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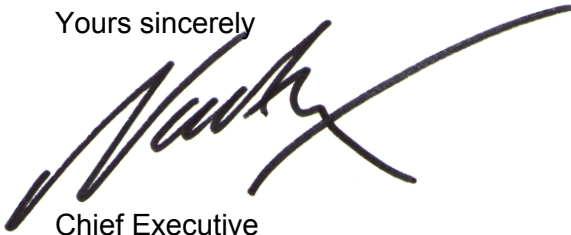
12 April 2017

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 20 April 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



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 5)

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 23 March (to follow).

5 **ITEMS DEFERRED** (Page 6)

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

ITEMS WHICH ARE SUBJECT TO PUBLIC SPEAKING
(Pages 7-10)

6 **APPLICATION NO DOV/17/00288 - LAND OPPOSITE WALMER CASTLE, KINGSDOWN ROAD, WALMER** (Pages 11-16)

Installation of a car park charging machine plus associated signage

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

7 **APPLICATION NO DOV/17/00028 - 5 LIVERPOOL ROAD (APRIL COTTAGE), WALMER** (Pages 17-26)

Erection of a single storey side extension with ancillary accommodation over

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

8 **APPLICATION NO DOV/16/01328 - LAND REAR OF ARCHERS COURT ROAD, WHITFIELD** (Pages 27-40)

Outline application for the erection of up to 28 dwellings (30% affordable) and creation of vehicular access (to include demolition of 14 Archers Court Road)

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

9 **APPLICATION NO DOV/16/00973 - CASTLE MOUNT LODGE, TASWELL STREET, DOVER** (Pages 41-47)

Variation of Condition 2 of Planning Permission DOV/05/000197 to allow use for residential care for a maximum of 8 people with learning difficulties

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

10 **APPLICATION NO DOV/16/01467 - SITE AT STATENBOROUGH FARM COTTAGE, FELDERLAND LANE, WORTH** (Pages 48-56)

Outline application for the erection of a detached dwelling

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

11 **APPLICATION NO DOV/17/00103 - LAND AT GREENACRES, ROMAN ROAD, SHATTERLING** (Pages 57-63)

Outline application for the erection of 2 no. detached dwellings (with all matters reserved)

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

12 **APPLICATION NO DOV/17/00194 - 43 DOLA AVENUE, DEAL** (Pages 64-73)

Variation of Condition 2 of Planning Permission DOV/15/00327 to allow amendments to approved plans (amendments to the rear dormer roof extensions on chalet bungalows and alterations to fenestrations) (Section 73 application)

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

ITEMS WHICH ARE NOT SUBJECT TO PUBLIC SPEAKING

13 **APPEALS AND INFORMAL HEARINGS** (Pages 74-77)

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

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

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

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith,

Democratic Support Officer, telephone: (01304) 872303 or email: kate.battysmith@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 – 20 APRIL 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/17/00103** **Outline application for the erection of two detached dwellings (with all matters reserved) – Land at Greenacres, Roman Road, Shatterling (Agenda Item 8 of 23 March 2017)**

This application is dealt with elsewhere on the agenda

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

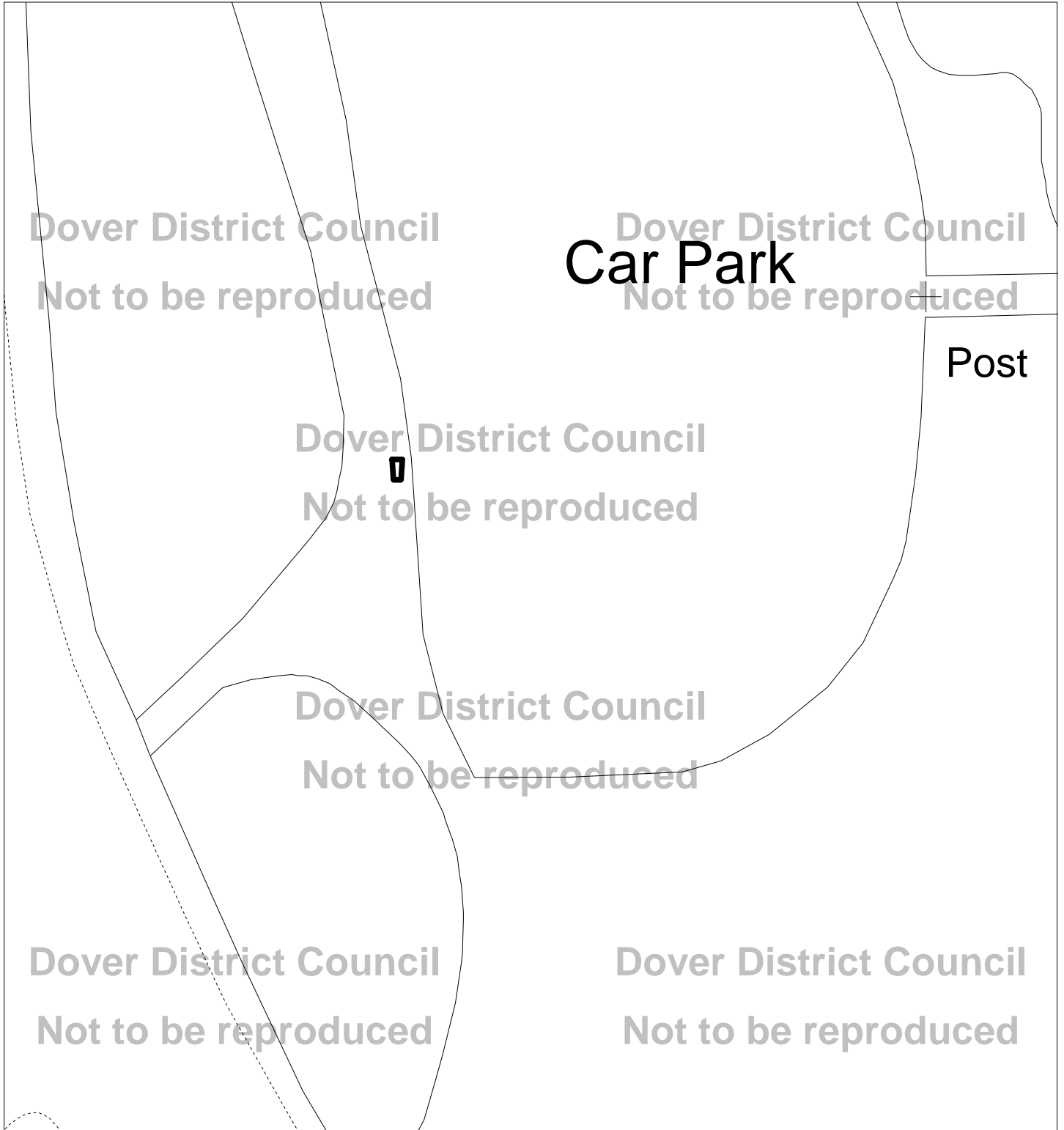
Article 14 - Prohibition of discrimination.

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

Application: DOV/17/00288

Car Park opposite Walmer Castle

Kingsdown Road

Walmer

CT14 7LH

TR37795021



a) **DOV/17/00288 – Installation of a car park charging machine plus associated signage – Land opposite Walmer Castle, Kingsdown Road, Walmer, Deal**

Reason for report: In light of previous decision of Committee to refuse planning permission

b) **Summary of Recommendation**

Planning Permission be GRANTED

c) **Planning Policies and Guidance**

Dover District Core Strategy (CS)

Policy DM1 seeks to encourage development to be carried out within the urban confines or ancillary to existing development or uses

Policy DM 16 – Development that would harm the character of the landscape etc

Policy DM19 – Historic Parks and Gardens

National Planning Policy Framework (NPPF)

Core Principal Para 17 – seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Para 56 onwards – refers to the value of achieving design quality, visually attractive developments as a result of good architecture

Paragraphs 126 onwards conserving and enhancing the Historic Environment

Paragraphs 109 onwards especially 115 – Protecting Natural Environments

d) **Relevant Planning History**

DOV/16/1176 – Installation of a car park charging machine plus associated signage - REFUSED

e) **Consultee and Third Party Responses**

Walmer Parish Council – Positively supports the proposal

KCC – Public Rights of Way - point out that Public Footpath ED63 is immediately adjacent to the proposed location of the car park charging machine and, whilst not raising objections, wish the Council to attach standard informatives to any planning permission granted

County Archaeologist – No views received

Ecologist - comments that the site has been in use for many years as a car parking area and has no other observations

Third Party representations

As at the time of drafting the report one objection has been received saying in summary:

- Object to the principle of charging for use of the car park
- Other parking is less usable by the disabled
- Result in parking on the road

Any further representations will be reported to Members at Planning Committee.

f) **The Site and Proposal**

1 The Site

1.1 The site comprises an area of hard surface used as a car parking area owned by English Heritage. It is in a poor state of repair with many pot-holes and rutted areas. It is oval in shape roughly 45 metres by 25 metres and is accessed by a short poorly maintain drive from the Kingsdown Road

1.2 The land lies within a designated local wildlife site and is opposite the Ancient Monument of Walmer Castle and its designated Historic Gardens,

1.3 There is a short hard surfaced footpath between the car parking area and the sea front walkway and beach beyond which has been labelled as a disabled access route. There are also several informal tracks between the car park and the walkway. Between the car parking area and Kingsdown Road there is a small copse of trees screening the car park from the road itself and providing substantial screening for Walmer Castle beyond. Public footpath ED 63 runs through this copse leading towards the Castle

1.4 The Proposal

1.5 This proposal is essentially an amended submission of application DOV/16/01176 that was refused by your Committee on 9th February 2017. The reason for refusal on that occasions was that: “The car park charging machine and associated signage would result in harm to the visual amenity and character of the area

1.6 This revised proposal seeks approval for the installation of a modern ticket vending machine with a footprint of roughly 40 centimetres by 30 centimetres and an overall height of 1.82 metres. The machine would be black in colour. There would be signage immediately adjacent to the machine to explain the charging regime which would be 40 centimetres wide and slightly less than the height of the machine itself.

1.7 This application proposes to locate the machine immediately adjacent to the public footpath that runs through the copse from the car parking and to Walmer Castle on the other side of the road. The logic of this location, set against a backdrop of the copse, is to overcome Members objections that the previously submitted location was rather exposed and harmful to the amenity and character of the area.

- 1.8 Groundwork associated with the development comprise the laying of a concrete base on which the machine would be fixed along with the associated signage
- 1.9 EH were previously asked the reason the machine was required and they responded: *“The car park is currently owned by ourselves but has been let to Dover District Council and is not managed so is used by members of the public who do not visit Walmer Castle. The intention is to terminate the Lease (with DDC) and take over the day-to-day management. While the car park will still be available for members of the public and Castle visitors alike, a parking charge would be levied on all users but visitors to the Castle will be reimbursed upon arrival at the Castle. In this way we hope to nudge the use of the car park more towards our own visitors for the benefit and promotion of the Castle.”*
- 1.10 EH have previously indicated, in response to questions, that they are not currently considering resurfacing the car park at this time.

2. Main Issues

- 2.1 The main planning issues in this application are:
- Design issues and impact on the street scene and the adjacent coastal walk
 - The effect on the setting of Heritage Assets including Walmer Castle and its Historic Garden
 - The effect on the Local Wildlife site
 - The effect on the surrounding Highway Network
 - Impact on Tourism to the District as a whole and Walmer in particular
- 2.2 The decision of English Heritage, as landowners, to charge a fee for the use of this car park is not material to the determination of this application.

3. Assessment

Design of the Proposal, impact on the street scene, coastal walk and character of the area

- 3.1 The machine and associated signage are of a standard design and form and in themselves are acceptable.
- 3.2 The location of the machine is now considered to be acceptable located as it is set against the backdrop of the Copse and not in the isolated located as previously applied for.
- 3.3 Overall the impact of the proposal on the street scene, costal walk and character of the area would be minimal and would not be considered unduly harmful.

The setting the Heritage Assets of Walmer Castle and its Park and Gardens

- 3.4 The car parking machine and signage would be some distance from the castle and its historic gardens and separated by extensive vegetation. It is not considered that the proposal would have an adverse impact on the setting of these heritage assets. Due to the distance involved and intervening tree and plant cover the impact would be neutral.

Effect on the Local Wildlife Site

- 3.5 The unit would have no significant impact on wildlife and the Council's Ecological Officer has not raised any object to the scheme

Highway Safety and the Convenience of Road Users –

- 3.6 It is undoubtedly true, as pointed out by many objectors, that charging a fee for this previously free parking area would be likely to encourage some drivers to park elsewhere. However there is a currently free large car parking area some 250 metres to the north, which gives equally good access to the foreshore walkway and cycleway.
- 3.7 The site is some distance away from residential streets and is unlikely to result in residential road users being inconvenienced

Effect of the proposal on Tourism to the District

- 3.8 If the public are prepared to pay for transport to the area including fuel cost, wear and tear on vehicles or the cost of public transport it is unlikely that an additional small charge for parking would have any serious impact on the number of visitors to the area. In the case of visitors to the castle itself, visitors will be reimbursed the cost of car parking.
- 3.9 In the case of visitors to the foreshore then again the currently free car parking area is available close by.

Public Sector Equality Duty

- 3.10 Section 149 of the Equality Act sets out the Public Sector Equality Duty. It is necessary to take into account the Public Sector Equality Duty and ensure there is no discrimination, harassment, victimisation or other conduct prohibited under the Act against those with protected characteristics, including age, disability or race. Whilst it is accepted that access from this car park to the foreshore is marginally better for disabled users than the free car park to the North the car park will remain available for disabled users albeit with a charge which, as has been previously stated is not a material consideration.

4. Conclusion

- 4.1 The issues and points raised by objectors have been taken into consideration.
- 4.2 For the reasons set out above it is concluded that the proposal is acceptable in planning terms and I therefore recommend approval

g) Recommendation

- I Planning permission **be GRANTED** subject to:

Conditions to include (1) Time; (2) Compliance with plans.

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

Case Officer
Tony Jarvis

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Application: DOV/17/00028

5 Liverpool Road

Walmer

TR37735100

CT14 7HW



a) **DOV/17/00028 – Erection of a single storey side extension with ancillary accommodation over - 5 Liverpool Road (April Cottage), Walmer**

Reason for Report: Referred to Committee due to the level of public interest

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policies and Guidance**

Dover District Core Strategy 2010

- DM1 supports development within the built confines
- DM9 outlines guidance for accommodation for dependant relatives

National Planning Policy Framework (NPPF)

- Paragraph 7 – the three roles of sustainable development
- Paragraph 56 – good design as a key aspect of sustainable development
- Paragraphs 132 – 134 – responsibilities of a LPA in determining applications which affect a heritage asset; a conservation area in this instance.

Planning (Listed Buildings and Conservation Areas) Act 1990

- S.72 – seeks to preserve or enhance conservation areas

Walmer Design Statement

WDS 2: Any future development in the parish should respect the origins, and reflect strongly the character, appearance and design details of the Character Area in which it is situated.

WDS 3: The scale, materials and boundary treatments used in development should be appropriate to their surroundings and the design details of the Character Area in which the development is proposed. Harmonious variety in design details within developments is encouraged to maintain the tradition of visually interesting streetscapes which is a characteristic of Walmer.

