

a) **DOV/21/01402 – Erection of detached dwelling (existing dwelling to be demolished - The Edge, Bay Hill, St Margaret’s Bay**

Reason for report – Number of contrary views (25 Public Representations & Parish Council)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policy and Guidance**

Core Strategy Policies (2010)

CP1 – Settlement Hierarchy

DM1 – Settlement Boundaries

DM8 – Replacement Dwellings in the Countryside

DM11 – Location of Development and Managing Travel Demand

DM15 –Protection of the Countryside

DM16 –Landscape Character

St Margaret’s Neighbourhood Plan Area

No neighbourhood plan adopted

National Planning Policy Framework (NPPF) (2021)

Paragraphs 2, 7, 8, 11, 38, 47, 48, 60 – 62, 86, 79, 110 - 112, 120, 123, 130 - 135, 167, 168, 174, 176, 180, 194 - 208

National Planning Practice Guidance

National Design Guide (2021)

National Model Design Code (2021)

Kent Design Guide (2005)

SPG4 Kent Vehicle Parking Standards

The Dover District Heritage Strategy

Planning (Listed Buildings and Conservation Areas) Act 1990

Draft Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

d) **Relevant Planning History**

Various applications including:

DOV/13/00329 – Construction of vehicular access and parking bays, erection of retaining wall, fencing and gates – Granted

DOV/14/00613 - Retrospective application for the construction of vehicular access and parking bays, erection of retaining walls, fencing and gates. - Granted

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

Representations can be found in full in the online planning files. A summary has been provided below:

St Margaret's Parish Council – Object. No evidential need for demolition of the existing building of 1923 which can function as a dwelling for the foreseeable future. The existing building has historic interest as it is of unique construction in this locality (subject to a request for listing as a heritage asset) its loss could cause harm to the Conservation Area. The design and proportion of the existing building sits well in the cliff side location and contributes to the special landscape character of this Conservation Area, its value should be preserved. Despite its age it is fully insulated and has an above average energy efficiency rating, there is no justification on sustainability grounds for its demolition and replacement. The proposed replacement dwelling would be significantly larger with its greater height and obtrusive balcony. It would detract from rather than enhance the visual attractiveness of this sensitive location. It would potentially have negative effects on neighbouring dwellings.

In response to amended plans, noted that the applicant had submitted CGI photos to support the application. The St Margaret's Bay Conservation Association has commented that these photos only serve to emphasise how dominant and obtrusive the new building would be in this highly sensitive location and the Parish Council agrees. In its original objection the Parish Council provided a photo (available to view in their online representation) to show how well the existing building nestles into the landscape. A recent photo from a Kentlive article (also available to view in the online representation) also shows how well The Edge fits into the scene. The Parish Council confirms its objection to a completely unnecessary replacement by a significantly larger, obtrusive building which is harmful to the Conservation Area.

Heritage Team – *Initially advised:*

The principal issues are:

- whether the building contributes positively to the historic or architectural interest of the conservation area;
- whether demolition of the building would cause harm and if it does what is the nature of that harm and is it justified in terms of the NPPF;
- whether the proposed replacement dwelling preserves or enhances the character or appearance of the conservation area.

The existing building: the submitted heritage statement notes that the proposal would 'serve to enhance an existing dwelling of no architectural merit'. This statement is flawed for two reasons: firstly, the building is proposed to be demolished not retained, so I'm unclear on how that could be an enhancement of the existing structure, and secondly the statement is unevidenced. The heritage statement does not contain even a basic description of the building, no photographs and no demonstration that the building has been assessed in terms of its value to the conservation area. Not even a basic map regression has been carried out to identify the age of the building. In terms of the conservation area, again there is not even a basic description of the area or how this building sits within it.

Consequently, the heritage statement does not demonstrate that the building and its role in the significance of the conservation area has been described as we should be requiring under paragraph 194 of the NPPF (I note that the heritage statement replicates information in the Design and Access Statement, which itself barely mentions the building or the conservation area).

Consultation responses have been received that identify that the building may have some historic value and I need to take this into account. The HER identifies a potential WWII feature to the west of the building, although it appears that this is very unlikely to be affected by the actual development itself. The consultation response from the parish council note that the building is of 'unique construction' but does not elucidate on what this means.

The contribution of the building to conservation area: potentially the primary view of the building, and therefore the greatest impact on the conservation area, is from the beach frontage. This shows a low-key building sitting within a highly vegetated landscape. This open landscape is punctuated with other buildings of similar or larger scale. The use of white render creates a harmonious and cohesive character to the buildings despite their different architectural forms. The building presents modest sized dormers in the shallow pitched roof and substantial but not overtly visually dominant glazing to the ground floor. To Bay Hill only the roof is visible due to the land levels. The building does not have a strong presence in the conservation area in terms of its appearance. If this were the only consideration then in my view demolition would be unlikely to harm the significance of the conservation area; the gap created would be entirely consistent with the loose grain of the area.

