

Public Document Pack



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13 June 2017

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **PLANNING COMMITTEE** will be held in the Council Chamber at these Offices on Thursday 22 June 2017 at 6.00 pm when the following business will be transacted.

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

Yours sincerely

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

Chief Executive

Planning Committee Membership:

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

AGENDA

- 1 **APOLOGIES**
To receive any apologies for absence.
- 2 **APPOINTMENT OF SUBSTITUTE MEMBERS**
To note appointments of Substitute Members.

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

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

4 **MINUTES**

To confirm the Minutes of the meeting of the Committee held on 25 May 2017 (to follow).

5 **ITEMS DEFERRED** (Page 5)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 6 - 9)

6 **DOV/17/00402 - LAND TO THE SOUTH OF COOKS FARMHOUSE, WESTMARSH, ASH** (Pages 10 - 20)

Outline application (with some matters reserved) for the erection of a detached dwelling, creation of associated parking and alterations to vehicular access

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

7 **DOV/17/00409 - KENDEN, STATION ROAD, MARTIN** (Pages 21 - 29)

Erection of a front porch and single storey side extension with rear dormer to create self-contained annexe

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

8 **DOV/17/00424 - 5 BEECH TREE AVENUE, SHOLDEN** (Pages 30 - 35)

Installation of timber garage door to existing car port and erection of verandah to rear elevation of dwelling

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

9 **DOV/17/00514 - LAND AT 43 DOLA AVENUE, DEAL** (Pages 36 - 45)

Variation of condition 2 of planning permission DOV/15/00327 to allow changes to approved plans (application under section 73)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

10 **APPEALS AND INFORMAL HEARINGS**

To receive information relating to Appeals and Informal Hearings, and appoint

Members as appropriate.

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

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

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. 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.

DOVER DISTRICT COUNCIL

REPORT OF THE HEAD OF REGENERATION AND DEVELOPMENT

PLANNING COMMITTEE – 22 JUNE 2017

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/16/00530** **Erection of a detached dwelling – Site adjacent to 5 Friends Close, Deal (Agenda Item 12 of 23 March 2017)**

2. **DOV/16/01328** **Outline application for the erection of up to 28 dwellings (30% affordable), creation of vehicular access (to include demolition of 14 Archers Court Road) – Land rear of Archers Court Road, Whitfield (Agenda Item 8 of 20 April 2017)**

3. **DOV/16/01026** **Hybrid planning application: (i) Outline planning permission (with all matters reserved except access) for the erection of 18 dwellings, accesses/roads, parking, associated services, infrastructure, groundworks and landscaping; and (ii) Full application for the change of use of two engine sheds to office accommodation and 5 no. residential dwellings, associated parking, services, infrastructure, sub-station, landscaping, groundworks, attenuation features and earthworks – Land South West at Hammill Brickworks, Hammill Road, Woodnesborough (Agenda Item 16 of 25 May 2017)**

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, Support Team Supervisor, 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 Support Team Supervisor (Tel: 01304 872468).

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

Unless otherwise stated, the background papers will be 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 Alice Fey, Planning Support Team Supervisor, Planning Department, Council Offices, White Cliffs Business Park, Whitfield, Dover CT16 3PJ (Tel: 01304 872468).

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 features of special architectural or historical interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering any applications affecting land or buildings within them. Section 16 requires that, when considering applications for listed building consent, special regard shall be had to the desirability of preserving the listed building, its setting, or features of special architectural or historic interest which it has.
6. Section 38(6) of the 2004 Act does not apply to the determination of applications for advertisement consent, listed building consent or conservation area consent. Applications for advertisement consent can be controlled only in the interests of amenity and public safety. However, regard must be had to policies in the Development Plan (as material considerations) when making such determinations.

The Development Plan

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

Dover District Core Strategy 2010
Dover District Land Allocations Local Plan 2015
Dover District Local Plan 2002 (saved policies)
Worth Neighbourhood Development Plan (2015)
Kent Minerals and Waste Local Plan 2016

Human Rights Act 1998

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

The key articles are:-

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

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

Account may also be taken of:-

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

Article 10 - Right to free expression.

Article 14 - Prohibition of discrimination.

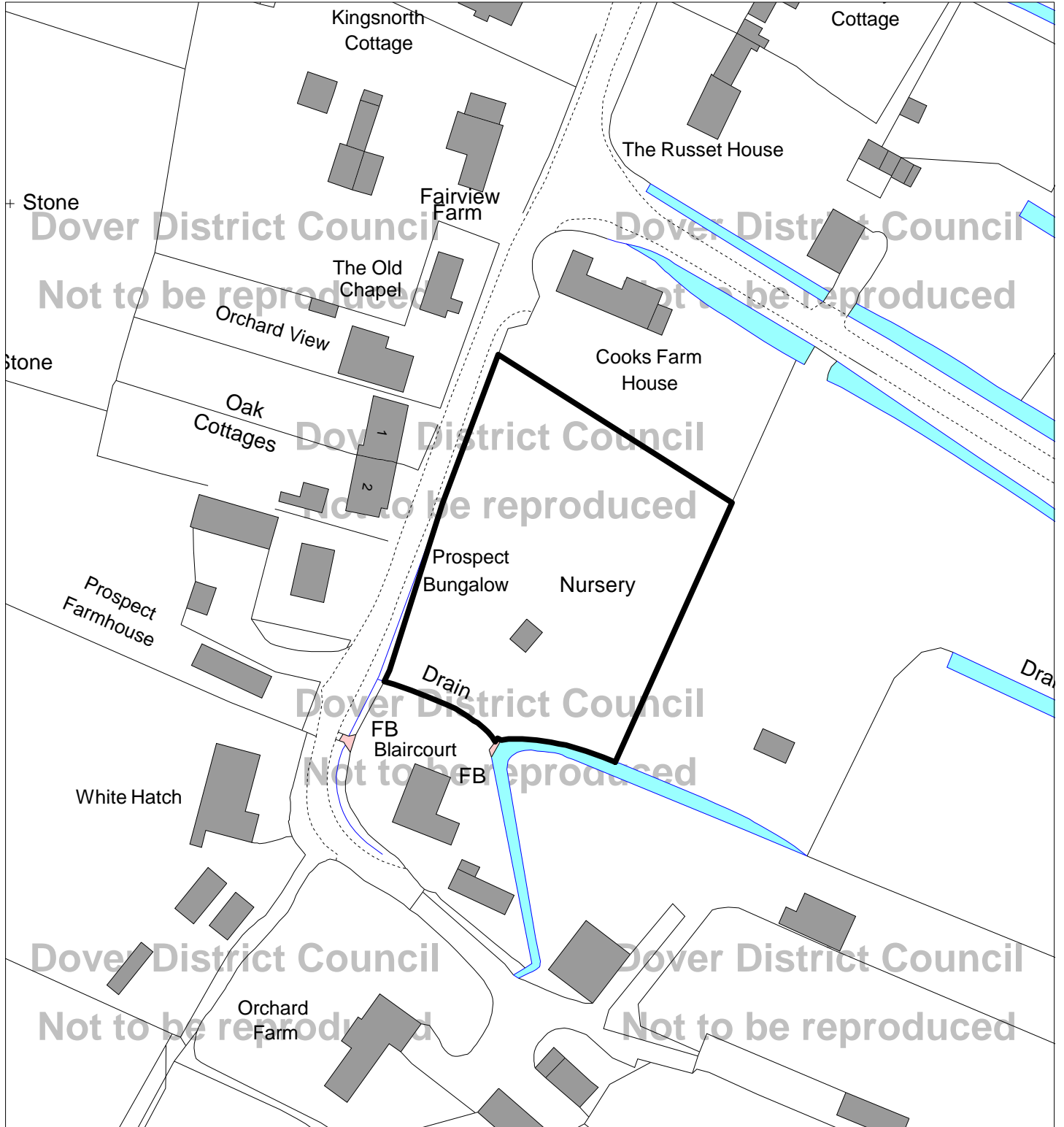
The Committee needs to bear in mind that its decision may interfere with the rights of particular parties, particularly under Article 8 and Article 1 of the First Protocol. The decision should be a balanced one and taken in the wider public interest, as reflected also in planning policies and other material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

(PTS/PLAN/GEN) HUMANRI

PUBLIC SPEAKING AT PLANNING COMMITTEE

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

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Not to scale

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

Application: DOV17/00402

Land to the south of Cooks Farmhouse

Westmarsh

Ash

CT3 2LS

TR27706132



- a) **DOV/17/00402 – Outline application (with some matters reserved) for the erection of a detached dwelling, creation of associated parking and alterations to vehicular access at Land to the South of Cooks Farmhouse, Westmarsh, Ash, CT3 2LS**

Reason for report: The number of third party representations.

