

a) **DOV/22/00143 – Erection of a detached dwelling, new vehicular access and associated parking - Land Adjoining Cilcain, Winehouse Lane, Capel-le-Ferne**

Reason for report – Number of contrary views (8 objections + Parish Council)

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Core Strategy Policies (2010): CP1, DM1, DM11, DM13, DM15, DM16

National Planning Policy Framework (NPPF) (2021): Paragraphs 2, 7, 8, 11, 38, 47, 48, 60 – 62, 86, 79, 110 - 112, 120, 123, 130 - 135, 167, 168, 171, 172, 174, 176, 178, 179, 180

National Planning Practice Guidance & Kent Design Guide

National Design Guide & National Model Design Code (2021)

SPG4 Kent Vehicle Parking Standards

Countryside and Rights of Way Act 2000

Kent Downs AONB Management Plan

Draft Dover District Local Plan (March 2023)

The Submission Draft Dover District Local Plan is a material planning consideration in the determination of applications. At submission stage the policies of the draft plan can be afforded some weight, depending on the nature of objections and consistency with the NPPF. The relevant policies are: SP1, SP2, SP3, SP4, SP13, SP14, CC1, CC2, CC4, CC5, CC6, CC7, CC8, PM1, PM2, TI1, TI3, NE1, NE2

d) **Relevant Planning History**

Various historic applications (1949 – 1977) but no recent relevant planning applications at the site.

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

Representations can be found in full in the online planning files. A summary has been provided below:

Capel-le-Ferne Parish Council – Initially opposed the application raising concerns in respect of the drawings and representation of the site, scale, siting and design of the proposals and impact on residential amenity (day/sunlight and views), proximity of development to boundaries and neighbouring dwellings, impact on visibility from a neighbouring access and that it had been submitted before right of way and drainage issues had been resolved with the owner of Cilcain. Concerns also raised due to proximity to clifftop with AONB, area of national heritage, SSSI (The Warren), part of land opposite belonging to Kent Wildlife Trust and is managed as nature reserve, primarily for wildlife, location of site outside the settlement confines. Provided further comments in respect of original scheme proposed, querying CGI and positioning of

chimney stack and advising that there is no footpath in vicinity of neighbouring access, so visibility splay for a vehicle leaving the neighbouring property would be very limited. In response to the submission of further documents, advised that these had confused the application (with a CGI showing one chimney stack unlike the original front elevation) and that the whilst the garage is set back more than 2m from the rear of the footpath to ensure adequate line of sight, the visibility splay for a vehicle leaving Misty Lodge would be very limited as there is no footpath in the vicinity.

Following the submission of a revised scheme (resulting in the removal of the garage/home office and repositioning and redesigning the dwelling and parking arrangements), advised: The amended plan seems significantly different from the original that was submitted, so why the complete change? The new proposed drawings showing the build repositioned on the site, appear vague and give rise to the following issues:

- The front and rear elevations indicate that the base of the build is at a higher level than Winehouse Lane, yet the side elevation indicates that the base of the build is at the same level as the neighbouring property in Winehouse Lane, which sits lower than the adjacent plot of land.
- The plot which does not appear as big as the architects drawing indicates.
- Access to the driveway is not clear. The site layout plan does not clearly indicate how the driveway accesses Winehouse Lane.
- There are no drawings that indicate the roof height of the proposed building in relation to the adjacent property in Winehouse Lane.
- The new building seems quite close to the existing house in Winehouse Lane.
- The site layout plan indicates that the proposed building extends across the footpath belonging to Cilcain. Has this been agreed with the residents of Cilcain? The footpath issue must be resolved.
- There is no indication on elevation drawings which compass point they are viewed from.
- As the proposed build sits close to the boundaries of both Cilcain and Misty Lodge, there could be light issues, also the position of the windows shown on the rear and side elevation drawings could give rise to privacy issues.
- There needs to be a substantial reduction in the size of the build to fit in with the street scene, the available build area within the erosion line and to avoid impinging on the right of access and drainage rights from Winehouse Lane to Cilcain.

KCC Highways and Transportation – As Winehouse Lane is an un-classified road, it would appear this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements (an informative is suggested).

Southern Water (SW) – The applicant has not stated details of means of disposal of foul drainage from the site. SW requires a formal application for a connection to the public foul sewer to be made by the applicant or developer (contact details advising on this process to be included as an informative if permission is granted). The Councils technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Senior Natural Environment Officer - The revised reptile survey report has been submitted, incorporating a proposed reptile receptor area to the east of the site. I am

satisfied that this would present an acceptable location into which to move the reptiles as the proposed receptor is contiguous with the site. This also avoids the need for reptile surveys as any reptiles on the proposed development site and the proposed receptor site will be part of the same population. The long-term management of the site for reptiles will need to be secured within the planning permission, if granted. The preliminary ecological appraisal has not been provided by the applicant. I advise that this is sought so that DDC can ensure all potential ecological impacts are addressed in the decision.