However, the parish council noted that the building has a 'unique construction' and I also understand that there is some reference to it being the 1st example of a particular style of building. This suggests that potentially the building has a historic value that may be reflected by its built form. While we have no evidence to demonstrate this and so are unable to determine whether its appearance is linked to any historic value at this time based on the information submitted, demolition would clearly result in total loss and a potential loss of the historic character of the conservation area. The proposed new building and impact on the conservation area: the proposed is not significantly larger in footprint or height to the existing dwelling and is unlikely to have much impact on the openness of the conservation area in this respect. However, the large 'dormers' would add significant bulk to the roof form, creating a top-heavy appearance. While there is no conformity in the architectural form of buildings within the CA with which this dwelling would be viewed in context, in my view the dormers would result in the dwelling becoming uncomfortably dominant visually. In my view this would unbalance the relationship of built form to space and consequently harming the significance of the conservation area. The harm would be less than substantial but is unjustified as there is only a private benefit. I recommend that the two 'dormers' are significantly reduced.

Recommendation - In my view, understanding the building is essential in determining its contribution to the conservation area both historically and architecturally. The information submitted does not even provide the barest amount of assessment as set out by the NPPF. Consequently I do not consider that we are able to come to a conclusion on this matter and advise that further information is required.

Subsequent response:

Further to my previous comments we have now received a revised Heritage Statement and a copy of the notification from Historic England of the decision to not list The Edge. The reasons the building has not been listed are: the high degree of loss of original fabric, its age when compared to other (listed) examples and the lack of physical evidence in the existing building of its wartime use. The final reason for non-listing is of importance in terms of the contribution that the building makes to the character of the conservation area. In my previous comments I

identified the limited contribution that the building makes to the appearance of the conservation area and noted that it was unclear if the historic value of the building was reflected by its built form. The clear advice from HE confirms that this is not the case. The Heritage Statement adequately identifies the issues and I am content that demolition of the building will not cause harm to the special interest of the conservation area. However, as the building has some historic value albeit limited I recommend that a condition requiring a survey be carried out prior to demolition and deposited in the HER (and a copy provided to the local historic society) in addition to a condition requiring no demolition to commence until a contract has been given for the construction of the new build.

In terms of the impact of the new development on the conservation area, CGI views have been submitted which confirm my initial view that as a result of the bulky dormers the building is uncomfortably dominant in the principal view from the beach promenade. The statements in the Heritage Statement lack substance unfortunately as they do not explain why it is considered that the dormers are appropriate, but in any case, my view remains as previously stated.

Recommendation - I recommend the dormers are reduced in scale as previously stated. Recommended that if minded to grant permission, conditions were imposed in respect of building recording and no demolition until a contract for construction and timescales had been agreed.

In response to the final set of amended plans, advised:

In respect of the demolition of the building, while it is recognised that it is a heritage asset, its value was insufficient to warrant listed status. It does make a positive albeit limited contribution to the character of the conservation area through its form and use of materials, creating a harmonious and cohesive character with other dwellings in the area. In my previous comments I noted that, from the information submitted with the application, it was unclear if the historic value of the building was reflected by its built form. The listing assessment by Historic England confirms that this is not the case.

As an undesignated Heritage Asset the NPPF requires the LPA to consider the significance of the heritage asset and to weigh up any harm to this as a result of development proposals. Demolition will result in total loss, however, the inherent heritage value of the building is recognised as limited and I am therefore content with demolition subject to a condition requiring that this will not be carried out without confirmation of a contract for the redevelopment of the site to ensure that an inappropriate gap is not created within the CA. In addition, a further building recording survey is necessary to fully record the building prior to demolition: this should consist of a series of clear, labelled photographs of both interior and exterior, a brief report outlining the history of the building and a copy of the Historic England listing assessment report. The building recording survey should be deposited with the Kent Historic Environment Record.

In terms of the impact of the new development on the conservation area, an initial concern was raised regarding proposed dormer windows which were considered to be too bulky, consequently resulting in the new building becoming uncomfortably visually dominant in the principal view from the beach promenade. I am very pleased to see that the applicant has amended the proposal in line with my recommendations.

In conclusion, in my view there is no harm to the historic and architectural character and appearance of the conservation area and I support the proposal for demolition of the existing building and redevelopment of the site subject to imposition of the above noted conditions.

KCC Public Rights of Way and Access Service – Have no comments to make.