- b) **Summary of Recommendation**

Planning Permission be refused.

- c) **Planning Policy and Guidance**

Dover District Core Strategy Adopted 2010

- Policy CP1 states ‘the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services’.
- Policy DM1 states that ‘development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses’.
- Policy DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- Policy DM13 states ‘parking provision 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. Provision for non-residential development, and for parking provision, should be informed by Kent County Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking’.
- Policy DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- Policy DM16 – Development that would harm the character of the landscape would only be permitted subject to certain criteria.

National Planning Policy Framework (NPPF) (2012)

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 11 states ‘that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise’.

- Paragraph 12 sets out that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless material considerations indicate otherwise.
- Paragraph 14 states ‘that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole’.
- Paragraph 17 sets out “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should...
Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...
Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...”
- Paragraph 32 states ‘that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.
- 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... Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances...’
- Paragraph 56 states “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 to making places better for people.”
- Paragraph 61 states “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 connections between people and places and the integration of new development into the natural, built and historic environment”.
- Paragraph 64 set out “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 69 states ‘that planning system can play an important role in facilities social interaction and creating healthy, inclusive communities. Planning policies and decisions, in turn, should aim to achieve places which promote;
 - Strong neighbourhood centres and active street frontage which bring together those who work, live and play in vicinity:
 - Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and

- Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- Paragraph 102 “If following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
 - it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

- Paragraph 109 ‘ the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils’.
- Paragraph 129 “Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking into 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”.
- Paragraphs 132 – 134 sets out that consideration has to be given to whether there is significant harm, less than substantial harm or neutral harm to heritage assets.
- Paragraph 152 sets out ‘that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate measures are not possible, compensatory measures may be appropriate’.

Other Guidance/Relevant Matters

Kent Design Guidance.

d) **Relevant Planning History**

None relevant

e) Consultee and Third Party Responses

Southern Water

The applicant has not stated details of means of disposal of foul drainage from the site. There is no public foul sewer in the area to serve this development. The applicant is advised to examine alternative means of foul sewage disposal. The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Environment Agency

No objection;

The site is situated within an area which is considered to be at significant risk from flooding and is classified as lying within Flood Zone 3a by our flood risk maps. We are satisfied that the flood risk to the proposed development has been adequately assessed and that the recommended floor levels and mitigation measures proposed are likely to be adequate and will ensure the site and its occupants will remain safe during the design flood event. We therefore have no objection to this proposal providing conditions are imposed on any permission granted.

Dover District Councils Heritage Officer

No objection:

Cooks Farmhouse is almost entirely screened by mature trees; there would be limited impact to the setting of the listed building.

Ash Parish Council

Objection;

The site was never used for a residential dwelling and it is outside the confines of Ash;

- On balance the detriment arising from setting a precedent for residential dwellings outside the confines;

- The site is within a flood zone and the mitigation suggested could require a development out of character, without necessary safeguarding against a detrimental impact on surrounding properties;
- The new access is retrospective planning permission and was unable to be properly considered as there were no details or conditions given and no highway reports;
- The site has five grade II listed buildings in close proximity and the suggested outline application suggested a dwelling would not be in keeping with the historic setting of the area.

A total of 14 letters of objection have been received and are summarised below:

- The land is described as being previously occupied by 'Prospect Bungalow', this is not the case, Prospect Bungalow is on the opposite of the site of the road;
- The building identified on the plan as Prospect Bungalow on the plot was in fact occupied by a summer house in the garden of Blaircourt, and was probably a shed or greenhouse;
- The land use to be an overgrown former orchard, it was recently cleared;
- A new entrance over the dyke was made;
- Several cm of soil has been added to the level of the site;
- The plot is on a flood plain, concerns are over the demands on wastewater disposal, the raised land level and removal of any trees, seriously impacting on hydrology;
- The lane is narrow and in a poor state, the new build will result in a number of extra vehicles;
- Lack of village infrastructure;
- The design would appear to be inappropriately large in relation to those around it, especially if it is raised to 0.5 m to avoid flooding;
- An open drain runs through the middle of the adjacent property, taking runoff water from all of the lane and surrounding properties;
- The land level has been raised;
- An unsightly bridge has been put in place changing the secluded nature completely;
- Privacy of garden, bedroom and lounge of Blair Court will be invaded, as a low level fence runs along the border and now the trees have gone its open;
- If you build in every infill in a small hamlet the character, environment and atmosphere are changed forever and soon becomes a village;
- This plot of land has been refused on many occasions, nothing has changed, it's still on a flood plain;
- With all the change of use applications for agricultural buildings, we do not need a new build;
- The clearing of the land took place with no thought for the wildlife, the applicant has no intention of keeping the area in keeping with the rural aspects of the area;
- The applicant states the entrance to the land has been there for years, although there are no evidence of this;
- The size and position of the proposal has surprised locals;
- The outlook would materially change from countryside to residential parking;
- The building would need to be built higher to accommodate the flood levels, the building would be higher than normal;
- The building would be out of scale and character of the area and dominant the landscape;

- The properties are listed and it could alter the setting of the listed buildings;
- Increase in dangerous parking in front of Fairview Farm, many near misses have occurred on this blind junction;
- There is already a threat of development for a caravan park;
- Noise and disruption from construction;

A total of 15 letters of support for the development have been received and are summarised below

- it will affect our view, which is currently open ground; but the countryside continuously evolves, and if no developments are approved, its constrained;
- the present entrance is the restoration of an existing gateway used by local residents in 1970, the old gateposts are in the same position;
- a number of properties immediately around the site have been altered;
- there are still 13 trees on site, the old damson-hawthorne – bramble hedge has been cleared in order to open and level the land;
- the application is from a local person with local roots and is seeking to build a house for his family;
- I am relieved the land has not been sold off to developers who might well try to fit in six or eight dwellings on the site;
- It will enhance the small area of the village which has been rough scrubland for nearly 40 years;
- A new dwelling would be a natural infill between Cooks Farmhouse and other properties;
- It would have a minimal impact on privacy to adjoining properties and also access to and use of the minor roads surrounding the area;
- The applicant would provide support to his mother who owes the adjacent property;
- All reference to and recourse will be sought from Southern Water to maintain good drainage;
- Who knows what plans are for future tree planting?
- The application is for an outline planning permission for a bungalow which was once part of Blair courts garden;
- Many applications for properties in gardens have been passed and should remain the case when gardens become unmanageable;
- We must look to the future of the area as well as the rest of the country;
- Why should Westmarsh be fossilised?
- Hardly any properties around this area to rent or purchase and with rising house prices in the area, it would be a good opportunity for a home;
- The area before was an eyesore and quite dangerous with overhanging trees and bushes especially ambulances and delivery people. It's now a safe and pleasant area;
- This piece of land was part of a working farm;
- Are the houses not already on a flood plain, last serious flood was in 1970's;
- Cannot see a problem when you can build 500 houses on green belt land.

f) 1. The Site and the Proposal.

- 1.1 The site relates to a rectangular plot of land covering 0.285 hectares on the south east side of Wass Drove outside any settlements confines. The site is a flat site laid to grass and bound by a post and rail fence fronting onto Wass Drove, with an access running over an existing ditch. Trees and undergrowth have been removed

from the site. A 1.8 metre fence forms the southern boundary dividing the plot and Blair Court, with some sporadic screening along the northern boundary screening Cooks Farm House. The rear boundary remains open and unscreened with views towards Britleen to the east.

- 1.2 The area including the application site is rural/agricultural in character and appearance where there is typical sporadic residential and agricultural development in the wider unspoilt landscape. Wass Drove serves a number of cottages and does not have any footways or highway verges, but has mostly fields adjoining the highway and gaps between buildings contributing to an open character and rural appearance.
- 1.3 The properties within close proximity are modest in style and scale. A detached listed building Cooks Farmhouse lies to the north and a detached bungalow to the south.

Proposal

- 1.4 The proposal is outline with layout, scale and access to the site for determination at the reserved matters stage. All plans are indicative.
- 1.5 The proposal seeks to erect 1 x 4 bedroomed dwelling with an attached garage and off street parking accessed off Wass Drove. The indicative scale of the proposed dwelling measures 8 metres in height, 18 metres in width (a footprint of 144 square metres) and have a depth of 8 metres. 4 parking spaces are proposed.
- 1.6 The dwelling would be set back from the road by approximately 11.5 metres with a large area of hardstanding to serve the access and the garage entrance.
- 1.7 There has been some concerns raised over the proposed access. An access has recently been formed onto the site and the proposal as described involves retrospective planning permission in respect of the access.

