

- a) **DOV/18/01168 – Erection of six self-contained flats and one dwelling-house incorporating a canopy link, associated landscaping, amenity space and formation of new vehicle access and parking (existing building to be demolished) - Former Newlands Residential Nursing Home, Wellington Parade, Walmer**

Reason for report: Level of public interest.

- b) **Summary of Recommendation**

Planning Permission be Granted.

- c) **Planning Policy and Guidance**

Dover District Core Strategy (CS)

- Policy CP1 – Deal identified as suitable for urban scale development
- Policy CP4 – Housing quality, mix, density and design.
- Policy DM11 – Location of development and managing travel demand.
- Policy DM13 sets out parking standards and states that parking should be a design led approach based upon characteristics of the area.

National Planning Policy Framework

- Paragraph 8 – principles of sustainable development.
- Paragraph 9 – decisions should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- Paragraph 11 – approving development proposals that accord with an up to date development plan.
- Paragraph 509 - delivering sufficient supply of homes
- Paragraph 108 – promote sustainable transport modes and safe and suitable access to site.
- Paragraph 109 - development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraphs 117 and 118 – promote effective use of land and substantial weight to value of using suitable brownfield land within settlements for housing.
- Paragraph 124 – good design is key aspect of sustainable development. Development should function well, add to the overall quality of an area and are sympathetic to local character and history.
- Paragraph 127 – developments should create places with a high standard of amenity for existing and future users.
- Paragraph 130 - permission should be refused for development which fails to take opportunity for improving character and quality of an area.
- Paragraph 163 – development should not increase flood risk elsewhere and where appropriate should be supported by site specific flood risk assessment.
- Paragraph 165 – developments should incorporate sustainable drainage systems.

Walmer Design Statement

Adopted as a material planning consideration in 2006. Forms part of Walmer seafront character area. Wellington Parade described as 'a few Edwardian houses but most built in the late C20, reflecting the designs of that period varying from 3 storey houses to large bungalows. All designed to take account of proximity to sea'.

Design guidance refers to typical local detailing including roofs, walls windows and garden areas

d) **Relevant Planning History**

Previous extensions to former nursing home use in 1980s

PE/18/00004 – Pre application officer advice given regarding evolution and development of current proposal and supporting documents which would be required. Detailed discussions on design in order to develop a scheme which would respond to local context.

e) **Consultee and Third Party Responses**

Technical Consultations

**KCC Highways** – Does not necessarily agree with trip rates in Transport Statement but considers proposals unlikely to generate significant increase in vehicle movements bearing in mind permitted use of site. Connection point to Kingsdown Road acceptable. Notes proximity of public right of way in front of site. Recommends Construction Management Plan to suitably manage construction traffic

**KCC Rights of Way Team** – No objections providing no interference with footpath itself. Confirms that National Cycle Route has been maintained by KCC although not part of the publicly maintainable highway. Points out that pebble section of Wellington Parade is private and maintained by the residents association.

**Southern Water**- No foul capacity issues identified but formal consents will be required for connections. No public surface water sewers in area and should not be disposed to public foul sewer. Notes that a SUDS system is proposed for which further details will be required.

**Environmental Protection Officer** – No observations

**KCC Flood and Water Management** – Since application is for less than 10 dwellings, it falls outside of KCCs remit as statutory consultee

**Natural England** – No comments. Considers proposal unlikely to impact upon statutory designated nature conservation sites or landscapes.

**Environment Agency** – No comments

**Principle Ecologist** – Accepts conclusions within the bat survey report and supports precautionary measures within that report

### Third Party Responses

**Walmer Parish Council** objects to the proposal on design grounds and cites conflict with various paragraphs on design guidance within the NPPF. Also of the view that there is conflict with design advice in Walmer Design Statement in relation to development not harmonising with area, density should have regard to that in area and inadequate parking facilities

In response to the **revised plans**, the Council considers that the changes are cosmetic only and not significant enough to alter its original objections.

