

a) **DOV/20/00851 – Erection of three dwellings with associated access (existing church to be demolished) - Land at Whitfield Chapel, Chapel Road, Whitfield**

Reason for report: Number of contrary views.

b) **Summary of Recommendation**

Planning permission be Granted.

c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- CP1 – Whitfield is a Parish that falls within the urban boundary of Dover. Whitfield within Dover is recognised as suitable for the largest scale developments in the district. The application site falls within the ‘existing’ boundary of Whitfield and not within the area around Whitfield designated for expansion.

National Planning Policy Framework 2019 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 9 promotes sustainable transport. Paragraph 108 of Section 9 seeks to achieve a safe and suitable means of access for all users.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and 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.
- Paragraph 197 of the NPPF applies to the effect of a development on a non-designated heritage asset and the need to take account of the significance of the historic interest of a building in weighing up the impact of the scheme.

The Kent Design Guide (KDG)

The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide

This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF. In this case, relevant to the determination of the application is the need to ensure that communities have a mix of home tenures and that communities are socially inclusive.

Regulation 18 Consultation on the Draft Local Plan 2021

The Draft Local Plan is undergoing its first public consultation exercise, which is due to expire in March 2021. At this stage only minimum weight can be afforded to the policies of the Plan.

d) **Relevant Planning History**

None relevant.

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

Whitfield Parish Council: Objections are raised for the following reasons: Over-intensive development of the site, no housing need in Whitfield, there needs to be ongoing maintenance of the burial ground and the preservation of the memorial plaque, the building should be converted, the proposed development is out of character, the proposal affects amenity, the proposed car parking spaces would prejudice highway safety, there is insufficient room for deliveries. A series of conditions are set out should permission be granted. The Parish Council's second response re-iterates its objections.

Kent Highways: "It would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority."

PROW Officer: Public Right of Way ER65 runs adjacent to the development site, but there are no objections.

Southern Water: The first response states – Southern Water requires a formal application to be made to connect the development to the public foul sewer. The response to the amended application states: Network reinforcement will need to be undertaken by Southern Water.

DDC Ecology: Advises that a bat survey should be undertaken and that a condition be imposed securing biodiversity enhancements on the site. Any further comments from the officer will be reported verbally at the meeting.

Public Representations: There have been 19 other responses received from the public consultation exercise (including from the Dover Society), 18 oppose the application and 1 response was neutral. Of these, there have been 7 responses to the consultation of the amended plans. The objections raised can be summarised as follows:

- The demolition would lead to the loss of the memorial tablet/plaque of fallen parishioners.
- There are no plans to maintain the burial ground.
- The development lacks outside garden space and sufficient parking.
- There is no need for further housing in Whitfield.
- The existing building should be converted, rather than demolished.
- The proposal would harm wildlife on the site.
- The proposal would be harmful to pedestrian and highway safety.
- The proposal would be out of character with surrounding development.
- The houses are too small.
- The immediate area is subject to surface water flooding and sewers are at capacity.
- The application forms are inaccurate, and the drawings are out of scale.
- Trees have already been removed from the site. The verdant appearance of the site has been changed through the removal of trees and vegetation.

- The proposal will increase the level of noise in the area.
- The development will appear more intrusive.

f)

