated loss of privacy would result.
- 3.8. The application has been amended to incorporate only high level windows on the south west facing elevation. It is considered therefore that the residents at Casale (to the south west) would not have their privacy adversely affected by this proposal.
- 3.9. North east of the site is Kumara. The permitted window in bedroom 2 which overlooks Kumara is proposed to be relocated to the south east facing return wall and therefore would no longer be overlooking Kumara. A high level window is now proposed in the ensuite to bedroom 1, facing Kumara, but this would be obscure glazed. Compared to what was permitted i.e. the original window in bedroom 2, viewing opportunities towards Kumara are therefore considered to have been reduced. This is a benefit
- 3.10. North west of the site is Palmerston. The proposed amendments would see the size of the window in the study room increased, but this would be at a ground floor level when viewed from Palmerston. Boundary treatment proposed to the north western boundary and land levels would prevent any overlooking/interlooking opportunities from the new dwelling into Palmerston.
- 3.11. **Overbearing.** The sea view lounge is located some 3.9m away from the boundary with Kumara. The height at the top of the sea view lounge would be 7.6 metres above ground level. The roof extension would only be some 1.2 metres above the ridge height of this neighbour. However, the size and scale of the development and its siting is not considered excessively dominant to this neighbour particularly in view of the distance between the roof extension and the side extension to Kumara – which is some 15.4 metres away from it.
- 3.12. Palmerston is located north west of the dwelling at a proximity of 12.4 metres. Due to the scale of the roof extension, its siting and design it is unlikely that any undue impact would result.
- 3.13. **Overshadowing.** The dwelling at Kumara, excluding the

conservatory, is located at a distance of 15.4 metres from the roof extension. The existing residents have raised overshadowing as a concern. They state that the dwelling as currently constructed overshadows the amenity areas of their side garden, particularly at midday. Their concern is that this will be exacerbated by the addition of the sea view lounge.

- 3.14. The extension would be some 3.9 metres away from the dividing boundary to the north east (and 15.4 metres from the side wall of the extension). In terms of scale and size it is fairly minor compared to the scale of the approved dwelling house. If there is any shadow cast it would be largely towards the side elevation/side garden of Kumara during part of the day. Any adverse impacts through overshadowing are of a concern, but on balance it is considered that overshadowing impacts would be limited and not unduly harmful to the occupants of Kumara.

Design and street scene

- 3.15. Some public comments refer back to the design of the house in general and how that affects the street scene. However, this design was approved at appeal. Accordingly, consideration is about the appropriateness of design only of the proposed sea view lounge and how that relates to the design and appearance of the dwelling as a whole and the resultant effects on the street scene.
- 3.16. The originally submitted proposal incorporated a pitched roof sloping in a north east direction towards Kumara. Seen from the front (south east) and side (north east) elevations, this design was not considered to be a sympathetic addition and as such, the applicants agreed to amend the proposal so that the strong horizontal and vertical features of the existing design were repeated through to the sea view lounge. As part of this amendment, when seen from the front elevation, the glazing proportions and locations from the lounge and bedroom 1 are also repeated.
- 3.17. The scale and proportions of the roof extension reflect those of the existing building. In this respect due to this factor, its set back from the roof edges to the east and south east, when viewed from the street the extension would appear proportionate in terms of its scale and design.
- 3.18. It is considered that as a result of the amended proposal, the design of the sea view lounge is now acceptable.

Other matters

- 3.19. **Addition of home cinema.** The room for the home cinema has already been constructed as part of this development. The applicant was made aware that this work was carried out at risk. That point considered, the addition of this room in the basement level does not affect the amenity of the neighbouring residents and it does not alter the character and appearance of the dwelling. This element of the proposal is considered acceptable.
- 3.20. **Bi-fold doors added to proposed games room (approved as gym/home cinema), patio in front of proposed games room (south east elevation).** The addition of bi-fold doors and a patio area

outside of the proposed games room will allow inside/outside use of this room. While this amendment of the development would be seen from the south east elevation i.e. front of the property, it is at basement level and will be screened from the properties opposite. It is not considered that it would adversely affect the amenity of neighbouring residents or the character and appearance of the dwelling.

- 3.21. **Internal and other external alterations.** A number of internal changes are proposed. These are not considered to adversely affect the amenity of neighbouring residents or alter the character and appearance of the dwelling. Externally, a proposed flue adjacent to the sea view lounge has been deleted from the scheme and is therefore no longer part of this consideration.

Conclusion

- 3.22. In terms of its effect on residential amenity, as has been set out above it is considered that the proposed amendments are acceptable. In terms of privacy, the roof extension would be set far enough back from the front elevation of the dwelling that it would not be looking directly at any of the properties opposite, by virtue of the projecting roof form and an intervening protected tree. Other fenestration changes are minor and would not cause any harm. In terms of being overbearing or causing unacceptable overshadowing, the effects of the proposed roof extension are considered to be limited. The roof extension is now designed to an acceptable form and scale which better reflects the existing design of the dwelling.
- 3.23. All public comments have been taken into account in making this recommendation.
- 3.24. The proposals are considered acceptable in terms of the NPPF drive for achieving good quality design and in safeguarding neighbour amenity.
- 3.25. Conditions to be attached will reflect the requirements of the Inspector's decision and are set out below in the recommendation.