Southern Water (SW) – Provided an extract map from their records (available to view in the online file) showing the approximate position of the existing foul rising main within

the development site. The exact position of the public asset must be determined on site by the applicant in consultation with SW before the layout of the proposed development is finalised.

- The 150 mm diameter foul rising main requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the foul rising main without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

- All existing infrastructure should be protected during the course of construction works. Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf 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 any new connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The applicant has not stated details of means of disposal of surface water drainage from the site.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways. gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Natural England – Further information required to determine impacts on designated sites. As submitted, the application could have potential significant effects on Dover to Kingsdown Cliffs Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Further information outlining how any impacts to the qualifying features of the designated sites – during the construction and development phase – will be avoided and/or mitigated.

- An assessment of the proposed development and any measures intended to avoid and/or mitigate impacts to the features of the designated site, through a Habitats Regulations Assessment.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Additional Information required

Having reviewed the application, it is apparent that the red line boundary of the proposed development encompasses part of the Dover to Kingsdown Cliffs SSSI and

SAC. Nonetheless, it also recognised that the Planning, Design and Access Statement (September 2021) states that there shall be no built development within the designated sites. As such, Natural England provides the following advice on the assumption that there shall be future encroachment of the development within these sites. Should this change, Natural England would expect to be consulted on this application again, and for any potential impacts to be appropriately considered.

Construction and Demolition Impacts:

Dover to Kingsdown Cliffs SSSI is a site of national importance owing to its geological and physiographic features, as well as a number of breeding birds species that breed along its cliffs. Owing to the nature of the proposal and the potential for disturbance impacts associated with both the demolition and construction phase(s), Natural England would advise that information needs to be submitted, that demonstrates how any potential impacts will be avoided and/or mitigated. We would advise that such information considers – but is not necessarily limited to – the following measures that may be necessary to avoid and/or mitigate the aforementioned impacts:

- Consideration of the timings of the works, so as to avoid and/or minimise any disturbance of bird interest features that may use the designated sites as roosting grounds.
- Ensure best practice measures are in place for operating machinery to reduce unnecessary noise and dust deposition.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

In addition to the SSSI designation, Dover to Kingsdown Cliffs SAC is a site of international importance and supports a full zonation of maritime cliff communities found on chalk substrates, reflecting different levels of exposure to wind and salt spray. There are also numerous areas of species-rich open grassland with a range of typical chalk-turf grass and herb species. In the absence of mitigation measures, there is a risk that potential impacts to the SAC could occur from either the demolition or construction phase.

Despite the proximity of the application to the SAC, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out. Should your authority decide that a likely significant effect cannot be ruled out, Natural England would also advise that any measures intended to avoid and/or mitigate impacts should be assessed through an Appropriate Assessment.

In addition, Natural England would advise on the following issues:

Heritage Coast

The proposed development is for a site within close proximity to a defined landscape namely South Foreland Heritage Coast. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and

information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 178 of the National Planning Policy Framework. It states:

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

The NPPF continues to state in a footnote (footnote 60) that “For the purposes of paragraph 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

KCC Highways and Transportation - The applicant has submitted a Construction Management Plan Framework, which has been reviewed. A full CMP will need to be secured by way of a suitable condition. In light of the constrained nature of the surrounding highway, I have the following comments on the CMP Framework:

- Routing of construction and delivery vehicles to / from site - The applicant will need to consider creating a checkpoint at the top of Bay Hill/Granville Road to allow larger vehicles to deliver site materials and goods. These can then be decanted into smaller vehicles to commence to site. Given the geometry of Bay Hill, HGV's will find it difficult to make the turns. A method of warning residents on the route and possible escorting of vehicles along the route will need to be considered. This will help manage vehicle to vehicle conflict.
- Parking and turning areas for construction and delivery vehicles and site personnel- Contractors will need to park off site in the public car park located within the village and walk to site to ensure Bay Hill is clear of cars for local traffic.
- Timing of deliveries - The applicant will need to take into consideration the seasonal peaks given the proximity of local attractions and amenities and the timings of the works are to be placed outside of peak times. In order to do this the applicant will need to place a traffic counter out on the road to ascertain the quietest times to close the road.
- The applicant will need to avoid the use of large steel beams/other large element materials in the construction stages to mitigate the use of HGV's accessing the site via Bay Hill. On site assembly for the larger materials will need to be demonstrated and set out by a contractor at the relevant point of delivery.
- Provision of wheel washing facilities is required to ensure debris is not deposited on the highway.
- Temporary traffic management/signage- The applicant will need to consider measures such as short term (or planned) road closures for the importation of plant and materials. This will need to be agreed with and permitted by Kent County Council Streetworks team.

In line with the above, I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:

Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
- An informative is also suggested (available to view in full in the online planning file).