WDS 6: When development occurs every effort should be made to retain mature trees where they exist and to augment them with appropriate planting of indigenous species.

d) **Relevant Planning History**

14/00931 – Erection of a single storey side extension with balcony over – Withdrawn

06/00859 – Erection of rear dormer extension, single storey rear extension and erection of a shed – Permission granted and implemented

05/00407 – Erection of a two storey side extension and alterations to the existing dwelling (existing extension to be demolished) – Permission granted but not implemented

e) **Consultees and Third Party Responses**

- Walmer Parish Council

The Parish Council object to the development citing concerns regarding the proximity of the proposed garage to the highway and the potential access issues, raised design-related concerns and that the proposal does not respond to the local character, history and local identity and that the proposal would contravene Walmer Design Statement (WDS) policies 2, 3 and 6 (these are shown above in Part C).

- KCC Highways

The highways officer considered that the originally proposed double garage door would be too close to the junction and advised it be reduced to a single garage door to help mitigate potential highway safety concerns.

- Horticulture Officer

The tree officer was not concerned about the loss of the 3 young birch trees and considered them of little horticultural value.

- Heritage Team

The Principal Heritage Officer did not have any specific concerns about the proposal and did not consider that harm to the conservation area would result from this development.

- Public Representations:

14 letters of objection have been received; the comments are summarized as follows:

- The proposed garage is too close to the junction on a busy road and could lead to increased safety concerns and loss of on-street parking in the area
- The extension is too large for the host dwelling and the site
- The extension would be an unsightly addition to the area
- The property is located in a conservation area with listed buildings nearby
- The loss of trees would result in a loss of wildlife habitat
- There would be a loss of privacy and loss of light and outlook to nearby dwellings
- Impact the setting of listed buildings
- The proposed alterations to the boundary wall would result in the development looking 'like a prison' and the loss of the current 'graceful curve' of the wall would be a shame

10 letters of support have been received; the comments are summarized as follows:

- The proposed extension would make the property more attractive
- The addition of off-street parking would relieve some of the parking pressure
- The extension would be in keeping with the surroundings and in proportion with the host dwelling
- Proposal to the benefit of the appearance of April Cottage and the area

- There would be no negative impact on houses in Archery Square or The Beach
- This section of Liverpool Road serves as the back entrances to the houses on The Beach and is a series of garages and gates
- April Cottage, dating from the 1950s is a different style to the rest of Archery Square and the extension reflects the style of the host dwelling
- The design of April Cottage is unique in the local area
- Even with the extensions proposed, the dwelling would remain subordinate to the other properties of The Beach

f) 1. Site and the Proposal

- 1.1 The property is a semi-detached chalet bungalow located at the junction of Liverpool Road and Clarence Road in Walmer within the Walmer Seafront Conservation Area. It has a high garden boundary wall to all sides (although this boundary wall ends part way across the Liverpool Road frontage of the dwelling). The wider area is primarily residential in character with an eclectic architectural mix.
- 1.2 The proposal is for a side extension to the property which would form a new single garage, and other ancillary accommodation for a dependant relative. Some accommodation would be contained within the roof. The proposal has been amended during the course of the application. The original proposal was for a two car garage (with double width garage doors) but this was considered to increase highway safety concerns and, following the advice of the Highways Officer, this was reduced to a single car garage door (although the garage itself remains the width of a 2 car garage).
- 1.3 The extension integrates into the existing dwelling whilst providing ancillary accommodation with some degree of independence. It would be part and parcel of the whole dwelling and would not have a separate kitchen (kitchen facilities would be shared with the main dwelling). There would be a new access to the existing first floor roof terrace from the first floor of the proposed extension and ground floor access to the rear garden space. There would be flat-roofed dormer windows facing east, west and south (the south facing dormer providing the access to the existing roof terrace above the kitchen). Access to the new extension would be via the existing kitchen of the host dwelling. The roof design incorporates a pitch and finish that would reflect that of the existing building and the extension has been designed to site within the current angled corner of the site behind the boundary wall on the corner of Clarence Road and Liverpool Road.
- 1.4 The materials proposed are to match the existing finish materials of the host dwelling and include a slate roof, rendered external walls and crittal-type windows. Doors would be painted timber.
- 1.5 The overall size of the proposed extension would be 6.7m x 9.2m (ground floor level) approximately with a total ridge height of 5.5m and an eaves height of 3.4m. It would be set a minimum of 0.8m back from the Clarence Road boundary wall.
- 1.6 The windows to the garden (east) façade on the ground floor of the proposed extension would be modernist Crittal windows, including a corner-wrapped window which would be designed to match the rest of the largely glazed rear façade of the host dwelling.

- 1.7 The single garage door would be a timber slat roller door which would be left to naturally age to grey. The garage door opening would be located approximately 6m from the nearest point of the junction with Clarence Road. The boundary wall on the west (front) elevation would be raised by 0.6m to accommodate the garage door as well as mask a flat-roof detail of the roof design. The wall would be raised to the height of the eaves (in line with the highest part of the existing wall) which would extend across the garage and drop down in a curve to match that on the north boundary wall.
- 1.8 The plans indicate that 3no. silver birch trees would be removed adjacent to the Clarence Road boundary wall. All other trees on the application site are to be retained. The plans show a replacement tree to be planted at the north western corner of the site and in discussions with the agent, new tree/s would also be planted to the rear of the extension. The replacement tree species have not been specified at this stage.

2. Main Issues

- Principle of Development
- Impact on the visual amenity of the area
- Impact on the residential amenity of the area
- Impact on highways
- Impact on heritage assets

3. Assessment

Principle of Development

- 3.1 5 Liverpool Road (April Cottage) is located within the confines of Walmer and is therefore DM1 compliant.

Impact on the visual amenity and street scene of the area

- 3.2 The extension, particularly the roof form would be readily visible from the street. Whilst the extension has been designed, at its northern elevation, to follow the boundary of the site, it does none the less reflect the scale, form, character and appearance of the existing building. The boundary wall and proposed planting of a replacement tree at the junction of Clarence Road and Liverpool Road and trees to the rear of the proposed extension would help retain the 'greenness' of the site when viewed from the street.
- 3.3 The back view (from Clarence Road/The Beach junction) would increase slightly through the removal of three trees; three relatively young Silver Birch trees of no great horticultural value. These trees do make a contribution to the visual amenity and street scene of the area as they are visible above the boundary wall and add to the 'greening' of the local area. With suitable re-planting, however, the visual loss of the trees would be significantly mitigated. A landscaping plan would be a reasonable condition in this instance.

- 3.4 This part of Liverpool Road has a very tight street pattern and serves, in large part, as the rear entrance to the larger properties on The Beach. As such, the east side of Liverpool Road is typified by garage doors, back gates and rear entrance doors. Some are set behind a small courtyard, others are adjoining the highway. The design and position of the single timber slat roller garage door is considered acceptable.
- 3.5 A section of flat roof has been added to the extension which serves to set the main roof back from the boundaries and would help to somewhat mitigate the visual mass of the pitched roof. The set back of the pitched roof would reduce any overbearing impact the development could potentially have in the local street scape.
- 3.6 The existing boundary wall is a strong feature in the street scene. The reflex-curve at the junction sits higher than the straight side boundaries, with a curved element re-enforcing the change in levels on both the Liverpool and Clarence Road boundaries. This feature needs to be retained in as unchanged a form as possible. The Clarence Road boundary wall will remain unchanged. The Liverpool Road boundary wall will be raised to form the front wall of the garage and to mask the flat sections of the roof and the curved step-down in the wall will be re-instated to the south of the garage door. The bricks used will be, where possible, those removed from the wall to make the opening for the garage door.
- 3.7 The host property was granted permission for a flat-roofed rear (east facing) dormer in 2006 (see section 'd.' above) and this form of design, as part of the current proposal, is considered the most appropriate and least jarring of possible dormer design solutions. As such, the use of flat-roofed dormers in the proposed extension would be in keeping with the host property.
- 3.8 It should be noted that the first floor roof terrace above the kitchen was shown on the existing drawings forming part of the 2005 planning application and therefore is lawful. It does not form part of this application. However, the proposed access to this terrace, via an enlarged dormer in the extension, is considered to be an improved design solution over the existing external staircase arrangement. The roof of the proposed extension would significantly reduce the visual impact of this roof terrace in the street scene and would somewhat reduce the visual clutter associated with terraces in general (such as seating, tables and so forth).
- 3.9 The Parish Council have noted three statements from the Walmer Design Statement which should be addressed. The Walmer Design Statement does not form part of the Development Plan, nevertheless, it is a material consideration. WDS2 states that any future development in the parish should respect the origins, and reflect strongly the character, appearance and design details of the Character Area in which it is situated. The existing building (dating from the 1950s) already forms part of the character of the area even though it is of a differing style and period to much of Archery Square. It would be a more incongruous, and therefore a less successful design solution, if the extension to a 1950s modernist house was designed to reflect the listed buildings in Archery Square. This would not result in a successful development.
- 3.10 WDS3 states that the scale, materials and boundary treatments used in development should be appropriate to their surroundings and the design

details of the Character Area in which the development is proposed. Harmonious variety in design details within developments is encouraged to maintain the tradition of visually interesting streetscapes which is a characteristic of Walmer. There is nothing inappropriate about the use of slate for a roof or render for external walls in this area and the existing boundary wall would remain largely unaltered. As mentioned in 3.9 above, the existing dwelling is of a later date than the rest of Archery Square and adding an extension of a more historic design would not be appropriate to the setting of the existing building and would not result in a successful development.

- 3.11 WDS6 states that when development occurs every effort should be made to retain mature trees where they exist and to augment them with appropriate planting of indigenous species. The trees to be removed are relatively young and of limited horticultural value and there would be replacement planting of suitable trees which can be secured through condition.
- 3.12 It is considered that the design of the proposed extension, along with suitable planting, would neither harm the visual amenity of the area nor the street scene and is considered acceptable.

Impact on the residential amenity of the area

- 3.13 The roof of the proposed extension would be visible above the boundary wall but as the roof slope falls towards the boundary wall and the nearest dwellings, it would be unlikely to cause any sense of enclosure or have any overbearing impact.
- 3.14 Due to the location and siting of the extension and the distance from the nearest residential neighbour, there would not be any loss of light.
- 3.15 There is an external staircase on the north end of the existing dwelling providing access to the first floor roof terrace. This raised terrace currently provides panoramic views towards the neighbouring properties and as such, the proposed extension is considered to significantly improve this situation as the majority of views will be obscured by the roof of the proposed extension. Views to the east and west would remain but the views towards 31 The Beach would be largely blocked.
- 3.16 There are no window openings to the north facing roof slope. A condition restricting any openings in this roof slope would be recommended should Members determine to approve this application.
- 3.17 There are three dormers proposed on the extension; two dormer windows (one on the east facing roof slope and one on the west facing roof slope) and a larger dormer housing a door to internally access the roof terrace (there would be no external access to the roof terrace). The west facing dormer window would not result in overlooking or a loss of privacy or interlooking as it mainly overlooks Archery Square itself and is on an oblique angle to the nearest dwellings in Archery Square.
- 3.18 The east facing dormer window looks out over the garden and towards The Beach. There would be a view to the car parking area to the front of 31 The Beach but would not result in interlooking or loss of privacy to any areas reasonably expected to be private. Replacement trees planted to the rear of the proposed extension could mitigate any negative impact to the front of 31

The Beach or any perception of interlocking from windows within 31 The Beach.

- 3.19 The south facing dormer, which provides access to the roof terrace, would not lead to an increase in overlooking, interlocking or loss of privacy to Park House or 32 The Beach as it would be located between two roof slopes. Any oblique views afforded from the dormer would be significantly less than those already available from the roof terrace itself.
- 3.20 There would be no residential impacts resulting from the ground floor level windows proposed.

Impact on Highways

- 3.21 Verbal advice has been sought from the KCC Highways Officer who has advised that the single garage would be located far enough from the junction, so as not to cause harm to highway safety, provided a roller shutter door is incorporated. This can be secured by condition. The single garage door design solution results from the need to address highway safety concerns which were raised with the double-width garage doors which originally formed part of the proposal. It was considered that the double garage doors brought the access onto the highway from the garage in too close a proximity to the junction of Clarence Road and Liverpool Road which has limited visibility.

Impact on Heritage

- 3.23 The NPPF, in section 12, outlines the requirements when dealing with development within a conservation area. Specifically, it is looking at paragraph 72 of the Planning (Listed Building and Conservation Area) Act 1990 and how it is to be interpreted and applied.
- 3.24 Paragraph 132 of the NPPF states that, 'When considering the impact of a proposed development on the significance of a designated heritage asset [such as a conservation area or listed building], great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'. It also states that 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.
- 3.25 Under paragraphs 133 and 134 of the NPPF, there is a need to make a judgement as to whether the harm would amount to substantial or less than substantial harm. Advice on making this judgement is given in the National Planning Practice Guide (NPPG). There are two aspects of the proposal which will require consideration and are discussed below.
- 3.26 The existing boundary wall is a strong feature in this part of the conservation area and is of historic interest. In this instance it is considered that whilst there is a proposed alteration to the boundary wall, the overall proposal would not harm the character and appearance of the conservation area. The re-use of as much of the existing brick in the boundary wall removed to allow for the garage door could be conditioned. It is considered that the impact would be neutral.
- 3.27 The proposed extension itself, because it is in keeping with the host property in terms of design, massing, scale and materials, would not result in an overly dominant form of development within the conservation area. It is noted that

this property as a whole is of a unique design for this part of the conservation area however, the proposed enlargement is not considered to harm the conservation area. As such, the impact would be neutral.

Accommodation for dependant relative

- 3.28 DM9 sets out the requirements and restrictions on development intended to accommodate a dependant relative. It requires that the accommodation is designed and located so as to be able to function as ancillary accommodation to the principal dwelling and can revert to single family accommodation once the use ceases. It also requires that the size and design is appropriate to the needs of the intended occupant and that it is acceptable in terms of flood risk.
- 3.29 The extension would house, beyond the garage discussed above, a ground floor snug facing the rear garden and a first floor study, bedroom and bathroom (it would make use of the shared kitchen facilities of the principal dwelling. It is considered that the bedroom/bathroom would be the main accommodation for the dependant relative whilst the study and snug would be available to the entire dwelling as these spaces form part of the access to the roof terrace. However, even if these spaces were also included for the sole use of the dependant relative, the total space would be considered appropriate in terms of location, size and design and could easily be integrated into the principal dwelling when the use ceases. The extension would not be within a recognised flood risk zone and therefore it is considered acceptable in terms of flood risk.
- 3.30 It is considered that the extension would meet the requirements of DM9.

