

- a) **DOV/19/01112 - Erection of 2 dwellings with associated parking, change of use and conversion of 2 annexe buildings to 2 dwellings with replacement door to window on front elevation of unit 5 and creation of gated entrance - The White Cliffs Hotel, High Street, St Margaret's-at-Cliffe**

Reason for report: Number of representations received

- b) **Summary of Recommendation**

Grant planning permission subject to conditions.

- c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan (2002) and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 – Location and scale of development must comply with the Settlement Hierarchy. St Margaret's is a Village; identified as a tertiary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to essentially its home community.
- DM4 – Permission will be given for the re-use or conversion of structurally sound, permanent buildings in Villages for commercial, community or private residential uses. The building to be converted must be of suitable character and scale for the use proposed, contribute to local character and be acceptable in other planning respects.
- DM11 – Location of Development and Managing Travel Demand.
- DM13 – Parking provision
- DM24 – Retention of rural shops and pubs

Town and Country Planning Act 1990 (as amended)

Sections 66 and 72 include statutory provisions relating to issues to be taken into account when considering planning applications which affect listed buildings and conservation areas, respectively.

National Planning Policy Framework 2019 (NPPF)

- 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. Where there are no relevant policies or the most important policies for the determination of the application are out of date, planning permission should be granted unless either there is a clear reason for refusing the proposed development in order to protect an area/asset of particular importance (as identified in the framework), or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when taking the Framework as a whole.
- 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'.
- Paragraph 78 says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- Paragraph 92: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ... guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- Paragraph 108: Developments should ensure that safe and suitable access to the site can be achieved for all users.
- Paragraph 109: Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative effect on the road network would be severe.
- Paragraph 110: Applications for development should (amongst other things) create places that are safe, secure and attractive, which minimise the scope for conflict between different road users, and which allow for the efficient delivery of goods.
- Chapter 11 promotes the effective use of land, including using suitable brownfield land in settlements, taking account of the desirability of maintaining an area's prevailing character and setting.

- Chapter 12 seeks to achieve well-designed places by allowing development that is visually attractive and sympathetic to local character and promotes a high standard of amenity for existing and future users.
- Paragraph 192: In determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; and the desirability of new development making a positive contribution to local character and distinctiveness.
- Paragraph 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- Paragraph 196: Where a development will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The National Design Guide and Kent Design Guide (KDG)

- These Guides provide criteria and advice on providing well designed development.

d) **Relevant Planning History**

02/01101 & 01102 - Erection of single storey kitchen extension to inn, external alterations to ancillary buildings and extension/alterations to one of same to create 2 self catering units, and revisions to forecourt layout – Granted planning permission and LBC

04/00805 - Erection of building to form 2 units of self-contained holiday accommodation – Granted

04/00875 - Raise height of existing boundary wall, rebuild south west and south east facing elevations, replacement windows, insertion of rooflights, external and internal alterations – Granted

07/00466 – Erection of 1 no. 3 bedroom detached dwelling – Granted

10/00131 – Renewal of planning permission DOV/07/0466 – Granted

19/01113 – Application for LBC for Conversion of 2no. annexe buildings from self-catering to residential units. unit 4 internal alterations to remove & insert new partitions, infill & insert new openings to form ground floor living accommodation. Unit 5 replace front elevation door with window. Internal alterations to remove & insert new partitions to form ground floor wc & first floor ensuite, bathroom & bedroom. Insert access gate with new piers to boundary wall – Awaiting determination

09/01166, 13/00756, 14/00989 – Various works to trees

TPO 1990/05 and TPO 2006/11

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

**Southern Water:** The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

No development or new tree planting should be located within 3 metres on either side of the external edge of the public sewer and no new soakaways should be located within 5 metres of a public sewer. All existing infrastructure should be protected during the course of construction works.

Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. An informative is requested, to draw this to the applicants' attention.

**Kent Highways:** The development proposal does not meet the criteria to warrant involvement from the Highway Authority. Requests informative regarding the potential need for consents from the Highway Authority.

**DDC Environmental Health Officer:** No objection. Requests a condition regarding the need to carry out further investigations, etc., should unanticipated contamination be discovered during construction.