2. Main Issues

- 2.1 The main issues for consideration of this application are:
 - The principle of a new dwelling in this location.
 - Character and appearance of the area.
 - The impact on residential amenity.
 - Potential impact on heritage assets.
 - Transport/Travel
 - Other matters

Assessment

Principle of Development

- 3.1 Policy CP1 of the core strategy identifies the location and scale of development for settlement in terms of hierarchy. Westmarsh is defined as a hamlet which is not suitable for further development unless it functionally requires a rural location.
- 3.2 The site lies outside the settlement confines, where policy DM1 applies. Having regard for the wording of the policy which restricts development outside of confines, the erection of a dwelling in this location is contrary to Policy DM1. The general principle (as set out in the preamble at paragraph 1.7 of the core strategy) is that residential development outside the urban boundaries and rural settlement confines

would be a departure from policy and would require 'unusual and compelling justification for permission to be given'.

- 3.3 Members will be aware the Councils five year housing land supply situation has changed and the Council can now demonstrate a 6.02 year housing supply and as such the development plan policies are relevant to supply the housing are now considered up-to-date and have full weight. The NPPF paragraphs 11, 12 and 14 to be assessed in accordance with the up-to-date Local Plan and where the proposal conflicts with the plan they should be refused unless material considerations indicate otherwise. In the circumstances the proposal would be contrary to policy DM1 of the Core Strategy. The principle of the development is therefore unacceptable unless otherwise justified.

Impact on character and appearance of the area

- 3.4 The site is within a sensitive location, being within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character and appearance of the countryside should be refused, unless one of the four criteria is met, set out below.

- i. In accordance with allocations made within the Development Plan Documents or
- ii. Justified by the needs of agriculture; or
- iii. Justified by a need to sustain the rural economy or a rural community;
- iv. It cannot be accommodated elsewhere; and
- v. It does not result in the loss of ecological habitats.

- 3.5 The application site due to the removal of the boundary tree/hedgerow cover is now exposed within the street. The scale of the building proposed is likely to appear significant. The scale and likely form of the building, including its associated hard surface, access works and driveway would be unlikely to be successfully mitigated against. Landscaping would take some while to establish in any case. Due to the access works and necessary visibility splays of around some 45 metres each way, the site would largely always be exposed to inward views.

- 3.7 The intrusive nature of the proposal would therefore be unacceptable, due to its effects and impact on the character and appearance of this street scene and rural environment. In terms of DM15 the development is unacceptable. As far as the National Planning Policy Framework is concerned development of this site would not conserve or enhance the natural environment, as per paragraph 17, nor would it respond well to the intrinsic character and beauty of the countryside.

- 3.8 Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. It is considered that there is no harm under DM16 of the core strategy to the wider landscape character, as the site is not readily noticeable from the wider landscape.

Residential amenity

- 3.9 The details in respect of openings to buildings are not incorporated as part of this application, and would have to be carefully considered at the reserved matters stage. Otherwise there appears to be no harm caused to any residential amenity.

Potential impact on Heritage Assets

- 3.10 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. Additionally the local planning authorities are required to assess development, which may affect the setting of a heritage asset taking into account the available evidence. In consideration of the impact of a proposal on a heritage asset conflict between the heritage assets conservation and any aspect of the proposal is sought to be avoided.
- 3.10 Great weight is required to be given to assets conservation. Proposals that do not preserve conservation areas and their setting are resisted. It is therefore essential to assess the impact that this proposal would have on these assets. In this instance the application site is adjacent to Cooks Farmhouse (a listed building).
- 3.12 Paragraphs 132 – 134 of the National Planning Policy Framework sets out that consideration has to be given to whether there is any harm to the significance of the heritage asset.
- 3.13 The Council's Conservation Officer has raised no concerns in respect of the application due to the screening separating the application site and Cooks Farmhouse. It is considered there would be no harm caused to the setting of the heritage asset. The impact is considered to be neutral.

Transport/Travel

- 3.14 The Dover District Hierarchy describes Westmarsh as a hamlet. Due to the limited level of facilities it is expected that the occupants of the proposed dwelling would have to primarily rely on car journeys for basic day to day needs which is something the National Planning Policy Framework seeks to avoid. Policy DM11 of the Dover District Council Core Strategy states " Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan Policies. In this instance there is no such justification and therefore the proposal fails to comply with the aims and objectives of this policy.

Flooding.

- 3.15 The application site is located within a flood zones 2 and 3. The Environment Agency have been consulted and have raised no objections subject to ground floor levels for all living accommodation to be set to a minimum of 2.51m ODM as indicated on the Flood Risk Assessment and all sleeping accommodation to be set at first floor level. These can be conditioned accordingly.

Conclusion

- 3.16 The proposed dwelling is outside the settlement confines and there is not sufficient justification for such a development which would be contrary to policies CP1, DM1 and DM15 of the Core Strategy and with the aims and objectives set out in the National Planning Policy Framework.

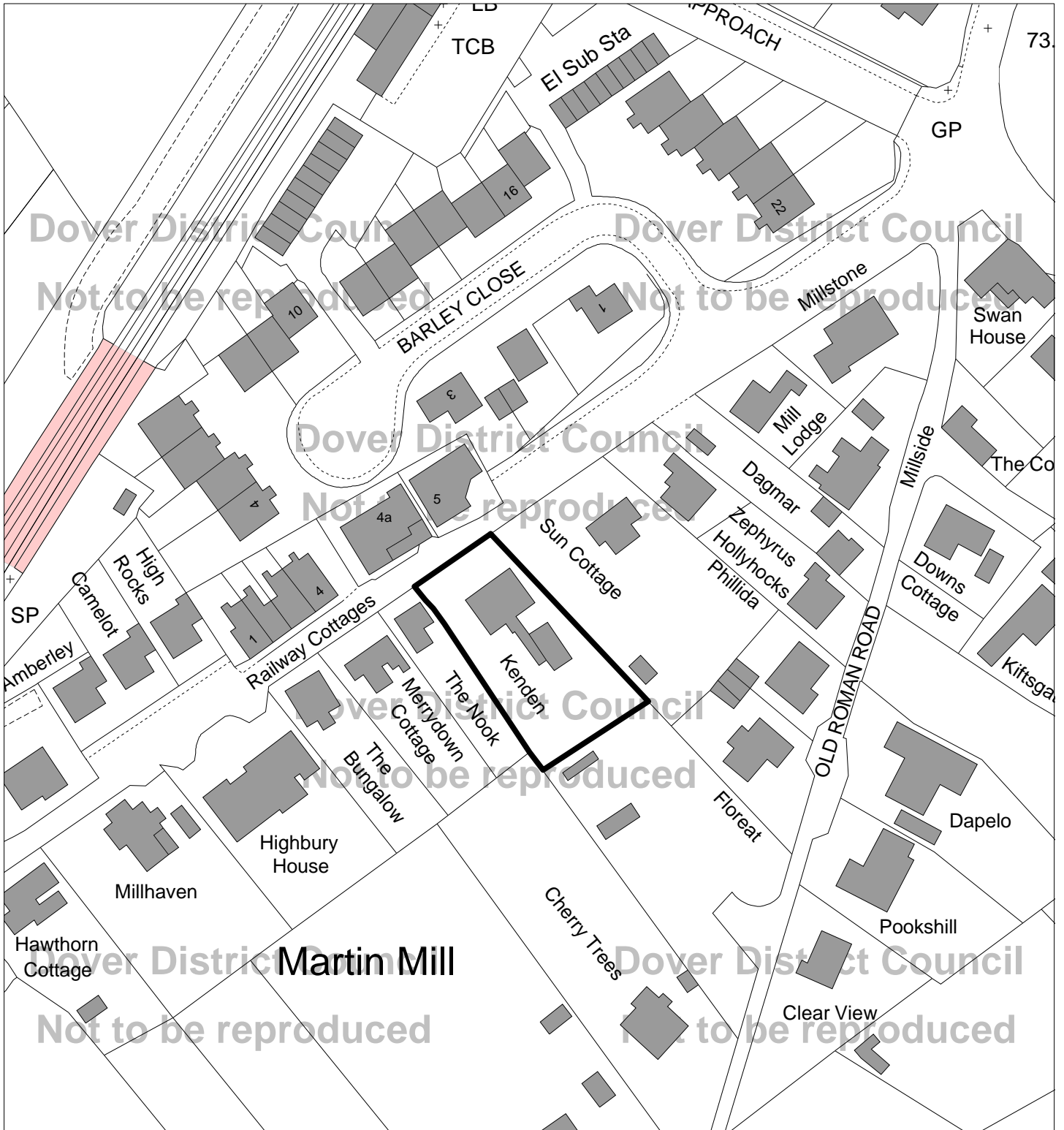
g) Recommendation

PERMISSION BE REFUSED for the following reason; The development would, if permitted, by virtue of its location, scale and accompanying engineering works along with the loss of the already removed hedgerow and creation of the necessary visibility splays, would result in an unjustified, sporadic form of development, which would be visually intrusive detrimental and harmful to the rural character and appearance of the rural street scene, contrary to the aims and objectives of the core strategy policies DM1, DM11 and DM15 and the sustainability aims and objectives of the NPPF in particular at paragraphs 7 and 14.