**Wellington Road Residents Association** – objects on grounds of: the design does not respond to the beach setting; not in keeping with the character of the area; flats are not part of the character of the area and could be holiday lets; no consultation locally; damage will be caused during construction to Wellington Parade; the development is not in accordance with the NPPF or the Walmer Design Statement

**27 representations** received from local residents expressing **objections** for reasons which may be summarised as follows:

- Poor design and contrary to advice in NPPF and Walmer Design Statement
- Existing buildings in harmony with Edwardian architecture. This proposal will be out of character
- Building is of historical interest and part of the town's seaside architecture
- Has been allowed to fall into disrepair. Loss of a sound building
- Should be restored
- Prominent as last building on Wellington Parade. Will ruin views
- Unclear if open market or sheltered housing
- Site not suitable for flats. No other flats in Wellington Parade
- Inadequate parking and will add to congestion
- Wellington Parade unsuitable for construction vehicles. Has only been recently re surfaced and will be damaged. Not a public highway
- Damage to nature conservation

Following **reconsultation** on revised plans **51 additional objections** received, largely re iterating above comments but with additional following points:

- Little change to previous plans
- Encroachment of site to rear
- No provision for refuse facilities shown
- Access to building is outside of site
- Many persons willing to restore the building
- No consultation with local community
- Likely to become holiday flats
- No details of sustainable measures

**1 comment in support** received commenting that the building is an eyesore with no architectural merit. A mixed community dwelling would enhance the area.

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

- 1.1 The site comprises the former Newlands nursing home located at the northern end of Wellington Parade and is the last building before open land to the north. It comprises a substantial 2.5 storey building and was formerly a distinctive building of some merit, but which has been compromised by the addition of a single storey wing to the south and a rather unfortunate curved single storey addition to the north. There are residential properties to the south, and also beyond the rear garden to the west, but open vegetated beach to the north. Consequently, the building is prominent when approaching from the Deal direction. Access is via an unmade gravel road which leads along Wellington Parade to the south before joining with Cecil Road and then to Kingsdown Road. The road is private and maintained by the Residents Association. National Cycle Route 1 passes directly in front of the property, adjacent to the gravel road, with the beach beyond.
- 1.2 The site was formerly a residential care home catering for up to 18 persons. However it has been empty for some 3 years now and showing signs of lack of maintenance and disrepair.
- 1.3 The site lies outside of the built confines of Walmer, is not within the Conservation Area and is also outside of any defined flooding zones by the Environment Agency.
- 1.4 The proposal is to demolish the existing building and erect a part single/part two storey building in its place which would largely occupy the footprint of the existing building. The main part of the building would be L shaped and would accommodate 6 two bedroom apartments. Attached to this on its southern side and beyond a covered vehicular access, there would be a single storey two bedroom house with accommodation within the roof space. The applicant has confirmed that the properties would be for open market housing. The access would lead to 7 parking spaces at the rear plus 1 visitor space. Additionally there would be 4 visitor spaces on the frontage. Either side of those spaces would be retained sections of existing flint walls with planting behind. To the rear of the parking area would be a mixture of communal and private garden areas.
- 1.5 A traditional form of design has been adopted with a large pitched and plain tiled roof over the main part of the building and with gable features elsewhere. Of note would be a turreted feature on the north east corner to exploit the open views. The single storey detached house would be smaller in scale than the adjoining property to the south which is a full two storeys in height. The extent of built form would be broken up by projecting gable features, the turret feature, balconies and a variety of window sizes.
- 1.6 Following officer concerns regarding the lack of detailing, revised plans were submitted showing additional tile hanging, chimneys, decorative barge boards, ridge tiles and finials, and deep window reveals. The applicant has also confirmed that materials will be red brick walls and tile hanging and clay plain tiles on the roof.