**DDC Waste Officer:** Provides information on the bins required for each residential property.

**DDC Tree and Horticulture Officer:** I am of the opinion that the proposed development will result in the subsequent loss of three of the trees within the site, all of which are protected by TPO 1990, 5 and located within a Conservation Area. The development itself necessitates removal of one sycamore and I have concerns that post development pressure will lead to the removal of further trees within the site. T2 is located within close proximity to the proposed dwellings and given its size will prove to be overly dominant in a garden for two of the three gardens, even if reduced in size. The trees located on the northern boundary will be adjacent to the proposed parking area. T5 which is identified as a sycamore partially overhangs the northernmost parking space. The release of honeydew will effectively make this space unusable and quite possibly both spaces allocated to property no.2. In light of the above I object to the scheme.

**St Margaret's Parish Council:** The Parish Council objects to this application on the following grounds: This is an over-development of the site in the Conservation Area. PC would like to express concern re access to Plots 4 and 5. There is

insufficient parking provision for both the Hotel and proposed houses, which will have a knock-on effect in the village. Comments reiterated with regard to the amended scheme.

Public Representations: 37 objections received on the original scheme and 17 objections received following re-consultation on the amended scheme. The reasons for objection are summarised as follows:

- Insufficient parking provision; this will put further stress on narrow roads; users should not have to rely on the village car park which is already used as “overspill”; access for refuse vehicles will be impeded;
- Loss of parking for the hotel; lack of spaces for delivery vehicles;
- Access is narrow and potentially dangerous; limited visibility at junction with High Street;
- Over-development of the picturesque and historic village core;
- Will not enhance the community or the village at large;
- Water/sewerage/drainage systems already under strain;
- Village is in the AONB and shouldn't be built up by using small spaces for housing;
- Because of lack of footway in Sea Street, lanes are used by children walking to school; safety concerns;
- Upheaval and noise during construction works;
- Overlooking to properties in Hope Court;
- Too close to existing dwellings;
- Pollution from extra traffic;
- Fails to deliver sustainable development; reference is made to the three “strands” of sustainable development;
- Fails to preserve or enhance the character and appearance of the Conservation Area; affects the setting of key heritage assets and will lead to substantial harm or loss of significance;
- Impact on economic issues for the local community, business and tourism;
- Poor design: small dwellings are no more than nesting boxes for humans; car parking is the dominant visual feature; lack of outdoor amenity space; inappropriate design of roof;
- Even if site is suitable for residential development, this should not mean having a harmful form of development;
- Site was previously used as a builders' yard and could be contaminated;
- Concern for future maintenance of protected trees;
- Impact on Groves Cottage (to the north-east): loss of privacy from upper floor windows; overshadowing and loss of daylight and solar gain; overbearing and loss of outlook due to close proximity to rear windows of this dwelling; elevated position of new houses exacerbates these issues; plans misrepresent the gap between the properties;
- Loss of sunlight, visual amenity and outlook to other neighbours; overlooking;
- Concern over impact of hard surfacing on surface water run-off;
- Site should not be considered as previously developed land;
- Comparison with previously approved scheme is not accurate; previous scheme was smaller and further away.
- Reduction in number of houses doesn't overcome previous issues;

- Car parking still inadequate; the applicant has deliberately underestimated the overall need, including that for staff; inadequate facilities for commercial deliveries;
- Access is not suitable for construction vehicles: concern for safety of schoolchildren;
- Involves cutting down ancient trees in the Conservation Area;
- Overdevelopment;
- Negative impact on CA remains; overall mass is now greater and roof is taller; new houses will dominate their surroundings;
- Noise pollution;
- Discrepancies in the measurements relative to Groves Cottage remain; this makes it difficult to assess the true impact;
- Parking issues will be made worse if DDC introduces charging in the public car park;
- Loss of sunlight/solar gain to Groves Cottage; loss of outlook;
- Inadequate publicity due to positioning of site notice;
- Need to consider controlling future extensions under permitted development in order to protect neighbours' amenity.

f)