Case Officer

Karen Evans

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Application: DOV17/00409

**Kenden
Station Road
Martin Mill
CT15 5LA**

TR34164646



- a) **DOV/17/00409 – Erection of a front porch and single storey side extension with rear dormer to create self-contained annexe at Kenden, Station Road, Martin**

Reason for reporting to Committee: Number of views contrary to officer's recommendation.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – Martin Mill falls within the definition of a Hamlet as set out in the Settlement Type Hierarchy of the Core Strategy.
- Policy DM1 – Development is not permitted on land outside the urban boundaries and rural settlement confines unless specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- Policy DM9 – Accommodation for dependent relatives is permitted subject to the following criteria:
 - “i. The accommodation is designed and located so as to be able to function as ancillary accommodation to the principal dwelling and revert to single family accommodation once the use has ceased;
 - ii. The accommodation is of a size and design appropriate to the needs of the intended occupant; and
 - iii. The proposal is acceptable in terms of flood risk.”
- Policy DM15 – Seeks to protect the countryside for its own sake

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles set out in paragraph 17 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 56-58, 61 and 64 seek to promote good design and resist poor design.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development and advises that context should form part of the decision making around design.

d) **Relevant Planning History**

None

e) **Consultee and Third Party Responses**

Parish Council: Supports the application subject to the following criteria: The extension to be single storey only to retain the profile of the building, the annexe to be part of one dwelling and an opaque window to be inserted to maintain the privacy of the neighbouring property.

Public Representations: There have been 6 letters of objection received from the public consultation of the application. A summary of the responses is set out as follows:

- The proposal is considered an overdevelopment of the site, overbearing, out of scale, dominant and out of character
- The proposal would result in the loss of light to side windows of The Nook, overshadowing would occur to The Nook and there would be would harm the living conditions of the occupiers of The Nook.
- The existing changes to the building and the land cause harm to character and appearance and the proposal would make this worse
- The proposal is unsuitable to function as an annexe and is tantamount to a new dwelling

There have been 5 letters of support received as a result of the public consultation.

f)

1. **The Site and the Proposal**

- 1.1 The existing building is a single storey modest sized dwelling. It has a square form with a symmetrical frontage – having a centrally located front door with windows on either side. It has a pitched roof. It appears that some recent changes have taken place to the front and side garden of the property – with car parking along the side and to the front of the site. This area could probably accommodate 3-4 cars.
- 1.2 The building has two single storey rear extensions. One is deeper than the other. A deep single storey rear extension exists on the eastern side of the building (it had been a detached laundry building has been recently converted and linked to the main dwelling), whereas a shallower single storey rear extension is located adjacent to where the proposed extension is to be located.
- 1.3 There is a generous side space between the building and the western boundary, which is defined by a thick hedge along its length.
- 1.4 The adjacent building to the west (the Nook) is a Victorian two storey cottage, which appears to have been extended to the rear at two storey level. The Nook has two ground floor windows and one obscure glazed first floor window on its flank elevation facing toward the application property. To the rear there are patio doors and upper floor windows that have angled views towards the application site. From within the application garden, the ground floor windows in the rear elevation of The Nook are not visible due to the height and depth of the hedge along the boundary.
- 1.5 Within Station Road there is an eclectic mix of house types of various sizes and ages and there is no uniform pattern of development and no common separation between buildings.
- 1.6 The application drawings have been amended from their original submission. The rear dormer extension has been reduced in size so that it sits within the roof slope and the measurements on the amended drawings show the ‘45 degree angle’ taken from the centre line of the windows/doors in the rear elevation of The Nook.
- 1.7 The proposed side extension substantially fills the gap between the property and the western side boundary leaving an approx. 1.35m to 1.46m separation to it. The front/side section of the extension has a matching pitched roof design and continues the ridge line of the existing building across. Within the rear roof slope a dormer window is proposed – this faces down the garden.
- 1.8 The rear section of the side extension would have a matching flat roof

to match the existing design and depth of the recently constructed single storey rear extension. The extension projects as deep as the existing rear extension to the property and would square-off this section of the building.

- 1.9 The proposed extension would project deeper than the rear elevation of The Nook by some 4.4m. The drawings indicate the 45 degree angle of view, from the nearest ground floor windows in the rear elevation of The Nook to the rear of the proposed extension, would not be breached.
- 1.10 The proposed extension is intended to accommodate dependent relatives – the parents of the applicant. The accommodation comprises a bedroom and bathroom to the front of the extension with living area and kitchenette to the rear. Patio doors would open out to a short patio area in the rear garden that would be fenced along one side, but there would remain open (unenclosed) views along the depth of the garden. From within the living area a staircase is also proposed to a further bedroom within the roof space – facilitated by the proposed dormer window. There is a side access to a door leading into the living area, and also an internal door leading between the existing building and the proposed extension.
- 1.11 The accommodation is proposed primarily because of the mother's health. Two bedrooms are required as the parents have separate bedrooms in their existing accommodation and would like to maintain this arrangement. Details of the mother's health and her lack of mobility have been submitted with the application.
- 1.12 In addition to the side extension, a front porch is proposed. This would extend forward of the building by some 1.5m. It would have a gabled roof design and would be enclosed, with finishes to match the existing.

2. Main Issues

- 2.1 The main issues are:
- Whether the proposal is acceptable in principle
 - Whether the proposal harms the character and appearance of the area
 - Whether the proposal harms residential amenity

3. Assessment

The Principle of Development:

- 3.1 The application site does not fall within a village settlement and Policy DM1 applies to the proposed development. Policy DM1 allows development outside the villages confines if the development is ancillary to existing development. In this case, the proposal is for an extension to an existing dwelling, which is normally recognised as an ancillary form of development. The justification for the extension for dependent relatives is also considered to be ancillary to the use and function of the existing development.
- 3.2 Policy DM9 allows new accommodation for dependent relatives subject to certain criteria being met, as set out above. The proposal seeks to extend an existing dwelling and has been designed to match the design and appearance of the existing building. The extension is to the side of the existing dwelling so as to provide a separate means of access to the accommodation via a side door, but the extension also retains a means of access to the accommodation from the existing building. Apart from a fence along a short section of a patio area, the rear garden area is not being sub divided. This would allow and retain unimpeded access for the occupiers to the whole garden area and would allow inter-connectivity between the existing and the proposed accommodation. Two bedrooms are proposed for the reasons set out above. This is not an unusual or an unreasonable request. The accommodation is designed to match the depth of the existing dwelling and is proportionate in size and matching in design with the existing building.
- 3.3 The application site is not located close to an area at risk from flooding.
- 3.4 In conclusion, the proposed accommodation would satisfy the requirements of Policies DM1 and Policy DM9. In addition, planning conditions could be imposed to require the proposed accommodation to revert back to be used with the main dwelling once there is no longer justification for the dependent relatives to be accommodated.

Character and Appearance of the area:

- 3.5 The application property falls within the hamlet of Martin Mill within the wider countryside. This section of the hamlet comprises mostly a linear form of residential development fronting onto Station Road. There is a mix of house types and designs along this short stretch, but no design uniformity or uniformity in the separation between buildings.
- 3.6 The application property appears to have been recently renovated with the refurbishment of its laundry building to the rear and its connection to the main building, through the single storey rear extension (seemingly constructed under permitted development rights) and through the changes to the front garden area to create a larger parking area that is mostly covered by Type 1 road plantings.

The property appears as a modest sized bungalow, symmetrically designed with a centrally located front door with windows either side.

- 3.7 The proposal seeks to replicate the existing design and appearance of the bungalow by extending the building to the side using a matching pitched roof and ridge line, matching window designs and proportions and matching materials and finishes. The width of the extension would be less than the width of the existing building and overall it would appear as a subsidiary, subservient addition to the property. The symmetry of the building would not be retained, but this design element is not essential to the general physical attributes of the dwelling and how it relates to the street scene. The new porch is modest in size and does not project significantly from the front elevation. It is suitable in design and appearance as a front addition without affecting the visual amenities of the street scene.
- 3.8 The separation of the extension to the highway would be retained – the extension would come no closer than the existing building, whilst the gap to the western boundary would be reduced. This reduction in the space around the building would not adversely affect the spatial character of the street scene because there is already a variety in the separation between the buildings and therefore no uniformity in the spatial character of the area that is necessary to adhere to.
- 3.9 The proposed extension would match the existing design and appearance of the bungalow and it would not appear prominent or obtrusive in its context.
- 3.10 Policy DM15 seeks to protect the countryside for its own sake. The application property is surrounded by built development such that the proposal to extend across the side garden would not encroach into the wide, open countryside. It is considered that the countryside would be safeguarded as a result of this development.
- 3.11 In conclusion, it is considered that the character and appearance of the area would be safeguarded. The requirements for good design in the Kent design Guide and the NPPF are considered to be met.

Residential Amenity:

- 3.12 The main issue is to consider how the proposed extension might affect the occupiers of The Nook, the adjacent dwellinghouse. There are two ground floor windows in the flank elevation of The Nook that face across the flank boundary hedge and the application site. The hedge is visible from these windows. These side windows are not large and do not appear to serve the dwelling as principal windows because their outlook is limited by the distance to the boundary, the boundary hedge and their outlook would be further limited should a 2m high fence be erected along the boundary under the opportunities available through

'permitted development'. In other words, the occupiers of The Nook should not reasonably expect to rely on these windows to provide the principle outlook, light and ventilation to serve the ground floor of the property.

- 3.13 The nearest windows/doors in the rear elevation of The Nook (which appear to be within the extended part of the house) have an outlook down the garden and across at an angle to the application site. The submitted drawings indicate that the extension would not breach the 45 degree line from the centre of these doors/windows. This satisfies the Council's 'rule of thumb' in helping to assess the degree of impact from an extension on existing neighbouring windows. As such, the rear extension by reason of its angle from the centre line of the windows in the rear elevation of The Nook and in addition by reason of the separation between the proposed extension and its single storey height (assisted by the flat roof design) would not cause undue harm to the outlook from these windows.
- 3.14 The proposed extension has a pitched roof and consideration should be given to its proximity to the side boundary and how this would affect the 3 windows in the side elevation of The Nook (ground and first floors). The application site is orientated east of The Nook such that any loss of light or overshadowing might only occur during the early mornings. For the reasons set out above, these ground floor windows cannot rely on unimpeded sunlight and outlook as they are to the side of the house and their existing outlook and light are susceptible and vulnerable to changing circumstances. The first floor side window is a secondary window and is obscure glazed – it therefore has less importance in how it serves the dwelling and the proposal is going to least affect the room it serves.
- 3.15 As such, it is considered that whilst there may be some impact on the living conditions of the occupiers of The Nook, the impact is not unduly harmful to justify the application being refused.
- 3.16 The impact upon other neighbouring properties has been taken into account and no harm would arise as a result of the distance between properties.

Conclusion:

- 3.17 The proposal complies with Policies DM1, DM9 and DM15 of the Core Strategy.
- 3.18 It is considered that the proposed development is of good design and would preserve the character and appearance of the street scene.
- 3.19 Whilst there may be some impact upon the living conditions of the occupiers of the adjacent dwelling house, this impact is not considered

to be adverse.

g) **Recommendation**

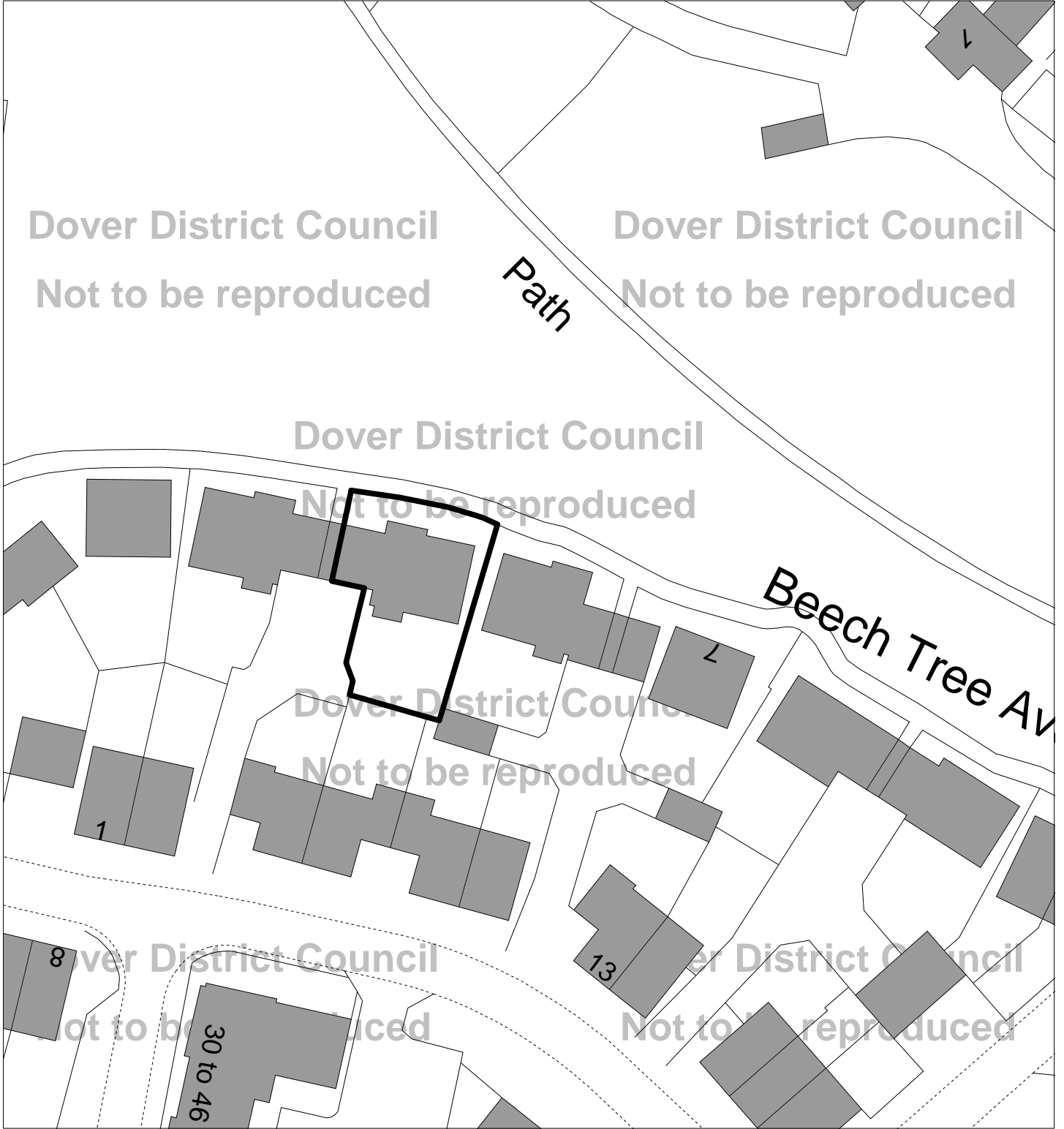
- I PERMISSION BE GRANTED subject to conditions to include:
 - i) Standard 3 year permission, ii) Approval of submitted and specified drawings, iii) Requirement of materials and finishes to match iv) Requirement for obscure glazing to the window in the west facing elevation of the extension v) Requirement for the accommodation to be ancillary and for it to revert to form part of the main house when the justification for the accommodation no longer applies

- II Powers be delegated to the Head of Regeneration and Development to settle any necessary wording or additional reasons for refusal in line with the recommendations and as resolved by the Planning Committee.

Case Officer:

Vic Hester

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Application: DOV/17/00424

5 Beech Tree Avenue

Sholden

CT14 0FB

TR35615270



- a) **DOV/17/00424 – Installation of timber garage door to existing car port and erection of verandah to rear elevation of dwelling – 5 Beech Tree Avenue, Sholden CT14 0FB**

Reason for Committee: It is considered appropriate that the application is considered by Planning Committee notwithstanding the availability of delegated powers, bearing in mind the previous decision made by Planning Committee

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- Policy DM1 states that development will not be permitted outside the settlement boundaries unless it is ancillary to existing development

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles set out in paragraph 17 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 56-58, 61 and 64 seek to promote good design and resist poor design.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development and advises that context should form part of the decision making around design.

Planning History

- d)

- DOV/10/01065 – Granted, for the development of the housing estate on which the application property is located. Condition 23 of that permission prevents the enclosure of the garage and therefore it prevents the installation of garage doors without the benefit of planning permission. The Reason for the condition was in the interests of visual amenity.
- Since 2014, planning permission has been granted across the estate to install timber garage doors at 12 Sholden Drive, 14 Sholden Drive, 12 Anglers Drive, 24 Elliot Way and 6 Beech Tree Avenue.
- DOV/16/1143 – Refused, for the installation of a garage door and erection of a verandah at the application property (5 Beech Tree Avenue) by reason that the proposed garage door would be detrimental and harmful to the visual amenity of the street scene contrary to the aims and objectives of the NPPF in particular at paragraph 17.

e) **Consultee and Third Party Responses**

Parish Council: We cannot see any differences between this and the refused application.

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

- 1.1 The new estate is a well-planned housing extension of Sholden, which forms part of the urban settlement of Deal. The design, appearance and layout of the estate provide an attractive form of development using local design and vernacular as the design context for the proposal. The cart barn/garage designs are an important part of the estate. These are either located adjacent to houses or in small courtyards. The open 'barn' design of these buildings reflects the local context and although they are ancillary buildings they make a positive contribution to the overall design and appearance of the estate.
- 1.2 The application property's garage is one of two garages looking onto a courtyard surrounded by close boarded fences that enclose the rear gardens of 4 surrounding properties. These garages are served by a driveway leading from Colmanton Grove and are linked together by a shared pitched roof. Between these garages is a short alleyway that provides a pedestrian route through to the front of the Beech Tree Avenue properties. As such, the courtyard is partly hidden from the main streets serving the houses on the estate, but the pedestrian access across the courtyard can be used by the occupiers of and visitors to those houses along Beech Tree Avenue and this part of the estate. As such, the application garage is visible to the public.

- 1.3 The application property is a link detached two storey house, with a frontage facing onto an area of open space, served by a pedestrian path that also serves the front of the houses in Beech Tree Avenue. To the side of the house is the open garage, the subject of this application, which faces onto its immediate courtyard. The surrounding houses are built cheek-by-jowl, so that the urban form is quite tight knit, with short rear gardens, but in the immediate area the gardens to the Beech Tree Avenue properties are wider due to the houses being on larger plots.
- 1.4 The rear of the application property is visible from the first floor windows of nearby houses, and above the boundary fence seen from the courtyard adjacent.
- 1.5 The proposal is in two parts and has been submitted to overcome the previous reason for refusal. The proposal is to install a set of timber composite doors on the open garage. The doors would be designed using vertical boarding and have an up and over mechanism.
- 1.6 The second part of the proposal is to erect an open sided canopy against the rear elevation of the house. The structure would be painted black metal with a glazed roof. It would project some 2.2m and cover half the width of the rear elevation of the house.

2. Main Issues

- 2.1 The main issues are:
 - the impact of the proposals on the character and appearance of the area
 - the impact upon residential amenity

3. Assessment

Character and Appearance

- 3.1 Although each proposal is determined on its own merits, it is important that new development on this estate retains continuity in design and layout to be able to retain the overall design ethos and context throughout and to ensure that each new proposal makes a positive contribution to the area. Each proposal should take the opportunity to improve the existing character and quality of the area.
- 3.2 The proposal would retain the design ethos of the estate through the use of timber, vertical doors. Other timber doors have been allowed elsewhere on the estate, some of these in more visible locations along Sholden Drive, Elliot Way and Anglers Drive. By contrast, a proposal to install metal doors on the garage of No.6 Beech Tree Avenue was dismissed on appeal last year. A set of timber doors had been granted

by the Council, but the applicant appealed to seek metal doors in place of the timber doors. The Inspector considered that the metal doors were unacceptable by reason that they would not relate well, but opined that timber doors would be consistent with the overall design approach of the estate.

- 3.3 The use of vertical composite timber doors would match both the building on which they would be installed and the overall character and appearance of the area. The proposal would therefore meet the requirements of good design and Paragraph 17 of the National Planning Policy Framework which seeks to secure high quality design and Paragraphs 57-58 and 64 of the National Planning Policy Framework which seek high quality inclusive design, design that responds to local character and reflects the identity of local surroundings and materials. It is accepted that there was a condition attached to the original consent for the development preventing the erection of enclosures (in this case, the garage doors would enclose the parking spaces) however it is not considered in this instance, and bearing in mind decisions elsewhere on the estate in this regard, that it would be reasonable to withhold planning permission based upon any adverse impact upon visual amenity.
- 3.4 The proposed verandah structure would be open sided and project some 2.2m. Although it would be visible from the surrounding houses it would have limited visibility from the public, open areas nearby. Especially as the boundary fence is some 2m high.
- 3.5 As such, the open sided structure, its limited visibility from public vantage points and its modest scale would not result in a prominent or obtrusive development. This would ensure that the appearance of the area is not unduly affected.

Residential Amenity

- 3.6 The nearest residential property (No.6) is some 3m from the location of the proposed structure. This structure would have a modest projection, and with its open sided design it would not be overbearing or dominant for the occupiers of nearby properties.

Conclusion

- 3.7 Good design is a key aspect of sustainable development and should contribute positively to making better places for people. It is considered that the design and appearance of the garage doors and the extension relate well to the host property and integrates with the existing context and character and appearance of the area.
- 3.8 It is not considered that the proposal would give rise to undue harm to the living conditions of the occupiers of surrounding properties nor would there be harm to the visual quality of the street scene. .

g)

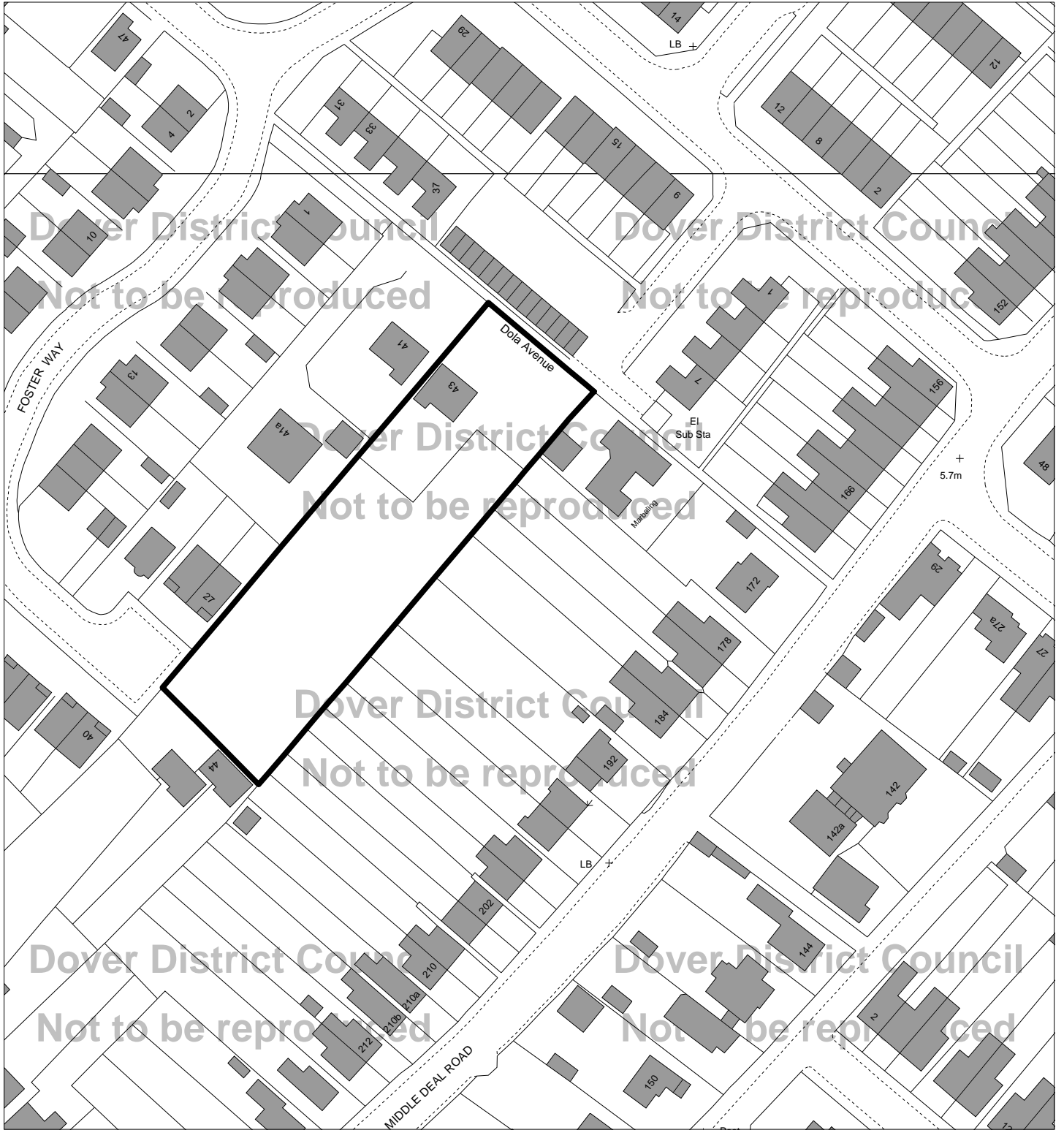
Recommendation

- I PERMISSION BE GRANTED subject to the following conditions:
- i) Commencement of Development ii) Compliance with Drawing 16.1010.DPS.PL03 B received 7 April 2017 iii) Implementation and retention of timber doors
 - ii) Powers be delegated to the Head of Regeneration and Development to settle any necessary wording of conditions in line with the recommendations and as resolved by the Planning Committee.

Case Officer:

Vic Hester

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Application: DOV/17/00514

Land at 43 Dola Avenue

Deal

CT14 9QH

TR36715242



- a) **DOV/17/00514 – Variation of condition 2 of planning permission DOV/15/00327 to allow changes to approved plans (application under section 73) – Land at 43 Dola Avenue, Deal**

Reason for report: Called to committee by Cllr. Bond to allow members to consider the impacts of the development on the character and appearance of the area and on the living conditions of neighbouring properties. It is also considered that, for consistency, the application should be determined by planning committee as the previous applications have been determined by planning committee.

- b) **Summary of Recommendation**

Planning permission be granted

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is identified for the rural area.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- 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.

Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework (NPPF)

- Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.
- Paragraph 11 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan. Development which accords with an up-to-date development

plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.

- Paragraph 17 of the NPPF sets out 12 Core Planning Principles which, amongst other things, seeks to: proactively drive and support sustainable development; secure high quality design and a good standard of amenity for all existing and future residents; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling; and focus significant development in locations which are or can be made sustainable.
- Paragraph 49 of the NPPF states that “housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- 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.
- Chapter six of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Chapter seven requires good design, which is a key aspect of sustainable development.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

DOV/15/00327 – Erection of 9 chalet bungalows, associated parking and vehicular access – Granted

DOV/16/00998 – Erection of two detached dwellings and creation of parking – refused (currently at appeal)

DOV/16/01038 – Variation of condition 2 of planning permission DOV/15/00327 to allow amendments to the approved plans (amendments to the rear dormer roof extensions on chalet bungalows and alterations to fenestrations) (section 73 application) – Refused (currently at appeal)

DOV/17/00194 – Variation of condition 2 of planning permission DOV/15/00327 to allow amendments to the approved plans (amendments to the rear dormer roof extensions on chalet bungalows and alterations to fenestrations) (section 73 application) - Refused

In addition to the above applications, the following applications, which relate to neighbouring sites, are of note in the assessment of the current application.

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

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

Land Rear of 41 Dola Avenue, Deal

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

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

e) **Consultee and Third Party Responses**

Environment Agency: No comments made

KCC Highways and Transport: No objection, subject to the conditions attached to application DOV/15/00327 being applied to this application.

Southern Water: No objection

Environmental Health: No objection

Third Parties/Neighbours:

Three letters of objection have been received, raising the following concerns:

- Loss of privacy
- The windows would be overbearing and would lead to a sense of enclosure
- The windows would not be in keeping with nearby properties

In addition, one petition has been submitted in support of the application. This petition includes ten signatories and is accompanied by letters of support which were submitted by the signatories in respect of a previous application for the site.

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

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

1.2 The site itself currently contains one detached bungalow facing towards Dola Avenue to the north east. The former garden to this dwelling was granted planning permission, under application number DOV/15/00327, for the erection of nine dwellings which are nearing completion. A Public Right of Way (ED21) runs along the north east boundary of the site.

1.3 This application seeks to vary condition 2 which was attached to planning permission DOV/15/00327, to amend the design of the approved chalet bungalows. The amendments to the design of each of these properties comprise the replacement of one pitched roof dormer window and one roof light to the rear roof slope with one wider flat roofed dormer window, together with the alteration to the side fenestrations of the building to reduce the size of a side window. As approved under the previous application, a total of fifteen car parking spaces would be provided, two for the existing dwelling, one for each of the proposed dwellings and four communal visitor spaces. These car

parking spaces would be served by one vehicular access to Dola Avenue and an access road through the site, with a turning head to the south of the site.

1.4 This application is identical to the scheme which was submitted under application number DOV/16/01038. That application was recommended for approval by officers but was subsequently refused at planning committee for two reasons, namely:

- 1) The proposed dormer windows to the rear (north west) roof slopes of the dwellings, by virtue of their size, location and proximity of neighbouring properties, would cause an unacceptable sense of enclosure to, and overbearing impact on, neighbouring properties (No.'s 25 and 27 Foster Way and No.41a Dola Avenue in particular), significantly harming the residential amenities of the occupiers of those properties, contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraphs 17, 56, 63 and 64.
- 2) The proposed dormer windows to the rear (north west) roof slopes of the dwellings, by virtue of their size, flat roofed design and prominent location, would cause significant harm to the character and appearance of the area, contrary to the aims and objectives of National Planning Policy Framework, in particular paragraphs 58, 59, 60, 61 and 64.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on neighbouring properties

Assessment

Principle

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

Character, Appearance and Heritage

2.3 The proposal is the same as the previously approved scheme save for the replacement rear dormer and alterations to the side fenestrations and is identical to the refused application DOV/16/01036. The layout of the development would continue to provide a linear form of development to create a small cul-de-sac, which would respond to the prevailing pattern of development within this part of Deal and provide a scale of building which responds to the building types within the area. It is therefore considered that the layout, pattern of development and scale of the proposed dwellings accords with the character of development in the area.

2.4 As identified by the report for the previous application, the design of properties in the area varies significantly. Distinct groups of buildings display a coherent

design; however, each group of buildings differs from the next. The proposal would create a holistic and self-contained development which would produce a character of its own, whilst responding to the proportions of the neighbouring properties, in particular those in Foster Way. The proposed dwellings would provide a regular rhythm to their fenestrations, whilst detailing such as a red brick plinth under yellow brick walls, together with vertical glazing would add interest to the buildings.

- 2.5 The proposed dormer to the rear roof slope would be flat roofed and span the majority of the width of the building. These dormers would replace the approved, smaller, dormers and roof lights. It is considered that the dormers would be more pronounced features compared with the modestly sized dormers which have been approved. However, it is noted that similar dormer windows (albeit slightly narrower and having full size windows as opposed to high level windows) are present on No.'s 25, 27 and 26-40 (even) Foster Way. It is considered that the only public views of these rear elevations, other than very limited glimpse views, would be of the two dwellings to the south west of the row which would be visible from Foster Way. In these views, the properties would be seen in conjunction with No.'s 25, 27 and 26-40 (even) Foster Way and, consequently, it remains the opinion of officers that they would not appear incongruous or out of character. This conclusion is contrary to that of the previous refusal for DOV/16/01036 which is a material consideration. Whilst weight is attached to this previous refusal, given that only dormers on two of the buildings would be highly visible and given that their scale and design is comparable with those on the existing properties in Foster Way it is not considered that the scheme would cause such harm so as to warrant refusal, albeit this is a balanced assessment.
- 2.6 The fenestration to the side elevation of each dwelling is also proposed to be amended from the approved scheme. The fenestration would remove the window located under the eaves of the building. Whilst the approved elongated window would have been an interesting feature on the buildings, the side elevations will be little seen from outside the site and, as such, this proposed change would not significantly impact on the appearance of the buildings or the character of the area. This change did not represent a reason for refusal of the previous application.
- 2.7 Having regard for the mixed character of the area and the strong design of the development as a whole, it is considered that the proposed amendments would not unacceptably detract from the design of the scheme or the character and appearance of the area. Regard has been had for the previous refusal.
- 2.8 The development would retain the previously approved front garden areas and landscape margins along the sides of the access road. The plans show that these areas include the provision of thirty-eight new trees which would significantly soften the site and provide maturity to the development. As was the case when determining the previous application, it is considered that it would be reasonable to secure the provision and maintenance of the proposed landscaping by condition.
- 2.9 The dwellings are now nearing completion and the materials used are evident. These materials are considered to be acceptable and, as such, the condition requiring samples of the materials to be submitted for approval is no longer required.