1. **The Site and the Proposal**

- 1.1 The application site falls within Whitfield, which also falls within the recognised urban settlement of Dover. It is occupied by the former United Reformed Church building and its burial ground. The building has a side elevation fronting towards Forge Lane and its front elevation facing towards Chapel Road. On its western side, between the building and the highway, is an area of open land. There appears to have been trees and other vegetation on this land, which have been removed within the last year. To the east of the building is a burial ground and beyond that 119 Sandwich Road.
- 1.2 The former Church building is currently vacant and now mostly stripped of its internal fixtures and fittings. It has a rectangular built form, that has been extended, with a pitched roof with gabled ends. A front porch extends to the back edge of the highway along Chapel Road and a single storey rear element extends towards a footway that runs along the southern boundary of the site, from Forge Lane to Sandwich Road. The building also has additional, smaller single storey extensions.
- 1.3 The application property is an attractive mid-Victorian building (which probably replaced a previous Congregational Chapel) used primarily as a place of worship. Its attraction is its simple rectangular form, pitched roof and concrete and brick elevations. On the building's original elevations are brick arched windows – which are visible on its eastern elevation, in part across its western elevation and above the main entrance, within the gabled roof.
- 1.4 The application site is located within a residential area, comprising a mix of housing of different ages and styles. To the south west of the site, on the far side of the public footway, are detached and extended Victorian properties; opposite are 1950s styled two storey semi-detached houses, to the east, south east and north east are detached, more modern houses.
- 1.5 Chapel Road is a narrow one-way road, with limited width for two vehicles to pass. Forge Lane is slightly wider and facilitates a bus route - with the bus stop close to the application site.
- 1.6 The application building, although attractive as a simply designed, functional building accommodating a place of worship, is not a designated heritage asset and neither is the site within a conservation area. It is also not on the local list of buildings having historic interest.
- 1.7 The drawings submitted with the application were amended in December 2020 to incorporate comments made by the planning case officer.
- 1.8 The application proposal seeks to demolish the existing Church building and to replace it with a terrace of three, two storey houses. Two of the houses would have their front elevation facing towards Forge Lane, whilst the house closest to Chapel Road would have its frontage onto Chapel Road. Vehicle access for all three houses would be from Forge Lane, with car parking for 2 cars per house being provided.

- 1.9 The terrace would be set further forward towards Forge Lane than the existing Church building, allowing for individual rear gardens – up to the boundary with the burial ground.
- 1.10 The proposed house (Plot 3) closest to Chapel Road is proposed to be located further from the highway than the Church building, whilst the house furthest south (Plot 1) is closer to the footway than the Church building.
- 1.11 The ground floor of the houses would mainly comprise kitchen and lounge areas, with the first floor accommodating three bedrooms.
- 1.12 The terraced houses have a traditional ‘cottage’ design and appearance. They have simple articulation, plain tiled pitched roofs with slight variation in their pitch and height, and facing brickwork on the ground floor with white painted timber weatherboarding on the upper floor. The windows would be timber, with the ground floor windows having brick headers. Plain, monopitched porch canopies are proposed over the main entrances.

## 2. **Main Issues**

2.1 The main issues are:

- The principle of the development
- The impact upon the character and appearance of the area
- The impact upon residential amenity

### **Assessment**

#### **Principle of Development**

- 2.2 The application site falls within Whitfield and within the Dover urban area (confines). As such, under Policies CP1 (and DM1), the erection of 3 dwellings within the settlement boundary is acceptable in principle.
- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocation Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. It is also recognised that some of the detailed policies applicable to the assessment of this particular application (including Policies CP1 and DM1) are to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending of the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.
- 2.4 With regard to this particular application, the focus of the NPPF is to locate new housing development within suitably sustainable locations. Supporting the principle of new housing within the urban confines would be consistent with Paragraphs 78 and 79 of the NPPF, which seek to locate housing where it will

enhance or maintain the vitality of rural communities and to avoid the development of isolated homes in the countryside.

- 2.5 As such, the principle of allowing housing development in this location is compatible with the objectives of the Development Plan and the requirements of the NPPF.
- 2.6 With regard to the proposed demolition of the Church building, a structural report has been submitted with the application which, although not overly detailed, provides a professional opinion and evidence that the building would not be viable to convert to residential use in view of the historic 'movement' of the building, the weight of the roof on the load bearing walls and the conditions of the foundations.
- 2.7 Consideration should be given to whether the existing building should be assessed as a non-designated heritage asset; and in which case paragraphs 197-199 of the NPPF state that account should be given to the building's significance and a balanced judgement applied to the value or weight of this significance against the loss of the building. In this case, the building has an historic interest – in that it was erected in the 1850s to serve a worshipping community and it contains a memorial plaque for the fallen heroes of the first World War. The building itself has a simple design and built form, which has been extended. The largest extension is a smaller and subservient form of the main building; whilst the other two extensions appear more awkwardly located and designed, and fail to make a positive visual contribution, despite their modest size. The building as a whole has a functional appearance with visual interest created by the arched windows that survive. The original roof has been replaced.
- 2.8 The plaque is proposed to be relocated either to the burial ground or to the local Transport Museum – a planning condition to secure its retention either on site or nearby is set out below. The plaque contributes towards the significance of the historic interest of the building and therefore this 'historic interest' would not be lost. In addition, the burial ground attached to the former chapel is also being retained as part of this application – which also ensures some form of continuity in the history of the area remains on the site.
- 2.9 On balance, whilst it might be considered regrettable for the existing building to be demolished to accommodate new housing, there are no current Development Plan policies that would prevent this in principle. Furthermore, the current condition of the building and the works required to bring the building up to modern standards of living are not considered to make such a project viable.
- 2.10 Consideration needs to be given to whether the quality of the replacement development is appropriate (to be considered further in this report), however given the circumstances outlined, and on balance, there is not considered to be a strong justifiable case for requiring the building to be retained and refusing planning permission on this ground.