**1. The Site and Proposal**

- 1.1 The White Cliffs Hotel is a detached two and three storey building located on the corner of High Street and Cripps Lane in the centre of St Margaret's at Cliffe. It is a complex building with a number of side and rear additions. It is Grade II listed and in the Conservation Area.
- 1.2 To the front (southwest) of the main building, between it and the High Street, is a forecourt/parking area accessed off Cripps Lane very close to the road junction; this is enclosed by a brick wall along the High Street frontage; the road slopes up, such that in the southern corner the application site is noticeably below the level of the road.
- 1.3 Adjacent to the southeast boundary are two detached, part two-storey, part single-storey buildings currently used as "annexe" bedroom and self-catering accommodation in connection with the hotel. One is at the front part of the site and abuts the High Street boundary. The other sits further back on the site and extends beyond the rear wall of the main hotel building. To the rear of the hotel is a garden area bounded on the northwest and northeast sides by tall boundary walls and hedges. Beyond the rear wall is a car park, accessed off Cripps Lane. This has a loose surface and is not formally laid out. The access slopes up from the road. It appears that part of the original car park has been fenced off to form an additional garden area with a shed.
- 1.4 TPOs cover a Sycamore in the rear garden of the hotel, close to the wall with the car park, another Sycamore in the area fenced off from the car park, and two more Sycamores and a Maple along the bank that separates the car park from Cripps Lane.
- 1.5 On the opposite side of Cripps Lane from the hotel is Cliffe House, a detached three storey listed building; this is attached to the hotel by a bridge across the road at second floor. Further down Cripps Lane is a house set

back from the road (but fronting onto Knotts Lane) and Cliffe Cottage a Grade II listed house which sits on the road frontage opposite the car park entrance.

- 1.6 To the rear of the car park is Groves Cottage, a detached bungalow. The rear elevation of this bungalow is between 2m and 3m off the boundary, but not exactly parallel to it. The boundary is formed by a fence with trellis on top, total height about 1.5m when seen from the car park side, but the bungalow itself sits on slightly lower ground. There are habitable room windows on the rear elevation.
- 1.7 To the southeast of the hotel, beyond the “annexe” buildings that sit on the side boundary, is a terrace of houses fronting the High Street; these have long rear gardens that stretch almost the whole depth of the application site. Beyond these gardens are dwellings in Hope Court, the rear elevations of which face back towards the application site.
- 1.8 There are three main elements to this proposal:
  - The conversion of the two detached buildings currently used as annexe bedroom and self-catering accommodation to provide two independent dwellings, one in each building (referred to as units 4 and 5);
  - The construction of two semi-detached dwellings on the car park; this part of the scheme has been amended during the lifetime of the application; it was originally proposed to erect a terrace of three;
  - Alterations to the brick wall of the hotel garden to create a gated entrance from Cripps Lane.

#### Conversion of Annexes

- 1.9 Both units 4 and 5 are curtilage listed buildings; a separate application (DOV/19/01113) has been submitted for listed building consent for the proposed internal and external alterations to these buildings. So far as these two buildings are concerned, this planning application relates solely to the change of use and proposed external alterations.
- 1.10 Unit 5, at the front of the site, currently houses two separate self-catering units operated as part of the bunkhouse/hotel. One has one bedroom and the other has two and each has a kitchen and bathroom. They have separate entrance doors. It is proposed to convert this to a single three-bedroomed house with two living rooms and a kitchen on the ground floor. The only external alteration proposed is the replacement of one of the front entrance doors with a window to match the other windows on the front elevation.
- 1.11 Unit 4, which sits to the rear of unit 5, currently houses seven bedrooms with en-suite bathrooms, four on the ground floor and three on the first floor. It is proposed to convert this to a single, three-bedroomed house, with three living rooms plus kitchen and utility room on the ground floor. No external alterations are proposed to this building.

- 1.12 Each unit would have two allocated car parking spaces in the shared forecourt at the front of the site. This will leave six parking spaces remaining for the use of the hotel. The applicant has explained that, once the “annexe” accommodation has been relinquished, this will leave the hotel with five guest bedrooms on the first floor of the main building, with accommodation for a night manager on the second floor, and the ground floor remaining as existing for use by the resident guests in the bunkhouse only. The existing bar and restaurant would cease to operate and would not be open to the public. The six parking spaces for the hotel therefore provide one each for the guest bedrooms and one for staff.

