

**PLANNING**

Dover District Council
 White Cliffs Business Park,
 Dover, Kent CT16 3PJ.

Tel: 01304 821199

www.dover.gov.uk/planning

Email: developmentcontrol@dover.gov.uk

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Pippin Barn

Address Line 1

Felderland Lane

Address Line 2

Address Line 3

Town/city

Worth

Postcode

CT14 0BN

Description of site location must be completed if postcode is not known:

Easting (x)

632740

Northing (y)

156076

Description

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Agent Details

Name/Company

Title

First name

Richard

Surname

Hawkes

Company Name

Hawkes Architecture

Address

Address line 1

The Bull Pen

Address line 2

Saynden Farm

Address line 3

Five Oak Lane

Town/City

Staplehurst

County

Country

United Kingdom

Postcode

TN12 0HX

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Erection of a detached dwelling with attached double garage/cycle storage, solar panels to south roof slope, associated parking and landscaping.

Reference number

Original Reference: DOV/18/01288

Variation of Condition 2: DOV/20/00962 To allow changes to internal layout, position of dwelling and landscape proposals (application under Section 73) Decision date listed below. Conditions referred to are listed on this decision notice.

Date of decision (date must be pre-application submission)

21/10/2021

Please state the condition number(s) to which this application relates

Condition number(s)

11. Prior to first occupation of the dwelling, an Energy Performance Certificate (EPC) rating of "A" with a SAP (Standard Assessment Procedure) score in excess of 100 must be achieved; building fabric efficiency of floor, roof, walls, and windows to be constructed to no less than the U-values

set out in the application document page 9.2.2 (Rule 1: Fabric First Approach) of the Architectural and Landscape Design Proposals document (November 2018); and an air permeability result no greater than 2m³/h.m²@50Pa. to be achieved. Certificates confirming these results shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the dwelling is constructed to an exceptionally high standard of energy efficiency, far in excess of the Building Regulations Part L minimum requirements.

12. The heat and power demands of the dwelling shall be met through the use of technologies as proposed in the application documentation pages 9.2.6, 9.2.7 and 9.2.8 of the Architectural and Landscape Design Proposals document (November 2018), full details of which shall be submitted to and approved in writing by the Local Planning Authority. All systems are to be fully functional prior to full occupation of the dwelling. Any subsequent development or alteration of the approved technologies providing the heat and power demand of the dwelling shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation.

Reason: To ensure that the technologies relating to heat and power employed in the design that are an intrinsic component of the dwelling's highest standard of architecture are first implemented, retained thereafter and capable of advancement throughout the lifetime of the development.

Has the development already started?

Yes

No

If Yes, please state when the development was started (date must be pre-application submission)

13/06/2021

Has the development been completed?

Yes

No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Please refer to the included document "Background to the reasons for requesting a change / variation to original planning conditions" prepared by the applicant which sets out the reasons for variation in more detail.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

Condition 11 -

Remove requirement for EPC rating to be in excess of 100 for the reasons outlined in the background documentation prepared by the applicant.

See included EPC certificate demonstrating that the property has achieved a rating of A.

See included air permeability certificate confirming a result less than 2m³/h.m²@50Pa.

See included U-value calculations and window / sliding door datasheets which indicate the U-value for these elements.

Replace page 9.2.2 (Rule 1: Fabric First Approach) (November 2018) with 9.2.2_A (December 2023)

Condition 12 -

See included ground investigation report which demonstrates that the buildup beneath the building is chalk meaning the originally proposed earth energy bank and associated systems would not be suitable. Refer to the background documentation prepared by the client for greater detail on this and the rationale for the choice of the alternative proposals.

Replace pages 9.2.6, 9.2.7 and 9.2.8 (November (2018) with 9.2.6_A, 9.2.7_A and 9.2.8_A (December 2023) respectively.

See included datasheets and associated documents for Tesla battery, Zappi EV charger, Eddi energy management system and MVHR (all as originally proposed).

See included datasheets and associated documents for PV array, Infra red heating and Mixergy Tank (as amended for the reasons outlined above).

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes

No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

The agent

The applicant

Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes

No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

Surname

Reference

Date (must be pre-application submission)

Details of the pre-application advice received

5 October 2023

"Conditions 11 & 12 will need an application to vary their wording as you will not be able to discharge these.

Condition 11 will need to be changed and DDC will need to be confident that the proposed change does not compromise the energy efficiency of the build. From the detail that you have provided, I do not see an in principle planning objection to the necessary change to an Infra Red fleece system. I would ask that when you submit the application to vary the condition that you include as much information as possible on what elements remain the same as per the original approval and where the change will be. You mention that you can almost achieve the 100 'A' rating but not quite due to lack of recognition of the fleece system. It is possible that some but not all the certificates in the condition can still be achieved. In order to vary this condition, please can the submission provide sufficient detail in order that it is clear what technologies the application can be measured against.

In my opinion, condition 12 can largely remain the same, however, please can you be clear in your submission to vary the condition which parts of the Architectural and Landscape Design Proposals document are no longer relevant as I would need to take reference to specific paragraphs out of the condition and substitute with the new information.

It is possible that you are able to put together sufficient detail that will enable me to vary the above conditions. Provided there is justification in terms of not meeting the 'A' rating and documentation sets out how the proposal will still be of an exceptionally high standard of energy efficiency far in excess of the Building Regulations Part L minimum requirements, then it is my opinion that the conditions can be varied."

Following this advice, the applicant provided draft copies of the information provided herein for review.

11 December 2023

"I have now had time to look through your document which sets out the environmental benefits to the build at Pippin Barn. Please can you apply to vary both planning condition 11 and 12 of application 20/00962 (a section 73 application)– this can be done under one application. If you submit the document that you provided me with together with the amended version of the report that you refer to, then we can progress the application. As you have mentioned, you have received an A star rating, it's just frustrating that due to circumstances beyond your control you cannot get the 100 points."

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

Yes

No

Is any of the land to which the application relates part of an Agricultural Holding?

Yes

No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

The Applicant

The Agent

Title

First Name

Surname

Declaration Date

Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Date