Impact on Residential Amenity

- 2.10 The site is bounded by residential properties on all sides, with properties particularly close to the north west, north east and south west boundaries of the site.
- 2.11 The amended dormers would be located to the rear roof slopes of the buildings, facing north west. To the north west of the site are No.27 Foster Way and No.'s 41 and 41a Dola Avenue. The proposed row of dwellings would back onto the side boundaries of these properties, which enclose their rear gardens. Whilst the buildings would not be set any closer to these neighbours, the proposed dormers would be larger than those previous approved and, as such, regard must be had for whether the changes to these dormers would cause any additional and unacceptable harm.
- 2.12 The first reason for refusal of application DOV/16/01038 cited the dormer windows to the rear (north west) roof slopes of the dwellings as causing an unacceptable sense of enclosure to, and overbearing impact on, neighbouring properties (No.'s 25 and 27 Foster Way and No.41a Dola Avenue in particular) by virtue of their size, location and proximity of neighbouring properties.
- 2.13 The approved scheme included first floor dormer windows and roof lights to the rear roof slope, facing towards No.27 Foster Way and 41 and 41a Dola Avenue. The approved windows had been designed with cill heights of 1.7m above the finished floor level of the rooms they serve and, as such, it was concluded that they would not cause any unacceptable overlooking. The proposed windows would also have a cill height of 1.7m above finished floor level and would serve bathrooms and en-suite/dressing rooms. The applicant has confirmed that these windows would have obscure glazing. As such, the glazing would be comparable with that previously approved and would not cause any unacceptable overlooking. Overlooking had not previously given rise to concern.
- 2.14 Regard must also be had for whether the proposed dormer would cause unacceptable loss of light or sense of enclosure, particularly given the context that the previous decision cited sense of enclosure and overbearing as a reason for refusal. Whilst the proposed dormers would be wider than the approved dormers, they would remain set back from the rear elevation of the building by around 1m, comparable with the approved dormers. The height (1.5m) and depth (1.8m) of the dormers would also be comparable with the approved dormers. As such, officers remain of the opinion that the increased width of the dormer would cause an unacceptable loss of light or sense of enclosure to properties to the north west although, again, this is a balanced assessment.
- 2.15 The second change proposed is the reduction in size of the windows to the side elevations of the properties, removing the highest window, which would have been located just under the eaves. The window would also be cut by the canopy over the door. The removal of these windows would cause no additional overlooking and would not, therefore, cause any loss of amenity.
- 2.16 For these reasons, it is not considered that the proposed amendments would cause any additional harm to the amenities of neighbouring properties.
- 2.17 In considering the previous application, it was established that the living conditions of future occupiers would be acceptable. The proposed changes

would not reduce the residential amenities of future occupiers and, as such, the living conditions for future occupiers are considered to be acceptable.

Impact on the Local Highway Network

- 2.18 The proposed access and parking arrangement remain unchanged from that which was granted under application number DOV/15/00327, with the site accessed via a single means of access from Dola Avenue.
- 2.19 The access would incorporate a ramped speed table adjacent to where it joins onto Dola Avenue and would have visibility splays of 2m by 3m. The previous permission included a condition requiring that signage be erected at the entrance to indicate that pedestrians have priority and to lower the speed limit to 10mph.
- 2.20 Details of these signs, together with details of the ramped speed table have been submitted and, following consultation with KCC Highways and Transport and KCC PRow, have been discharged. As such, it is considered that the proposed access and car parking, being consistent with the previous approval, is acceptable.
- 2.21 The previous permission also included a condition which required that a wall, 1.8m in height, be erected along the north western boundary of Unit 9, along the boundary with Foster Way. This condition required that the wall be erected prior to the development commencing. The reason for this condition was to ensure that construction traffic is prevented from entering or exiting the site from or to Foster Way. Whilst the wall was not erected prior to the commencement of the development, it has now been erected. It is considered that it would be reasonable to include a condition requiring the wall is retained in perpetuity.
- 2.22 The previous permission also included a condition which required details of cycle parking. These details have subsequently been approved and, as such, this condition can be amended to omit the requirement to submit details, but retain the need to provide the approved cycle parking, prior to occupation.

Surface Water Drainage

- 2.23 When the previous application (DOV/15/00327) was considered at Planning Committee, Members questioned whether the development could provide adequate surface water drainage. However, following the provision of additional information, the application was granted.
- 2.24 The proposal does not seek to amend the method of surface water drainage, which will continue to discharge surface water to ground via soakaways and through permeable hardstandings. The testing which took place under the previous application confirmed that such a method is feasible and, accordingly, a condition was added to the permission requiring full details of the sustainable drainage scheme, and full details of its subsequent maintenance. This application includes additional information relating to surface water drainage, which has calculated the surface water run-off from the site (based on a 1 in 100 year storm, plus 30% to account for climate change), the infiltration rates of the ground (which have been carried out to the relevant Building Research Establishment standards) and, consequently, the amount of surface water storage required to ensure that the rainfall in an extreme event can be slowly discharged to ground. The storage required

under this design event is 37.33cu.m. The proposal includes the provision of 39cu.m. of storage. The design of the permeable hardstandings also allow water to be stored and slowly discharged to ground, having regard for the relatively slow infiltration rates. The Lead Local Flood Authority have confirmed that this additional information is satisfactory and has advised that condition 7 can be discharged. It is therefore considered that condition 7 can be amended to require that the agreed drainage scheme is carried out.

Contributions

- 2.25 Core Strategy Policy DM5 requires that for schemes of 5 to 14 dwellings an onsite provision of affordable housing or an equivalent financial contribution (or a combination of both) will be required. The approved application was the subject of a legal agreement which secured a financial contribution of £89,977.50 towards the provision of off-site affordable housing, which is equivalent to 5% of the Gross Development Value of the scheme, in accordance with the Councils Affordable Housing SPD.
- 2.26 Policy DM27, which is included in the Land Allocations Local Plan (LALP), requires that planning applications for residential development will be expected to provide, or contribute towards the provision of, open space to meet the needs generated by the development. The legal agreement attached to the previous application also secured a financial contribution of £5,690 towards the provision of a dual use tennis and netball court at Victoria Park.
- 2.27 The legal agreement included a clause which stipulated that any subsequent approval under Section 73 or 73A of the Planning Act, such as the current application, would also be bound by the same requirements to provide financial contributions towards open space and affordable housing. It is considered that these contributions remain reasonable and ensure that the development would meet the requirements of Policies DM5 and DM27 respectively.

Trees

- 2.28 The site includes one tree to the southern corner of the site. This tree is a mature sycamore of around 13m in height, but is not covered by a Tree Protection Order. It is considered that, as the largest tree in the area, it provides a contribution to the visual amenity of the area. The granted application allowed for the felling of this tree, on the basis that the application proposed the provision of a total of thirty-eight trees. Whilst these trees would be significantly smaller than the Sycamore to be felled, it was concluded that overall they would provide an enhancement.
- 2.29 The current application also proposes to fell the Sycamore, whilst the proposed landscaping would remain unaltered. It is therefore considered that the loss of this tree is acceptable, subject to the condition requiring full details of all landscaping being reimposed.

Overall Conclusions

- 2.30 This application seeks to amend the previously approved scheme, enlarging the rear facing dormers and amending the window design to the side elevations of buildings. The application also includes details which address some of the conditions which were attached to the previous permission. This application is identical to application DOV/16/01034, which was refused by

planning committee. However, whilst this is a balanced assessment, it is considered that the development is acceptable in principle and in all material respects, subject to conditions. In particular, the proposed changes to the design of the development, comprising amended dormer design and fenestrations, would cause no significant harm to the character and appearance of the area or the amenities of neighbouring properties and would be acceptable in all other material respects. It is therefore recommended that planning permission be granted.

g)

Recommendation

I PERMISSION BE GRANTED subject to conditions to include:

(1) approved plans; (2) details of landscaping; (3) provision and retention of car parking; (4) provision and retention of cycle parking; (5) surface water drainage to be fully implemented; (6) visibility splays to be provided and retained; (7) raised table to be provided and retained; (8) provision and retention of visibility splays (9) the first floor windows in the north west roof slope of units 2 to 9 inclusive shall have a cill height of 1.7m above finished floor level and shall be fitted with obscure glazing; (10) removal of permitted development rights for additions or alterations to the roof (including the provision or alteration of dormers or roof lights); (11) the boundary wall which has been erected to the north west boundary of unit 9, adjacent to Foster Way, shall be retained.

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

Case Officer

Luke Blaskett