#### Impact Upon Character and Appearance

- 2.11 The proposed houses have a modest scale and simple design forms and articulation and seek to use more traditional building materials, to suit a village vernacular.

- 2.12 The buildings sit within their plots and allow for front garden and rear garden areas. These areas will serve the future occupiers of the dwellings, but they will also assist in providing a degree of openness and space about the buildings, to respect the character and appearance of the area. On the eastern side of the terrace (part of Plot 3), there is a greater separation to Chapel Road than the existing building which will provide a visual break in the appearance of the street. On the southern side, due to the high and extensive boundary wall along the footway which serves the nearest detached house (Forge Lane House) it is not considered that the proximity of the proposed end house (Plot 1) to the footway would be out of character.
- 2.13 Whilst the built form of the immediate area comprises detached and semi-detached, two storey and single storey buildings, the area does not have a development type or visual uniformity in housing design that requires the development on the application site to follow or respect, for it to preserve the visual quality of the street scene. The application site is not within a conservation area and there is no statutory requirement that the proposed development should preserve or enhance its character or appearance.
- 2.14 At the same time, the NPPF requires visually attractive and good quality design, with a presumption against poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In this case, it is considered that the modest two storey scale of the housing proposed, the design and appearance of the terrace and the proposed use of materials would result in an overall design that would be sympathetic with the design quality of development within the area, and be in keeping with the prevailing character and appearance of the area. Furthermore, suitable boundary treatments and landscaping could also secure an appropriate and well designed setting for the development.
- 2.15 As such, it is considered that the design of the new houses, the architectural articulation and detailing and the proposed setting of the development would meet the requirements for good design as set on in the NPPF. It will be noted that a range of detailed planning conditions are proposed to ensure that the detailed architectural details shown on the submitted plans are fully realised in any final scheme build-out.

#### Residential Amenity

- 2.16 The proposed houses are designed with their own parking and private garden areas. It is considered that there is sufficient separation between the proposed houses and the nearest neighbouring buildings not to give rise to an overbearing impact, or overlooking from first floor windows that would lead to undue harm to residential amenity from overlooking and loss of privacy.
- 2.17 In conclusion, it is considered that overall, the living conditions of the occupiers of nearby dwellings would not be unduly harmed by the proposal.

#### Other Matters

- 2.18 Whilst the proposal introduces new points of vehicular access from Forge Lane, to serve two car parking spaces per house, this is not considered to give rise to harm to highway safety in view of the likely speed of vehicles using the road and the existing levels of visibility along Forge Lane.

- 2.19 The site is located within the area where the development is likely to have a significant effect on the Thanet Coast and Sandwich Bay Special Protection Area (SPA). Applying a pre-cautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within the district, to have an adverse effect on the integrity of the protected SPA and Ramsar sites. Following consultation with Natural England, the identified pathway for such an adverse effect is an increase in recreational activity which causes disturbance, pre-dominantly by dog-walking, to the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.20 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. For proposed housing developments in excess of 14 dwellings the SPA requires the applicant to contribute to the Strategy in accordance with a published schedule. This mitigation comprises several elements, including monitoring and wardening.
- 2.21 Having regard to the proposed mitigation measures and the level of contribution currently acquired from larger developments, it is considered that the proposal would not have an adverse effect on the integrity of the SPA and Ramsar sites. The mitigation measures will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.
- 2.22 The applicant has responded to comments that were submitted during the first round of consultation. The tablet/plaque within the building, will either be placed within the burial ground or offered to the transport museum – to ensure that the memorial is retained within the area. Secondly, the existing burial ground is proposed to be left ‘for wildlife’ and managed by the future occupiers of the dwellings. These responses seek to meet the suggestions of the Parish Council, the Dover Society and the wishes of local people who have responded.
- 2.23 A Bat Survey was undertaken in December 2020 and a report has been submitted. It states that there were no signs of bat habitats present within the building and therefore there is no need for mitigation. However, the report recommends that bat friendly external lighting should be provided and controlled, and bat boxes should be installed.