## 2. **Main Issues**

2.1 The main issues in the consideration of this application are:

- The principle of the development
- Design & layout considerations
- Highway and parking Issues
- Impact from habitat regulations
- Other considerations

### **Assessment**

#### Principle of Residential Redevelopment

- 2.2 The site lies outside the built confines of Walmer or Kingsdown and therefore although it is linked to a long ribbon of adjoining houses fronting the beach to the south, technically it is within the countryside for planning policy purposes. In that respect, Policy DM1 of the Core Strategy (CS) presumes against development in such areas unless it is justified by other development plan policies, functionally requires such a location, or is ancillary to existing development. Policy DM8 allows for replacement dwellings in the countryside, subject to the proposal being satisfied in other respects, and whilst not strictly applicable in this instance, there is some analogy with that policy given that one form of residential use is replacing another.
- 2.3 Aside from the above, the CS is currently under review and as such the Council has acknowledged that its policies for the supply of housing are out of date, notwithstanding that the Council currently has an identified housing land supply of in excess of 5 years. In such circumstances, the NPPF advises that such policies are given reduced weight and that sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 2.3 The detailed issues associated with the development will be considered below, but providing those can be satisfied and having regard to the above considerations and the fact that the site is currently a brownfield site which would not be extended in terms of its built footprint, development in principle is considered to be acceptable from a purely policy point of view.
- 2.4 In terms of type of residential use, a number of objections have opposed the principle of flats on the site, arguing that it is out of character with Wellington Parade. However, given the limited number of flats proposed, the fact that the previous use was a residential care home (which could be recommenced without the need for planning permission) and that the site is at the very northern end of current development, rather than between individual houses, officers consider that there are no land use grounds which could be raised to oppose the development in that respect.
- 2.5 Drawing the above together, there are no objections in principle subject to detailed issues being considered satisfactory.

## Design and Layout Considerations

- 2.6 A number of representations have expressed a wish to see the existing building retained. However, that is not the proposal currently before members. The building, whilst attractive originally, is not of listable quality and currently falling into disrepair. Despite a number of representations referring to it being of local historical interest, no evidence has been submitted to explain exactly what that means or refers to, and officers have been unable to find any other information which might give weight to those views. In any event, given that it is not within a Conservation Area, subject to a prior approval process, it could in any case be demolished without the need for a specific planning permission.
- 2.7 The proposed replacement footprint is not dissimilar from the existing and in the case of the existing single storey wing, it would be substantially smaller. In overall height it will also be significantly lower than the existing building. The variety of projections, gabled features, the proposed turret, bay windows and differing window sizes, will also break up the scale and massing of the building so that it would not appear bland or uninteresting. Such architectural devices will also assist in giving the visual appearance of a large house, rather than a block of flats as such, which would respond to some of the objections raised. In terms of overall impact therefore, the proposed building will have no greater prominence than the existing, apart from a slightly extended frontage along the northern boundary.
- 2.8 From a design point of view, several representations have been made to the effect that the building would look out of place in Wellington Parade. However there are a variety of different designs, building heights and differing materials along the road, including a modern house immediately next door and some replacement contemporary buildings further to the south along the Parade. In reality therefore, there is an eclectic mix of designs which indeed is part of the character. Bearing that in mind, it is considered that the proposed design, being traditional in character and particularly drawing upon Edwardian design detailing found elsewhere in Walmer, such as steeply pitched clay tile roofs, decorative detailing, variety of window types and partial retention of flint boundary walling/vegetation, would assist in satisfactorily integrating the building within the street scene. Appropriate use of good quality materials, particularly in terms of the proposed clay plain tile roof, which is a general characteristic of the area, will help with that integration.
- 2.9 Given the above, officers are quite satisfied that the replacement building would be a worthy addition to the mixed character of buildings found along the Parade and will also provide interest when approaching the site from the North, along the cycleway/footway, particularly because of the turret feature which would be prominent from that direction. In doing so, it is considered that general design advice within the Walmer Design Statement and the NPPF would be complied with. For similar reasons, officers also consider that the proposal would comply with Policy DM16 in the CS which requires that the landscape character of the area should not be harmed.

