

- a) **DOV/18/01263 – Conversion of church building to provide 16 self-contained apartments and associated development - Former United Reformed Church, High Street, Dover**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy.
- CP3 – Of the 14,000 houses identified by the plan 9,700 (around 70%) is identified for the Dover Area.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified ta less than 30dph.
- 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.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- 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 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for residential cycle provision, should be informed by Kent County Council Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking.
- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These three overarching objectives are interdependent and need to be pursued in a mutually supportive way.
- Paragraph 11 states that where development accords with an up-to-date development plan it should be approved without delay; or where there are no relevant policies or the most important policies for the determination of the application are out of date, then also granting consent. Where there is a clear reason for refusing the proposed development due to conflict with an area/asset of particular importance (as identified in the framework); and/or where any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when taking the Framework as a whole, then planning permission should be refused.
- Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Chapter nine of the NPPF seeks to promote sustainable transport.
- Chapter twelve seeks to achieve well-designed places, with the creation of high quality buildings and places being fundamental to what planning and development process should achieve.
- Chapter fifteen requires that the planning system contributes to and enhances the natural and local environment, by recognising the intrinsic character and beauty of the countryside, protecting valued landscapes, geological conservation interests and soils, recognising the value of ecosystems, minimising impacts on, and where possible enhancing, biodiversity, preventing pollution and remediating contamination.
- Chapter sixteen of the NPPF seeks to conserve and enhance the historic environment.

- Paragraph 177 states ‘The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.’

d) **Relevant Planning History**

DOV/05/00089 - Conversion of church into 8 no self-contained flats. Approved.

DOV/07/00634 - Change of use and conversion of the basement to residential accommodation ancillary to flat no.2 at ground floor level and the creation of 2 no. two bedroom flat at second floor level together with external and internal alterations. Approved.

DOV/13/00706 - Change of use and conversion of fire damaged building to a worship space with associated rooms, erection of new roof, remedial works and associated internal and external alterations. Approved.

e) **Consultee and Third Party Responses**

Dover Town Council – object to the planning application for the following reasons:

- too many household units of a poor standard
- the Committee disagrees that there will be no negative impact on neighbours at 2 Priory Hill

Southern Water – no objection raised. An informative has been recommended to be attached to the permission.

KCCS – Kent County, Environment and Planning – views not received.

Principal Infrastructure Delivery Officer – views not received.

Environmental Health Manager – views not received.

Kent Highways – No on-site parking is available for the proposed development. However, the site is in a town centre location well served by public transport and close to amenities. Parking restrictions are also in place as necessary in the adjacent streets and public parking is available nearby. Refusal is not recommended on highway grounds due to the lack of on-site parking.

Submission of a Construction Management Plan and provision and permanent retention of the cycle parking facilities shown on the submitted plans should be secured by condition.

Housing Development Manager – views not received.

KCC Archaeology – views not received.

Crime Prevention – A development that achieves SBD accreditation demonstrates that security has been addressed. This application could achieve the bespoke “Bronze” award as it is precisely the type of application that the award is aimed at. There are many products available with SBD accreditation that can help maximise

the security whilst protecting the character of the building, especially the windows. A condition is recommended.

Fire Officer – I confirm the means of access to be satisfactory.

KCC Local Flood Authority – The development is regarded as low risk.

Public Representations:

Six (6) letters of objection received raising the following matters:

- overlooking of Victoria Crescent and no.2 Priory Hill
- lack of parking
- the density will cause potential issues at a busy junction whilst refuse collection
- there is already a consultation out to make Priory Hill residents parking only
- noise and light pollution
- too many units
- over-intensification and poor design
- higher than the existing building

1 representation received neither supporting or objecting to the proposal and made the following comment:

- It appears that the applicant expects the residents not to be car owners.

Cllr - Pamela Brivio (Ward Councillor)

Community involvement, I am not aware of any, unless has been with local high street businesses, residents are often asking me as ward councillor what is happening to the site and I have had regular contact with DDC to ask for update. Parking , the area does not have a residents Parking scheme, matter was on agenda of JTB only day before this application was listed. Decision been deferred for further information and likely to be considered at next JTB meeting in April. Parking is in my opinion and that of several residents a problem and development of this scale will exacerbate the situation. There are DDC car parks nearby but experience has shown For example High Street business owners in immediate location do not use them, instead Park in Priory Hill for free.

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

- 1.1 The application site relates to a detached three-storey church building with a part basement towards the southwest part of the building, constructed circa 1904. The former church building was constructed in about 1904 and works to convert the building into flats took place in 2006/2007; however, it was destroyed in fire in 2007 and has remained derelict for the past 11 years. The building is designed in an Ornamental Gothic style, externally faced with Kentish ragstone and embellished with white stone dressings.
- 1.2 The site fronts onto the High Street but is also visible from Priory Hill. To the north of the site is Victoria Crescent which consists of a terrace of Listed Buildings, which is predominantly in residential use and lies within Dover College Conservation Area.
- 1.3 The site is situated at the bottom of a hill, with the land rising steeply to the rear of the site. The existing building occupies most of the site and is cut into the ground to the rear of the site. The boundaries to the High Street and to Priory Hill are marked

with a dressed stone wall of about 1m high, with iron railings on top. There is a small open area to the southeast, with a gated pedestrian access leading to an entrance door located at the bottom of the tower. The open area is on two levels, with the western half forming a raised grass area about 1m above the hard landscaped entrance area. There is a brick-built enclosure adjacent to the boundary wall to Priory Hill, which appears to have been built during the conversion to flats to accommodate bin storage.

- 1.4 There are two further entrances through the stone boundary wall to the High Street, leading to pedestrian accesses into the building, one in the centre of the front elevation, which has been blocked, and the second under the northwest side extension. There is a narrow passage to the northwest site boundary to the gardens of Victoria Crescent, leading to the former vestry buildings at the rear of the site.
- 1.5 The application seeks permission for the conversion of the Church building to provide 16 no. self-contained apartments. The proposed conversion would utilise the original volume of the building with the exception of the introduction of dormer windows within the roof to enable an apartment within the roof space. To accommodate 16 apartments, the proposal involves internal sub-division of floors in a manner that it would comprise five floors of accommodation excluding the part basement floor.
- 1.6 The main entrance to the new apartments will be via the entrance door off the High Street, to the northwest side of the site. The door would lead into an entrance lobby, which would in turn lead into a corridor running along the northeast side of the building towards the bell tower. The entrance lobby would have a second secure door leading to the narrow alley running along the northwest boundary, to the rear of one of the ground floor flats. The entrance lobby would also accommodate secure bike storage for 6 bikes. There will be a secondary access located in the southeast elevation of the bell tower, which leads into the outdoor space to the communal amenity area. Access to the upper floors would be provided via a lift and protected staircase located within the former bell tower.
- 1.7 The external space to the southwest will accommodate the bin store area, lockable bike storage for 12 bikes and a small raised communal garden area. The bin store is designed for four 1100 litre euro bins, two for refuse and two for recycling. The proposed bin enclosure would be built against the southeast boundary wall and surrounded by a 1.5m high brick wall and is open to the air. The lockable bike storage is provided by two blocks of 6 semi-vertical bike racks in two water tight and lockable sheds.

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 the listed building
- The impact on residential amenity
- The impact on the highway network

- The impact on ecology
- The impact on trees
- Archaeology

Assessment

Principle of Development

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose 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.
- 2.3 The site lies within the settlement confines of Dover, and within 100m of its defined town centre, and, as such, the principle of the development is acceptable, being in accordance with Dover Core Strategy Policy DM1. Moreover, the NPPF supports a positive approach to the growth, management and adaption of town centres, which should be at the heart of local communities. The NPPF also recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. It is therefore concluded that the development is positively supported by the NPPF.

Character, Appearance and Heritage

- 2.4 The building is a large and prominent building within Dover College Conservation Area, is adjacent to a Grade II Listed Georgian Crescent, diagonally opposite Maison Dieu and is considered to be a non-designated heritage asset.
- 2.5 Regard must be had for how the development would impact upon the heritage assets which are within the vicinity of the site, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity and their settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial), consider whether this harm is outweighed by public benefits.
- 2.6 The building is principally constructed of masonry, with stone work facing a brick structure. The external stone work appears to be ragstone, with dressed stone facings to window surrounds, quoins, feature band courses etc, with a rough dressed stone in random but regular coursing between. The external walls are approximately 500mm thick, with buttressing of approximately 630mm. The original windows are of metal frame, some of which survive although most have sustained damage from fire and dereliction.

- 2.7 The proposed internal sub-division has been planned by having regard for the position of the existing Gothic arch windows and all the windows to the High Street elevation such that the new floors would not interfere or cross these windows. The ground floor level is proposed to be lowered by 450mm to provide a level access to the ground floor level, and to enable 2.4m floor to ceiling heights for each floor. The existing ground floor windows would be lowered (relocated). The existing stone surrounds and the ragstone would be reused. A series of new windows would be introduced at the first floor level i.e. between the decorative dressed stone bands. The width of these windows would be of a similar width to the ground floor windows and would have dressed stone facings to match the original windows.
- 2.8 The topmost floors would constitute a floor in-set from the main external walls with a roof over comprising 4 dormer windows. The external walls of the 4th floor would be constructed in rendered blockwork, with the render finish to match the rough stone coursing and the dressed stone window surrounds. The new dormer windows will be finished in grey to match the proposed reconstituted slate roof finish to the new roof. Whilst the proposed additional storeys would increase the overall bulk and massing of the structure, it would not appear as a dominant or an obtrusive addition to the non-designated heritage asset, by virtue of it being set-in from the main façade.
- 2.9 Regard has also been had to the overall fenestration design as it is considered to have a profound effect on the appearance of the building and makes an important contribution to the significance of the historic buildings. The proposed fenestration at ground and first floor levels would have a stone sill, stone surrounds and mullions with dark coloured metal windows set-in within the frame. It is noted that the windows within the side elevations of the fourth floor and dormer windows within the roofslope constituting the fifth floor have narrower and more slender windows which effectively represents the natural sequence of fenestration design.
- 2.10 It is relevant to discuss the amendments that were sought to the northwest side elevation to overcome the loss of privacy matters (discussed within ‘Impact on Residential Amenity’ section). The amendments included installation of fixed external louvres to three windows on the first and second floors and 2 windows on the third floor. Regard was had to whether the proposed installation of external louvres to the northwest side elevation would detract from the character of the building or cause harm to the setting of the heritage assets. It is noted that the majority of the northwest side elevation is obscured from public views achievable from High Street. Therefore, whilst a couple of external frames may be visible from High Street, it is not considered that it would detract from the character and appearance of the host property or the street scene. In addition to this, whilst the external louvres would be highly visible from the private gardens of Victoria Crescent, this element is a primary factor which makes the conversion possible without causing undue visual and residential amenity harm and effectively would enhance the overall setting of the Conservation Area and the listed buildings by bringing the redundant structure back into use.
- 2.11 Overall it is concluded that by bringing the disused building back into use which is currently in a state of disrepair and occupies a prominent location in close proximity to the Dover Town Centre, the development would provide significant visual enhancement of the townscape. There is a clear benefit in regenerating the site and tidying up what is currently a significant detractor for the character of the area. Whilst the design of the building is considered to be acceptable, subject to conditions, it is inevitable that a building of this scale will be prominent in some views. However, it is not considered that the resultant scale and height of the building would impact upon

the setting of the Conservation Area and nearby Listed Buildings. Rather, it is considered that the refurbishment of the redundant structure would enhance the setting of the designated heritage assets. In conclusion, the proposal is considered well-designed and would not cause harm to the character and appearance of the street scene, the Conservation Area or the setting of the listed buildings.

Highways/Travel Impacts

- 2.12 Policy DM13 of the Core Strategy requires developments to provide sufficient car parking, having regard for the scale of the development and its location. DM13 does, however, acknowledge that car parking provision should be design-led. The site is considered to be in a town centre location. In such locations, Table 1.1 of the Core Strategy advises that dwellings should be provided with a maximum of one car parking space per dwelling, whilst visitor parking can be accommodated within public car parks. However, footnote 1 of Table 1.1 advises that within Town Centre locations, reduced or even nil parking provision is encouraged in support of demand management and the most efficient use of land.
- 2.13 Paragraph 103 of the NPPF states, "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making".
- 2.14 The concerns of third parties relating to the capacity of on-street car parking on Priory Hill, is acknowledged and during site visits the case officer experienced the lack of available car parking spaces. However, it is also appreciated that the problem is existing and is largely contributed to the fact that Priory Hill does not operate a residents parking permit scheme like the surrounding roads. Many people visiting the town or the train station park their car free of charge in Priory Hill which is causing the local residents to be displaced. Notwithstanding the acknowledged capacity issue, it is relevant to refer to the paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst the proposal makes no provision for on-site parking, it is considered that this is acceptable, given the highly sustainable location of the development. KCC have raised no objections. The parking policy in the Core Strategy advises that nil parking may be acceptable in urban locations such as this and the NPPF encourages the use of sustainable modes of transport and optimising densities in the town centres. The site is close to all of the day-to-day facilities and services required to meet the needs of occupants and users of the development, whilst the nearest bus stops providing frequent services are less than 100m away. The site is approximately 289m from the major urban footpath which runs in the north-south direction. It leads to Priory Station to the south and joins Folkestone Road whilst it connects other residential areas to the north. The nearest train station 'Dover Priory' providing mainline and High Speed services is less than 700m away. The Ladywell car park is 100m away and Norman Street car park is 180m away. Consequently, it is concluded that the site is capable of accommodating low car/car free development, in accordance with the government's objectives to promote sustainable transport and make efficient use of land.

- 2.15 The development includes a total provision of 18 cycle spaces. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, proposed provision could be secured by condition.

Impact on Neighbours

- 2.16 Paragraph 127 of the NPPF requires the planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Regard has also been had to paragraph 118 of the NPPF which requires the decisions to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

- 2.17 The application site abuts the boundaries of the properties at Victoria Crescent to the northwest, no.4 Priory Hill to the southwest and no.2 Priory Hill to the southeast. Given the increase in massing, scale and the increase in the number of proposed openings to the southeast and northwest side elevations, it is necessary to consider the residential amenity impacts such as overbearing impacts, loss of privacy, noise and disturbance.

2.18 No.2 Priory Hill to the south-east

The proposed conversion comprises several windows at each floor to the northwest side elevation facing no.2 Priory Hill. The land levels rise steeply from southwest to northeast such that no.2 sits approximately 4m above the road level (High Street). There is a dividing brick boundary wall along the northwest boundary. By virtue of the land levels and the brick boundary, views would not be achievable from the windows to the ground and first floor whilst views of the private deck of no.2 would be achievable from two windows to the third floor level. Whilst this would result in some harm from overlooking, it is relevant to note that the existing deck (amenity area) is already being overlooked by no.4 Priory Hill to the northeast. Therefore, given the direct overlooking that prevails, it is not considered that this additional overlooking would result in significant harm to warrant a refusal on this basis. The third and fourth floors are set-in from the external face of the first three floors (ground, first and second) by approximately 2.5m and 3.3m respectively. Therefore, given the setback distance, it is not considered that views of the amenity area would be achievable to an extent to cause an unacceptable loss of privacy.

- 2.19 Regard must also be had to whether the addition of two floors would result in an unacceptable overbearing impact on the occupiers of no.2 Priory Hill. Whilst the proposed addition of two floors would increase the overall massing and bulk of the building, given the substantial setback from the main elevation, it is not considered this would cause an unacceptable overbearing impact to the occupiers of no.2.

2.20 No.4 Priory Hill to the south-west

The proposal involves creation of new openings within the chamfered elevation of the southwest side elevation. These openings would have views to the south and west. Therefore, whilst some interlooking may arise, it would be limited and it is not considered to result in significant harm to justify withholding permission. With regards to the overbearing impact, it is relevant to note that no.4 sits at a higher level than the application property. Therefore, whilst there would be an increase in massing and

height of the building, views of which would be achievable from no.4, it is not considered that it would cause an unacceptable sense of enclosure or overbearing impacts to the occupiers of no.4.

2.21 Victoria Crescent to the north-west

At an early stage during the application process, it was identified that the series of windows proposed to the northwest side elevation of the building would result in overlooking of the private gardens of nos 2, 3, 4 and 5 and direct interlooking of nos 2 and 3. Discussions took place with a view to resolve the loss of privacy issues. The applicant's agent offered a couple of options including obscure glazed windows and fixed shut up to a height of 1.7m however, this was considered to be an unacceptable solution as it would make the living environment of the occupants of those flats unacceptable by virtue of no outlook. Furthermore, this option would have led to an unacceptable perception of overlooking to the occupiers of Victoria Crescent particularly nos 2 and 3. Another option was offered which included obscure glazed blinds fitted internally. However, this was not considered to resolve the issues of the strong perception of overlooking. Therefore, your officers recommended a solution which included a frame comprising fixed vertical thin aluminium blinds at an angle which would be installed on the external face of the existing and proposed window frames. Following further discussions, this option was finalised and the drawings were amended to reflect the proposed installation of the external aluminium vertical louvres to first, second and third floor windows. It is considered reasonable to attach a condition requiring submission of fixing details of these external frames prior to the commencement. Such louvres would allow directional views (away from neighbours) for future occupants, and a solid appearance to neighbours overcoming the previous concerns.

2.22 Concern has been raised by the third parties that the proposed change of use would result in an increase in noise and disturbance. It is acknowledged that the change of use would result in the formation of 16 units; of which 7 would be two bed apartments and 9 would be one bed apartments. One-bed apartments are likely to be occupied by single persons or couples whilst a 2 bed apartment could be occupied by couples with a child. Therefore, these units could house around 39 persons (2 persons per 1 bed unit and 3 persons per 2 bed unit). Whilst this could lead to the potential for an increase in activity and disturbance, given the town centre location and the fact the neighbouring properties front High Street which is a busy road through Dover town, it is not considered that the activity and disturbance would significantly increase to unacceptable levels. Finally, the impact cannot be quantified in a manner which would justify a reason to refuse planning permission on this ground.

Impact on Living Conditions of Future Occupiers

2.23 Turning to the living conditions of future occupiers, all flats would be of reasonable size and the majority of the habitable rooms would be naturally lit and ventilated. Whilst some the units on the ground and first floors along the southeast side of the building would, by virtue of their relationship with No.2 Priory Hill and the topography of the land have a more limited outlook, on balance, it is not considered that this would result in sufficient harm to the future occupants of the building to warrant a refusal on this basis. A separate refuse storage area for the residential units would be provided at ground floor level. For these reasons, it is considered that the living conditions of future occupiers would be acceptable.

Contributions

- 2.24 Core Strategy Policy DM5 requires that for schemes of more than 15 dwellings an on-site provision of affordable housing, amounting to 30% of the dwellings proposed, will be required. The policy also acknowledges that the exact amount of affordable housing, or financial contribution, to be delivered from any scheme will be determined by economic viability, having regard to individual site and market conditions.
- 2.25 Policy CP6 requires that development which generates demand for addition infrastructure will only be permitted if the necessary infrastructure is either in place or where it can be provided. Policy DM27 requires that developments contribute towards the provision of open space to meet the needs which will be generated by the development. However, no requests for contributions have been received for infrastructure such as schools, libraries etc. or for open space provision.
- 2.26 The application has been supported by a viability statement which seeks to demonstrate that the development cannot support the provision of affordable housing or contributions, making a substantial loss. In accordance with the Council's normal practice, and having regard for the Affordable Housing SPD, the council appointed an independent viability consultant to review the applicant's report.
- 2.27 The Council's viability consultant questioned a number of the assumptions made within the submitted statement and sensitivity tested the applicant's viability appraisal. The consultant undertook their own assessment of the redevelopment land value reflecting the proposed redevelopment scheme for 16 flats. They have taken into account the comparable evidence in the surrounding area, particularly conversion properties, together with new build.
- 2.28 The report valued the development based on a vacant possession scenario with total gross development revenue of £1.675 million. It demonstrates that there is a negative value for an all private scheme. If any affordable housing was to be provided, the scale of the loss would increase. Alternatively, on the basis of an investment (private rented scheme), it concludes that there would be no change in the position if all the units are let on a private rented scheme apart from long term capital value enhancement together. Also, a lower yield could potentially improve the capital value.
- 2.29 Consequently, the viability assessor is of the opinion that the scheme is not sufficiently viable to support contributions. This is also caused by the low sales values achievable in the local area set against relatively high build costs given the site specific constraints. Notwithstanding the viability position, which is accepted, paragraph 63 of the NPPF advises that contributions for affordable housing should not be sought where vacant buildings are being resused and redeveloped. The exemption applies to the proposed floorspace equivalent to the existing gross floorspace of the existing buildings. In accordance with Policy DM5, which acknowledges that "the exact amount of affordable housing, or financial contribution, to be delivered from any specific scheme will be determined by economic viability having regard to individual site and market conditions", and having regard for paragraphs 63 and 64 of the NPPF and the advice contained within the Planning Practice Guidance, it is considered that the application has demonstrated that it would not be reasonable in this instance to require affordable housing or contributions.

Ecology

- 2.30 The application was accompanied by a preliminary ecological appraisal dated November 2018. The initial survey concluded the following

"There are very limited wildlife habitats and opportunities on the site due to the isolation of the building and due to the current state of the building, which comprises a shell of walls and a complex of scaffolding following the fire that occurred in 2007.

The main interest of the site is the potential of the derelict church to hold bird and bat species. The bird population is currently dominated by pigeon but there is potential for house martins and other species and a breeding bird survey for the site is recommended prior to development.

The bell tower within the church is relatively undamaged and this and the walls of the church, which provide bat roosting potential in very numerous places, should be checked for hibernating bats (November to February) and also during the maternity period of bat activity".

- 2.31 In light of these conclusions and recommendations, a bats survey was commissioned by the applicant and it was received on 20th August 2019.
- 2.32 Ecological surveys found that the northern tower is a feeding and/or night roost of a small number of common pipistrelle bats. Additionally, at least four species of bats, including the Greater Horseshoe bats were found to use habitats to the western boundary for foraging and commuting. Breeding feral pigeons were found to use internal spaces throughout the building in particular the bell tower in significant numbers. In light of the findings, the survey recommends an extensive mitigation strategy together with biodiversity enhancements in line with the objectives of the NPPF. It is considered that suitably worded precommencement conditions could be attached to secure the recommendations made within the survey report which comprise further monitoring of bats, safely removing bats prior to demolition, prevent re-entry into the building, provide alternative habitats and sensitive lighting strategy.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.33 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.
- 2.34 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.
- 2.35 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.
- 2.36 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 the harmful effects of housing development on the sites.
- 2.37 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a

published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). The applicant has agreed to fund this mitigation, which will be secured by a S106.

- 2.38 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

- 2.39 A Structural Feasibility Report has been submitted with the application. It is noted that a visual inspection of the building was undertaken and it did not include any testing of the structural strength of the existing structural elements of the building. It concludes that the existing structure could be reused for the purposes of a conversion; however, a detailed structural survey of the building would be required to confirm the precise construction details and member details to allow an accurate assessment of the structure to be undertaken, including the confirmation of the foundation details, including the proposed extension details.
- 2.40 It also recommends that to ensure the stability of the original external masonry walls during the intended demolition and conversion works, due consideration may need to be given to the provision of suitable temporary shoring structures. In addition to the above, it is also recommended that a review of the current temporary scaffolding system be undertaken along with the possible requirement for temporary shoring as may be required to the structure to ensure its stability prior to commencement of any works. In light of the above recommendations, it is considered that a suitably worded pre-commencement condition could be attached to the permission requiring submission of a detailed structural survey of the building.

Drainage and Flooding

- 2.41 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the increase in the scale of the building, it is appropriate to consider whether the development would be likely to lead to localised or off-site flooding. The NPPF, paragraph 103, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate the natural drainage as closely as possible. The application proposes to utilise the existing surface water drainage systems.
- 2.42 In respect of foul water drainage, it is proposed to remove the existing onsite foul water drainage system and install a new system. The SUDS report submitted with the application indicates that the existing connection from the site into the existing main sewer will be inspected to ensure that it is suitable for the new development and if necessary, the existing connection into the main sewer will be replaced. Having regard for the above, it is considered reasonable to attach a condition requiring submission of a scheme for foul water disposal.

3. Conclusion

- 3.1 The site is located within the settlement confines of Dover, which is identified as the 'major focus for development in the District; suitable for the largest scale developments'. The principle of the development is therefore supported.
- 3.2 It is considered that the reuse of the redundant structure would enhance the setting of the designated heritage assets and the wider street scene. Significant weight is attached to this benefit. The provision of 16 units in a highly sustainable location is also considered to attract significant weight in favour of the development, as it would increase footfall in the town centre, support local facilities and services and locate housing where occupants would have access to a wide range of sustainable modes of transport (walking, cycling, bus, train). Weighed against these benefits is a potential increase in competition for on-street parking and non-ideal residential amenity (although considered acceptable) for the future occupants. It is considered that these negative impacts carry some weight, but in the opinion of your officers they are considered to be more than outweighed by the benefits of the scheme.
- 3.3 In conclusion, the proposal is considered well-designed and would not cause harm to the character and appearance of the street scene, the Conservation Area or the setting of the listed buildings. Therefore, it is recommended that permission be granted.

g) Recommendation

- I PERMISSION BE GRANTED subject to a S106 agreement to secure habitat mitigation and conditions to include:
 - (i) Timescale of commencement of development, (ii) A list of approved plans (iii) Samples of materials (iv) provision and retention of cycle parking facilities prior to first occupation (v) measures to prevent the discharge of surface water (vi) Soft and hard landscaping details (vii) Details of surface water disposal ?? (viii) provision of bin storage prior to first occupation (ix) submission of window details including the window surrounds, cills, headers, mullions and window reveals (xi) fixing details of the external vertical louvres to different window types prior to commencement (xii) details of foul water drainage prior to commencement (xiii) submission of a detailed structural survey of the building prior to commencement (xiv) mitigation strategy for bats, breeding birds and biodiversity enhancements prior to commencement (xv) Construction Management Plan (xvi) details of rainwater goods (xvii) lighting strategy.
- II Powers to be delegated to the Head of Planning, 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

Benazir Kachchhi