Conclusions

- 3.31 It is considered that the proposed extension would not harm the visual amenity or street scene of the area nor would it have a negative impact on the character and appearance of the conservation area.
- 3.32 It is considered that the proposed extension would not have a negative impact on the residential amenity of the adjacent dwellings but would actually improve the residential amenity of 31 The Beach.
- 3.33 It is considered that the proposed garage would not cause any highway safety concerns.
- 3.34 It is considered that the proposed accommodation for a dependant relative would comply with DM9 of the Core Strategy.
- 3.35 On balance, it is therefore concluded that planning permission should be granted.

g) Recommendation

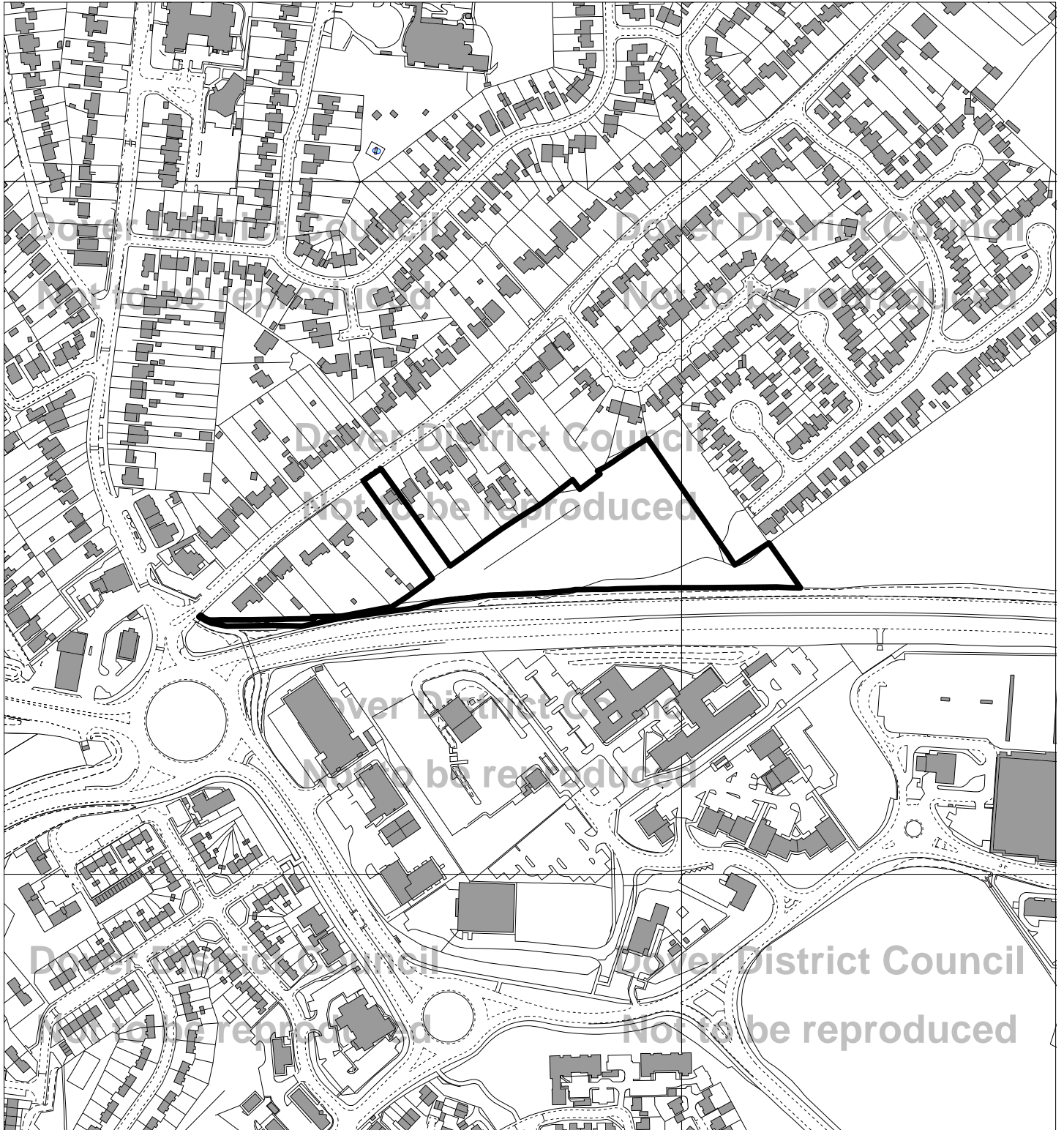
- I Planning Permission BE GRANTED subject to the following conditions:
1) 3 year commencement; 2) Built in accordance with the approved drawings;
3) finishes to match existing; 4) PD removed for new openings in north facing roof slope of permitted extension; 5) samples of bricks for boundary wall if not reclaimed fully from site; 6) PD removed for alterations/extensions to

permitted extension and other alterations at roof level of permitted extension;
7) landscaping scheme.

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

Case Officer

Andrew Wallace



Not to scale

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Application: DOV/16/01328

Land to rear of, Archers Court Road

Whitfield

CT16 3HP

TR30304474



- a) **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**

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

- b) **Summary of Recommendation**

Grant permission.

- c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, saved policy TR4 from the Dover District Local Plan 2002, and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

CP1 - Settlement hierarchy.

CP2- Provision of Jobs and Homes

CP4- Housing Quality, Mix Density and Design

CP6 - Infrastructure

DM1 - Settlement boundaries.

DM5 - Provision of affordable housing.

DM11 - Location of development and managing travel demand.

DM13 - Parking provision.

DM25 - Loss of Open Space.

Saved Dover District Local Plan (2002) policies

Policy TR4-A2 Safeguarding Area

Dover District Land Allocations Local Plan (2015)

DM27 - Providing open space.

"To meet any additional need generated by development, planning applications for residential development of five or more dwellings will be required to provide or contribute towards provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate the additional demand. This applies to accessible green space, outdoor sports facilities, children's equipped play space and community gardens in accordance with the standards that

are contained in Table 1.2. Applications will also be required to demonstrate a minimum of 15 years maintenance of facilities. The need arising for other types of open space (operational cemeteries, European site mitigation and landscape mitigation) will be assessed on a development specific basis.

If it is impractical to provide a new area of open space in the form of an on-site contribution or there are existing facilities within the access distances contained in Table 1.2 and the capacity of those facilities can be expanded to meet the additional demand, then the District Council will consider accepting a commuted payment for the purpose of funding quantitative or qualitative improvement to an existing publicly accessible open space. Commuted sums will cover the cost of providing and maintaining the improvements."

National Planning Policy Framework (NPPF) (2012)

Paragraph 7. Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 14. Presumption in favour of sustainable development for decision-taking.

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

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- pro actively drive and support sustainable economic development to deliver the homes... and thriving local places that the country needs;
- 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-Development should only be prevented or refused on transport grounds where the cumulative impact is severe.

Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development.

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

Paragraph 61. ... 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 109 The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible and preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability

Paragraph 118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Where significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted.

Opportunities to incorporate biodiversity in and around developments, should be encouraged and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats

Affordable Housing Supplementary Planning Document (SPD)

The purpose of the SPD is to alert developers and landowners as early as possible to the scale and need for affordable housing and to inform that planning obligations will be sought to secure affordable housing in connection with residential schemes of 15 or more dwellings.

Whitfield Masterplan SPD

The Whitefield Masterplan SPD sets out a framework for how the expansion of Whitfield should be undertaken, developing principles set out in the Core Strategy. This application site lies outside but adjacent to the proposed area of expansion.

d) Relevant Planning History

DOV/13/00360 - Outline of up to 28 dwellings, construction of vehicular access including demolition of 14 Archers Court Road (Refused 21/01/2014). Appeal dismissed on highway safety and capacity grounds. Applicant's Appeal to High Court was successful and the matter was referred back to the Planning Inspectorate for determination. On 12th January 2016 the Inspector appointed under Appeal ref APP/X2220/A/14/2217154 dismissed the appeal on the grounds that the application would fail to protect local biodiversity and as such would be contrary to paragraphs 17, 109 and 118 of the NPPF. The Inspector considered the effect of the proposal on highway infrastructure and held it would not have a harmful effect on it and as such accords with paragraph 32 of the NPPF.

e) Consultee and Third Party Responses

DDC Principal Infrastructure Officer – No objections.

DDC Trees - No objections as the removal of the large amounts of dead and diseased trees will be beneficial. The majority of the felling of remaining trees lie towards the inner aspect of the site and should not cause an issue as a number of them are of poor value. According to the Arboricultural Impact Assessment there are plans to repopulate the loss of the dead and diseased trees.

DDC Housing Enabling - No comment

KCC Highways - Bearing in mind the comments made by the appeal Inspector in January this year on the impact of the previous identical development on the highway network, adequate visibility is available at the access, and the internal layout and associated parking can be dealt with through reserved matters. Accordingly, conditions should be attached including a Construction Management Plan, routing of construction-related vehicles and timing of HGV movements. Other conditions are sought requiring the provision and permanent retention of vehicle and cycle parking and turning facilities.

Environmental Health - No objections. The applicant submitted a new noise report and Environmental Health would not object subject to a proposed 4.5m acoustic fence/screen (sect. 8.5.3) being put in place.

In respect of Air Quality as well as earlier air quality assessments, a recent air quality survey was undertaken. Nitrogen dioxide and particulates PM10 from road traffic are not at levels whereby National Air Quality Objectives are likely to be breached, both without and with this development. It is confirmed that air pollution does not need to be considered further within this application.

Regarding contamination, the area of woodland has no apparent history of contaminative use. A condition is recommended requiring cessation of works should contamination be suspected or found and related conditions regarding risk assessments etc.

Highways England - No objection. Satisfied that on the basis of the information supplied, that trips generated would be of a level and distribution that would not materially affect the safety and/or operation of the Strategic Road Network.

DCC Head of Inward Investment - No comments to make

DCC Ecology - No objections in respect of reptiles, dormice and bats. There are no constraints to development. However, the use of inappropriate lighting may, however, adversely affect bat foraging and recommendations regarding bats and lighting in the bat survey should be conditioned.

KCC Archaeology - No comment

DCC- Housing Enabling Officer- No comment but Affordable housing required in accordance with Core Strategy policy DM5, Which is an on-site contribution of 30% (up to eight dwellings). The applicant has agreed, and proposed that these would be social rented dwellings.

Kent CC PIC- Request contributions for Secondary education of £2359.80 per house and £589.95 per flat, (Dover Christ Church School expansion. - agreed by applicant. Primary Education- £3324 per house or £831.00 per flat, (Green Park Primary School expansion).-agreed by the applicant
Library - contribution towards book stock (Dover Library), at £48.02 per dwelling.
Total - £1344.44 - agreed by applicant

Environment Agency - No objection to the proposed development as submitted subject to conditions being imposed with regard to potentially contaminated land and requirement to not implement drainage systems for infiltration of surface water without express written consent of the LPA

Canterbury and Coastal CCG (NHS) - No comments

Southern Water – Initially no objection subject to a condition requiring that construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Subsequently advised that a review of capacity, which would ultimately involve connecting to Sandwich Road, via the Newlands Road waste water pumping station, needs to be updated. A verbal update will be provided at the committee meeting.

Affinity Water Plc - No comments

Kent Fire and Rescue -No comment made.

PROW Officer - The Public Right of Way advisor notes that Public Right of Way ER54 runs along the southern part of the site. The location of the public footpath on the block plan does not concur with the definitive map. Concerns are raised that the development will directly affect public footpath ER54 and would therefore an objection is raised to the proposal as it stands. The objection would be withdrawn if the applicant indicates an intention to divert the path under the Town and Country Planning Act 1990. To enable this, the development, insofar as it affects the Public Right of Way, must not be started until such time as the Order necessary for its diversion has been confirmed. A further condition is sought requiring no development over the PROW until the confirmation of its diversion or extinguishment. It's advised that it would be beneficial to re-connect public footpath ER54 to the underpass at the A2 roundabout which would greatly improve access to local amenities (it currently does).

Whitfield Parish Council - The Parish Council object as the land is not suitable for development and is allocated as open space and safeguarded under Policy TR4. The development will adversely affect existing residents and will have unacceptable effect on the natural environment. There is inadequate infrastructure to support the development. The site is well used as an important amenity area and is well used for recreational purposes.

The development has attracted strong local opposition. The access road will enable overlooking, security issues, noise and nuisance to existing properties and gardens either side of the access road, resulting in loss of amenity for existing residents. The size and scale of the proposed properties will be unacceptable and affect amenity of property in Archer's Court Road, Courtland Avenue and Newlands.

This application is on a Greenfield site. Its proximity to woodland protected by TPOs has not been assessed for likely future pressure to fell protected trees, nor does the application state if any protected trees will be removed for the access road or for the development. There is no clear information on any requirement to clear trees and saplings not protected by the TPOs in the construction area - Our estimate is that 50 or more unprotected trees will have to be removed.

This land is ecologically important for wildlife and should not be developed in an area that is already losing much of the Greenfield land surrounding the Village to development under the Whitfield SPD. Future Residents of this development will suffer excessive noise from A2, too much for residential development. It is unacceptable to have development in an area that will be affected by constant noise to this extent.

Public representations - 12 letters of objection

- Cumulative impact of development in Area
- Pressure on local highway infrastructure
- Adverse impact on Highway Safety
- Adverse impact on biodiversity
- Loss of Trees subject to a Tree Preservation Order (TPO)
- Loss of Open Space
- Loss of Wooded Area
- Generation of noise and light pollution
- Proximity to existing properties would give rise to loss of privacy and overlooking

- Adverse health impacts due to traffic increase
- Scheme no different to what was refused planning permission and dismissed on appeal

f). The Site and Proposal

- 1.1 The site is a triangular parcel of land which lies between the rear of the residential properties off Archer's Court Road and the A2. The site is heavily overgrown and is subject to a Tree preservation Order (TPO NO. 8 1981). It is currently accessible via a public footpath (PROW ER54) running along the southern part of the site connecting the underpass on Whitfield Roundabout with Archer's Court Road and continuing through the field towards the A258. The site is immediately outside of the Whitfield Urban Expansion development site but within the urban settlement area of Dover. The site sits just below the level of the A2.
- 1.2. It is understood that the site once formed part of a caravan site but is now residual land from the road improvement works to the A2. Part of the site remains under the A2 safeguarding designation (Saved Policy TR4) of the Dover District Local Plan.
- 1.3. The proposal is for outline planning permission for 28 dwellings, 30% of which would be affordable dwellings. All matters are reserved except for access. The proposal would involve the demolition of 14 Archer's Court Road to facilitate the creation of a new vehicular access into the site with a turning head to serve the development.
- 1.4. The indicative plan shows an L shaped footprint of development with an amenity space in the centre. A green space and landscape buffer zone is shown to be incorporated. East of the site is a residential development dating from 1980s and 1990s/early 2000s.

2. Main Issues

- 2.1. The previous application under DOV/13/00360 was refused on the grounds that the local highway infrastructure did not have capacity to absorb additional traffic movements generated by the development, taking into account also the increased traffic that would be generated by other development using the highway network and other new developments.
- 2.2. The applicant lodged an appeal against this decision but the appeal was dismissed by the Inspector. This decision was successfully challenged in the High Court by the appellant and the matter was referred back to the Planning Inspectorate for determination.
- 2.3 On 13th January 2016, this appeal was dismissed (Ref. APP/X2220/A/14/2217154). In paragraph 4 of his decision letter, the Inspector considered the main issues to consider were the effect of the proposed development on the local highway infrastructure and its effect of local biodiversity.
- 2.4 The Inspector did not find that the proposal together with the impact of other developments would result in a severe cumulative impact on the local highway infrastructure. He advised that the LPA was unable to provide cogent evidence that there was insufficient capacity in the local highway network to accommodate a "relatively small development" which was supported by the Transport Statement and Technical Note submitted. Therefore the sole reason for refusal put forward by the LPA was overturned by the Inspector.

- 2.5 However, the Inspector found that there was a lack of sufficient information submitted meaning he could not be certain that the proposal would not result in significant harm to biodiversity as envisaged by paragraph 118 of the NPPF and consequently would fail to achieve one of the core planning principles in paragraph 17 of the NPPF namely conserving and enhancing the natural environment.
- 2.6 In this regard he concluded that the proposed development would fail to protect local biodiversity contrary to paragraph 109 of the NPPF.
- 2.7 The Inspector found in favour with regard to the matter such as provision of affordable housing and noted the proposal would provide a positive social and economic role but its failure on the environmental prong of paragraph 17 outweighed the benefits of the proposal and the appeal was dismissed.