Subsequently advised: Following on from my submission of a formal response, we have received an enquiry regarding the Construction Management Plan Framework. This application has sparked quite a few public comments and therefore it may be worth asking for the full CMP now as opposed to a condition.

Environmental Health – Have no comments on this application.

KCC County Archaeology – No response received.

DDC Waste Officer – No response received.

Public Representations: Following amendments to the scheme (to reduce the size of two of the dormer windows), the application is being re-advertised and the advertisement period is due to expire on 19th April 2022. Should further representations be received between the publishing of this report and the Committee Meeting, Members will be updated at the meeting.

25 members of the Public have written in objection to the proposals (including the SMBCA). 2 representations have been received in support of the proposals and 1 representation has been received neither objecting nor supporting. Their comments are available to view in full in the online planning file and are summarised below. Matters such as problems arising from the construction period and loss of views are not material considerations and cannot be considered in the assessment of an application.

Objecting

- Character and appearance – most prominent house in the Bay when viewed from beach and surrounding headlands. Impact on AONB (reference made to recent Kent Downs AONB Landscape Character Assessment). Existing area is mix of Edwardian and Victorian properties that have not been overly developed. Existing building nestles into landscape without imposing or detracting from surroundings. 2015 Dover Straits Seascape Assessment details the character area. Will change character of Bay. Concerns regarding visual impact of underside of projecting platform visible from occupants of the beach. Proposal would result in loss of countryside to the detriment of visual amenity. Policies DM15 and DM16 seeks to avoid harm to landscape character which will be dramatically negatively affected.
- Design – south east elevation critical in terms of fit with character and ambience of bay and conservation area. Significantly extended balcony/deck protrudes over cliff edge will be highly visible - Overbearing and overly dominant – impact has not been considered in landscape and visual impact appraisal. Substantial increase in size – site and location not suitable for building of this size. Increased height will become more dominant and overbearing. Proposal is of no particular architectural merit or interest. Out of character with existing buildings of St Margaret's Bay. Significant increase in proportion from existing. Raising roof and surface area would detrimentally

affect open nature of designated area. Overhanging balcony will be extremely prominent – cantilevered overhang will render current privacy hedging redundant. Building will be viewed from below and dormers will be more prominent than the roof itself. If permitted, this building, with its strong axiality and prominent features will dominate the centre of the Bay, drawing attention. No properties from South Foreland Lighthouse to The Monument on heritage coast/AONB/SSSI/SAC overhang the White Cliffs. CGIs omit important perspectives from car park upwards and from house at foot of cliffs to east of the Bay. Relief that flagpole disguardered. Balcony damages the vista – suggest size be reduced to align with access walkways and dormer windows reduced in size.

- Use/Need – changing rooms next to gym comprise 3 showers, surprising in domestic setting and implies commercial gym use/holiday rental. Recommend if permission granted, should exclude commercial use of property for holiday/rental purposes. Demolition and replacement is contrary to DDC aim of duty to preserve or enhance. Case for demolition not proven.
- Heritage/conservation area – Requests made for building to be Listed/protected. Not listed but iconic feature within conservation area. Demolition would diminish character and appearance. Historic significance – likely to be one of earliest examples of Swedish pre-fabricated house in the UK, may have national architectural importance. Bought as show house at 1923 Ideal Home Exhibition. Should be listed/protected rather than demolished. One of most important contributors to character of conservation area and hard to see how demolition of one of most prominent and historically significant houses is in accord with stated policy. Need to demolish it should be very carefully assessed. Function of The Edge in WW2 and oil pipes to beach laid in garden (to be set on fire in event of invasion – flame barage) – would be irretrievably lost. Proposed change is deleterious to character of conservation area and designation. New increased volume and rear elevation will be more intrusive and damaging to character of Conservation Area. Reference made to duties of Section 72(1) of Planning (Listed Buildings and Conservation Areas) Act 1990. Dover District Heritage Strategy – this is the only rural conservation area based on coastal landscape. The White House appeal decision in St Margaret's Bay is significant – appeal decision turned down on the basis of damage to Conservation Area, surrounding AONB and heritage coast (proposal likely to have even greater impact on AONB than White House appeal. NPPF Paragraph 176 duty – case for demolishing existing building doesn't exist and is contrary to NPPF. NPPF Paragraph 203 relating to non designated heritage assets. DDC Planning department failing in duty to protect area (reference made to Pine Edge development). Scale is out of keeping with principles of Conservation Area where relationship between vegetation, landscape and built form is balanced.
- Parking – insufficient parking to support use
- Traffic/highways – village already unable to cope with existing volume of traffic. Concerns regarding construction period, logistics, road blocks and no construction management plan. Insufficient parking for large lorries. Impact on local economy and health and safety due to blocking of access to beach at times. Concerns regarding health and safety (NPPF Paragraph 112) – access needed for emergency services, visitors, residents, businesses and deliveries.. No pavements to protect pedestrians, pushchair users or cyclists. Bay Hill is single track in most places. Private laybys used for passing vehicles. Concerns regarding cumulative impact of developments in the area in respect of impact on highways (requests a traffic impact study for the area from KCC).