- 2.10 In terms of detailed issues, the proposed single storey house would have a lesser impact upon the adjoining property to the south than the current building does. Windows have also been carefully sited to avoid any direct overlooking of adjoining properties. Provision of suitable refuse enclosures could be conditioned and there is satisfactory space within the site to achieve that. Boundary issues regarding the property to the rear and in relation to an access track along the side of the site, have also been clarified so that all development would relate to all land within the application site and current ownership of that site.

#### Highways and Parking Issues

- 2.11 The key issues in these respects relate to potential traffic generation, parking requirements and site construction issues.
- 2.12 Dealing first with traffic generation, the applicant has obtained information from the previous owner to advise that the maximum number of residents was 18. With that number there would be a minimum number of 7 staff in the mornings, 6 in the afternoon and 2 through the night. Most of these would be drivers. Total staff on the payroll including part time staff would be between 22 – 26 persons. Weekly deliveries from suppliers would amount to 8 deliveries per week. Added to the above would be family visits, most of which would be weekends, together with other service visits such as doctors, ambulance, health visitors and service deliveries.
- 2.13 The Transport Statement submitted with the application suggests that trip generation from the proposed 7 residential units would actually be lower than the previous use using national highway modelling data (TRICS). The data suggests the previous use might have generated 44 two way vehicular movements on a typical week day, compared to the proposed use of 29 vehicular movements. Whilst the precise numbers could be argued, and traffic generation might have ebbed and flowed depending upon occupancy, it is clear that overall traffic generation between the previous and proposed use would be similar, thereby causing no significant additional stress on the Parade itself, nor at the junction with Kingsdown Road. Members will note that Kent County Council as Highway Authority, agrees with that assessment and raises no highway objections.
- 2.14 In terms of parking requirements, the proposal more than satisfies the requirements of Kent Vehicle Parking Standards which would be for 8 spaces, whereas a total of 12 are being provided, including the provision of visitor parking spaces. The site is in a reasonably sustainable location with bus stops in Kingsdown Road and easy access to Deal via the footpath and cycleway immediately outside. Shops and schools are within 2km. Whilst most trips are likely to be by private car, the proximity of such alternative means of transport may further reduce trip generation compared to the previous use.
- 2.15 Although concerns have been raised regarding conflict with walkers and cyclists, there is no reason why that should be the case given the clear demarcation between the gravel road and the surfaced footway/cycleway. In any event the situation is no different from other

dwelling along the Parade nor from access arrangements that previously existed. Indeed the proposed arrangement is an improvement from before where there appears to have been limited on-site parking; the main parking seeming to have been an informal parking area outside the site and on the opposite side of the footway/cycleway.

- 2.16 In summary from a highways point of view, the proposal is considered to be generally consistent with Policy DM11 of the CS in that it would not generate additional travel compared to the existing situation and that it is partly served by a range of means of transport.
- 2.17 With regard to Wellington Parade, officers acknowledge the local concerns regarding the potential for it being damaged during construction works, given that it is a private road and is a loose gravel construction. This would be the case of course with any development on the site, including renovation works, and also for any properties along Wellington Parade where building works were undertaken. It is understood that maintenance is a joint responsibility amongst adjoining owners, as indeed it would have been with the previous owners, and nothing will change in that respect. However, following discussions with officers, the applicants have agreed to the principle of a Construction Management Plan (CMP) in order to mitigate the impact of building works. The CMP would include such matters as: a pre development photographic survey in order to act as a benchmark for restoration in the event of any damage; wheel washing equipment to control dust and mud; construction times; details of vehicles sizes using the site etc. Such matters could be the subject of an appropriate condition.

The Conservation of Habitats and Species Regulations 2017 and other Ecological Matters

- 2.18 Turning to detailed ecological matters, a phase 1 habitat survey was carried out in June 2018 as the site lies adjacent to a coastal vegetated shingle which is a Priority Habitat. The survey found no evidence of protected species such as badgers or dormice, and there are no ponds to support amphibians. Given the presence of trees there is scope for breeding birds and accordingly it is recommended that clearance works are only carried out between September and March to avoid the breeding season. Evidence of bat droppings prompted a bat survey but no bats were seen to emerge from the buildings and the number of passes was found to be low. Nevertheless a mitigation strategy is proposed. Recommendations were also made in relation to planting of native species to enhance the ecological value and the installation of bird boxes, all of which the applicant has agreed to implement.
- 2.19 As part of the Appropriate Assessment required in respect of the above, all impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.