3. **Assessment**

Principle of Development

- 3.1 Members will be aware that all decisions need to be taken in accordance with the development plan unless material considerations indicate otherwise. The key change since the appeal decision letter for the previous scheme (Ref. DOV/13/0360) is that the Council can now demonstrate a five year housing supply. As a consequence relevant policies of the development plan can be considered up to date and given full weight.

Housing Land Supply

- 3.2. One of the NPPF's key objectives is to deliver a wide choice of high quality homes that widens opportunities for home ownership and creates sustainable, inclusive and mixed communities. This objective is reflected in Policy CP4 which aims to ensure that the housing meets the needs of the present and future generations.
- 3.3 The Strategic Housing market Assessment (SHMA) identified a split demand for market housing based on the profile of projected newly formed households in the district. This application like its predecessor contains no details of the housing mix. Reference to the SHMA and justification for any proposed housing mix will need to be given at Reserved Matters stage should planning permission be granted.
- 3.4 With residential development proposals of 15 dwellings or more the LPA will seek the scheme to provide 30% affordable housing in home types that will address prioritized need. This reflects the NPPF's objective to set policies to meet identified affordable housing need. The application seeks to provide 30% affordable housing and this would be controlled by way of a legal agreement.

Highway Implications

- 3.5 KCC Highways raised no objections to the scheme. The scale and mix of development associated with this application does not depart from that of the previous scheme and therefore the scope of the assessment remains unchanged.
- 3.6. The Transport Statement shows the impact of the proposal on the junction with Archer's Court Road and Sandwich Road would not require mitigation to support an additional 28 dwellings.

- 3.7 Conditions are recommended by KCC Highways including the provision and maintenance of the visibility splays with no obstructions over 1 metre above carriageway level within the splays and the submission of a construction management plan.
- 3.8 The Inspector did not agree with the local planning authority that the proposal would have a severe cumulative impact on the local highway network. This current application is for the same quantum of development and is supported by the same evidence considered by the Planning Inspector when reaching his conclusion in January 2016.
- 3.9 DDLP Policy TR4 shows the land along the A2 is safeguarded for the widening of the A2. However the Highways England has confirmed there are no plans to undertake any road widening so no objection has been raised.

Ecology and Biodiversity

- 3.10 The Inspector in his decision letter dismissing the appeal against the previous scheme cited insufficient evidence, given the likelihood of protected species being present on the site
- 3.11 In line with Planning Practice Guidelines (PPG) an ecological survey will be required in advance of a planning decision if the type and location of development is such that the impact on biodiversity may be significant and the existing information lacking or inadequate.
- 3.12 The inspector also took into account the views of both parties and Circular 06/2005: Biodiversity and geological conservation. Surveys should not be required by condition except in exceptional circumstances, No such exceptional circumstances were presented to the Inspector who in the end dismissed the appeal due to the lack of information submitted in support of the proposal.
- 3.13 Bat, Dormouse and Reptile Surveys have been submitted in support of this scheme and the Council's Ecological advisor has noted that the surveys were undertaken by a competent ecological consultancy and no ecological constraints to development were found. However there will be a requirement for ecological protection measures by way of conditions attached to any grant of planning permission.
- 3.14 As the Ecological Officer is satisfied as to the quality of the surveys and has suggested conditions to mitigate any potentially adverse impacts on biodiversity, officers consider that the scheme is acceptable in ecological terms subject to the said conditions.

Planning Obligations

- 3.15 The applicant has submitted draft Heads of Terms in relation to obligations necessary to make the development acceptable in planning terms. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:
 1. Necessary,
 2. Related to the development, and
 3. Reasonably related in scale and kind

- 3.16 Policy CP6 sets out that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place or there is a reliable mechanism to ensure that it will be provided at the time it is needed. These tests have been duly applied in the context of this planning application and give rise to the following specific requirements. The proposed obligations are based on consultee responses and are as follows;
- 3.17 Affordable housing - in accordance with Core Strategy policy DM5, an on-site contribution of 30% (up to eight dwellings) is required. The applicant has agreed, and proposed that these would be social rented dwellings.
- 3.18 Secondary education - £2359.80 per house and £589.95 per flat, towards Dover Christ Church School expansion - agreed by applicant.
- 3.19 Primary Education- £3324 per house and £831.00 per flat, towards Green Park Primary School expansion- agreed by the applicant
- 3.20 Library - contribution towards book stock at Dover library, at £48.02 per dwelling. Total - £1344.44 - agreed by applicant.
- 3.21 Thanet Coast and Sandwich Bay SPA – contribution of £17.44 per one bed unit; £35.47 for a two bed unit; £53.21 for a three bed unit and £70.94 for a four bed unit.
- 3.22 Public Open Space - Within the submission of a reserved matters application a community space scheme to include a LEAP, a future management scheme for the Community space and the completion of the LEAP before occupation of any dwellings on site.

Public Right of Way.

- 3.23 The KCC Public Right of Way (PROW) advisor notes that Public Right of Way ER54 runs along the southern part of the site. The location of the public footpath on the block plan does not concur with the definitive map.
- 3.24 Concerns have been raised by KCC that the development will directly affect public footpath ER54. KCC advise that the public footpath should connect ER54 to the underpass at the roundabout which would greatly improve access to local amenities (it is already connected).
- 3.25 The KCC state that they would withdraw their objection if planning conditions are imposed which prohibit the commencement of development until such time as the Order necessary for its diversion has been confirmed. A further condition requiring no development to take place over the PROW until the confirmation of its diversion or extinguishment is also sought. In response to this, it is important to point out that the granting of planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily. It is a criminal offence to obstruct a right of way unless the necessary legal order has been made, confirmed and brought into effect. Furthermore, planning conditions should not be used to duplicate matters regulated under other legislation and for this reason it would be inappropriate for conditions to be used to seek compliance with a separate legal process relating to diversion (should this be necessary) of the PROW.
- 3.26 The communications provided by KCC PROW can be sent to the applicant as an informative giving them an opportunity to address the PROW in any reserved matters

application in full cognisance of their legal responsibilities to secure other approvals where required. The above said, it would be appropriate for any outline permission to include a condition confirming that the reserved matters details show the retention of and confirm the siting of the PROW within the context of the development scheme.

3.27 The site is Protected Open space in the proposals map (Core Strategy). The site despite being rather overgrown does have value as an informal recreational area.

3.28 Policy DM25 does not permit development which would result in the loss of open space unless:

- i there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports sites, children's play space or informal open space or
- ii where there is such a deficiency the site is incapable of contributing to make it good or
- iii where there is such a deficiency the site is capable of contributing to making it good a replacement area with at least the same qualities and equivalent community benefits including ease of access can be made available or
- iv the case of a school site the development is for educational purposes or
- v in the case of small-scale development it is ancillary to the enjoyment of the open space and
- vi In all cases except point 2 the site has no overriding visual amenity interest environmental role, cultural importance or nature conservation role.

3.29 The application would result in the loss of an area of open space to facilitate the residential development and access proposed. It has not been demonstrated that there is no identified qualitative or quantitative deficiency in public open space in terms of outdoor sports, children's play space or informal open space as set out in criteria 1 of Policy DM25. However, criteria iii notes that where a site is capable of contributing to making good a replacement area with at least the same qualities and equivalent community benefits including ease of access then development will be acceptable. Officers note that an integral part of this proposal is the provision of a public open space including a LEAP and its future management. In addition, a well-managed area of open space where increased informal open surveillance can be achieved would be a community benefit to the existing position and would through the public footpath, provide safe pedestrian access to local amenities and services.

3.30 The proposed retention of green space and the retention of the public footpath would improve informal surveillance (subject to an agreed complimentary site layout, the green space would also incorporate a Local Area of Play (LEAP). A large number of trees would also be retained and managed as part of the development. It is important to point out that the Inspector, considering the latest appeal, acknowledged that the development could provide the potential to enhance the area of open space. Accordingly, on balance it is considered that the development would not conflict with objectives of Policy DM25.

Impact on Trees

3.31 A TPO covers the site and was made because "the trees provide a line of visual amenity to the locality of Whitfield and a natural screen to the housing in Archer's Court road and adjoining housing estates, which should otherwise be prominent in an open landscape which viewed from the south, in particular the A2 Jubilee Way (TPO)"

- 3.32 The TPO covers a number of different tree species and was made in 1981. A number of trees listed are no longer present and some of the remaining trees are dangerous or dead, the lack of maintenance of the woodland is the key factor in this dieback and decline. However the remaining trees do make a significant contribution to public visual amenity and should be retained.
- 3.33 The scheme proposes the retention of a buffer zone. The location of the proposed dwellings towards the north of the application site could facilitate the retention of a large number of trees within the site. The indicative site layout is identical to the previous proposal under DOV/13/0358 and the Tree Officer had no objections in principle as the removal of the large amounts of dead and diseased trees will be beneficial and the majority of the felling of remaining trees lie towards the inner aspect of the site and should not cause an issue as a number of them are of poor value.
- 3.34 The Tree Officer notes that the Arboricultural Impact Assessment plans to repopulate the loss of the dead and diseased trees and there is a need for woodland management in the designated areas due to their neglect over the past few years and approval should be subject to conditions requiring tree protection measures during the construction phases. The Tree Officer notes that details of tree retention, management etc. are reserved matters and the layout is at present indicative only.

Visual and Rural Amenity

- 3.35 Concerns have been raised in relation to the location and layout of the proposal. Whitfield Parish Council has raised concerns that the proposal would increase the density of Whitfield and would not retain its character.
- 3.36 Although the proposal represents a form of backhand development, its cul-de-sac typology is not completely out of character with the existing development pattern of the area and its density at circa 16 dwellings per hectare is commensurate with that of Whitfield Village of around 20 dwellings per hectare.
- 3.37 The retention and supplementation of a significant proportion of tree planting along the southern boundary would mean that views into the site from the A2 would be limited. Views from Archer's Court Road would also be restricted as the site is set behind existing properties.
- 3.38 The indicative plan is the same as for the previous application showing an L shaped layout which officer consider acceptable. All properties are shown to have private rear gardens and would look into a public open space. The indicative layout shows that a scheme for 28 properties should be achieved within site without having an adverse impact on the character and appearance of the surrounding area.

Impact on Future Occupiers

- 3.39 An acoustic report was submitted in support of this planning application which was also submitted in support of the previous scheme. This included a noise assessment on the current noise regime and mitigation to prevent traffic noise impacting on the proposal. The report concludes that noise levels can be made acceptable through glazing types, mechanical ventilation and acoustic fencing along the southern boundary.
- 3.40 The Council's Environmental Health team required the submission of an up to date Acoustic Report and has now advised that matters can be mitigated through the

requirement to submit an acoustic fence albeit with an increased height of 4.5 metres. Such details will be required as part of the reserved matters submission.

- 3.41 Environmental Health has no objections with regard to Air Quality.
- 3.42 With regard to Land Contamination Environmental Health require conditions including a watching brief as part of a standard contaminated land condition to be imposed should planning permission be granted.
- 3.43 With regard to residential amenity concerns, private gardens are to be part of each proposed dwelling. The distance from the existing houses is sufficient to overcome any adverse issue with regard to privacy and overlooking. Officers advise that such detailed matters with regard to mass, elevations, street scene and materials are all matters to be considered at reserved stage subject to planning permission being granted.

Foul Drainage

- 3.44 Southern Water initially had no objection subject to a condition to the effect that construction of development not commence until details of the proposed means of foul and surface water sewerage disposal be submitted and approved. They have since confirmed that further work is being carried out to determine the capacity of the connecting route (Sandwich Road via Newlands Road waste water pumping station). The results of this should be available in time for the Committee and will be reported verbally.
- 3.45 Without pre-judging the outcome, a potentially proportionate approach to foul drainage (given the relatively limited scale of this development) would be to impose a condition to the effect that prior to the submission of any reserved matters application, details of the means of foul sewerage disposal be agreed/approved. This should avoid a situation whereby a reserved matters application is submitted without an agreed solution being in place. In particular circumstances one solution could be to require on-site foul storage with release of flows into the wider network at times of non-peak use (i.e. when capacity would exist). This would need to be planned early in the design of the development and as such would be appropriately dealt with at the pre-reserved matters stage.

4. Conclusion

- 4.1. This application is for outline planning permission for up to 28 dwellings of which 30% will be affordable and the demolition of 14 Archers Court Road to facilitate a new vehicular access onto the site. All matters are reserved apart from access into the site.
- 4.2 A previous scheme was refused planning permission for highway reasons. Although this was upheld on appeal to the Planning Inspectorate, a legal challenge to the High Court was successful and the matter was referred back to the Planning Inspectorate to be reconsidered. The appeal was again dismissed but the sole reason for refusal related to the insufficient provision of information to demonstrate that the site would not give rise to significant harm to biodiversity. The scheme was therefore held to be contrary to paragraphs 17 and 109 and 118 of the NPPF.
- 4.3 The current scheme is a resubmission which does not propose any material changes to the application previously considered in 2016 other than providing additional supporting information to address the Inspectors objection, namely bat, reptile and

dormouse surveys. The evidence provided relating to ecology is considered satisfactory.