- Need – demolition seems unnecessary/ not justified. Sensitive re-design and insulation/update of existing could improve quality of housing through better thermal efficiency and layout. Reference made to Policy CP4 and DM8.
- Scale – increase in scale is significant (impact on character of conservation area)
- Precedent – other properties in conservation area for sale, concerns demolition could set precedent resulting in destruction of conservation area character with characterless modern houses. No precedent for raising roof height in this location (Pine Edge development worked with increase of under 0.25m of original roof height). Concerns multiple future applications could be submitted
- Residential amenity – impact on private visual amenity. Currently no windows on NE and SW elevations of roof – plans show windows in situ within roof, concerns regarding overlooking of homes on other side of Bay Hill, intrusion in terms of privacy and additional light. Precedent locally for overlooking neighbouring properties to be a reason to refuse (e.g. Anchorage refuse application for roof terrace). Previous planning minutes for application in Deal discuss 21m as rule of thumb for minimum acceptable distance in overlooking situations – both windows are less than 21m to neighbouring property. Significant noise disturbance from heat pumps facing towards neighbouring property – recommend noise assessment submitted.
- Public amenity – balcony will overlook entire beach, impacting the amenity of visiting public and visible from numerous public pathways (and England Coast Path and Saxon Way). Negative impact on/loss of public amenity. Extending the frontage to jut out over the cliff will significantly dominant most aspects and detract from ambience of the Bay.
- Errors/missing information/application form – existing ground floor plan not included. No visualisations/CGIs to show proposals in context. No attempt to give before and after photos/montages of how building would appear from car park and promenade below. No heights given on plans. Larger scale drawings mass not shown in diagrams in design and access statement. Boundary shown in design and access statement does not accord with site plan. Heritage statement fails to address heritage issues (role of site in WW2 of pipe work to defend beach through fire in event of invasion and Swedish kit building). Unclear if proposal involves removal of hedges and trees. Further information in respect of construction management requested.
- Light pollution from additional windows and from the south elevation (protrusive features, larger dormers, doors, balconies and terraces) will subject users of the bay to distracting and overbearing light pollution. Potential harm to wildlife and SSSI
- Integrity of the cliff – previous owner removed vegetation from the cliff years ago resulting in cliff fall and damage. Significant structural reinforcement of that part of the cliff was required. Concerns that the integrity and safety of the cliff will be compromised which is within the designated SSSI site and SAC and Conservation Area
- Impact on environment – application implies demolishing and rebuilding The Edge is a positive decision for the environment. Demolishing is terrible decision. Likely that demolition and replacement will emit 4-5x the average house build or perhaps 200-250 tonnes of CO₂ – average refurbishment emits c. 15 tonnes. Refurbishing would emit 40-50 tonnes of CO₂ – net effect of demolishing and rebuilding vs refurbishing is around 150-200 tonnes of CO₂. Average person in UK had carbon footprint of 5 tonnes per year – decision likely to result in emissions equivalent to average UK resident over 30-40 years. Environmental vandalism. Coastal village is already suffering effects of climate change through cliff erosion. Suggests existing Swedish kit home should be refurbished instead.

Contrary to NPPF Section 8c – environmental objective and Section 11 presumption in favour of sustainable development. Could retrofit ground source heat pump to existing building

Neither objecting nor supporting

- Concerns regarding access and disruption to car park for visitors, customers and deliveries to businesses in the Bay and emergency services
- Concerns regarding impact to operation of single track road, quality of road, damage to car park and drainage in area causing flooding during heavy downpours

Supporting

- endorse comments made by planning in pre-application stage
- seems to be perfect family home
- house was 'flatpack' from Ideal Home Exhibition in 1920s and is not as sturdy or long lasting as traditionally built house
- house is in poor state of repair
- proposed facilities of new house seem in keeping with family use
- rear elevation proposed is not particularly obtrusive or out of character or any more dominant than the current structure or other houses in this part of the area

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

1.1 The site relates to a detached three storey, five bedroomed dwelling located outside the settlement confines of St Margarets. The site is on the southeast side of Bay Hill, within the St Margaret's Bay Conservation Area. Land to the southeast of the dwelling (within the garden of the site which slopes steeply down to the southeast) is designated as SSSI and a Special Area of Conservation. The site is bounded by Isipingo to the northeast and Pine Edge to the southwest.