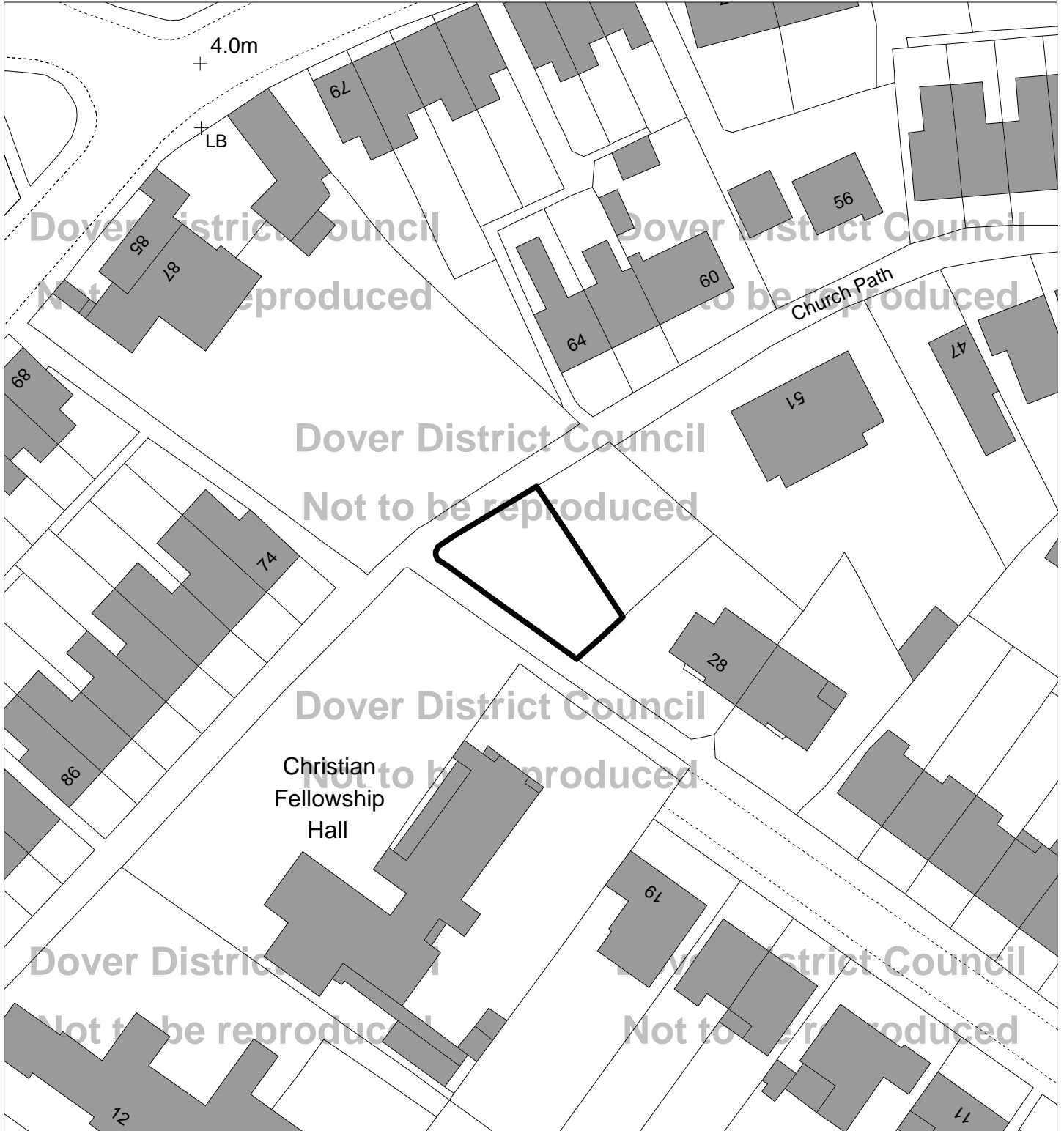
g) **Recommendation**

- I. Planning permission be GRANTED, subject to conditions including: (1) Plans (2) Materials to be submitted (3) Tree survey to be carried out in accordance with the details as approved (under DOV/14/00021) (4) Sea view lounge, north east glazing panel fixed shut (5) Balustrade and no access to roof (6) Ensuite north east elevation obscure window (7) PD restrictions changes to openings in all elevations.
- II. That powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case officer

Darren Bridgett

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Application: DOV/15/00730

Land Adjacent to 53 Church Path

Deal

CT14 9TH

TR37085263



a) **DOV/15/00730 - Erection of a detached dwelling - Land adjacent to 53 Church Path, Deal**

Reason for report – the number of third party contrary representations

b) **Summary of Recommendation**

Grant permission.

c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy DM1 – Settlement boundaries.

Policy DM13 – Parking provision.

“Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives...”

Saved Dover District Local Plan (2002) policies

None applicable.

Dover District Land Allocations Local Plan (2015)

None applicable.

National Planning Policy Framework (NPPF)(2012)

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

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...”

“56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...”

“128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected,

including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary..."

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

Other Considerations

Listed building - Berkeley House, 87 and 87A, Middle Deal Road – Grade II listed, 1949

"An irregular shaped house, mostly C18 in date but perhaps part of it earlier. The east front is the latest part, probably early C19. This has 2 storeys and 3 windows. Red brick. Slate roof with eaves cornice. Venetian shutters to windows".

Planning (Listed Buildings and Conservation Areas) Act 1990

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

d) **Relevant Planning History**

DOV/00/01198 – Erection of a detached dwelling – REFUSED, APPEAL DISMISSED.

DOV/02/00156 – Erection of detached bungalow and creation of pedestrian access – REFUSED, APPEAL DISMISSED.

DOV/09/00283 – Erection of a pair of semi-detached dwellings – REFUSED, APPEAL DISMISSED.

DOV/13/00951 – Erection of a detached dwelling – GRANTED – this included a condition which allowed a maximum of a 20% crown reduction of the protected sycamore tree

During the same period applications were received regarding a sycamore tree on the land.

DOV/11/00537 – Remove one sycamore tree – REFUSED.

DOV/14/00562 – Fell one sycamore tree – REFUSED, APPEAL DISMISSED.

e) **Consultee and Third Party Responses**

Tree Officer

“The tree itself is not of particularly good form following the recent reduction. There was presence of many decayed limbs at the extremities during my inspection, which was my reasoning behind allowing the contractor to reduce the tree further than the agreed 20%.

Incidentally, permission is not required to remove diseased and dead limbs, so a reduction of the limbs by more than 20% could have been performed, irrespective of any planning conditions.

The tree is not considered by me to be of any unusual or cultural value. I do not necessarily disagree with the inspectors report mentioning that the tree is not in a severe condition, however, I do believe that the tree will never be an attractive, retention worthy specimen and a properly maintained replacement Hornbeam of at least 6m Heavy-Extra heavy standard would be a suitable and long lasting alternative. I have recommended the Hornbeam as it is native to the UK, moderate growth rate and can in the right setting, reach sizes of 20m in height, making it ideal for this situation.

My reasoning for this is as an attempt to preserve the amenity value of the area for a prolonged period of time 30-40-50 years in the future and not just 10-20 years. It would be much more beneficial to have a tree of good form and condition, that can be conditioned as part of the planning process to ensure the continued maintenance of the tree is adhered to.

Also I am certain that there will be continued application and pressure to have the current tree removed due to its poor form and its position in relation to the previously damaged wall. With the new replacement being located at the rear of the plot, these pressures can be reduced and the perceived future damage to the wall can be avoided.”

Deal Town Council

Objects as the property would be overbearing in relation to the piece of land available.

KCC Highways – Public Rights of Way (PROW) officer

No objections in principle but points out that the site is adjacent to footpath ED24 and therefore has concerns regarding how this will affect the surface of the footpath during construction. The PROW officer has asked for an informative to the applicant relating to highway authority consent should the proposed development impact on the use or condition of the footpath.

Environment Agency

No objection to the proposal, subject to inclusion of a condition relating to the height of the finished floor level, which should be 300mm above ground level.

In relation to the included flood risk assessment:

“Whilst we accept the findings of the Flood Risk Assessment (FRA) in that the site is unlikely to be subject to inundation under a breach of the defences north of Sandown Castle or an overtopping event, the area remains in FZ3 and may be subject to over-land flow.”

Southern Water

No objection. Requests condition relating to foul and surface water drainage.
Requests informative relating to connection to public sewerage system.

Public representations

A total of twenty (20) representations were received opposed to the proposal and eleven (11) were received in support.

In summary **the objections** on material planning grounds are as follows:

- Questions the strength of any future TPO on new trees.
- Sycamore is a healthy tree.
- Hornbeam would be immature and not an immediate replacement.
- Reference to TPO appeal and the amenity value that the existing sycamore provides.
- Lack of parking will cause pressure on Middle Deal Road and Sutherland Road.
- Overdevelopment of the site.
- Land should be a garden to 53 Church Path.
- Concern about deliveries accessing the dwelling.
- Concern about construction of the dwelling and access to the site.
- Drainage of the site.
- More than permitted 20% of the sycamore has been removed.

In summary **the supporters** made the following points:

- Land has been derelict for years, was a dumping ground.
- 53 Church Path has improved the area.
- Sensible to transfer TPO to Hornbeam.
- Sycamore is multi-stemmed and causing damage to the wall and the adjacent footpath.
- Development of the area needs to be completed.
- Better here than on a greenfield site.

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

1.1. The site

The site comprises a rather overgrown parcel of land which was to form part of the garden area of the house permitted by DOV/13/00951, now 53 Church Path. The land does not appear to have ever been part of that garden and has now become somewhat overgrown and unkempt.

1.2. Dimensions of the site are:

- Width (taken from north west frontage) – 13.5 metres.
- Depth – 18 metres.

1.3. To the north east of the site is the recent built three bedroom house, 53 Church Path. To the rear (south east) is a semi-detached house with its flank wall about 8 metres from the site boundary. To the south west side is a public footpath comprising part of the designated cycle route and major urban footpath (ED24 on the definitive map) the opposite side of which is a church hall, used by the Deal Christian Fellowship, within fairly large grounds. On this flank a brick wall about

1.8 metres high runs alongside the footpath and adjacent to this wall, in the southern corner of the site, is a mature sycamore tree that is the subject of Tree Preservation Order 9 of 2000, which has relatively recently had fairly extensive crown reduction work.

- 1.4. To the front of the site (north west) lies the footpath/cycleway known as Church Path and which is also part of the designated cycle route and major urban footpath ED24. On the other side of this cycle/walkway lies a grade II listed building, Berkeley House with a large garden containing a number of mature trees. A number of holm oak trees within the boundary of the listed building curtilage, adjacent to Church Path have recently been removed.
- 1.5. The Environment Agency flood map indicates this site as being located within flood zone 3a.
- 1.6. Proposed development
The proposal is for a three bedroom house that would be sited next to 53 Church Path, adjacent to its south western boundary. It would be a very similar design with the L shaped footprint laid out as a mirror image to number 53.
- 1.7. The dwelling would be laid out on a north west/south east axis.
- 1.8. At the front (north west elevation) of the dwelling, there would be a bay window, pedestrian access via the front door and one window on the first floor, as well as a dummy window. The proposed front boundary treatment would be in part a 900mm tall brick wall immediately in front of the dwelling and in part a continuation of the 1800mm brick wall from the south west boundary.
- 1.9. The south west elevation would incorporate a number of windows providing the outlook for the first floor bedrooms, as well as a secondary window to the ground floor lounge. A two storey section is included incorporating a bay window to a ground floor kitchen/dining room and a bay window to the first floor master bedroom.
- 1.10. The south east elevation incorporates French doors to the living room and to the kitchen/dining room at ground level and an obscure porthole window to the first floor master bedroom.
- 1.11. On the north east elevation obscure windows are incorporated to the stairwell and to a first floor ensuite.
- 1.12. Dimensions of the dwelling are:
 - Width – 8.1 metres.
 - Depth – 10.1 metres.
 - Eaves height – 4.9 metres.
 - Ridge height – 7.6 metres.
- 1.13. The sycamore tree in the southern corner of the site is proposed to be removed. Two 6m heavy/extra heavy standard hornbeam replacement trees are proposed – these would be located at the western corner of the site and at the southern corner of the site.
- 1.14. No off street parking is proposed.

1.15. *Plans will be on display.*

2. Main Issues

- 2.1. The main issues to consider are:
- Principle of development.
 - Flood risk.
 - Design and the street scene..
 - Tree issues.
 - Heritage.
 - Residential amenity.
 - Highways and access.

3. Assessment

3.1. Principle of development

The site is within the Deal settlement boundary, so the principle of development is acceptable in this location, subject to the details of the proposal and the consideration of the suitability of the site in terms of flood risk.

3.2. Flood risk

The site is within flood zone 3a as defined by the Environment Agency flood maps. Accordingly the National Planning Policy Guidance (NPPG) requires that a sequential test, relating to the suitability of the site for development is undertaken.

3.3. Application DOV/13/00951, for the erection of what is now 51 Church Path, included a sequential test which demonstrated that there were no sequentially preferable sites available for a comparable development within the search area – Deal. That test, which extended across this application site, was resubmitted with this application.

3.4. Given that this site passed a sequential test and exceptions test within the last two years, it is considered that the results of the tests submitted under the previous application are material in the consideration of this application and that the suitability of the site will not have altered significantly within that time. The submitted flood risk assessment (FRA) models the extent of likely flooding events, and with the benefit of recent sea defence works at Deal concludes that the risk of flooding at the site has now reduced to a level comparable with flood zone 2.

3.5. The Environment Agency has accepted the findings of the FRA, although it still classifies the site as being within zone 3 due to the potential effects of overland flow i.e. the pooling of water in lower lying locations. The Agency has requested a condition specifying the finished floor level to be located 300mm above external ground level. Having reviewed the plans with the architect, it is considered that the 300mm requirement could be accommodated without affecting the external appearance of the proposed dwelling.

3.6. Further information submitted with this application points to the most recent Dover Annual Monitoring Report (AMR) (December 2015), which identified that the district cannot meet its five year housing

supply requirement. The AMR states that the council will be taking an approach that reviews whether sites previously rejected for housing development may now be acceptable in light of changes to the Environment Agency's strategic flood risk maps.

- 3.7. Having considered the FRA and the information submitted under DOV/13/00951, in combination with the Environment Agency raising no objection, it is considered that the proposed development would be safe for its lifetime and would not lead to an increased risk of flooding elsewhere.
- 3.8. Design and the street scene
The proposed development is located on the south eastern corner of Church Path, adjacent to footpath ED24, of which Church Path also forms one part. The dwellings in the immediate area, on Church Path and on Sutherland Road, are in the main characterised by their close knit, high density layout. In this sense, the proposed dwelling, by being built in close quarters to 53 Church Path would not necessarily look out of place or appear as an over development of the site as it would be consistent with the grain and context of the area.
- 3.9. Materials proposed would be traditional brick with a natural slate roof. Amenity space would be limited, however, again taking reference from the existing dwellings, this is not out of character with the area and it could reasonably be said that whoever was looking ultimately to purchase the dwelling would have the choice about whether to proceed.
- 3.10. The existing 1.8m brick wall alongside the Sutherland Road footpath would be retained to enclose the rear garden and as a feature would continue into Church Path at a height of 0.9m alongside the front garden
- 3.11. In other respects the proposed dwelling has been designed in a similar architectural style to 53 Church Path. The proposed dwelling incorporates design features and characteristics, such as a steep pitched roof and bay window similar to those more characterful dwellings in the vicinity.
- 3.12. It is considered that the design, appearance, siting and scale of the proposal is acceptable in this location.
- 3.13. Tree issues
The amenity value of the existing sycamore tree to local residents is evident by the level and nature of objections received through the public consultation. The tree in its current location provides a natural end to Sutherland Road, which can be read in association with the beginning of the footpath at the same point.
- 3.14. In February 2015, in considering an appeal against the refusal of Dover District Council to allow the felling of the sycamore tree the Inspector considered in summary, that the tree made an important contribution to the amenity of the locality, street scene and wider landscape and its loss would cause demonstrable harm. He also said that it is not so ill suited to the location or poses any particular risk to

the property (53 Church Path) or neighbouring properties that overrides its benefits.

- 3.15. In this previous case a replacement was proposed, however it was not considered that this would have compensated for the loss of the existing tree.
- 3.16. Permitted works to reduce the crown of the tree by a maximum of 20% started at the end of March/beginning of April 2015. Following a call from a concerned resident, works ceased and the Dover tree officer visited the site. As part of the visit the officer assessed the tree using a TEMPO (tree evaluation method for preservation orders) methodology. The tree officer assessed the condition of the tree as poor, with a recommendation to revoke its TPO, although this has not to date been processed.
- 3.17. Following discussion with the tree officer, the applicant later undertook works to reduce the crown of the tree (in late April 2015). The works reduced the crown of the tree by more than the permitted 20%. However, the tree officer advises that these further works involved the removal of dead and diseased wood, which in any case, does not need permission.
- 3.18. The tree in question is now in a poor condition – although it does still afford some amenity value. The tree officer is of the opinion, however, that to secure long term amenity value at this location i.e. for a period of 30-40-50 years, a new tree would provide a better solution than retaining the existing tree, which due to its form is considered would likely fail ahead of that time.
- 3.19. Subsequent to the tree officer's advice, the approach proposed to and agreed by the applicants is for the existing tree to be removed and for two replacements to be planted, each a hornbeam. The existing TPO would be transferred to cover both new trees. In the right conditions, hornbeams can grow to 20 metres, with a sufficient form to re-provide the amenity function of the existing sycamore, albeit in time rather than immediately. The replacements would be located at the front (western corner) of the site and the rear (south eastern) end of the site. The tree to the rear, which is intended to provide the more direct replacement for the existing sycamore tree, would be located away from the brick wall as a means to limit the roots affecting its foundations.
- 3.20. The replacements would be conditioned to be of a sufficient size to ensure their initial health and the beginnings of contributing to local amenity. A condition would also require a like for like replacement of either tree within the first five years of having been sited and the development having been occupied, this meaning species, condition and size, should either tree die or be damaged, for whatever reason.
- 3.21. Heritage
A heritage statement has been submitted in respect of the listed building, Berkeley House, which is located north west of the site. The council's heritage officer considered that the statement is proportionate and offers sufficient information in respect of that listed building.

- 3.22. The statement considers that the proposed new dwelling would have no immediate impact on the setting of Berkeley House, stating that:

“... it will be remote from the building itself and being on the opposite side of Church Path to the garden it will not impact on the setting of the house and garden. The wider setting of the house is already compromised by the extensive 20th century development that has taken place in Middle Deal Road and in Church Path...”

- 3.23. The statement further considers this point:

“Public views of the listed building are limited to close range views from Church Path itself and from those views the two buildings, new and old, will not be seen together, the new building will therefore not diminish the historic value of Berkeley House as a heritage asset.”