#### New Build Houses

- 1.13 The amended scheme now proposes a pair of semi-detached three-bedroomed houses on the existing car park area at the rear of the site. These are sited so that their front elevation faces towards Cripps Lane, with car parking to the front, and rear gardens behind (to the southeast). They are slightly staggered so that unit 1 (the right-hand one) is sited 1.5m further back than unit 2. They have pitched roofs with gables to front and rear and a central valley; unit 2 also has a single-storey element with a catslide roof on its left hand side (towards Groves Cottage), but this is only on the rear part of the building, being set back from the front elevation by 6m. The ridge height will be 8.8m above ground level, with first floor eaves at 6m.
- 1.14 The front elevation of unit 2 is 12m back from the site boundary with Cripps Lane. A total of five car parking spaces is proposed at the front of the site, three in front of unit 2 and two in front of unit 1; the vehicular access will remain in its current location. A bin store is provided at the front of the site. The two-storey portion of the side elevation of unit 2 will be 5.7m in from the side boundary with Groves Cottage and approximately 8.5m from the rear elevation of that dwelling. The outer end of the single-storey outshot will be 3.5m in from the boundary. The rear elevation of unit 1 will be 6.4m away from the rear boundary, which adjoins the end of the rear garden of Florinda Cottages. Fenestration will be predominantly to the front and rear, with only three ground floor windows on the southwest side elevation of unit 1, and two ground floor windows and a high-level rooflight (over the stairs) on the northeast side of unit 2. External materials will be buff facing brickwork and white painted weatherboarding for the walls and slate for the roof. Windows will be white painted softwood and the doors will be painted hardwood.
- 1.15 It is this part of the site that had planning permission for the erection of a single dwelling in 2007 (renewed in 2010). The applicants have provided a layout plan and sectional overlay to indicate the outline of the previously approved building for comparison with the current proposal.
- 1.16 As part of this proposal it is proposed to remove two trees, the sycamore adjacent to the wall between the hotel garden and the existing rear car park, and another close to the southeastern boundary (within the rear garden of proposed unit 1). The first of these has been identified in the submitted arboricultural report as a poor specimen that has been pollarded more than once and has tight forks with indications of decay. The second is another poor specimen which, although in a better condition than the first, also has

tight forks at high level. Two replacement trees are proposed at the front of the site, adjacent to the High Street frontage.

### New Entrance Gate

- 1.17 The proposed alterations to the side boundary wall on Cripps Lane involve the removal of a section of brick wall and the creation of a gateway. The wall forms part of the listed building. The opening will be 1.2m wide and have a pair of fielded and braced timber gates 1.3m high, which is marginally below the height of the existing wall. New brick piers will be erected either side of the opening, to frame it. These will be in matching bond and materials to the existing wall. The applicants have indicated that these works achieve the reinstatement of an historic opening.

## **2. Main Issues**

- 2.1 The main issues for determination are as follows:

- The principle of conversion of the existing buildings
- The principle of new residential development on the rear car park
- Heritage issues (listed buildings, their settings and Conservation Area)
- Impact on neighbours' residential amenity
- Highways, access and car parking
- Trees and ecology
- Need for Appropriate Assessment under the Habitats Regulations
- Other issues – contamination, noise, sewerage
- Whether the development, taken overall, represents sustainable development

### Assessment

- 2.2 The application site lies within the village of St Margaret's which is identified under policy CP1 as being suitable for a scale of development commensurate with its community role. Being within the rural settlement confines, development on this site is acceptable in principle under policy DM1.

### The Principle of Conversion of the Existing Buildings

- 2.3 This element of the scheme proposes no new built development but rather a change of use and relatively minor alterations to existing buildings. DM4 explicitly allows for the conversion of structurally sound, permanent buildings in villages for private residential use. These two buildings fulfil those criteria. They also fulfil the criteria of being of suitable character and scale for the proposed use and contributing to local character. In respect of this last, they are weatherboarded buildings whose scale and appearance fit well with their setting and that of neighbouring buildings.
- 2.4 There is also a requirement that the proposal should be acceptable in other planning respects; relevant issues are discussed in other more specific sub-headings below, but also relevant is the change in the nature of the hotel

business that is proposed in parallel with the specific change of use of these two buildings.