1.2 This application seeks permission for the erection of a three storey detached dwelling (and demolition of the existing dwelling). Land below the existing dwelling would be removed such that the proposed dwelling, although containing an additional storey, would be approximately 1m taller than the existing dwelling at ridge height. The basement would contain 2no. guest bedrooms, workshop, utility, changing/shower rooms, fitness room, bar/hang out room and pool room. At ground floor level there would be two further bedrooms, bathrooms, TV room/study and open plan kitchen/dining/living room with access out to a balcony with glass balustrade. At first floor level there would be a master bedroom (with access out to a roof terrace) with offices and bathrooms. The five bedroom dwelling would be finished in a slate roof, with aluminium framed windows and doors and rendered, brick and flint and composite wood clad walls. As part of the works, an access path would be extended to connect to the existing parking area within the site. No changes are proposed to the size of the parking area or to the existing vehicular access. During the course of the application, the scale of the dormer windows of the southeast elevation was reduced, which was re-advertised accordingly.

1.3 Response from the Agent

- The application relates to a proposed residential dwelling. It remains the intention of the dwelling to be used as a family home and not as a commercial holiday let enterprise and is not part of a wider portfolio of holiday rentals

- Consultation comments raise concern regarding potential impacts of construction on the local surroundings, specifically in relation to the narrow road at Bay Hill. It is agreed that a Construction Management Plan Framework should be prepared to identify how construction may take place if planning permission is forthcoming. Fully expect that in the event of a grant of planning permission, a pre-commencement condition relating to a detailed construction management plan would be required.
- CGI images to be submitted. Proposed material palette would reflect the existing and would be of traditional vernacular to include for natural slate roofing in comparison to current configuration of artificial slate; an outdoor balcony with glass balustrades; timber balustrades and steps; opaque rooflights to Bay Hill elevation. Considers that the proposed development would appropriately and sensitively preserve and conserve the character and appearance of the Conservation Area and would not result in harm to, or loss of the character and appearance of the countryside and wider landscape area.

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- Impact on the countryside and landscape area
- Impact on heritage assets
- The impact on residential amenity
- Other material considerations

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located outside of the defined settlement confines, is not supported by other development plan policies and is not ancillary to existing development or uses. As such, the application is contrary to Policy DM1.
- 2.4 Policy DM8 relates to proposals for replacement dwellings in the countryside. It sets out that replacement dwellings will only be permitted if the existing dwelling is a permanent structure in lawful residential use, is capable of continued residential use and is of no architectural or historic value. In this instance, as discussed further at Paragraph 2.19 onwards of the report, it is considered the existing dwelling is a non-designated heritage asset and the replacement of the dwelling is therefore not permitted by Policy DM8.
- 2.5 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. The site is located outside of the settlement confines (albeit is in proximity to the confines

of St Margaret's). The nature of the road connection between the site and the Village (absent of a footway) is such that occupants of the development would be more likely to rely on the use of the car to travel in order to reach all of the necessary day to day facilities and services. The proposal would replace an existing dwellinghouse containing five bedrooms and it is not considered the development would generate additional travel demand. Notwithstanding this, the development is not justified by other development plan policies and as such, is considered to be contrary to Policy DM11.

- 2.6 Policy DM15 requires that applications which result in the loss of countryside, or adversely affect the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in a limited adverse impact on the countryside (as detailed further in the report). The development would not meet any of the exceptions listed in Policy DM15. Whilst it is considered that the development would have only a limited impact on the character and appearance of the countryside (discussed in detail later in the report), this alone would be sufficient for a proposal to be considered contrary to DM15.
- 2.7 Policy DM16 states that development that would harm the character of the landscape, as identified through the process of landscape character assessment will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures; or it can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level. It is considered (further in this report) that the development would have only a limited impact on the character of the countryside and no significant adverse impact on the landscape. Consequently, the development would not conflict with DM16.
- 2.8 For the above reasons, the development is contrary to policies DM1, DM11 and DM15 of the Core Strategy, but would accord with DM16. It is considered that these policies are also the most important policies for determining the application.
- 2.9 The NPPF advises, at paragraph 11, that proposals that accord with an up-to-date development plan should be approved without delay. An assessment of the most important policies for the determination of the application must be undertaken to establish whether the 'basket' of these policies is, as a matter of judgement, out-of-date. Additionally, criteria for assessing whether the development plan is out-of-date are explained at footnote 7 of the NPPF. This definition includes: where the council are unable to demonstrate a five-year housing land supply; or, where the council has delivered less than 75% of the housing requirement over the previous three years (as assessed by the Housing Delivery Test).
- 2.10 Having regard for the most recent Housing Delivery Test, the Council are currently able to demonstrate a five-year supply. The council have delivered 88% of the required housing as measured against the housing delivery target; above the 75% figure which would trigger the tilted balance to be applied. It is, however, necessary to consider whether the 'most important policies for determining the application' are out of date.
- 2.11 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 557 dwellings per annum. As a matter of judgement, it is considered that policy DM1 is in tension with the NPPF, is out-of-date and, as a result of this, should carry only limited weight.