- 3.24. The statement concludes that the proposal therefore does not cause harm to the designated heritage asset. Having had regard to section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and given the heritage officer’s acceptance of this statement, it is considered that in relation to the heritage asset, the proposed development is acceptable.

- 3.25. Residential and other amenity

Overlooking. Potential overlooking is achievable to the north east (existing dwelling 53 Church Path, granted permission under DOV/13/00951), south east (28 Sutherland Road) and north west (87 Middle Deal Road). Windows with the potential to overlook or be perceived to overlook 53 Church Path and 28 Sutherland Road are shown to be obscure glazed and fixed shut, these would be conditioned as such. With regard to the listed building, 87 Middle Deal Road, Berkeley House, the facing window to bedroom 2 is shown as a bricked up dummy window and the other first floor facing window in the north west elevation is shown as obscure glazed, being for a bathroom.

- 3.26. The windows proposed in the south west elevation overlook the church hall and its grounds. This is, however, not used for residential purposes and as such this part of the proposal is considered acceptable.

- 3.27. **Overshadowing.** 28 Sutherland Road and 53 Church Path are the closest dwellings to the application site. 28 Sutherland Road is located to the east-south-east of the proposed dwelling at a distance of 11 metres, which means that overshadowing is unlikely to be an issue throughout the year. The only likely time that the proposed dwelling might cast a shadow on to the private amenity area at 28 Sutherland Road would be late into the evening during summer months. This shadow, however, would be cast on to a garage and side garden and would not occur for a substantial amount of time before the sun sets.

- 3.28. 53 Church Path is located immediately north east from the proposed dwelling, at a distance of two metres. In the south west elevation of 53 Church Path, at ground floor level, is a dining room window and a kitchen window. The location and proximity of the proposed

development means that beyond midday on any typical day, a shadow would be cast on to 53 Church Path. At first floor level in the same elevation there is a bathroom window and an ensuite window, although being at first floor level more light, including sunlight, is likely to enter the rooms.

- 3.29. This is of a concern, however the applicant lives at 53 Church Path and has undertaken a detailed design process with the knowledge of the effects that the proposed dwelling might give rise to. Additionally, for natural light, the kitchen/dining area does have further openings in its south east and north east facing elevations which would alleviate the issue to some degree.
- 3.30. It is considered on balance therefore that as an issue, the overshadowing caused to 53 Church Path is acceptable.
- 3.31. **Outlook.** The new dwelling would be located at a distance of two metres from 53 Church Path. The ground floor kitchen and dining room windows in the south west elevation of 53 Church Path would have their outlook restricted to a large degree. However, as noted above, these windows do not provide the sole/primary outlook from the kitchen/dining area, with there being additional openings in the south east and north east elevations at number 53.
- 3.32. Highways and access
The proposed development is for one dwelling not situated on a classified road. It does not provide off street parking. The guidance to policy DM13 recommends that for three bedroom dwellings on the edge of the town centre, one parking space should be provided.
- 3.33. DOV/09/00283 for a semi-detached pair of dwellings, was refused and appealed, which itself was subsequently dismissed. The Inspector considered car parking and access in that appeal, and recognised the restricted opportunity for local provision. The Inspector concluded that the additional car parking that could be generated by this development could lead to increased competition for local spaces at certain peak use times. However, the Inspector concluded that the potential harm would not be such to provide an overriding objection to the proposed development.
- 3.34. The current proposal falls outside of the KCC Highway consultation protocol, however, informal discussion with the highways officer indicates that for parking purposes, the proposed provision of zero spaces can be considered acceptable in an edge of town centre location. In effect, "saturation parking" occurs with residents parking on a first come, first served basis.
- 3.35. The wording of policy DM13 recognises circumstances where the recommended provision of parking spaces cannot be met: "Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives..." Taking into account the immediate locality, much of the dwellings on Church Path do not have their own off street parking provision, so this is not an uncommon character of local development.

- 3.36. The closest on street parking to the site is at Sutherland Road (south east), Church Path (south west), The Grove (south west), Albert Road (south east) and Middle Deal Road (north west). This indicates that there are local options for parking.
- 3.37. The effect of parking on amenity is a consideration, but taking the availability of local on street parking, in combination with the edge of town centre location of the proposed development i.e. a reasonably close proximity to the town centre, services and facilities, as well as public transport options, the conclusion of the Inspector under the appeal for DOV/09/00283 is considered to still be valid. The lack of off street parking is considered regrettable, but not considered to provide an overriding objection to the proposed development.
- 3.38. Conclusion
On the balance of a number of important considerations, this proposal is considered acceptable.
- 3.39. The FRA submitted with the proposal concludes that with the benefit of recent sea defence works, the site is no longer at risk of flooding. The Environment Agency has accepted the findings of the FRA and accordingly, the development is considered acceptable in this respect.
- 3.40. The existing sycamore tree, which is subject to a tree protection order, provides amenity to nearby residents, particularly those living at the northern end of Sutherland Road and to pedestrians passing the site on Church Path. This is illustrated by the dismissed appeal to fell the sycamore tree.
- 3.41. The council tree officer, however, following further assessment, considers that the condition of the tree is such that the likelihood of it providing ongoing local amenity is significantly diminished. The proposal to replace one sycamore tree with two hornbeam trees is considered an acceptable approach that addresses many of the concerns that were raised during the public consultation and one which would provide for long term amenity to local residents. The existing TPO would be transferred to these trees and as such, this element of the proposal is considered a benefit.
- 3.42. The proposed dwelling has been designed in a similar manner to that which was permitted adjacent at 53 Church Path. It is considered a contemporary and acceptable design, that would add to the street scene and in doing so, would also benefit local amenity by securing a long term solution to an untidy site.
- 3.43. Highways and access issues are important in considering the development proposal. However, on balance and following informal discussion with the Kent highway officer, the assessment that the Inspector made under DOV/09/00283 is still considered to be applicable to the current proposal.

g) **Recommendation**

- i. Planning permission be GRANTED, subject to conditions including: (1) Plans (2) Time limit (3) Tree removal/replacement – 5 years (4) Materials (5) Obscure glazed windows, fixed shut – north east