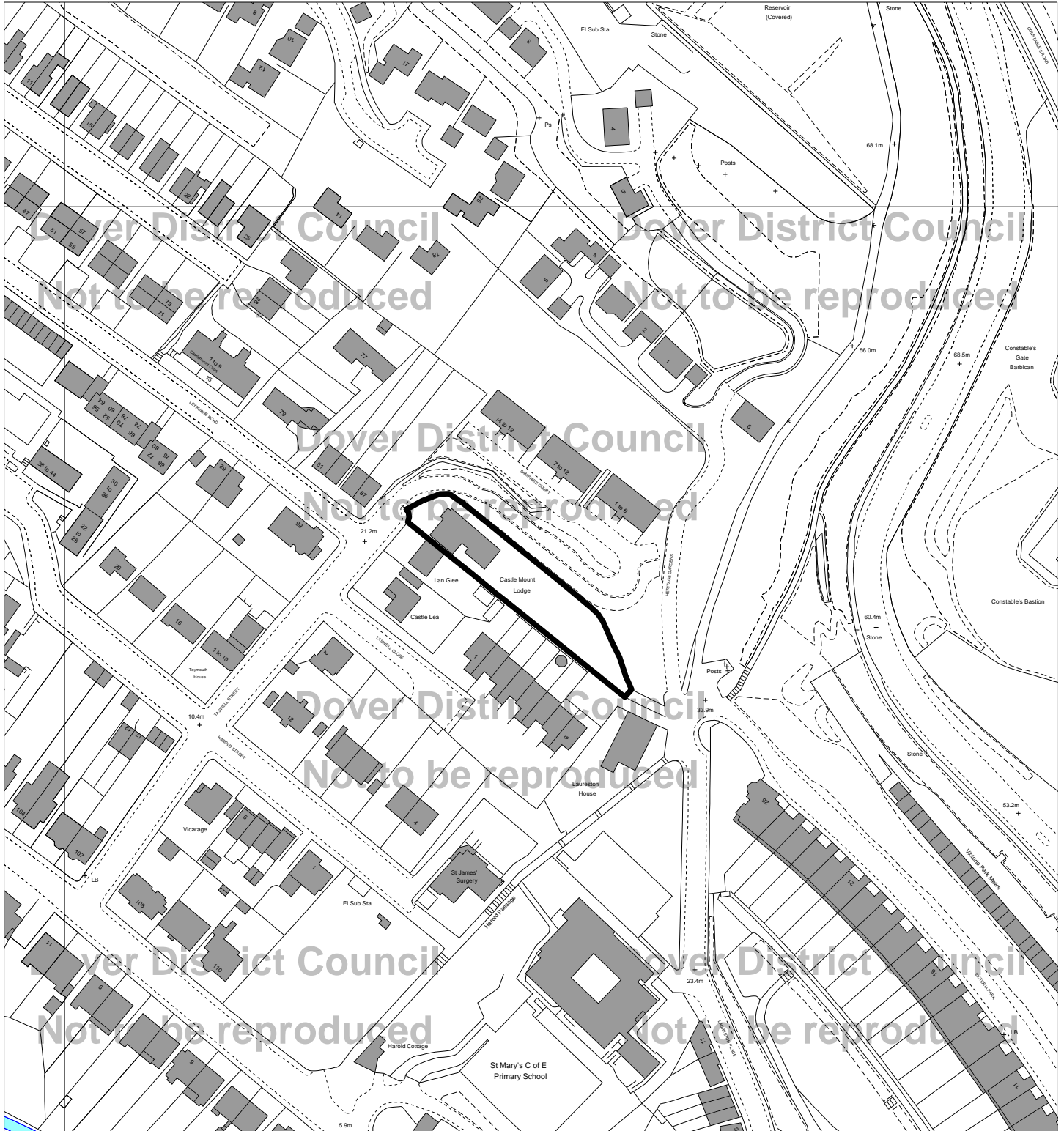
- 4.4 The Council can now demonstrate a five year housing supply and accordingly full weight can be given to all relevant Planning Policies within the Core Strategy relating to the supply of housing. Officers consider that the proposal is in accordance with Policies DM1, DM25 and CP6 of the Core Strategy 2010. It is also considered to accord with the objectives in the NPPF relating to achieving economic, social and environmental benefits: Some economic benefits will arise from the construction phase; modest social benefits from adding to the housing supply and providing affordable housing in particular; and environmental gains through the opportunity to enhance on-site open space and reduce noise through a new noise barrier. In conclusion, your officers are satisfied that the proposal constitutes a sustainable form of development and set against the recent appeal decision in particular, can be fully supported.
- 4.5 The views of the Parish Council and local residents have been taken into account in the consideration of the proposals.

g) Recommendation

- I. Subject to the further views of Southern Water and the submission and agreement of a section 106 agreement to secure necessary planning contributions/infrastructure, outline planning permission be GRANTED, subject to conditions to include: (1) Outline time limits (2) Submission of details of foul drainage for approval to LPA prior to submission of Reserved Matters (3) Reserved matters to include layout, elevations, floor plans, sections through the application site and adjoining land, floor levels and thresholds, samples of materials, bin storage, street scenes, details of surface water drainage (SuDS) and maintenance thereof, route of public right of way, details of the LEAP (local area of play) and acoustic barrier (4) Approved plans (5) Construction Management Plan (6) Highway conditions (7) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme (8) Full Landscaping Survey (9) Protection of Trees (10) Reporting of unexpected land contamination (11) Details of surface Water drainage and infiltration rates (12) Ecological mitigation and enhancements (13) Submission of acoustic report (14) Noise mitigation strategy (15) Full details of enhanced scheme for biodiversity (16) Submission of Archaeological Scheme
- II. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a section 106 agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.
- III Informatives: (1) KCC PROW (2) Environmental Agency (3) Affinity Water (4) County Highway Authority

Case Officer
Myles Joyce

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Application: DOV/16/00973

Castle Mount Lodge

Taswell Street

Dover

TR32154186



- a) **DOV/16/00973 – Variation of Condition 2 of planning permission DOV/05/000197 to allow use for a residential care for a maximum of 8 people with learning difficulties - Castle Mount Lodge, Taswell Street, Dover**

Reason for report: Number of contrary views to Officer's recommendation

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

National Planning Policy Framework (NPPF)

- The NPPF has 12 core principles which amongst other things seek to secure high quality design and a good standard of amenity for all existing and future residents.
- NPPF – is relevant as the proposal should seek to be of a high design quality and take the opportunity to improve the visual quality and character of the area. Paragraphs 17, 56-59 and 64 seek to promote good design and resist poor design.
- Section 8 of NPPF promotes healthy communities.

- d) **Relevant Planning History**

DOV/05/00197 – Granted, for removal of condition attached to planning permission DOV/88/1298 to allow the use of the site for children with learning difficulties. Condition 2 of that permission states:

“The premises shall be used for the particular use hereby permitted, namely as a residential children’s home for children with learning difficulties, and for no other purpose, whether or not within the same Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (As Amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order that the Local Planning Authority may have control over any subsequent changes of use, in the interests of the amenities of the locality.”

DOV/88/1298 – Granted, for the change of use from residential to nursing home (with Condition 1 of this permission requiring that the use be confined to a nursing home only).

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

The application has been advertised twice, as in March 2017 layout drawings and further information regarding the use were submitted. With regard to the current proposal and under the second round of consultation the following responses have been received:

Environmental Health Officer: No observations

Kent Police: No Comments

KCC Accommodation Solutions Officer: Removed their original objection following discussions with the applicant and a better understanding of the operation and how the service complies with the objectives of the Kent Accommodation Strategy. If the service is delivered in line with the aims of the Kent Accommodation Strategy the service could be required for a targeted market and relevant to the local area.

1 Letter retracting an original objection and setting out a neutral stance has been received. Two other neutral responses have been received.

To the originally submitted application, the following responses were received:

Dover Town Council: Supported KCC's original objection to the scheme

The Dover Society: Supports the proposal but with concerns that would need to be addressed such as – there should be engagement with the local community and mitigation measures in place, the building could be more suited to the elderly, highway safety concerns and impact upon residents parking and security.

KCC Strategic Commissioning: The application does not support the Kent Accommodation Strategy.

Environmental Protection Officer: No observations

Head of Community Safety: No observations

18 letters of objection have been received that raise the following concerns:

- The property should be used as a dwellinghouse
- The use of the property would give rise to a reduction in the security of the local area
- The proposal is an over intensive use of the building
- The proposal would give rise to overlooking, loss of privacy and loss of residential amenity
- There is a high demand for on street parking in the area and the proposal would increase the pressure for parking in the immediate area and give rise to harm to highway safety.

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

Site

1.1 The application site comprises an extended late Victorian and early Edwardian 2/3 storey detached building. The building has a front garden, but has an extensive rear garden. The building has been extended to the rear at ground and first floor level. Behind the

extensions is a large tarmacked parking and delivery area that is served by an access from Laureston Place. Staff parking is available and refuse containers are located on this tarmacked area.

- 1.2 The building had been used as a children's care home, but at the time of the Officer's site visit, this use had ceased. The building was ready for the proposed use with 8 rooms each equipped with a bed, tv, wash basin, soft chair and desk. Staff were working within the front office, the kitchen was fully equipped and communal rooms were furnished. The proposed use had not commenced.

- 1.3 The site falls within a residential area close to the town centre. The topography of the road rises from the south to north, such that the building is quite prominent within the street scene, rising above the height of surrounding properties. However, further east is a flatted development in three blocks (Samphire Court) which is on higher ground.

On street parking is available along Taswell Street, but at the time of the Officer's first and third site visit to the property there was limited on street parking space available.

- 1.4 To the east of the access beyond the site the area forms part of the conservation area, containing a number of more historic buildings and narrow street widths and more informal building and spatial layouts. Vehicle access to the site is gained from Laureston Place. This road also serves a Primary School and other residential properties. Parking along the road is restricted.

Proposal

- 1.6 The proposal is to use the property to provide residential accommodation for adults with learning difficulties who are supported by staff and each other to become self-sufficient so that they can transition and live in local communities following a period within the home. The home is seen as a transitional accommodation to assist clients towards living in local communities independently.

The applicant company has been working in this sector for some 20 years.

- 1.7 Referrals are assessed by Kent Social Services and referred to the applicant. The applicant undertakes their own assessment to see whether the individual is suitable to the living environment and community within the building that has been created.

- 1.8 Each client is risk assessed by the applicant company and those that are considered not to be at risk are allowed out of the property during the day but under supervision and monitoring. The idea behind this is to enable the client to be independent and to be able to 'fit' with and get accustomed to the local community.

The applicant company wish to fully engage with the local community and intend to respond to comments and any complaints. Staff intend to have an open evening to invite neighbours into the building to see

the accommodation and experience the living environment proposed for the clients.

- 1.10 Staff and deliveries will be directed to the rear of the site with comings and goings from the access from Laureston Place.

2 Main Issues

2.1 The main issues are:

- The impact upon the existing character and appearance of the area
- The harm to residential amenity

Introduction

2.2 It is important to set out and clarify the planning history of the site and how it might have any implications for the determination of this current application.

2.3 In 1988, permission was granted to change the use of the building from a dwellinghouse to a nursing home, with a condition imposed limiting the use of the building to a nursing home only. In 2005, permission was granted to remove this condition. However, in removing the condition, the Council imposed a further condition restricting the use of the building to a home for children with learning difficulties only.

2.4 The current application seeks to vary the Condition imposed in 2005, to allow adults with learning difficulties to occupy the building.

2.5 It is important to point out therefore that the use of the building has been a residential institutional since permission was granted in 1988. Furthermore, due to the use class categories set out in the Use Classes Order 1987, as amended in 2015, planning permission is not usually required to change from one type of residential or nursing care facility to the other. Use Class C2 – Residential Institutions, brings together the following types of residential institutional use into the same use class: residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

2.6 Permission is only required in this instance because of the condition which (in effect) removed the permitted right to change one type of care home the another - as the clientele is proposed to be changed from children to adults.

Character and Appearance

2.7 The existing building is an extended 2/3 storey late Victorian, early Edwardian detached property that has been extended to the rear. It is located within a generous plot, with a front garden facing onto Taswell Street, but with a long rear garden and parking area served by a vehicular access from Laureston Place.

2.8 The building was originally a large dwellinghouse, but has been in

residential institutional use for over 25 years. A residential institutional use has been deemed acceptable to the Council by reason of the previous decisions that have been made in allowing the previous changes of use. A residential institutional use, by definition, is usually a type of use that is suitable within a residential area.

- 2.9 It is considered that with 8 well equipped bedrooms for clients, some communal rooms and some rooms for staff, the proposed use will not be over-intensive and the building would not be unreasonably subdivided so as to cram clients into the building, to maximise accommodation. In fact, one less bedroom is proposed with this application than had been available to the children's care home – with this spare room proposed as a library/snug on the submitted drawings. This room has a fire escape door to the roof of the extension.
- 2.10 The number of clients would be limited to 8 adults, visitors will be accepted within reasonable hours by appointment. A visitors' book is required to be signed and there is supervision during the day and night. The permitted use is limited to 9 children and it is likely that those children would have required more supervision than the proposed adults, who are being encouraged to be independent and self-supporting.
- 2.11 It is concluded therefore that the nature of the proposed use; the comings and goings of staff and visitors and general activity around the building is not likely to have a noticeable impact upon the existing character and appearance of the area.

Residential Amenity

- 2.12 Residential properties surround the application site. The proposed use is suitable to a residential environment. The proposed clients or service users are assessed as to their suitability to the property and the nature of the operation and living environment that is being created.
- 2.13 It is important that the use is operated and managed well. The feedback from KCC and the length of time the applicant company has operated such a use indicates that it should be. A planning condition could be imposed to approve the details of how the facility would be managed and how monitoring and mitigation measures could be in place to assist how the use could be integrated with the local community. A condition could also be imposed to direct staff and visitor parking to the rear of the property, so as to reduce the pressure for on street parking in Taswell Street and the surrounding roads. There is ample parking available to the rear of the property.
- 2.14 In view of the reduction in bedroom numbers and the change from children (up to 18 years old) being accommodated to adults being accommodated it is unlikely any impact upon residential amenity would be material or unduly harmful.

Other Matters

- 2.15 The application site is located close to the conservation area. Section 72 of the Town and Country Planning (Listed Buildings and

Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the setting of conservation areas. In this case, the access is already in situ and staff car parking and deliveries take place to the rear of the property – which require vehicles and visitors to come through the conservation area. The proposal seeks to change the occupiers of the building from children to adults. It is unlikely to result in a change as to how the site will be serviced and accessed from the rear and how the conservation area might be affected. As such, having given considerable importance and weight to the conservation area status the proposal is likely to have a neutral impact upon the setting of the conservation area and therefore preserve its character and appearance.

Conclusion

- 2.16 The proposed change in the nature of the use of the building from accommodating children to accommodating adults with learning difficulties is unlikely to give rise to any additional impact upon the character and appearance of the area and the residential amenity.
- 2.17 Subject to safeguarding conditions, the use would be compatible in this area.
- 2.18 In conclusion, on balance, the proposal is supported as a sustainable form of development in this location.