- 2.20 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.21 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.22 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing harmful effects of housing development on the sites.
- 2.23 Given the limited scale of development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration involved would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed strategy.
- 2.24 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

#### Other Matters

- 2.25 As referred to above, the site does not lie within any zone identified by the Environment Agency which might be vulnerable to flooding. Bearing in mind that only 7 units are proposed, it is also below the threshold for any affordable housing or other development contributions. With regard to disposal of surface water, the applicant has clarified that this will be some form of sustainable urban drainage system. The usual solution in such instances is likely to be some form of attenuation tank which ensures flows of surface water into the system are less than existing. Details of such a system can be conditioned.

### 3. Conclusion

- 3.1 As explained above, the principle of redevelopment is considered acceptable in policy terms. In terms of achieving sustainable development, the NPPF says that the planning system should have

three overarching objectives, namely economic, social and environmental objectives.

- 3.2 In terms of economic benefits there would be short term gains through local construction work, whilst from a social objective, there would be a small but useful addition to the housing supply and better use of what is currently a vacant and deteriorating site visually. Although local representations have expressed concerns about the introduction of flats to the area, given the limited number of units involved, and the fact that the former use was a commercial care home, it is not considered that there will be any significant loss to the character of the area, particularly given the location at the very northern end of the Parade. The applicant has confirmed the flats will be for open market housing, and whilst potentially they could indeed be second homes to persons residing elsewhere, there are no planning controls to prevent that happening, as indeed would be the case elsewhere along the Parade.
- 3.3 From an environmental objective, there are a number of issues. Many representations have expressed a desire to see the building restored. However, that is not the proposal before members and given that it could be demolished without permission (subject to the prior approval process), the application could not be resisted on that basis alone.
- 3.4 Although a number of concerns have also been raised in respect of the proposed design, the overall scale, footprint and visual impact will be similar to the existing and less so in some respects. Officers consider that the proposed elevational treatment will successfully break up any massing and the revised plans shows architectural detailing which draws upon historical detailing found elsewhere in Walmer. Given the variety of designs, forms, size of buildings and use of materials that are found along the Parade, both in historical and contemporary buildings, including the site next door, officers consider it would be difficult to argue that that the proposal would be out of character.
- 3.5 In highway terms, whilst detailed points about trip generation could be debated, the overall numbers will not be dissimilar from the previous use and all parking requirements can be accommodated on site, which was not the case previously. Whilst there are understandable local concerns about potential damage to the Parade, that would be the case with any development to the existing site or other sites along the Parade. In that respect, a detailed Construction Management Plan would seek to mitigate issues associated with the construction phase.
- 3.6 For a combination of all the above reasons, officers consider the development complies with sustainable development criteria and that the overall benefits of the scheme outweigh any adverse impacts. Accordingly planning permission is recommended.

g) **Recommendation**

- I PERMISSION BE GRANTED subject to the following conditions:-

(1) standard time; (2) approved plans; (3) details of materials and architectural detailing such as ridge ties, fascia board etc; (4) parking and turning provision; (5) cycle provision; (6) details of refuse and recycling; (7) details of landscaping scheme; (8) removal of existing trees to be carried out in accordance with ecological report; (9) ecological measures, including bat mitigation strategy to be carried out in accordance with ecological report; (10) further details of surface water disposal and ongoing maintenance; (11) development to be carried out in accordance with construction management plan, to include pre commencement photographic survey, wheel washing, construction times and types of vehicles.

- II Powers be delegated to the Head of Planning, Regeneration and Development to resolve any necessary planning conditions, in accordance with issues set out in the report and as resolved by the Planning Committee.

Case Officer

Kim Bennett