- 2.12 Policy DM8 sets out specific criteria by which replacement dwellings in the countryside are permitted. The criteria broadly accord with the objectives of the NPPF in respect of flood risk, design, impact on countryside and heritage assets and as such, it is not considered the policy is out of date and should attract moderate weight.
- 2.13 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. The blanket approach to resist development which is outside of the settlement confines does not reflect the NPPF, albeit the NPPF aims to actively manage patterns of growth to support the promotion of sustainable transport. Given the particular characteristics of this application and this site, it is considered that the use of the site as proposed would weigh against the sustainable travel objectives of the NPPF (albeit the proposal would not generate additional travel demand from the existing scenario). Whilst the blanket restriction of DM11 is in tension with the NPPF, given that the policy otherwise reflects the intention of the NPPF to promote a sustainable pattern of development, on balance, it is not considered that DM11 is out-of-date. However, the weight to be afforded to the policy, having regard to the degree of compliance with NPPF objectives in the circumstances presented by this application, is reduced.
- 2.14 Policy DM15 resists the loss of 'countryside' (i.e. the areas outside of the settlement confines) or development which would adversely affect the character or appearance of the countryside, unless one of four exceptions are met; it does not result in the loss of ecological habitats and provided that measures are incorporated to reduce, as far as practicable, any harmful effects on countryside character. Resisting the loss of countryside (another blanket approach) is more stringent than the NPPF, which focuses on giving weight to the intrinsic beauty of the countryside and managing the location of development (Paragraph 174). There is some tension between this policy and the NPPF. In this instance the sites appearance within open countryside does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.
- 2.15 Policy DM16 seeks to avoid development that would harm the character of the landscape, unless it is in accordance with allocations in the DPD and incorporates any necessary avoidance or mitigation measures; or it can be sited to avoid or reduce harm and/or incorporate design measures to mitigate the impacts to an acceptable level. As with Policy DM15, this policy is considered to be in some tension with the objectives of the NPPF (particularly Paragraph 174), by resisting development that would harm the character of the landscape, unless the impact can be otherwise mitigated or reduced. In this instance the sites appearance within wider landscape character does afford a contribution to the character of the countryside. Consequently, it is concluded that the policy is not out-of-date and should attract moderate weight for the reasons set out in the assessment section below.
- 2.16 The Council is in the Regulation 18 or 'consultation' phase of the draft Dover District Local Plan. This is the start of a process for developing a new local plan for the district, replacing in due course the Core Strategy and Land Allocations Local Plan. At this stage the draft is a material planning consideration for the determination of planning applications, although importantly it has little weight at this stage. As the plan progresses, it will be possible to afford greater weight to policies or otherwise, commensurate with the degree of support/objection raised in relation to them during the consultation process. A final version of the Plan will be submitted to the Planning Inspectorate for examination to determine if the Plan can progress to adoption and, if so, the degree to which final modifications will/will not be required. At the time of preparing this report therefore, policies within in the draft plan are material to the

determination of the application, albeit the policies in the draft Plan have little weight at this stage and do not materially affect the assessment and recommendation.

- 2.17 It is considered that policies DM1, DM8, DM11, DM15 and DM16 are to a greater and lesser extent in tension with the NPPF, although for the reasons given above some weight can still be applied to specific issues they seek to address, having regard to the particular circumstances of the application and the degree of compliance with NPPF objectives, in this context. Policy DM1 is particularly critical in determining whether the principle of the development is acceptable and is considered to be out-of-date, and as such, the tilted balance approach of Paragraph 11 of the NPPF is engaged.