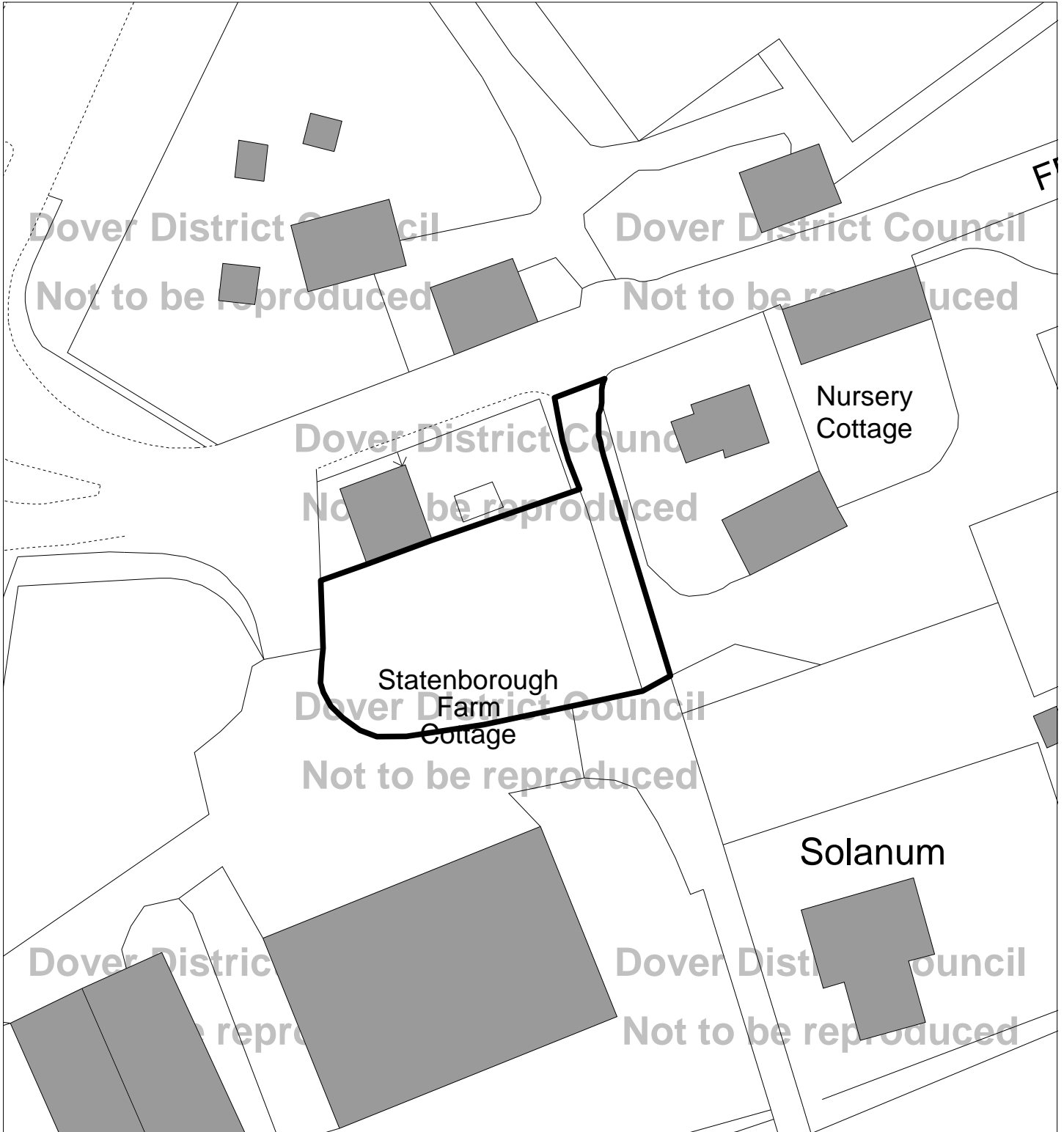
g)

Recommendation

- I PLANNING PERMISSION BE GRANTED, subject to conditions set out in summary to include: i) commencement within 3 years, ii) carried out in accordance with the approved drawings, iii) visiting hours to be restricted to 8.00am to 8pm iv) All staff parking and deliveries to take place to the rear of the property v) No more than 8 clients to be accommodated within the building vi) A Management Plan to be submitted to the LPA for approval setting out measures to mitigate harm and address complaints from local residents; including holding regular meetings with local residents and monitoring how the use adapts to the local environment; and directing staff and visitors to the premises to park within the car parking area to the rear of the property.
- II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer
Vic Hester

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Application: DOV/16/01467

Site at Statenborough Farm Cottage

Felderland Lane

Worth

CT14 0BX

TR31755374



a) **DOV/16/01467 – Outline application for the erection of a detached dwelling - Site at Statenborough Farm Cottage, Felderland Lane, Worth**

Reason for report: To consider the implications of giving full weight to Development Plan policies relating to the supply of housing following the recent achievement of a 5-year housing land supply.

b) **Summary of Recommendation**

Planning permission be refused.

c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 - Prevents development on land outside urban boundaries and rural settlement confines unless if functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 - Seeks to manage travel demand and to prevent the increase of travel outside the settlement confines.
- DM15 - Seeks to protect the countryside for its own sake

National Planning Policy Framework (NPPF)

NPPF - Design

Paras 56-59, 61 and 64 seek to improve the visual quality and character of areas through new development.

Paragraph 17 sets out the Core Principles of NPPF to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

NPPF - Housing

Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.

Paragraph 47 requires LPAs to boost significantly the supply of housing to ensure that the local Plan meets the full, objectively assessed needs for market housing.

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 5-year supply of housing.

Paragraph 55 of the NPPF states that 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 isolated homes in the countryside unless there are special circumstances such as: the design is of exceptional quality or innovative design.

Kent Design seeks to promote understanding context with good design.

d) **Relevant Planning History**

DOV/16/1153 – Granted, for a detached house within the grounds of Solanum which is served by the same access and is almost opposite the application site. That proposal, granted in October 2016, was granted outline permission with layout and means of access to the site given detailed approval. The proposal was for a 3-bedroom chalet and garage.

e) **Consultee and Third Party Responses**

Parish Council: No objections

Environmental Health Officer: To safeguard from the risks of contamination, a planning condition is suggested. Control of the hours of construction is also sought through the imposition of a condition to limit construction to between 0800 and 1800 hours during the week, and between 0800 and 1300 hours on Saturdays.

1 letter from a nearby occupier, and on which Notice was served as he is an owner of some of the land within the application site, has been submitted that raises no objections to the application and has a neutral stance.

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

Site

1.1 The application site is a rectangular plot of land related to and located to the rear of Statenborough Farm Cottage. A garage exists on the land, with a driveway in front, and is accessed from a private road leading from Felderland Lane. The remaining area of the site is laid to lawn and surrounded by a well-established, mature hedge.

1.2 Statenborough Farm Cottage adjoins the site and is an attractive Victorian, 2 storey cottage with a single storey rear extension to its rear boundary. Its main entrance/front elevation faces onto Felderland Lane and it has a side garden extending as far as the private road that serves the garage to the rear.

1.3 Surrounding development consists of some houses and a number of agricultural and farm buildings. To the south and west are two large agricultural buildings with a large hard surfaced parking and turning area in front. Recently, one of these buildings has been converted into a retail shop and brewery. The uses of the brewery building and the areas in front are controlled by planning conditions – mindful of the proximity of the cottage and other nearby dwellings and the living conditions of the occupiers of these dwellings.

- 1.4 Felderland Lane serves a number of cottages and farm buildings and does not have footways or highway verges, but has mostly fields adjoining the highway and gaps between buildings contributing to a mostly open character and rural appearance.
- 1.5 The Lane is a route from the A256 Sandwich Road to the A258 Deal Road and is served by a bus service.

Proposal

- 1.6 The proposal is in outline with layout and the means of access to the site matters for determination at this stage.
- 1.7 The proposal seeks to erect 1 x 2-bedroom cottage and a double garage on the land (which would be shared with the existing cottage).
- 1.8 The cottage is proposed towards the southern boundary of the plot, some 8m from the existing cottage which is to the north, but with its side elevation orientated towards the cottage. There are rear windows in the existing cottage which would look towards the side elevation of the proposed dwelling.
- 1.9 The garage is proposed towards the eastern boundary, in a similar location as the existing garage to be demolished. A private garden area to the west and south and east of the proposed dwelling would be created, although some of its areas would be overlooked by the windows in the existing cottage.
- 1.10 Views from the upper floors of the new dwelling would face onto and towards the hard-surfaced parking/delivery areas of the adjacent agricultural buildings to the west and towards Nursery Cottage to the east.
- 1.11 No changes to the existing access are being proposed – the existing access would continue to serve the plot.

2. Main Issues

Principle of Development

- 2.1 An assessment is required as to the acceptability of the principle of the development on this site. The determination of the application should be considered within the context of development within the countryside, safeguarded by policies to protect the countryside and to restrain development within it.
- 2.2 The application site falls outside the confines of the nearest Village or Local Centre (by some 0.8-0.9km) and therefore represents a housing development within the open countryside, albeit the application site is surrounded by a small cluster of houses and farm buildings.
- 2.3 Until 1 March 2016, the Council was not able to demonstrate a 5-year supply of deliverable housing sites – having been in deficit in meeting the housing needs of the district for many years. However, this

position changed with the adoption of the Council's Authority Monitoring Review February 2017 (Covering the year April 2015-March 2016), which showed that the District has a Housing Land Supply of 6.02 years.

- 2.4 As such, the Local Planning Authority can now demonstrate a 5-year supply making the housing policies of the Core Strategy 2010 and Land Allocations Document 2015 DPDs relevant and up-to-date in the context of Paragraphs 14 and 49 of the NPPF. Therefore, the Development Plan's housing policies carry full weight, in the context of NPPF.
- 2.5 On the basis of the development plan as the starting position for the determination of the application – full weight should be given to the Core Strategy and Land Allocations Document because the objectively assessed housing needs of the District are being and will be met along with a 5-year supply of housing coming forward within the district to meet its needs for sustainable growth. It follows therefore that as the application site is not within the built confines of a Village or Rural Centre the proposal is in conflict with Development Plan Policies DM1, DM11 and DM15.

Character and Appearance

- 2.6 With the exception of the principle of development, only the layout of the proposed building and the means of access to the site are to be determined at this stage. This makes a detailed assessment on the impact of the proposal on the character and appearance of the area limited.
- 2.7 Notwithstanding, the land accommodates a garage building and is a parcel of land mainly enclosed by a hedge and boundary wall to the cottage that has the appearance of a garden/recreational land used in conjunction with the main cottage. Although the land has a building on it, it has an open character and appearance.
- 2.8 The site is located within the wider context of a number of houses, farm and other buildings associated with the site's countryside location.
- 2.9 It is considered that a new house in this location would not be viewed in isolation from these other buildings and therefore would have a limited visual impact upon the wider countryside, and its setting. Nevertheless, it would be visible from Felderland Lane and the Sandwich Road junction and would have the effect of consolidating residential built development in a location well beyond settlement confines where, in the interest of countryside protection, development should be very strictly controlled, with the exception of particular circumstances (such as the needs of an agricultural worker) which importantly this proposal does not seek to address or satisfy.
- 2.10 As such, while the proposal is not considered to unduly affect the wider landscape character of the area it would erode, albeit modestly, the rural character at this point.
- 2.11 The proposed house occupies a modest footprint on the land and there

is scope for garden land around it to provide an appropriate setting for the house that would relate to the nearby residential plots of land.

Residential Amenity

- 2.12 The existing cottage, in losing its garden/outdoor area, is able to retain a private garden to the side and partly to the rear, and the use of a shared garage on the application site.
- 2.13 The proposed house is sufficient distance from the existing cottage to be designed to avoid any over dominant impact upon existing windows or garden areas.
- 2.14 The design of the new dwelling would be able to avoid inter-visibility between existing and proposed windows and would be able to incorporate into the scheme some private garden areas for the new dwelling – to be enjoyed by its occupants.
- 2.15 The conditions imposed upon the uses in the nearby agricultural building have sought to safeguard the residential amenity of the occupiers of those nearby properties. Although the rear windows are likely to look onto the open yard area of the adjacent site there would be no impediment on outlook or visual amenity. The visual amenity is also compensated by the more open views to the east – and bedrooms could be located with windows facing eastward to achieve a reasonable prospect.
- 2.16 As such, it is considered that the existing and future occupiers of the existing and the proposed dwellings would be able to enjoy a reasonable standard of living.

Highway Safety

- 2.17 There are no highway objections to the increased use of the private access onto Felderland Lane by the addition of 1 dwelling.

Other Matters

- 2.18 Under application DOV/16/1153, outline planning permission was granted for a house on a plot of land almost opposite this current application site, served by the same access road. At the time of making that decision, the Council did not have a 5-year supply of housing and therefore limited weight could be afforded to the housing strategy of the Core Strategy and Policy DM1 in particular. The decision was led by Paragraph 14 of the NPPF and the presumption in favour of sustainable development. It was considered by the Officer that even though the location of the site was some distance from the nearest settlement confines, the proposal was, on balance, suitably sustainable.
- 2.19 It is primarily due to the backdrop of this previous decision that this current application has been brought before Members. The application of policies in the Core Strategy relating to the supply of housing had to be given considerably less weight at the time of the decision on DOV/16/1153. The conclusion section of this report (below) considers

the implications/consequences of now giving full weight to Development Plan policies following the achieving of a 5 year housing land supply.

Conclusion

- 2.20 The change in the Council's housing supply position and the fact that the Council can now demonstrate that there is a continuous 5-year supply of housing means that the policies of the Development Plan can be given full weight. This means that the starting position for the determination of this application is Policies DM1, DM11 and DM15. These policies seek to restrict housing development to the built-up confines that have been identified in the Core Strategy, to limit the requirement to travel outside the built-up areas and to protect the countryside for its own sake.
- 2.21 It is important to point out that Policy DM1 is underpinned by Policy CP1 (Core Strategy) which identifies a Settlement Hierarchy to inform where development should be focused and when it should be restricted. Policy CP1 states, "The location and scale of development in the District must comply with the Settlement Hierarchy".
- 2.22 Policy CP1 identifies those settlements capable of accommodating development and under Policy DM1 settlement confines are applied to inform where development at these locations will/will not be acceptable.
- 2.23 Policy CP1 identifies 'hamlets' as the smallest settlement type and specifically states that these are, "not suitable for further development unless it [the development] functionally requires a rural location". As such, no confines have been applied to these small communities under Policy DM1, the presumption being that their role is not to accommodate further development. This position is particularly material to the current application and confirms that even where a dwelling is proposed at a Hamlet (comprised perhaps of a small cluster of buildings) the Core Strategy is clear that it should be restricted unless a rural location is functionally required. In the case of housing, this would generally mean only considering development where there is an essential/proven need for a rural worker to live in the countryside.
- 2.24 At hamlets and other countryside locations (beyond confines) therefore the Core Strategy is unambiguous that housing development should be very strictly controlled. To depart from this approach, contrary to Policy DM1 would, as stated at paragraph 1.7 of the Core Strategy, require "unusual and compelling justification for permission to be given". It is also appropriate to highlight that allowing new housing without such justification would in itself cause harm.
- 2.25 Policies CP1 and DM1 are fundamental to realising the over-arching spatial strategy of the Plan. The current application proposal, being a departure from the development plan would conflict with this central plank of the Core Strategy and if permitted would skew the clear strategy of the Development Plan which is to focus residential development within settlement boundaries.

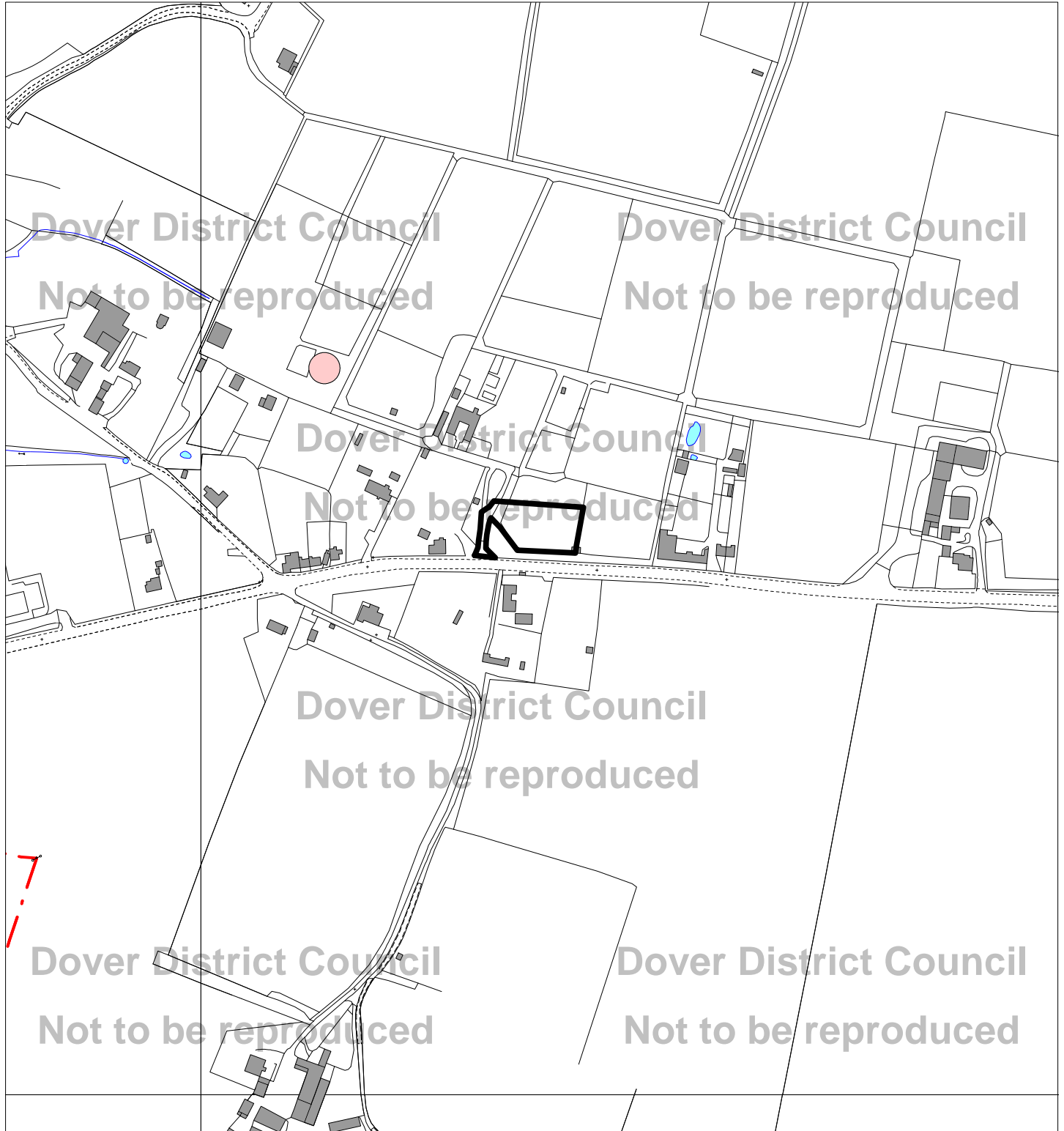
- 2.26 Paragraph 1.6 of the Core Strategy also makes it clear that one of the reasons for operating settlement boundaries is to bring certainty to decisions on planning applications. This would be undermined by the granting of permission for residential development which was not in compliance with policy and for which no exceptional justification could be provided. Such an approach would also be in conflict with the NPPF which (at paragraph 17) identifies as a core planning principle, the operation of a genuinely plan-led system within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- 2.27 It is important therefore, in the interests of the credibility of the Development Plan system and the operation of the Development Management service that decisions on planning applications accord with the Development Plan or are otherwise exceptionally justified in light of other material planning considerations, as a departure from the Development Plan.
- 2.28 With regard to the current application, both the Core Strategy and the NPPF list circumstances where a new dwelling might be exceptionally permitted outside confines and in isolated rural locations. As has been stated, this would usually include where the dwelling is needed to meet an essential need for a rural worker to live/work in the countryside. The NPPF also refers to allowing new build dwellings where they are of exceptional quality or the innovative nature of the design would be truly outstanding/innovative, reflect the highest standards in architecture, significantly enhance its setting and be sensitive to the defining characteristics of the local area.
- 2.29 The current application however has not been presented with a view to addressing any of these justifications. No “unusual and compelling” case has been presented that would suggest that permission should be given. As a consequence, and in conclusion, the proposal is considered to be in substantial conflict with the development plan and its up-to-date strategy for sustainable growth to meet housing needs.
- 2.30 The previous grant of permission nearby (under DOV/16/1153) was made at a time when Development Plan policy was (for reasons relating to the absence of a 5 year housing land supply) not considered up to date. That position has now substantially changed and the approach set out in the Development Plan must now be fully re-engaged.
- 2.31 The benefit of a plan-led process, within which decisions on planning applications can be made, is that this leads to a high degree of certainty, consistency and transparency in decision making. The determination of planning applications in accordance with the policies of the Development Plan is fundamental to ensuring such certainty and consistency. No material considerations have been put forward and/or apply in this case sufficient to set aside the policy approach set out in the Core Strategy and therefore the recommendation is that this application be refused.

g)

Recommendation

- I PLANNING PERMISSION BE REFUSED for the following reason:
 - (i) The site is located outside of any urban boundaries or rural settlement confines. Therefore, the proposal, if permitted, would result in the consolidation of residential development within the rural area and would result in a wholly unsustainable form of development that would be contrary to Dover District Core Strategy Policies CP1, DM1, DM11 and DM15 and the National Planning Policy Framework paragraph 17.

Case Officer:
Vic Hester



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Application: DOV/17/00103

Land at Greenacres

Roman Road

Shatterling

CT3 1JP

TR26215837



- a) **DOV/17/00103 – Outline application for the erection of 2 no. detached dwellings (with all matters reserved) - Land at Greenacres, Roman Road, Shatterling**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be refused.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11 – Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies.
- DM15 - Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 - Generally seeks to resist development which would harm the character of the landscape, unless it is in accordance with a Development Plan designation and incorporates mitigation measures, or can be sited to avoid or reduce the harm and/or incorporates design measures to mitigate the impacts to an acceptable level.

National Planning Policy Framework (NPPF)

- 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 states that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- Paragraph 14 states that for decision-taking this means... approving development proposals that accord with the development plan without delay.
- Paragraph 17 states that planning should:
 - be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
 - secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - contribute to conserving and enhancing natural environment and reducing pollution.
 - 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 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- Paragraph 55 states that “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 that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 61 states that 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 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- Paragraph 69 states that the planning system can play an important role in facilitating 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 frontages which bring together those who work, live and play in the 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 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

d) **Relevant Planning History**

There is no relevant planning history for the site.

e) **Consultee and Third Party Responses**

Staple Parish Council
No objections raised.

Ecological Officer
Views not received.

County Highways

The existing access is onto the A257 Roman Road and this is subject to a 50 mph speed limit, requiring visibility splays at the access of 160 metres x 2.4 metres x 160 metres. The visibility available to nearside approaching traffic is approximately 2.4 metres x 125 metres, limited by the change in level of the road as it slopes downhill away from the access. By the same token the visibility available for a driver turning right into the access is also limited to approximately 125 metres. The addition of two dwellings is likely to result in an unacceptable increase in use of the access which has substandard visibility, to the detriment of highway safety.

County Archaeologist

Views not received.

Public Representations: Thirteen letters of support have been received, and have made the following comments:

- Provide housing
- Enhance the security of the properties in the vicinity

f)

1. **The Site and the Proposal**

1.1 The site lies within the countryside, outside of any settlement confines. The area is characterised by a sporadic type of development adjacent to the road. The area is very rural in character, with buildings sporadically located along the lanes, set in substantial plots. The application site abuts the northern edge of Roman Road. It has an existing access to the west. The nearest village to the application site is Wingham which is located at a distance of 1.2 miles from the site.

1.2 This application seeks outline planning permission for the erection of two detached dwellings (all matters reserved).

2. **Main Issues**

2.1 The main issues are:

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

Assessment

Principle of the Development

2.2 The site lies outside of settlement confines, where Policy DM1 applies. Having regard for the wording of the policy which restricts development outside of confines, the erection of two dwellings in this location is contrary to Policy DM1. The general principle (as set out in the pre-ambles 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”*.

2.3 Members will be aware that the Council has until recently been unable to achieve a 5 year housing land supply and that accordingly under paragraph 49 of the NPPF, relevant policies (including DM1) have not been held to be up-to-date and as such have been afforded less weight in decision making. The

planning policy circumstances have changed significantly since the time the application was lodged. The Council's five year housing land supply situation has been updated by the 2015/2016 Annual Monitoring Report which was recently agreed by Cabinet (March 2017). This confirms that the Council can now demonstrate a 6.02 year housing land supply and as such the Development Plan Policies relevant to the supply of housing are now considered up-to-date and have full weight. The NPPF paragraphs 11, 12 and 14 (amplifying Section 70(2) of the Act) require planning applications 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.

- 2.4 In the circumstances, the proposal is contrary to policy DM1 of the Core Strategy.

Impact on the Character and Appearance of the Area

- 2.5 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 or appearance of the countryside should be refused, unless one of four criteria is met and the development does not result in the loss of ecological habitats.

- 2.6 Regard must also be had for whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance or mitigation measures, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.

- 2.7 The application site is relatively flat and whilst a boundary hedge (which is outside of the application site) provides some screening, it is still readily visible in the countryside and from the main road A257. The area is very rural in character, with buildings sporadically located along the lanes, set in substantial plots. The farmed landscape is a key characteristic of this part of countryside. The application site is used for horsiculture and pasture, in keeping with the surrounding area which is characterised by agricultural or managed grasslands. It is considered that the introduction of two residential buildings on this site together with the associated domestic paraphernalia including potential hardsurfacing, fences, walls and gates would be out of keeping with the prevailing unspoilt rural landscape and would fail to conserve or enhance the visual quality and natural beauty of the countryside. The development would also intensify and consolidate the existing sparse built environment in the area, detracting from the intrusive rural character of the area.

- 2.8 Overall, it is considered that the development would erode the character of this part of the countryside, introducing an urban form of development. As such, the development would be contrary to Core Strategy Policies DM15 and DM16.

Impact on Neighbours

- 2.9 The closest residential property 'Lilac Cottage' lies to the west is sited at a distance of over 20m from the western edge of the application site. It is considered that given the size of the site and its relationship with neighbouring

properties, two dwellings could be provided on the site without causing unacceptable harm to the neighbours, subject to acceptable details being submitted in the reserved matters application.

Highways

- 2.10 KCC Highways have raised strong objections regarding the existing access to the site which is onto the A257 Roman Road which is subject to a 50 mph speed limit, requiring visibility splays at the access of 160 metres x 2.4 metres x 160 metres. As it stands, the visibility available to nearside approaching traffic is approximately 2.4 metres x 125 metres and is limited by the change in level of the road as it slopes downhill away from the access. By the same token, the visibility available for a driver turning right into the access is also limited to approximately 125 metres. The addition of two dwellings would result in an unacceptable increase in use of the access which has substandard visibility, to the detriment of highway safety. Therefore, any proposed access would have to accord with the above mentioned visibility splays with a view to overcome the highways objection.
- 2.11 Regard must also be had for whether a new access could achieve appropriate visibility. The application site only extends as far as the highway for the width of the existing access and, as such it would not be possible to provide a safe alternative vehicular access to the site.
- 2.12 Regard has been had to the Policy DM11 which states that development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. The proposed dwellings would give rise to additional traffic in a location beyond settlement confines and as such would be contrary to the policy.

Other Matters

- 2.13 In this case, paragraph 55 of the NPPF is of particular relevance and advises that with regard to development in rural areas, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as a need for a rural worker to live at or near their place of work; where the development would re-use redundant buildings and lead to an enhancement to its immediate setting; or the design of the dwelling is of exceptional quality. The proposed dwellings would be located in an isolated rural location well beyond any designated settlement confines. It would not provide essential workers accommodation or re-use redundant or disused buildings. It is not considered that the proposal would be of exceptional quality as no evidence has been provided to this effect.
- 2.14 The applicant put forward a case that the need to care for her son was the primary justification for the proposed development. It is not considered that this is sufficient reason for setting aside strong policy objections. Therefore, it is considered that the proposed residential development of this site, which is outside the defined settlement confines and in a rural location with limited access to services and amenities, would represent an unsustainable form of development.
- 2.15 Reference has been made by third parties to the benefit of providing additional housing, however, the location here is outside the confines of any settlement

and therefore in a location where the Development Plan clearly precludes against new residential development.

2.16 Regard has been had for whether there are any other material considerations which indicate that permission should be granted contrary to the development plan. However, it is not considered that there are any material considerations that would outweigh the policy harm identified.

2.17 Paragraph 17 of the NPPF states that planning should be genuinely plan-led ...[and]... should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

3. Conclusion

It is considered that the proposal would constitute an incongruous and visually intrusive feature in this important rural landscape to the detriment of the character and appearance of the wider countryside. Accordingly the application is contrary to the Development Plan policies and the NPPF. Therefore, it is recommended that the application be refused.

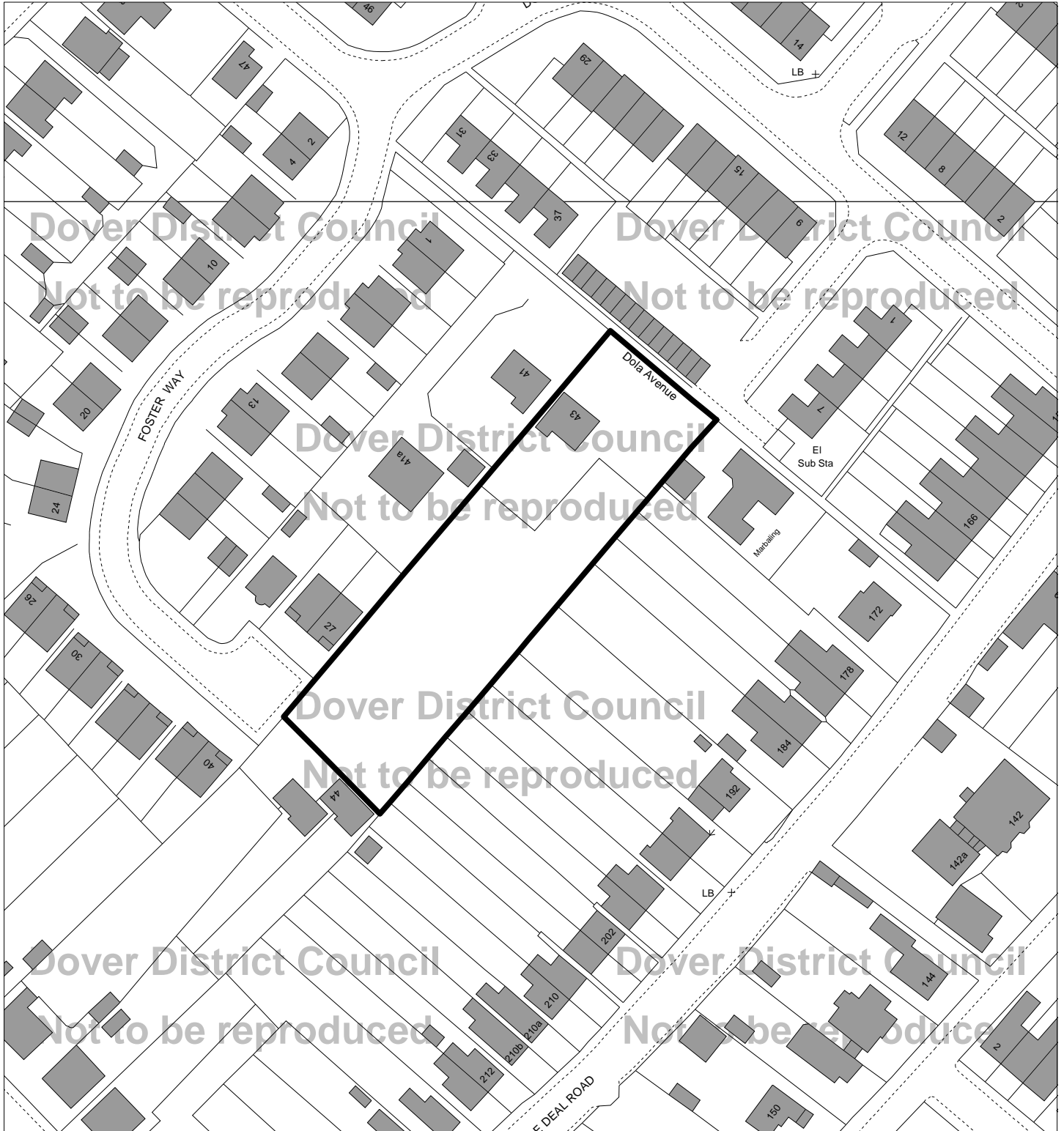
g) Recommendation

I PLANNING PERMISSION BE REFUSED for the following reasons:

1. The proposed development by virtue of its location outside of any settlement confines, in a rural location, would result in an undesirable intensification of development in the countryside, detrimental to the rural character and appearance of the street scene and detrimental to the objectives of sustainable development contrary to policies DM1, DM11, DM15 and DM16 of the Dover District Local Plan and paragraph 17, 61, 69 and 109 in particular, of the National Planning Policy Framework.
2. The development proposed would result in the intensification of use of an existing private access which has sub-standard visibility splays at its junction with Roman Road to the severe detriment of highway safety, contrary to paragraph 32 of the National Planning Policy Framework.

Case Officer
Benazir Kachchhi

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Application: DOV/17/00194

Site at 43 Dola Avenue

Deal

CT14 9QH

TR36715242



- a) **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) - 43 Dola Avenue, Deal**

Reason for report: Number of contrary views and called in to Planning Committee by Councillor Kenton.

- b) **Summary of Recommendation**

Planning Permission be refused.

- c) **Planning Policies and Guidance**

Core Strategy Policies

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

National Planning Policy Framework (NPPF)

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

- Chapter six of the NPPF seeks to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Chapter seven requires good design, which is a key aspect of sustainable development.

The Kent Design Guide (KDG)

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

d) **Relevant Planning History**

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

DOV/16/00998 - Erection of two detached dwellings and creation of parking – Refused

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

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**

Deal Town Council – No response received

Environmental Health – No observations are made.

KCC Highways and Transportation – No objection, subject to the conditions and informatives previously requested under permission DOV/15/00327.

KCC Lead Local Flood Authority – No comment to make on this application. However, in relation to condition 7 of permission DOV/15/00327, the LLFA have commented that the additional information which has been submitted has been reviewed and the LLFA confirm that they have no objections and advise the condition 7 can be discharged.

KCC Public Rights of Way – No comments on the proposals. However, in relation to condition 12 (traffic signage) of permission DOV/15/00327 KCC have confirmed that no objection is raised to the submitted details.

DDC Principal Ecologist – No comments

Southern Water – No response received

Public Representations – Seven letters of support have been received, raising the following points:

- The dwellings have been attractively designed and are in keeping with the character and appearance of the area
- The development will provide much needed housing
- The dwellings have been built to a high standard
- The use of high level windows means that no overlooking will be caused

In addition, two letters of objection have been received, raising the following objections:

- The windows in the development are obtrusive and cause a sense of enclosure
- The dormer windows are nothing like those in Foster Way
- The dormers were not built in accordance with the approved drawings

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 nine dwellings, which appear to be nearing completion (if not complete), albeit with some modifications which are subject to this application. 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. The internal layout of the dwellings would also be amended to provide two bedrooms (one with an en-suite/dressing room area) and a bathroom at first floor level and a kitchen/dining room, living area, study/bedroom, utility room and WC at ground floor level. 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.

2. **Main Issues**

2.1 The main issues are:

- The principle of the development

- The impact of the development on the character and appearance of the area
- The impacts of the development on the living conditions of neighbouring properties
- The impact on the highway network
- The provision of surface water drainage

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 and Appearance

- 2.3 The proposal is the same as the previously approved scheme save for the replacement rear dormer and alterations to the side fenestrations. 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 (DOV/16/01038), 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 committee report for the previous application concluded that the design of the dormers, whilst more pronounced features compared with the modestly sized dormers which had been approved, would not appear incongruous. However, the Planning Committee disagreed and determined to refuse that application due to the harm it would cause to the character and appearance of the area. The reason for refusal given read:
- 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.
- 2.6 The refusal of the previous application is a material consideration in the assessment of this application, particularly as the current scheme is (with the exception of the amended window design) the same as the previously refused scheme. Whilst, at officer level, it is concluded that the dormers proposed under this application would not cause significant harm to the character and appearance of the area (in conformity with the previous recommendation), it is necessary to

give weight to the previous refusal and consider whether that reason has been overcome.

- 2.7 The stated reason for refusal criticizes the “size, flat roofed design and prominent location” of the dormers. The dormers have not been reduced in size since the previous application was refused, whilst their design retains its flat roof. The location of the dormers has also not altered. The change to the fenestration design, which replaces high level windows with better proportioned windows, provides some improvement to the appearance of the dormers. However, this change does not address the concerns specified in the reason for refusal and, consequently, it cannot be concluded that the reason for refusal has been overcome.
- 2.8 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 form a reason for refusal of application DOV/16/01038 and, likewise, is considered to be acceptable.
- 2.9 The development would retain the previously approved front garden areas and landscape margins along the sides of the access road. These areas include the provision of thirty-eight new trees which would significantly soften the site and provide maturity to the development. 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, should permission be granted.
- 2.10 The dwellings, save for the amendments to the dormer windows, are now built 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

- 2.11 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.
- 2.12 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 previously approved and, as such, regard must be had for whether the changes to these dormers would cause any additional and unacceptable harm.
- 2.13 Regard must be had for whether the proposed dormers would cause unacceptable loss of light or sense of enclosure to properties to the rear of the dwellings. The committee report for the previous application (DOV/16/01038) commented that “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". Consequently, it was not considered that an unacceptable loss of light or sense of enclosure would be caused to neighbours. However, Planning Committee disagreed and, subsequently, the application was refused for the following reason:

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.

- 2.14 As confirmed at paragraph 2.6 above, the refusal of the previous application is a material consideration of significant weight. Whilst again, at officer level, it is concluded that the dormers proposed under this application would not cause significant harm to in terms of causing a sense of enclosure or being overbearing (in conformity with the previous recommendation), it is necessary to give weight to the previous refusal and consider whether that reason has been overcome.
- 2.15 The stated reason for refusal criticizes the "size, location and proximity to neighbouring properties" of the dormers. The size, location and, consequently proximity to and relationship with neighbouring properties, have not been amended by this application. As such, the application does not address the concerns specified in the reason for refusal and, therefore, it cannot be concluded that the reason for refusal has been overcome.
- 2.16 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 have lowered their cill heights to approximately 1.2m above finished floor level. The applicant has confirmed that these windows will be obscure glazed and will be non-opening. It is considered that this will be sufficient to avoid direct overlooking to neighbouring properties, although a perception of overlooking would remain, which would harm the residential amenity of neighbours.
- 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 Highway

- 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. However, the floor plans shown on the submitted drawings have increased the number of bedrooms from two to two, plus a study/bedroom at ground floor level. The change in floor plan would be likely to increase demand for car parking by around four spaces across the development, having regard for Table 1.1 of the Core Strategy. The approved layout plan would have provided two spaces more than would have been necessary and,

consequently, two spaces less than would be required by the scheme which is now proposed. However, whilst on-street car parking in the surrounding area is constrained, on balance it is not considered that the car parking proposed would cause severe residual cumulative harm to the local highway network, which is the relevant threshold as described by paragraph 32 of the NPPF.

- 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. 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.
- 2.20 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. The development, with the exception of the changes to the windows within the dormers, has been completed. Whilst the wall had not been erected prior to the commencement of the development, contrary to the requirements of the condition, a 1.8m high fence was erected which ensured that no vehicles entered or exited the site via Foster Way. In addition, following the substantial completion of the development, the approved wall has been erected. It is considered that, for completeness, it would be reasonable to include a condition requiring the wall to be maintained in perpetuity.
- 2.21 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.

Contributions

- 2.22 Core Strategy Policy DM5 requires that for schemes of 5 to 14 dwellings an on-site provision of affordable housing or an equivalent financial contribution (or a combination of both) will be required. The 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.
- 2.23 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.
- 2.24 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

- 2.25 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. The condition requiring full details of all landscaping should be attached to this application, should it be granted planning permission.

Surface Water Drainage

- 2.26 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.
- 2.27 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. Additional information relating to surface water drainage has been provided, 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.

Other Matters

- 2.28 It should be noted that the original permission for this site (DOV/15/00327) did not remove permitted development rights for dormer windows to the rear elevation of the building, although permitted development rights for new or altered windows to the rear roof of the building were removed. As such, should the dwellings have been constructed in accordance with the approved drawings, occupants could have constructed dormer windows within their rear roof slopes (albeit without windows) without the need to apply for planning permission. It is unrealistic to consider that every occupant would have taken up this option; however the potential ability to construct dormers is considered to be material.

Overall Conclusions

- 2.29 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. The principle of the development remains acceptable.
- 2.30 A previous application (DOV/16/01038) for the site sought permission for a very similar development to that which is now being considered. This previous application, was considered by Planning Committee and, whilst recommended for approval, it was determined to refuse that application due to its impact on neighbours and its impact on the character and appearance of the area. The refusal of that application, and the reasons for refusal, are material considerations which carry significant weight. Notwithstanding the previous officer recommendation, the current application has not overcome the stated reasons for refusal of that application. Furthermore, the current scheme has enlarged the windows within the dormers which are shown as being clear glazed and would have low cills. This additional change would cause an unacceptable perception of overlooking to neighbours in Foster Way and Dola Avenue. Consequently, it is therefore recommended that planning permission be refused.

g) **Recommendation**

I PERMISSION BE REFUSED for the following reasons:-

(1) The proposed dormer roof extensions 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 extensions 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.

(3) The proposed windows within the dormer roof extensions at first floor level to the rear (north west) roof slopes of the dwellings, by virtue of their size, the height of their cills above floor level, location and relationship with adjoining properties, would cause an unacceptable perception of overlooking to neighbouring properties (No.'s 25 and 27 Foster Way and No.41a Dola Avenue in particular), significantly harming the residential amenities of those properties, contrary to the aims and objectives of the National Planning Policy Framework, in particular paragraphs 17, 56, 63 and 64.

Case Officer

Luke Blaskett

PLANNING COMMITTEE – 20 APRIL 2017

PLANNING APPEALS

1. There were 10 appeals determined between January and March 2017. Two appeals were against a decision by the Planning Committee and the remainder against delegated decisions. Both appeals against the planning Committee’s decision were dismissed and two officer appeals were upheld.

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

2.1 The Rise, Kingsdown

This had been refused due to the impact of the development on the surrounding area and AONB. The Inspector did not agree that the harm was sufficient to refuse the application.

2.2 Church Farm Cottages

This Inspector had to consider whether the harm caused by this development for a pair of semi-detached dwellings was sufficient to outweigh the lack of a five-year land supply. The Inspector concluded that the affinity of the site with the built up area did not demonstrate sufficient harm to refuse the application.

3. Learning Points

These two appeals do not indicate a diversion from policy. The Inspector, on balance, took a different view on impact.

4. The current annual target is that a maximum of 15% of appeals are upheld. The overall performance is 38% - significantly over target.

| Year to date | All appeals | Number Upheld | Number Dismissed | % Upheld |
|--------------|-------------|---------------|------------------|----------|
| 2016 | 44 | 17 | 27 | 38 |

At the previous meeting I indicated that the Government’s assessment on appeal performance is not based on number of appeals upheld as a proportion of those submitted, but by the number of appeals allowed as a percentage of the number of applications decided.

The target is 10%.

The statistics for 2016/17 are

| | | | | |
|------|----------------------------|----------------|--|----------|
| 2016 | Major Applications Decided | Appeals Upheld | | % Upheld |
| | 52 | 1 | | 1.92 |

| | | | | |
|------|------------------------|----|--|------|
| 2016 | Non-Major Apps Decided | | | |
| | 1015 | 15 | | 1.48 |

On these statistics, the Council is well within the Government's target.

Dave Robinson
Planning Delivery Manager

Attachments - Breakdown of all appeal cases 2016/17

2016/17 Appeal Cases

Quarter 1

2016

| Case | Address | Delegated/Committee | Dismissed/Upheld | Against officer Rec |
|----------------|-------------------|---------------------|------------------|---------------------|
| 15/01065 | Bewsbury Crescent | COM | Dismissed | Yes |
| 13/01106 | Engine Shed Field | COM | Dismissed | No |
| 15/00634 | Agester lane | DEL | Upheld | |
| 15/00895 | Beech Tree Ave | DEL | Dismissed | |
| 15/00971 | College Road | DEL | Upheld | |
| 15/00926 | 105 Mill Hill | DEL | Upheld | |
| ENF/DOV/12/109 | London Rd | Enforcement | Dismissed | |

Quarter 2

2016

| Case | Address | Delegated/Committee | Allowed/Dismissed | Against officer Rec |
|----------|---------------------|---------------------|-------------------|--------------------------|
| 15/639 | Kingsdown Rd | COM | Allowed | Yes |
| 15/640 | Kingsdown Rd | COM | Allowed | Yes |
| 15/336 | Denne Court | COM | Part Allowed | Appeal against condition |
| 15/730 | Church Path | COM | Allowed | Yes |
| 15/795 | The Beach | DEL | Dismissed | |
| 15/981 | Oast House | DEL | Dismissed | |
| 15/1152 | 56 Poets Walk | DEL | Dismissed | |
| 15/936 | Outrigger | DEL | Allowed | |
| 15/1196 | Cannon Street | DEL | Dismissed | |
| 16/0009 | Nursery Lane | DEL | Allowed | |
| 16/69 | The Crescent | DEL | Dismissed | |
| 16/196 | Bailand | DEL | Dismissed | |
| 16/434 | Sandwich Rd | DEL | Dismissed | |
| 15/01210 | Farthingloe Cottage | DEL | Allowed | |

Quarter 3

2016

| Case | Address | Delegated/Committee | Allowed/Dismissed | Against officer Rec |
|---------|------------------|---------------------|-------------------|---------------------|
| 15/293 | Canterbury Rd | COM | Allowed | Non-Determination |
| 15/292 | Canterbury Rd | COM | Allowed | Non-Determination |
| 15/525 | New Dover Rd | COM | Allowed | Yes |
| 13/776 | Queen St | DEL | Dismissed | |
| 15/1119 | Court Lane | DEL | Dismissed | |
| 15/1281 | Brooke Street | DEL | Allowed | |
| 16/48 | Barnsole Road | DEL | Allowed | |
| 16/192 | Burgess Rd | DEL | Dismissed | |
| 15/742 | Archers Court Rd | DEL | Dismissed | |
| 15/1202 | Princes St | DEL | Dismissed | |
| 16/25 | Molland Lane | DEL | Dismissed | |
| 16/270 | Willow Way | DEL | Dismissed | |
| 16/369 | Sondes Rd | DEL | Dismissed | |

Quarter 4

2016

| Case | Address | Delegated/Committee | Allowed/Dismissed | Against Officer rec | Major App |
|---------|-------------------|---------------------|-------------------|---------------------|-----------|
| 15/1035 | West St Deal | COM | Dismissed | Yes | Yes |
| 16/408 | New St Ash | COM | Dismissed | No | No |
| 16/92 | John's Green | DEL | Dismissed | | No |
| 16/282 | The Rise | DEL | Allowed | | No |
| 16/470 | The Row | DEL | Allowed | | No |
| 16/701 | St Georges | DEL | Dismissed | | No |
| 16/567 | Vicarage Farm Rd | DEL | Dismissed | | No |
| 16/840 | Station Rd | DEL | Dismissed | | No |
| 16/881 | South Avenue | DEL | Dismissed | | No |
| 16/909 | Bewsbury Crescent | DEL | Dismissed | | No |