- 2.5 At present, it appears that the business operates as a hotel (with both bedroom and self-catering accommodation) that also offers restaurant and bar facilities to non-residents. The applicant has indicated in correspondence that the business is not economically sustainable in its current format due to high levels of competition in the accommodation market and social changes that have affected people's eating and drinking habits. According to the applicant, the net effect of the proposed changes would be to reduce the number of guest bedrooms from 15 to five, together with the bar and restaurant no longer being available to non-residents.
- 2.6 The hotel element would therefore remain, albeit on a reduce scale. With regard to the loss of the bar/restaurant as a public facility, policy DM24 seeks to resist such losses where this would harm the economic and social viability of the community it serves. There are similar provisions in NPPF para 92 which says that planning decisions should guard against the unnecessary loss of such facilities, particularly where this would reduce the community's ability to meet its day-to-day needs. However, there are a number of outlets in St Margaret's that provide a range of choices for people wishing to eat out. In this instance it would be difficult to mount an argument that the changes proposed here would significantly harm the viability of the settlement or mean that it fails to meet its day-to-day needs.
- 2.7 Subject to the more detailed issues discussed below, the principle of these proposed conversions is therefore acceptable.

#### The Principle of New Residential Development on Rear Car Park

- 2.8 Policy CP1 also provides the starting point for consideration of this element of the proposal. The provision of two, family dwellings would be consistent with the strategic role of St Margaret's as a village; it is also consistent with the intention behind NPPF para 78.
- 2.9 NPPF chapter 11 encourages the most effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions (para 117). Para 122 supports development that makes effective use of land, taking into account the desirability of maintaining an area's prevailing character and setting, and the importance of good design. In my opinion, the car park site falls within the definition of Previously Developed Land set out in Annex 2 to the NPPF; it is in the curtilage of developed land occupied by a permanent structure. In such circumstances, redevelopment for residential use is not only supported, but is positively encouraged by NPPF policies (subject to other planning considerations).
- 2.10 It is also relevant to note that planning permission has previously been granted for residential development on this land (in 2007 and again in 2010). Although those permissions expired without being implemented, they form part of the planning history of the site and given that there has been no significant change in relevant policies since that time, must carry substantial weight.

Heritage Issues – Impact on Listed Buildings, Their Settings and the Conservation Area

- 2.11 The issues to be considered here include the impact on the Grade II listed hotel building (including all curtilage listed buildings), its setting, the setting of other nearby listed buildings, and the character and appearance of the Conservation Area.
- 2.12 Section 66(1) of the 1990 Planning 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*”.
- 2.13 Section 72(1) states that: “*In the exercise, with respect to any building or land in a conservation area, of any powers under any of the provisions mentioned in sub-section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.
- 2.14 NPPF paragraph 192 requires that, in determining planning applications, lpas should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.15 NPPF paragraph 193 requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Under paragraph 194, any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification. Under paragraph 196, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 2.16 The official list description for the hotel describes it as follows:

*Hotel. Various dates, C18 to end C19. Weather boarded, rear ranges with painted brick. Slate and plain tiled roof. Three storey main range with stacks to left, centre and rear right. Irregular fenestration of 4 wooden casements on first and second floors and 3 on ground floor with door to centre left of 6 panels with bracketted hood. Rendered left return with half glazed door in pilaster surround. Recessed 2 storey wing to right with double pitch hipped roof and outshot. Joined to Cliffe House to left by second floor weather boarded bridge. The Hotel was originally a series of outbuildings to Cliffe House. Included for group value.*

- 2.17 As required by NPPF para 189, the applicants have submitted a Heritage Statement which assesses the significance of the relevant heritage assets and the impact of the development upon them.
- 2.18 In considering the impact of the proposed works to the annexe buildings, it is of note that the hotel building itself is said to be included in the statutory list by reason of its group value; moreover, the annexe buildings are curtilage buildings (i.e. not listed in their own right) of more recent date. The proposed replacement of the second front door to unit 5 with a window to match the existing windows on the front elevation will improve the symmetry of the building. This will preserve the special characteristics of the listed building and preserve and enhance the character and appearance of the conservation area, thus fulfilling the statutory requirements of Sections 66 and 72 and causing no harm. In terms of NPPF paragraph 193, the heritage assets will be conserved and there will be less than substantial harm to their significance.
- 2.19 Similarly, the reinstatement of the gateway in the side wall will preserve the listed building and preserve and enhance the character and appearance of the conservation area thus fulfilling the statutory requirements of Sections 66 and 72 and causing no harm. In terms of NPPF paragraph 193, the heritage assets will be conserved and there will be less than substantial harm to their significance.
- 2.20 The proposed erection of the two new houses on the car park area raises more complex issues but, again, it is reasonable to conclude that this element of the scheme preserves the settings of the relevant listed buildings (i.e. the hotel building and Cliffe Cottage) and also preserves and enhances the character and appearance of the conservation area. In reaching this conclusion, a number of factors need to be taken into account, including the location, scale, massing and detailed design of the proposed building, and its physical relationship to the listed buildings. It is also pertinent to consider the current appearance of this part of the application site and the contribution it makes to the character of the conservation area.
- 2.21 The houses are to be sited a significant distance back from the frontage with Cripps Lane and the separation distance to the front of Cliffe Cottage opposite will be 17.85m. This part of the conservation area, away from the High Street frontage, is characterised generally by intimate relationships between the buildings and Cripps Lane itself has an enclosed character with roadside boundary walls for much of its length. The trees on the bank opposite Cliffe Cottage will be retained, maintaining the visual separation to a large extent, and the front part of the site will continue to be used for car parking. Taking all these factors together, the immediate setting of Cliffe Cottage will be preserved and there will be no harm to this heritage asset.
- 2.22 The distance from the side elevation of the new houses to the rear main wall of the hotel will also be 17.85m. This part of the site is already visually separated from the main hotel building and its garden to a certain extent by virtue of the intervening high wall. The ridge height of the new houses is broadly the same as that of the hotel and the new building will not challenge it, visually. The setting of this listed building will therefore not be harmed.

- 2.23 In terms of the impact of this element of the scheme on nearby listed buildings, the statutory requirement of section 66 is therefore met. In terms of NPPF paragraph 193, these heritage assets will be conserved and there will be less than substantial harm to their significance.
- 2.24 Looking at the impact on the wider conservation area, as has already been identified, the built form around Cripps Lane and Chapel Lane is largely intimate and enclosed. Although land levels vary, and the surrounding buildings are accordingly of varying absolute heights, the ridge height of the proposed houses will be broadly comparable with those of the hotel building and also of Hope Court, to the southeast. The overall form of the houses, with pitched roofs and gabled ends, is also a common feature in this part of the conservation area. The choice of external materials is also appropriate for this setting. Although the car park is currently an open and unbuilt site, its visual appearance is somewhat unkempt and this contributes little to the character and appearance of the conservation area; indeed, there is an argument for saying that it is a positive detraction.
- 2.25 Taking all these factors into account, the conclusion is reached that the design of the building preserves the character of the conservation area, and the removal of the current use is a positive enhancement to the appearance of the conservation area. This fulfils the Statutory requirement of Section 72. It meets the objectives of NPPF paragraphs 192 and 193 by sustaining the significance of the conservation area and making a positive contribution to local character. It also meets the objectives of NPPF paras 122 and 127.

#### Impact on Neighbours' Residential Amenity

- 2.26 The use of the annexe buildings as independent residential units is unlikely to have any material impact on the residential amenity of existing residents. They are already used as living accommodation, albeit by residential guests at the hotel. The rear elevations abutting the boundary with 1 Florinda Cottages have no window openings and this will not change. Although marginal, it may well be that the levels of activity surrounding two independent family dwellings are less than currently experienced with the hotel-related uses.
- 2.27 The neighbouring property potentially most affected by the erection of the two new houses is Groves Cottage. This detached bungalow sits to the northeast of the application site and on slightly lower ground. It is between 2m and 3m from the boundary fence. There are four windows on the rear elevation of Groves Cottage, at least some of which appear to serve habitable rooms. The top of the boundary fence is roughly level with the tops of the windows.
- 2.28 The original scheme proposed a terrace of three houses, bringing the end elevation much closer to the boundary than is now proposed. The height and position of that end wall, taken together with the difference in ground levels, would have resulted in an unacceptable loss of outlook and an overbearing effect on Groves Cottage. The amended scheme that has now been submitted represents a significant improvement.

- 2.29 The main, two-storey part of unit 2 will now be a minimum of 8.5m away from the rear elevation of Groves Cottage. Although the single-storey side “extension” will be closer, at about 6.6m, not only does this have a lower eaves height, but it is also beyond the point where the rear elevation of Groves Cottage itself steps back by about 1.8m. Given these distances, the fact that the roof of the end house will slope up and away from the side wall at the distances mentioned, and also the fact that the outlook from the rear of Groves Cottage is already restricted to a significant extent by the boundary fence, this now represents a satisfactory relationship and should not result in an unacceptable loss of outlook or an overbearing impact. In reaching this conclusion it is also legitimate to compare what is now proposed with the situation that would have arisen had the house permitted in 2007 and 2010 been built. A sectional drawing has been submitted which shows this comparison. Although the earlier scheme would have had a gable wall facing towards Groves Cottage, it would have been much closer to the boundary (only about 4.5m from the rear elevation of Groves Cottage), and taller than the eaves of the proposed houses at that point. Although the current proposal is acceptable in its own right, it also represents a more satisfactory relationship than could have existed under the earlier scheme.
- 2.30 The location of the first floor windows on unit 2 will not result in any significant loss of privacy or overlooking to Groves Cottage. The “back to back” distance between first floor windows and those facing the site in Hope Court is about 24m, which is acceptable. Although the gardens of Florinda Cottages lie between, these are comparatively long gardens and the area potentially overlooked is some distance away from the rear of the houses. The relationship here is not dissimilar to that which would have resulted under the 2007/2010 permissions.
- 2.31 Taking all these factors into account, it is considered that the proposal meets the amenity objectives of NPPF para 127.

#### Highways, Access and Car Parking

- 2.32 Policy DM13 says that 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 should be informed by KCC guidance SPG4, or any successor; provision for residential development should be informed by the table set out in the Core Strategy. Although SPG4 is no longer formally used by KCC for assessing parking requirements because it is not fully compliant with current advice in the NPPF, there is no official replacement. In assessing the current proposal, it is also relevant to look at the existing situation to see whether there will be any significant change in over or under-provision, overall.
- 2.33 The scheme proposes two spaces each for three of the proposed three-bedroomed dwellings and three spaces for the fourth. The standard requirement is for two spaces for a three bedroomed house in a village location. This element of the scheme therefore fully meets the standard, although one of the houses has an “extra” space. The retained hotel will have six allocated spaces – one for each guest bedroom and one for staff. Although no detailed information has been given as to the number of staff,

this is likely to represent a marginal under-provision in terms of staff parking; the applicant has argued that some of the hotel staff live locally, but this is not a factor that can necessarily be relied upon.

- 2.34 The current situation is that there are 15 hotel-related bedrooms (three of which are provided on a self-catering basis), plus the bar and restaurant which are open to non-residents as well as resident guests. The SPG4 standard requires one space per bedroom plus one space per two members of staff, plus one space per 12m<sup>2</sup> of bar area and one space per 15m<sup>2</sup> in the restaurant. The application form states that there are currently 19 spaces on the whole site; this is a reasonable estimate, based on the dimensions of the rear car park and the fact that it is not formally laid out, and that available at the front of the site. If 15 spaces are “allocated” for the 15 bedrooms, this leaves four spaces for staff, plus the non-resident use of the bar and restaurant; in my opinion this is likely to represent a significant under-provision; to some extent this is borne out by the comments received as a result of public consultation.
- 2.35 Although there are a number of variables which mean that a direct comparison is not conclusive, this analysis would appear to indicate that the overall level of under-provision is likely to be less with the proposed scheme than it is currently. On the basis of there being no net detriment, there would be no justification for refusing planning permission on car parking grounds. Furthermore, NPPF paragraph 109 advises that development should only be 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; neither of these situations arises in this instance.
- 2.36 Several public representations express concern over traffic generation and the nature of the local roads, especially Cripps Lane. However, given the size of the current rear car park and the purposes it currently serves, it is highly likely that this generates more traffic (number of journeys) than would be generated by two family houses. A net reduction in the number of vehicle movements is likely and this would bring consequential benefits in terms of noise and disturbance, highway conflicts and pedestrian safety.

#### Trees and Ecology

- 2.37 Two Sycamore trees are to be removed. One is highlighted as being a poor specimen with tight forks and likely decay. The second is also a poor specimen with high-level forks, which increases the risk of future health problems. This second tree would also seriously over-shadow the gardens of units 1 and 2 if retained. The arboricultural report concludes that these have a limited life expectancy.
- 2.38 Two replacement trees are proposed on the front part of the site and, subject to details which can be secured through a planning condition, this will preserve the contribution that trees make to this part of the conservation area for the future.
- 2.39 The applicant has also said that one of the other trees on the Cripps Lane frontage will have its crown lifted; this is the tree that overhangs one of the parking spaces for unit 2. The Tree Officer has expressed concern that this

relationship is not ideal because of honeydew droppings; however, as mentioned above, the affected parking space is not required in order to fulfil the parking requirement for this house.

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

- 2.40 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.
- 2.41 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.
- 2.42 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.
- 2.43 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.
- 2.44 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration 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.
- 2.45 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 Issues

- 2.46 With regard to contamination, the EHO has requested a condition be imposed setting out what action needs to be taken should contamination be discovered during the development; this is sufficient to address this issue, given the level of risk identified.

- 2.47 Several residents have expressed concern over the impact of the building works, including access by contractors' vehicles, noise and disturbance. The principle of residential development on the rear part of the site has been accepted previously and the issues are not likely to be significantly different now. However, given the constrained nature of the site and its surroundings, a condition can be imposed requiring the submission of a construction management plan.
- 2.48 Southern Water has not objected to the application; it must be assumed that they are content that the sewerage system has adequate capacity.

**3. Conclusion (including assessment as to sustainable development)**

- 3.1 This is a relatively small scheme that is acceptable in principle within the village confines. There is a previous commitment to residential development on the rear car park. The scheme has been amended to address previous concerns over the impact on residential amenity and is now acceptable in this respect. The siting, design and layout of the development will preserve the character of the hotel as a listed building, preserve the settings of other listed buildings, and preserve and enhance the character and appearance of the conservation area. All the potentially affected heritage assets would be conserved and there would either be no harm, or a positive enhancement, to their significance, thus satisfactorily meeting the tests in NPPF paragraphs 192 and 193. It is acceptable in terms of highways impacts and the provision of car parking, and other issues can be addressed through planning conditions.
- 3.2 It is a sustainable development that contributes to the economic, social and environmental objectives set out in NPPF para 8. It accords with relevant development plan policies and where there are no directly relevant policies, there are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. It is therefore appropriate to grant planning permission in accordance with NPPF para 11.

(g) **Recommendation**

I GRANT PLANNING PERMISSION subject to conditions:

- 1) Standard time limit
- 2) List of approved plans
- 3) Material samples
- 4) Materials for means of enclosure and hard surfacing
- 5) Joinery details
- 6) Landscaping scheme – including new tree planting
- 7) Construction Management Plan
- 8) Surface water drainage details
- 9) Parking spaces – provision and retention
- 10) PD rights removed – extensions, alterations to roof, additional windows

- 11) Dealing with unanticipated contamination
- 12) Submit details of refuse bin storage
- 13) Rooflight to be flush with plane of roof
- 14) Tree protection – protective fences, details of foundations, need for hand-digging in sensitive areas
- 15) Restrict use of bar and restaurant to residents guests only
- 16) Bicycle parking

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 report and as resolved by Planning Committee and to draft and issue a Statement of Reasons.

III Informatives be added to the decision notice to reflect the comments from Southern Water and KCC highways.

Case Officer

Neil Hewett