Further advised the preliminary ecological appraisal has not been provided. I have reviewed the submitted information alongside aerial photographs and advise that, in addition to the confirmed presence of reptiles on the site, there are also opportunities for nesting birds and hedgehogs. The implementation of measures to avoid and / or minimise the potential for impacts to these species can be secured by condition, if planning permission is granted. The preparation and long-term management of the reptile receptor site will also need to be secured within the planning permission, if granted.

Waste Officer - no response received.

#### Third Party Representations:

8 letters of objection have been received and material considerations are summarised below:

- Scale of development – proposal is too large for plot and overbearing. Virtually hard on 3 borders and overhangs right of access footpath to Cilcain. Does not sit well with neighbouring properties, particularly due to the height and chimney.
- Design – overbearing/out of keeping/out of character with neighbouring properties and surrounding area, higher than neighbouring properties, poor quality design and architectural information, excessive bulk, non-adherence to building line, dominant, incongruous. Proposal does not contribute to creating sense of spaciousness in predominantly rural area outside the settlement confines.
- Adverse effect on AONB (within 18m of site) and in proximity to SSSI
- Residential amenity - would overshadow neighbouring property (in all but for 2 months in mid-summer, the front and south side would be in permanent shade affecting kitchen, bathroom, dining room, two bedrooms, front drive and rear garden). Loss of light. Would compromise outlook. Would result in overlooking, privacy issues (obscured glazed windows proposed could be reverted to clear openable windows at a later date) and noise and disruption.
- Concerns regarding emissions/pollution from chimney (in respect of amenity and wider green agenda aspirations). No adherence to sustainability policy. No proposals for zero carbon development
- Concerns regarding inaccuracies/ambiguous base levels and heights – some drawings show it built at road level but others show it sitting around a metre higher, roof of neighbouring property is depicted as having much higher roof and pitch than reality and pitched roof above dormers of another property is not as high as shown in plans, gives impression that development is less invasive to its neighbours. Drawing gives distorted impression of it being a more open area. Inaccuracies in design and access statement.
- Concerns regarding proposed boundary treatments and positioning – substantial hedge under ownership of neighbouring property will not be removed and will require development to be positioned approx. 1m south

- Drawings do not have specific dimensions, cannot easily ascertain actual size and layout of proposal, building size, distance to borders, height, access, compass/north
- Concerns regarding right of access footpath – ground floor is within inches of path, glass doors could open over the pathway resulting in strange and intimidating position to put residents of properties in (and risk if anything falls from balcony whilst path is in use/if residents have an aggressive dog)
- Highways – access / egress to Winehouse Lane is not clear, plot is elevated and surrounded by 1 meter high bank, concern at how a turning into this plot would be possible, Winehouse Lane is narrow and subject to national speed limit (vehicles often driven at high speed), would restrict visibility of neighbouring access
- Surface water drainage – concerns about rainwater runoff from development and that development could increase flood risk elsewhere
- Utilities (power and phone lines, drainage) will need to be moved (resulting in disruption)
- Wildlife/ecology/trees – adder seen in vicinity of site, protected and priority species, slow worms and hedgehogs on land, two established trees on plot have been overlooked on plans, scrub area (effectively unmaintained grassland) provides valuable wildlife transition space to AONB and a valuable open space adjacent to Dover cliffs
- Planning history of site – fail to see merit in documents of 1949 when nothing became of planning permission which has lapsed. Land in question was not garden land to Cilcain ('Dartford' case is not relevant) and there has never been any development on plot, is not previously developed and does not form infill. Concerns that garage (part of original proposal) could become separate dwelling.
- No reference /adherence to Policies SP1, DM3 (no evidence of renewable carbon technology to be used, adverse impact on heritage asset of Dover cliffs), DM4 (no sustainable transport methods detailed), DM15. Question if ground so close to cliff edge should be disturbed. Site address is land adjacent to Cilcain.

One letter of support has been received and is summarised below:

- Lovely setting for this development

The Agent also provided a response to comments received (prior to the submission of the revised scheme), summarised as follows:

- Noted the representations referring to the application site having never been part of the garden to Cilcain and refer to the original planning consent for Cilcain in 1949 (copy of decision and site plan available in the online planning file) which shows the site was all granted permission as garden with Cilcain. It is also notes the dwelling was actually built further east within the plot than was shown on the site plan and appears a later consent may be of relevance. Nevertheless, the land was originally granted as garden land with Cilcain.
- Reference has been made to the right of access from Cilcain to Winehouse Lane. The area where the right of way crosses has been kept free from any of the development to enable this pedestrian link to remain.
- There is no right to a view on planning terms.