### 3. **Conclusion**

- 3.1 By virtue of the relevant Development Plan policies not being up-to-date, it is considered that the ‘tilted balance’ (Paragraph 11, NPPF) must be applied. Relevant to the circumstances of this application, this indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the NPPF as a whole.
- 3.2 There is a need for new housing development that is in a sustainable location, with reasonable access to public facilities and amenities. The application site is located within the urban confines within reasonable walking and cycling distances of the facilities and amenities. Its location would meet the requirements of the Development Plan and is supported by the NPPF.

- 3.3 With regard to the objective of achieving good design, it is considered that the proposed development would not have an adverse impact – rather, it would make a positive contribution to the quality of the street scene. Its location, close to existing amenities and facilities, would be consistent with the objectives of the NPPF to locate development that would enhance or help to maintain the viability of communities.
- 3.4 It is regrettable that the proposal will demolish a building within the area that has been there for some time and which once served the local community. It could also be considered as a non-designated heritage asset. However, as the building is not a protected asset, the structural report identifies problems with viability in converting the building and its use has ceased for a significant length of time – the loss of the building’s historic interest (but not the loss of the plaque and burial ground) should not warrant a reason for refusal. In addition, the quality of design of the replacement buildings, their likely positive contribution to the character and appearance of the area and the modest contribution they will make to meeting housing targets balance the planning merits in the application’s favour.
- 3.5 The proposal is considered to meet Development Plan policy and the policy guidance in the NPPF. As such, it is recommended that planning permission be granted.

**g)**

**Recommendation**

- I PERMISSION BE GRANTED, subject to the imposition of the following conditions:
- i) 3 year timescale for implementation
  - ii) The development to accord with the submitted drawings.
  - iii) Details/specification of materials and finishes to be submitted.
  - iv) Joinery details (which shall be of timber construction) for windows and doors to be submitted for approval.
  - v) All design components shown on the approved drawings to be provided in the finished scheme.
  - vi) Details of foul and surface water drainage to be submitted for approval.
  - vii) Details of hardsurfacing materials, which shall be permeable, to be submitted for approval.
  - viii) Details of landscaping and boundary enclosures to be submitted for approval.
  - ix) Parking spaces to be provided on site.
  - x) Cycle spaces and refuse storage facilities to be submitted for approval.
  - xi) The removal of Permitted Development Rights for extensions, porches, changes to the roof and outbuildings.
  - xii) Details of all external lighting to be submitted for approval.
  - xiii) Details for biodiversity enhancements to be submitted for approval.
  - xiv) Details for the arrangements for the management and upkeep of the burial ground to be submitted for approval.
  - xv) Details for the arrangements for the new location of the memorial plaque/tablet to be removed from the building to be submitted for approval.
  - xvi) Window reveals no less than 80mm.

- xvii) Details at scale 1:20 of the finished design of all arched brick window headers shown on approved drawing number.
- xviii) Details of the roof parapet between plots 1 and 2 shall be submitted for approval.
- xix) Prior to the first occupation of the development hereby approved, cable ducting and electrical wiring suitable to facilitate any subsequent installation of (an) 7kW 32amp OLEV compliant wall or ground mounted charge point(s) adjacent to the car parking space(s) proposed shall be installed and shall thereafter be retained such that it remains capable to providing the electricity required by any future electric vehicle charging point.
- xx) None of the dwellings hereby approved shall be occupied until any necessary sewerage network reinforcement work has been carried out to ensure that adequate wastewater network capacity is available to adequately drain the development. In order to demonstrate that sufficient capacity has been provided, prior to the occupation of any dwelling, details of the drainage network that will serve the development shall be submitted to the local planning authority, accompanied by evidence to demonstrate that the required works have been carried out and that the network does have the required capacity. Occupation shall then not take place until the local planning authority has confirmed in writing that it is satisfied that the submitted details fulfil the necessary requirements.

- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester