

a) **DOV/19/00962 – Partial infilling of current pond, installation of new pond and associated landscaping works - Palmerstone Court, Lord Warden Avenue, Walmer**

Reason for Report: Number of contrary responses (10 no. including Parish Council).

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Dover District Core Strategy (CS) 2010

- DM1 - Development within the built confines.

National Planning Policy Framework (NPPF) 2019

- Paragraph 8 – the three objectives of sustainability.
- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 127 – achieving well-designed places.
- Paragraph 130 – permission should be refused for poor design.
- Paragraph 175 – Wildlife habitats
- Paragraphs 197 – Non-designated heritage assets.

National Design Guide 2019

d) **Relevant Planning History**

65/187 – Permission granted for multi-unit development on land formerly part of Walmer Place.

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

KCC Archaeology: No measures considered necessary.

DDC Ecology: Have not raised any concerns with regards to the contents of the Phase 1 Habitat survey or its timing/methodology.

Walmer Parish Council: Object citing impact on wildlife habitats and the character of the area. These views remained unchanged following re-consultation on an amended proposal.

Third Party Reps: 9no. objections summarised below:

- current pond would be fine had it been maintained properly.
- would any new pond be maintained?
- there would be a loss of habitat.
- Phase 1 possibly skewed by works/clearing before the Phase 1 survey was carried out.
- historic pond – Part of Walmer Place by a significant landscape architect.
- often filled with birds and fish.
- understood to be a naturally filling pond which serves as part of a surface water storage system.

- active with wildlife.
- it would change the character of a heritage site.
- the natural environment had been degraded prior to ecology survey.

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

- 1.1 The pond at Palmerstone Court is an ornamental pond, which originally formed part of the gardens of Walmer Place (now largely demolished) and now forms a focal point within the Lord Warden development, a housing development dating from the 1960s located between Liverpool Road, Granville Road, Kingsdown Road and Alexandra Road in Walmer. The pond is located to the front of Palmerstone Court, a purpose-built block of flats, which like the remainder of the estate, dates from the 1960s when the original ornamental pond was altered to its current form.
- 1.2 The pond is in line with the northern section of Lord Warden Avenue which then curves around the pond to the south. This alignment re-enforces the importance of the pond within the development. The northern section of Lord Warden Avenue follows the original paths/sight lines from Walmer Place to the pond giving importance to the pond.
- 1.3 During the course of consideration of this application, a third party referred the pond (along with the summerhouse and terracing) to Historic England for statutory listing. This process took a number of months but concluded that all remaining elements had been too heavily altered to retain a historical significance worthy of statutory listing. It was noted that the pond was the most heavily altered of the remaining garden features of Walmer Place. However, statutory listing notwithstanding, a pond in the current location is an important historical feature and is a non-designated heritage asset.
- 1.4 The application seeks to make the following alterations to the pond:
- Partially infill the existing pond and insert a new 25m by 4m pre-fabricated pond into the centre of the site.
  - The pond would be set a minimum of 0.5m below the banks of the existing pond.
  - The banks and the land between the banks and the new pond, would be laid to grass allowing the outline of the existing pond to be clearly demarcated and allowing the grassed 'basin' to continue to function as a water gathering area in times of high surface water levels.
- 1.5 The proposal has been amended during the course of consideration. The original scheme proposed a full infilling of the pond, level with the surrounding land, with a new small oval pond inserted centrally. This was not considered acceptable given this is a non-designated heritage asset and the proposal above was submitted.

**2. Main Issues**

- Principle of development
- Impact on a non-designated heritage asset
- Visual amenity of the street scene
- Impact on wildlife habitat and flooding

**Assessment**

### Principle of Development

- 2.1 The site is an existing development within the settlement confines of Walmer and as such, is in line with Policy DM1 of the CS subject to other material considerations, discussed below.

### Impact on Non-Designated Heritage Asset

- 2.2 The application site is neither listed nor within a conservation area. The pond has been heavily altered (likely as part of the 1960's development) and as confirmed by Historic England in their assessment in respect of the potential listing. However, given it is part of the only surviving remains of Walmer Place Gardens, designed by the same architect as Russell Gardens, Thomas Mawson, there is some intrinsic historic value to the siting of the pond, if not the pond itself. It is considered to be a non-designated heritage asset.
- 2.3 This was discussed with DDC Heritage following the consideration by Historic England of adding the pond to the statutory list. It was agreed that due to the heavy alterations to the original pond, the historic importance is more related to the location of the pond rather than its form or size. As such, it is considered that the partial infilling of the pond could be acceptable.
- 2.4 The submitted design would retain the outline of the existing pond by forming a 0.5m bank down to a grassed area surrounding a long, rectangular pond. This would allow for a smaller, more manageable pond to be inset into the lower lawn area with the existing pond boundaries clearly legible. This would represent a compromise between a much smaller pond set into a completely infilled pond and the retention of the existing pond which the management company considers unmanageable. DDC Heritage agreed the current proposal would sufficiently retain the importance of the pond as both a focal point for the development and evidence of the garden layout of Walmer Place Gardens. Given this, it is considered that, providing a pond in the existing location is retained, there would not be an unacceptable loss of significance to a non-designated heritage asset and the proposal is therefore considered to be in line with Paragraphs 189 and 197 of the NPPF.

### Impact on Visual Amenity of the Street Scene

- 2.5 The replacement pond, whilst rectangular, would be aligned with Lord Warden Avenue, the same as the existing pond. This is the most notable aspect of the site layout for the 1960s development. This was obviously thought about at the time and therefore, the alignment needs to be retained. The increased grassed area around the pond would be less likely to impact upon the visual amenity of the street scene than a scheme which did not respect the alignment of the pond with Lord Warden Avenue. Lord Warden Avenue would continue to curve around the western boundary of the existing pond and as such, it is considered that the proposal is unlikely to result in any undue harm to the visual amenity of the street scene. Overall therefore, the proposal is considered to be in line with Paragraphs 127 and 130 of the NPPF.

### Impact on Wildlife Habitats and Flooding

- 2.6 The supporting documentation submitted with the application included a Phase 1 Ecology Assessment which concluded that the pond was not likely to provide a habitat for protected species. The report was reviewed by DDC

Ecology who agreed with the findings of the submitted ecology report. As such, it is considered that the impact of the proposal would represent a low risk to any existing wildlife habitats and is therefore considered acceptable. It is noted that a secondary survey was carried out by Kent Wildlife Trust (KWT) at the request of a third party. However, whilst they concluded that the limited time period of the submitted ecology survey could have minimised the potential for winter habitats in the pond and thought the environmental enhancements could have gone further, KWT did not submit this report to DDC Planning for consideration. They did not raise any objections to the proposal itself within their response to the third party. As such, the weight which can be given to this additional view is very limited.

- 2.7 The NPPF seek net habitat gains to developments which will impact existing wildlife habitats. Whilst there was no evidence of any protected species on site at the time of the ecology survey, it is considered reasonable to secure details of the proposed enhancements as recommended in the Phase 1 Ecological Survey and ensure their provision. These details would also include a section through the proposed pond to show a variation in depths from shallow to deep.
- 2.8 A number of concerns have been raised with regard to surface water flooding and that the pond is 'self-filling' and acts as a reservoir for surface water. Given the existing silt levels within the pond, it is limited in the amount of surface water it can hold before it floods its banks. The proposal would result in a lowered grassed area at a slightly lower level than the currently silt line, with the pond in the middle. It is likely that the proposal will be an improvement in surface water storage over the existing pond and will continue to provide sustainable surface water drainage for the area. Overall, it is considered that the proposal is acceptable in both habitat and flooding terms and the proposal would be in line Paragraph 175 of the NPPF.

### 3. **Conclusion**

- 3.1 Given the above, it is considered that the proposal would be unlikely to result in any undue harm to the visual amenity of the street scene or to a non-designated heritage asset. It would be unlikely to result in any increased risk to wildlife habitats or protected species. It would be unlikely to increase the risk of surface water flooding. The proposal is considered to adequately meet the three objectives of sustainable development as required in Paragraph 8 of the NPPF and Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development. As no harm to the proposal has been identified, it is considered that the proposal would accord with Paragraphs 127, 130, 175 and 197 of the National Planning Policy Framework (2019).

### g) **Recommendation**

I Planning Permission BE GRANTED subject to the following conditions:

- 1) 3-year time commencement;
- 2) Approved plans;
- 3) Details of habitat enhancements and timeline for provision;
- 4) Landscaping (hard and soft);
- 5) Site section and land level details, including sections through the pond.

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

Case Officer

Andrew Wallace