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

- 1.1 The site relates to a plot of land on the east side of Winehouse Lane, to the north of Old Dover Road, in Capel-le-Ferne. It is bounded by Cilcain; a detached 1 ½ storey

chalet bungalow to the east and Misty Lodge; a detached two storey dwelling, to the north. The application site contains a concrete pathway, with steps down to Winehouse Lane, providing access for Cilcain, however appears otherwise undeveloped.

- 1.2 The proposals, which have been amended during the course of the application and re-advertised accordingly, are to erect a detached dwelling, with associated access and two parking spaces. The dwelling would be positioned within the northern half of the site, with two parking spaces and garden to the south (shown in Figure 1). It would contain four bedrooms at ground floor level, with a kitchen/living/dining room at first floor level and would be finished in multi red brickwork at ground floor level with sections of boarding and render and a tiled roof.



Figure 1. Proposed Site Layout Plan



Figure 2. Proposed street elevation

## 2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on visual amenity
- Impact on heritage assets
- Impact on residential amenity
- Other material considerations

## **Assessment**

### **Principle of Development**

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside of the settlement confines, contrary to DM1.
- 2.4 Policy DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of the settlement confines identified in DM1 (approximately 172m between the application site and closest part of the confines at George Close to the west). It is however within walking distance of a bus stop on New Dover Road (approximately 155m away) providing regular services between Folkestone and Dover where a much wider range of facilities and public transport links are available. Notwithstanding this, the development is contrary to Policy DM11.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The site contains a concrete pathway used to access the neighbouring property (Cilcain) however appears otherwise undeveloped. The development would not meet any of the exceptions listed in Policy DM15. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside, discussed further in the report, this alone would be sufficient for a proposal to be considered contrary to DM15.
- 2.6 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (the Housing Delivery Test).
- 2.7 Having regard for the most recent Housing Delivery Test, the Council are currently able to demonstrate a five-year supply. The Council have delivered 88% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.8 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver a greater number of dwellings per

annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.

- 2.9 The Draft Local Plan was submitted for examination in March 2023 and its policies are considered to be material to the determination of applications, with the weight attributed to the policies dependant on their compliance with the NPPF. Draft Policy SP1 of the Submission Draft Dover District Local Plan seeks to ensure development mitigates climate change by reducing the need to travel and Draft Policy SP2 seeks to ensure new development is well served by facilities and services and create opportunities for active travel. Draft Policy TI1 requires opportunities for sustainable transport modes to be maximised and that development is readily accessible by sustainable transport modes.
- 2.10 Draft Local Plan Policy SP4 sets out the appropriate locations for new windfall residential development which seeks to deliver a sustainable pattern of development, including within the rural area where opportunities for growth at villages (in line with Paragraph 79 of the NPPF) are confirmed. The policy is underpinned by an up-to-date evidence base of services and amenities at existing settlements and takes account of the housing need across the district. The site is located outside of, and does not immediately adjoin, the draft settlement confines (such that it would not accord with the first paragraph of SP4) and would also not accord with the criteria set out in the third paragraph of SP4 which relates to other windfall development beyond the settlement confines.
- 2.11 It is considered that policies DM1, DM11 and DM15 are, to varying extents, in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues these policies seek to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives, in this context. The proposals would also be contrary to draft policy SP4, which is considered to attract moderate weight in the planning balance, being devised on the basis of current housing targets and the NPPF. Notwithstanding this, Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date, and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits (and whether this represents a material consideration which indicates that permission should be granted) will be made at the end of this report.

#### Impact on Visual Amenity

- 2.12 As set out at paragraph 2.5, the site is located outside of the settlement confines and is considered to be within the countryside, subject to Policy DM15 and DM16, draft Policy NE2 and Paragraph 174 of the NPPF. The proposals would result in the erection of a 1 ½ storey dwelling, positioned within the northern part of the site, with parking and garden to the front (south – fronting Old Dover Road). Whilst the site is in an elevated position relative to the neighbouring properties to the north and east, in views from the south and wider countryside, as the dwelling would be set back from the highway, it is considered unlikely to appear unduly dominant and is considered to be of a suitable scale in relation to other properties in the vicinity, being seen within the context of the wider built extents of Capel Le Ferne. The proposed materials, shown in figure 3, are considered to be in keeping with the material pallet of the area and due to the siting, scale and design of the proposals, it is considered the development would preserve the character and appearance of the street scene, the wider countryside and landscape area (including from the England Coastal Path to the south), and the nearby Kent Downs Area of Outstanding Natural Beauty and

Heritage Coast, in accordance with the objectives of the NPPF (particularly paragraphs 130, 174 and 178), Policies DM15 and DM16 and draft Policies PM1 and NE2 and having had regard to the Countryside and Rights of Way Act 2000.



**Figure 3. Proposed front elevation (facing Old Dover Road)**

#### Impact on Residential Amenity

- 2.13 The proposals would be directly visible from a number of nearby properties, particularly Cilcain (to the east) and Misty Lodge (to the north). The dwelling would be sited to the northwest of Cilcain such that due to its siting, design and the direction of the sun path, the proposals would be unlikely to result in significant overshadowing to the neighbouring property. Whilst it would be set at a higher ground level than the neighbouring chalet bungalow and would be visible from the ground floor windows and dormer windows (and garden), due to the design and appearance of the proposals, the development is considered unlikely to result in an overbearing impact on neighbouring amenity. In respect of privacy, a window is proposed at ground floor level on the nearest flank elevation, which would serve a bathroom. A rooflight is proposed on the east roof slope, which would serve an open-plan dining/living room served by other windows. Subject to the imposition of a condition requiring these openings to be obscured glazed and non-opening below 1.7m above internal floor level, it is considered the proposals would sufficiently preserve neighbouring privacy. Whilst rights of access are a private matter, concerns have been raised in respect of the positioning of the dwelling and proximity to the pathway across the site (leading from Winehouse Lane to Cilcain). The first floor level of the dwelling would overhang the pathway, with the ground floor level being set back such that access across the path could be achieved.
- 2.14 The proposed dwelling would be positioned to the south of Misty Lodge, which has a number of windows at ground and first floor level facing the site. The development would be set at a higher ground level than this neighbouring property, however the roof of the dwelling would be hipped to the north. Whilst the proposal would result in some visual impact and likely overshadowing, on balance, it is considered unlikely to result in such significant harm to warrant refusal. In respect of privacy, there would be a number of openings on the rear elevation of the proposed dwelling which would face towards the neighbouring property. In the interests of neighbour privacy, it is considered appropriate to suggest a condition is imposed requiring obscured glazing to be fitted to the window serving the ground floor bathroom and first floor dining/living room and rooflight serving the first-floor utility. Whilst there would be glazed doors



servicing two bedrooms at ground floor level, the existing boundary hedge would provide some privacy. Notwithstanding this, as limited details of boundary treatments and landscaping are shown on the plans, it is considered appropriate to suggest a condition requiring details of landscaping are submitted. It is also considered appropriate to suggest a condition is imposed restricting permitted development rights for the erection of extensions, alterations to the roof and outbuildings, in the interests of visual and residential amenity.

- 2.15 In respect of the amenity of future occupiers of the development, the property would be configured with the main habitable rooms in the first floor of the dwelling, with balconies and glazed doors to the front (south) elevation, overlooking the garden of the site and the coast beyond. The rooms would be of a good size, well lit and naturally ventilated, in accordance with the broad objectives of NPPF Paragraph 130(f) and draft Policy PM2. No details of refuse/recycling or bicycle storage are shown on the plans and as such, it is considered appropriate to suggest a condition is imposed requiring the submission of details.

### Other Material Considerations

#### Ecology

- 2.16 It is noted that the site currently appears to be unmanaged grassland and land to the south (on the opposite side of the highway) is a site of special scientific interest (SSSI). Information in respect of ecology has been provided and has been reviewed by the Senior Natural Environment Officer (SNEO). They advise that in addition to the confirmed presence of reptiles on the site, there are opportunities for nesting birds and hedgehogs and recommend conditions are imposed for the implementation of measures to avoid and/or minimise the potential for impacts to the protected species. In addition, the preparation and long-term management of the receptor site (land to the east of Cilcain – identified as national priority habitat and subject to draft Policy SP14) will need to be secured (through a legal agreement). Subject to this, the development is considered to be acceptable, having had regard to the objectives of the NPPF and draft Policy SP14.

#### Parking, Highways and Travel

- 2.17 Policy DM11 seeks to restrict travel demand outside of the rural settlement confines. As set out in the principle of development section, the site is located outside of the settlement confines of Capel Le Ferne and the proposals would therefore be contrary to DM11. However, the settlement confines are within a short walk of the site, albeit they would be accessed via rural, unlit roads which include sections of national speed limit. Notwithstanding this, bus stops providing regular services towards Dover and Folkestone are within an approximate 3 minute walk of the site on New Dover Road, such that occupants of the dwelling would not be reliant on the private car and could use more sustainable forms of transport to access a wider range of services. The proposal could therefore provide some support to services in the nearby Local Centre, in accordance with the objectives of Paragraph 79 of the NPPF. In respect of parking, two spaces would be provided within the site, in accordance with Policy DM13 and draft Policy TI3. Access would be provided onto Winehouse Lane and whilst concerns have been raised in public representations in respect of visibility and the width of the road, no objections have been raised by KCC Highways and details of boundary treatments (which would influence visibility) could be provided as part of the suggested landscaping condition. Consequently, it is considered the proposals would be unlikely to result in significant harm to highways safety, having regard to Paragraph 111 of the NPPF.

### Impact on Flood Risk/Drainage and Coastal Change

- 2.18 The site is located in flood zone 1 which has the lowest risk from flooding and as such, the sequential and exceptions test are not required. Furthermore, due to the size of the site; less than 1 hectare, a flood risk assessment is not required. The application form states that surface water would be disposed of to the existing water course and whilst no details of foul sewage drainage have been specified, it is considered this could be dealt with through building regulations.
- 2.19 The southern part of the site lies within a coastal change management area (CCMA) and draft Policy CC7 seeks to prevent permanent new development within these areas. The dwelling has been repositioned outside of the CCMA boundary and whilst the two parking spaces and part of the garden would lie within the CCMA, the schedule of additional modifications to the submission draft local plan further clarifies that permeable surfacing may be permitted for areas of hardstanding where runoff from other hardstanding does not drain to this area. It is considered that these details can be provided within the suggested landscaping condition, such that the proposals would accord with the objectives of the draft policy and NPPF Chapter 14.

### Planning Balance

- 2.20 The principle of the development is contrary to the development plan in respect of Policies DM1 and DM11 (however accords with Policies DM15, save for the loss of countryside and DM16). The development would also be contrary to draft Policy SP4. However, it is acknowledged that some of the key (adopted) policies in the determination of the application are out of date and hold reduced weight and as such, the tilted balance approach set out in Paragraph 11 of the NPPF is engaged. In such circumstances, permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 2.21 Policy DM1 carries limited weight, however Policy DM11 carries greater weight as it is considered to broadly be in accordance with the key sustainable development objective of the NPPF. The development would generate travel outside of the rural settlement confines contrary to Policy DM11, however it is noted that the site is within walking distance of the services available within the settlement confines of Capel Le Ferne and regular bus services towards Dover and Folkestone, which offer a wider range of facilities. Accordingly, it is considered that the location of the site, relatively close to a number of facilities and services in nearby settlements, could provide some assistance in providing further custom to local services and the vitality of rural services in accordance with Paragraph 79 of the NPPF, which weighs in favour of the scheme.
- 2.22 The impact on visual amenity, as well as other considerations has been addressed and subject to the imposition of the suggested conditions, on balance, the proposals are considered acceptable in these respects, weighing in favour of the development. Whilst some concerns have been identified in respect of residential amenity, for the reasons set out, on balance, the harm is not considered significant to warrant a reason for refusal. Overall, it is considered that the disbenefits of the scheme do not significantly and demonstrably outweigh the benefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

### **3. Conclusion**

- 3.1 As outlined above, the site lies outside of the settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. Notwithstanding the location of the site outside the confines (DM1 and draft Policy SP4) and the additional travel that would be generated contrary to Policy DM11 (noting the proximity to regular bus services), it is considered the proposals would preserve the character and appearance of the street scene, the countryside and wider landscape area and designations and would not result in significant harm to residential amenity. In light of Paragraph 11 of the NPPF, and in taking into account other material considerations, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

**g) Recommendation**

- I PLANNING PERMISSION BE GRANTED subject to the completion of a S106 legal agreement to secure reptile translocation and the following conditions:
- (1) time condition
  - (2) list of approved plans
  - (3) samples of external materials
  - (4) landscaping scheme and maintenance for 5 years following completion
  - (5) obscure glazing to ground floor bathroom window, first floor windows and roof lights on north and east elevations and roof slopes
  - (6) no further openings to north and east roof slopes
  - (7) restriction of permitted development for Schedule 2, Part 1, Classes A, B, C, E
  - (8) biodiversity method statement
  - (9) ecological design and habitat management plan
  - (10) biodiversity enhancements
  - (11) details of refuse/recycling and bicycle storage
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions and legal agreements in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan

*The Human Rights Act (1998) Human rights issues relevant to this application have been taken into account. The Assessment section above and the Recommendation represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).*