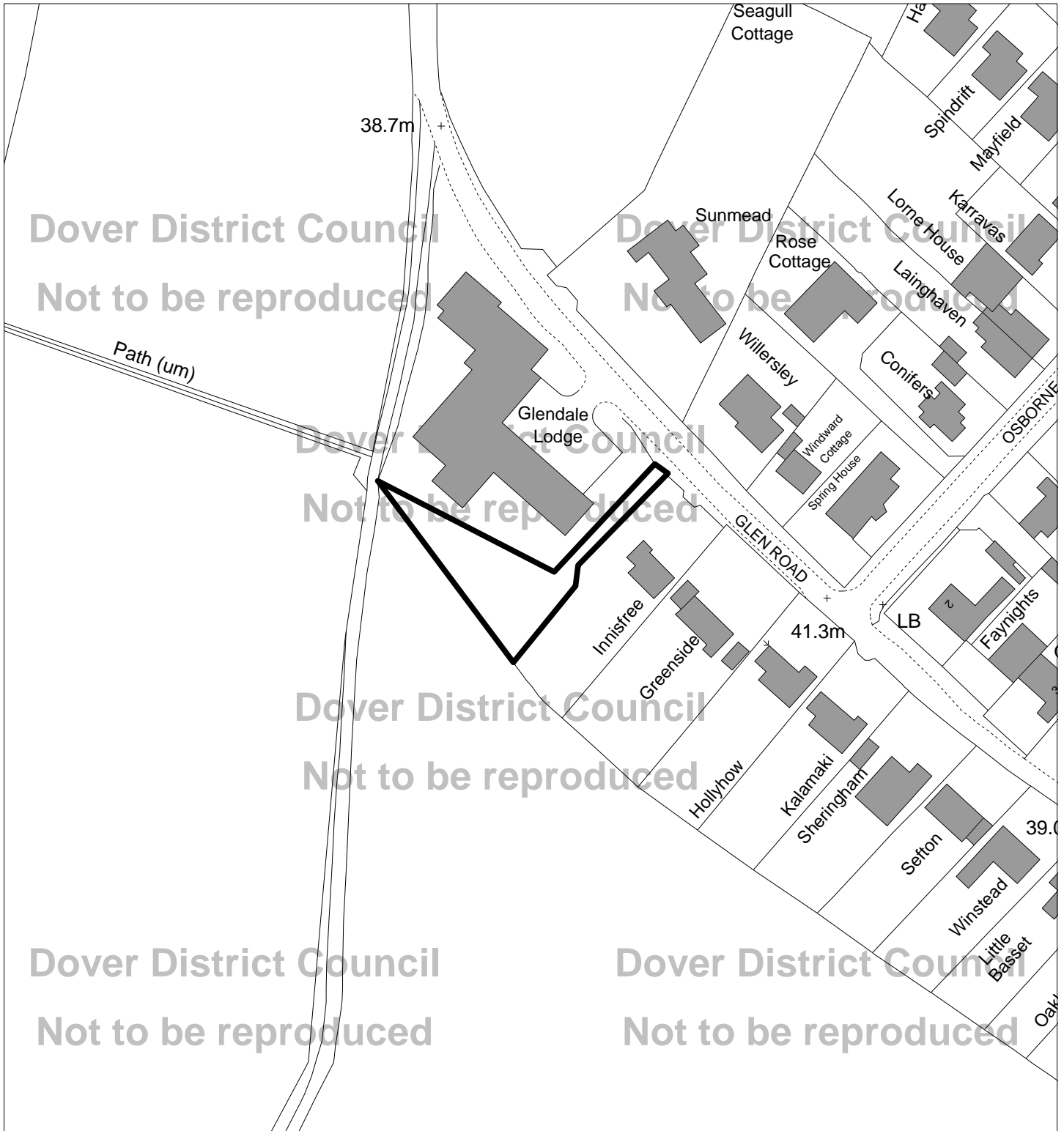
elevation and first floor south east elevation (6) PD restrictions – alterations to openings first floor, extensions, alterations to roof, alterations and improvements to boundary wall (7) Boundary treatment (8) Hard and soft landscaping (9) Construction management plan (10) Footpath during construction (11) Finished floor level – 300mm above ground level (12) Details of drainage.

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

Case Officer

Darren Bridgett

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Application: DOV/15/00982

**Innisfree
Glen Road
Kingsdown
CT14 8BS**

TR37164863



- a) **DOV/15/00982 – Erection of detached dwelling with integral garage and creation of vehicular access - Innisfree, Glen Road, Kingsdown**

Reason for report – the number of third party contrary representations.

- b) **Summary of Recommendation**

Refuse permission.

- c) **Planning Policy and Guidance**

Development Plan

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

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

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 – Settlement hierarchy.

DM1 – Settlement boundaries.

DM13 – Parking provision.

Saved Dover District Local Plan (2002) policies

None applicable.

Dover District Land Allocations Local Plan (2015)

LA39 – Residential development

“A change to the settlement confines will enable a small scheme to come forward reflective of its surroundings.”

National Planning Policy Framework (NPPF)(2012)

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

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives...
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...
- take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside...”

“49. 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.”

“56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...”

“57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...”

“61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address... the integration of new development into the natural (and) built... environment.”

“64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

Other Considerations

Dover District SHLAA site assessment forms – site code KIN03C

Landscape impact

“If development resulted from the change in village confines this would lead to an intensification of the village edge. Development, however, could only take place if part of or all of Innisfree was demolished.”

Proximity to road network

“If development resulted from the change in settlement confines there would be insufficient frontage for access. An access would require third party land.”

Kent Design Guide

- Page 59 – Designing in context.
- Page 66 – Designing streets and spaces.
- Page 92 – Privacy.

Kent Design Guide: Supplementary Guidance – Visibility (Interim Guidance Note 2)

d) **Relevant Planning History**

DOV/05/00279 - Outline application for the erection of two 4no bedroom detached dwellings with detached garages, creation of vehicular access and associated car parking – **REFUSED**.

DOV/07/00922 – Outline application for the erection of a detached bungalow and construction of vehicular access – **REFUSED**.

e) **Consultee and Third Party Responses**

Kingsdown with Ringwoud Parish Council – objects

- Oversized dwelling being squeezed into an irregular shaped plot, does not fit into general surroundings.
- Unfavourable impact on surrounding scene.

- Intrusion of privacy to Glendale Lodge – a residential care home for the elderly.
- Concern regarding speed of Glen Road at this point, which is 60 mph.

DDC Environmental health – no observations

Public representations – support x8

- Housing is needed in this area.
- The development will blend in.
- Off road parking is good to see.
- Good design, provides privacy.
- Good use of a garden.

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

1.1. The site

1.2. The site is located on the south west side of Glen Road in a transitional edge of village location.

1.3. It is an irregular shaped site comprising of a thin access strip located between Innisfree – a residential dwelling to the east , and Glendale Lodge – a residential home for the elderly to the west and north, with a triangular section of land located beyond the access strip. The site presently forms the rear and side garden to Innisfree and is under the same ownership.

1.4. Innisfree is a two storey dwelling, measuring approximately 7.4 metres wide x 6 metres deep, with an adjoining garage on its north western elevation.

1.5. Glendale Lodge is primarily a single storey building, split into component sections. At its south western (rear) elevation, the building contains individual bedrooms.

1.6. The site is within the settlement boundary of Kingsdown, as amended by the adopted Land Allocations Local Plan 2015.

1.7. Neighbouring the site to the south and west is open countryside outside of the settlement boundary. Adjacent at the eastern tip of the site is public bridleway ER21. This passes west of Glendale Lodge, linking with Glen Road to the north, and links with Ringwoud Road at two locations to the south.

1.8. Existing boundaries to the site are formed partially of an evergreen hedge on the rear (south west) boundary with the field, and partially of low level, low density planting with a wire fence. The dividing boundary with Glendale Lodge is formed of a 2 metre tall close board fence.

1.9. Glen Road is an unclassified road. At the site location the speed limit is 60 mph.

1.10. Site dimensions are:

- Depth – 50 metres (from access).

- Width – 49.4 metres (at greatest point).
- Access length – 31 metres.
- Access width – 5 metres.

1.11. Proposed development

The proposed development comprises a two storey dwelling with integral garage, located in the triangular section of land at the south west of the site. The dwelling would be located immediately south of Glendale Lodge, with a back to back distance of 10 metres. The distance from the dividing boundary with Glen Lodge would be 1 metre.

1.12. The dwelling dimensions proposed are:

- Depth – 14 metres.
- Width – 22 metres.
- Eaves height – 5 metres.
- Ridge height – 7.5 metres.

1.13. The dwelling would be laid out with four bedrooms and bathrooms on the ground floor, as well as the garage and a patio area. On the first floor, an open plan layout is proposed with a lounge/diner/kitchen room, connecting to a separate study.

1.14. Two balcony areas are proposed adjacent to each other on the south west (rear) facing elevation, one which is covered by the roof form and one where the roof form is cut away. The balcony areas are located above the patio.

1.15. First floor windows are primarily located on the south west facing elevation (towards the countryside), but are also located on the north west facing elevation (toilet/bathroom – towards Glendale Lodge, 2 metres to the boundary, 7-10 metres back to back), north east facing elevation (study – towards the rear elevation of Innisfree, 17 metres to the boundary, 24.6 metres back to back) and south east facing elevation (open plan room and stairwell – towards the rear gardens of Innisfree and Greenside, 6 metres to Innisfree boundary, 18 metres to Greenside boundary).

1.16. Three parking spaces are proposed in addition to the integral garage, with room for turning.

1.17. Suggested materials incorporate, yellow brick, concrete roof tiles and white weatherboard cladding adjacent to the open balcony.

1.18. Plans will be on display.

2. Main Issues

2.1. The main issues to consider are:

- Principle of development.
- Design and impact on the countryside.
- Residential amenity.
- Highways and traffic impact.

3. Assessment

- 3.1. Principle of development
The Dover Land Allocations Local Plan, adopted in 2015, amended the Kingsdown settlement boundary to incorporate this site, addressing the irregular boundary shape that had existed previously i.e. excluding this site.
- 3.2. The principle of development is therefore established by the site being within the Kingsdown settlement boundary. However, this is subject to the detail of the proposal.
- 3.3. Notably, the policy (LA39) anticipates that the change to the boundary would enable a small scheme to come forward which is reflective of its surroundings.
- 3.4. Design and impact on the countryside
The design of the proposed dwelling incorporates a linear form, being 22 metres wide. However, this is combined with a 14 metre depth and a 7.5 metre tall ridgeline, at its greatest point. The effect is that the proposed dwelling would have a significant mass, closely bordering the open countryside.
- 3.5. The design character of Kingsdown is eclectic, there are a number of influences and many design styles. In close proximity to the proposed dwelling, the neighbouring buildings are Innisfree – a two storey dwelling, and Glendale Lodge, an extended residential care home for the elderly, formed of component sections. Glendale Lodge is purpose designed for its function.
- 3.6. Dwellings on the south western side of Glen Road tend to be medium sized and set into plots with extended rear gardens. The space between the dwellings and the rear of the gardens does to a noticeable degree relieve the impact of existing dwellings on the appearance of the open countryside.
- 3.7. The proposed dwelling follows no particular architectural style and is not considered to have any individual/special merit. It is unclear what influences have informed its design, beyond fitting it into an irregularly shaped site and attempting to maximise its size.
- 3.8. It is noted that the applicant has attempted to address privacy issues by incorporating a minimal number of first floor windows in the north east facing elevation. The result of this is a bare brick wall, which is not considered to be a good example of residential design in the setting of the countryside, appearing more reminiscent of a hard engineered urban location.
- 3.9. Where windows have been incorporated, in particular on the south west and south eastern facing elevations, there is no consistency of form or proportion, which it is considered results in an unattractive and mixed form of development.
- 3.10. A particular feature of this location, being on the edge of the village, is the sense of space that is strengthened by the spaces between the dwellings and the glimpses through to the open countryside beyond. The development proposed would enclose the gap to the rear of

Innisfree by virtue of its proposed mass and siting. This would be a detriment to the character and appearance of the street scene.

- 3.11. Seen from the countryside and the public bridleway that runs to the west of the site, the dwellings on the south west side of Glen Road are sited approximately 32 metres from the rear of their gardens, including Innisfree. The only place where this differs is at Glendale Lodge.
- 3.12. The proposed dwelling which is 5 metres tall at the eaves and 7.5 metres tall at the ridge, is proposed to be located 1.2 metres from the rear boundary of the site, which would create a hard engineered edge to the countryside, across a 22 metre width. This would be seen from the public bridleway and from Ringwould Road to the south across an open arable field. The applicant proposes to retain the existing rear hedge, but this is not considered sufficient to be able to mitigate the impact of the proposal.
- 3.13. This was recognised in the SHLAA site assessment form, which in terms of potential landscape impact considered that a partial or full demolition of Innisfree would be required to acceptably accommodate what it termed as “an intensification of the village edge”.
- 3.14. Residential amenity
Outlook. There are a number of potential adverse effects that would be caused to local residential amenity by this scheme. The first concern relates to the north east facing elevation of the proposed dwelling. It is considered that a wall at 1 metre distance from the rear fence of Glendale Lodge would create an overbearing effect and would lead to loss of outlook for residents at Glendale Lodge. The wall would rise 3 metres above the rear fence to the eaves, with a 2.5 metre tall roof structure above that, albeit pitched to the ridge.
- 3.15. **Overshadowing.** At this distance, it is likely that beyond mid-morning shadows would be cast into the rear amenity space at Glendale Lodge and towards the individual bedrooms in its south west elevation.
- 3.16. **Overlooking.** The proposed first floor open plan room contains a window, which faces south east. This window would overlook the rear garden of Innisfree (6 metres to the boundary) and potentially to some extent, also Greenside (18 metres to the boundary).
- 3.17. The combination of adverse effects to the amenity of neighbouring residents is considered to be unacceptable.
- 3.18. Highways and traffic impact
The proposed development is for one dwelling accessing an unclassified road. Accordingly, it falls outside of the Kent Highways consultation protocol.
- 3.19. However, informal discussion with the highways officer confirms that for an access formed onto a road with a 60 mph limit, the visibility splay required is 215 metres on both sides of the access. The applicant has not confirmed that these visibility splays are achievable.
- 3.20. There are mitigating factors in that north west of the proposed access Glen Road curves to the north so may to some degree reduce the

speed of traffic; and that approximately 40 metres south east of the proposed access the speed limit is reduced to 30 mph.

- 3.21. The SHLAA site assessment form, which was completed when considering the proposed change to the settlement boundary recognised that to incorporate access at this location, third party land would be required i.e. it would need to take land from Innisfree (which was actually under the same ownership). This was due to the shape of the boundary at that time forming a narrow point onto Glen Road.
- 3.22. The proposed development site has been formed as a subdivision of Innisfree and the proposed access has a 5 metre frontage on to Glen Road. However, as noted above, the applicant has not confirmed visibility details in accordance with highway requirements. Informally, the highways officer has commented that the possibility of creating an additional safe access at this location is questionable.
- 3.23. On the balance of considerations, the proposed formation of a separate access without details (such as sight lines) to demonstrate how this could be achieved safely and in a manner that is environmentally appropriate is not considered acceptable.
- 3.24. **Parking provision.** The dwelling proposes three car parking spaces, which is above the minimum requirement (two) for parking provision as set by policy DM13 of the Core Strategy. The proposed parking provision is therefore considered acceptable.
- 3.25. Conclusion
The proposed development is considered unacceptable by virtue of its design details. The settlement boundary was amended by policy LA39 of the Land Allocations Local Plan. The policy envisages a small development that is reflective of its surroundings. This is because the site is constrained by surrounding residential uses and it borders the open countryside in a transitional edge of village location.
- 3.26. The proposed scheme in its current form does not appear to have been sensitively informed by any surrounding developments and as proposed is considered to have a harmful impact on the character and appearance of the street scene and the surrounding countryside. It is considered that there are no mitigating factors in assessing the design. Its mass and form as proposed would not fit acceptably into the site available. Paragraph 64 of the NPPF directs that where poor design “fails to take the opportunities available for improving the character and quality of an area and the way it functions” permission should be refused.
- 3.27. It is also considered that the development would unacceptably harm the amenity of surrounding residents, both existing and potentially in future years.
- 3.28. The proposal to create an additional access on to a 60 mph road is not supported by details to demonstrate how this would function safely or indeed what the impact of suitable sight splays would be on the visual quality of the street scene. It was not considered expedient to explore this further with the applicant due to the fundamental objections to the scheme design.

3.29. The applicant has not used the pre-application service in this case and did not agree to changes in the design to address the concerns raised. Accordingly having taken into account all comments submitted, the recommendation is to refuse permission.

g) **Recommendation**

- i. Planning permission be REFUSED, for the following reason: (1) The development proposed, by virtue of its siting, scale and design details, would result in a form of backland development unrelated to and out of keeping with the existing visual and spatial character of the area and would be harmful to the character and appearance of the street scene and the countryside, contrary to the aims and objectives of the NPPF paragraphs 17, 56, 57, 61 and 64. The proposal also fails to appropriately consider the context of neighbouring development, contrary to pages 59 and 66 of the Kent Design Guide. (2) The development proposed, by virtue of its siting, scale and fenestration arrangements, would result in an unacceptable degree of overlooking and subsequent loss of privacy; loss of outlook and sense of enclosure to adjacent property occupiers; and unacceptable overshadowing of the rear private amenity area of residents in the adjacent Glendale Residential Home, contrary to the aims and objectives of the NPPF paragraphs 17, 56, 61 and 64 in particular and page 92 of the Kent Design Guide. (3) In the absence of sufficient information to demonstrate otherwise, it is not possible to determine, in the interests of highway safety, that the proposed access can achieve acceptable highway visibility standards in a manner that ensures the safe operation/use of the access on to Glen Road. Accordingly the proposal is contrary to the aims and objectives of the NPPF paragraphs 17 and 56 and contrary to the Kent Design Guide: Supplementary Guidance – Visibility (Interim Guidance Note 2).

Case Officer

Darren Bridgett