Impact on the Countryside and Landscape Area

- 2.18 The site is outside of the settlement confines and as discussed, is considered to be within the countryside and is therefore subject to Policy DM15. The proposals would result in the erection of a three storey detached dwelling finished in composite wood cladding with a slate roof, powder coated aluminium framed windows and doors and a projecting decked terrace set on steel posts. The dwelling would be sited largely on the footprint of the existing dwelling and whilst the ridge height would be approximately 1m taller than existing, this is not considered to be out of keeping with the scale of development in the area. During the course of the application, the scale of two of the dormer windows was reduced and it is considered the development would not unduly dominate or detract from the character of the countryside and wider landscape area, being seen in context in wider views with the existing development on Bay Hill and in St Margaret's. Subject to details and/or samples of the external materials to be used in the construction of the dwelling being submitted, as well as a condition requiring existing and proposed finished floor levels (to ensure the proposed dwelling is built at the correct height in relation to the existing dwelling and surrounding development), it is considered that the design of the dwelling would be visually attractive, sympathetic to the local character of the area and would add to the overall quality of the area in accordance with Paragraph 130 of the NPPF. For the same reasons, it is considered that the development would preserve the intrinsic character and scenic beauty of the countryside, in accordance with Policy DM15 and Paragraph 174 of the NPPF.
- 2.19 In respect of the impact on the wider landscape character, a landscape visual appraisal has been submitted by the Agent. Due to the containment of the site and the scale of the proposed dwelling (and increase in ridge height of approximately 1m which is considered to be minimal), the report sets out that it is not anticipated that significant visual or landscape effects would arise. Whilst concerns have been raised by third parties in respect of light pollution due to the glazing on the southeast elevation, it is considered that this would be seen within the context of existing residential development within the Bay. Whilst the scale of the dormer windows proposed has been reduced since the report was provided, it is considered that the design and scale of the dwelling, having regard for the setting of the nearby heritage coast and Kent Downs AONB and public views of the site from nearby Public Rights of Way, would be unlikely to result in substantial harm to the character of the wider landscape area, in accordance with Policy DM16 and the relevant paragraphs of the NPPF.

Impact on Heritage Assets

- 2.20 The site is located within the St Margaret's Bay Conservation Area and the existing dwelling is considered to be a non-designated heritage asset. Chapter 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out requirements relating to the assessment of the impact on conservation areas. In particular, special attention must be paid to the desirability of preserving or

enhancing the character or appearance of the conservation area. Paragraph 199 of the NPPF sets out that great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 203 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 2.21 During the course of the planning application, the existing building was submitted to Historic England for consideration for Listing, but was rejected at initial assessment as its value was insufficient to warrant Listed status. The application has been subject to consultation with the Heritage Team, who consider the existing building makes a positive albeit limited contribution to the character of the conservation area through its form and use of materials, creating a harmonious and cohesive character with other dwellings in the area. The demolition of the existing building will result in total loss of the non-designated heritage asset; however the inherent heritage value of the building is recognised as being limited.
- 2.22 In respect of the impact of the proposed development on the Conservation Area, the Heritage Team initially raised concern regarding the proposed rear dormer windows which were considered to be too bulky, resulting in the new building becoming uncomfortably visually dominant in the principal view from the beach promenade. However, the design of the proposals has been amended fully in line with the recommendations of the Heritage Team. They consider that there is no harm to the historic and architectural character and appearance of the conservation area and they support the proposal for demolition of the existing building and redevelopment of the site subject to the imposition of conditions.
- 2.23 The Heritage Team recommend conditions are imposed requiring the implementation of a programme of building recording (in accordance with a written specification and timetable) to be submitted to and approved in writing by the local planning authority prior to the commencement of development, as well as a condition requiring demolition not to be carried out before a contract (which provides and details the timing of demolition and commencement of rebuilding) for carrying out the redevelopment works has been awarded. These conditions are considered to be reasonable to ensure that the non-designated heritage asset is recorded and that the demolition is carried out as a continuous operation with the redevelopment of the site in order to protect the character and appearance of the Conservation Area.
- 2.24 Having had regard to Chapter 16 of the NPPF, and giving great weight to the conservation of these heritage assets (Paragraph 199), subject to the imposition of the suggested conditions, it is considered that the demolition of the existing building and erection of the proposed dwelling, due to its design and appearance, would conserve the character and appearance of the Conservation Area, resulting in no harm (either substantial or less than substantial), and would accord with the objectives of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.25 Due to the siting and scale of the proposals, as well as separation distance, it is not considered the development would result in harm (either substantial or less than substantial) to Listed Buildings (the closest of which being the Grade II Listed 1-9 Coastguard Cottages, towards the top of Bay Hill to the southwest of the site). In addition, whilst no response has been received from the KCC County Archaeologist, the site does not lie within an area of archaeological potential and it is not considered

necessary to suggest conditions are imposed in this respect.

Impact on Residential Amenity

- 2.26 The proposed dwelling would be sited largely on the footprint of the existing dwelling. The eaves and ridge heights of the proposed building would be approximately 1m taller (at ridge level) than the existing dwelling. However, it is not considered that this increase in height would result in an overbearing or dominating impact on the residential amenities of nearby residents. Whilst the limited increase in height would result in some additional shadow being cast, this would be largely limited to the mornings, when the majority of shadow would fall on the site boundary treatment (hedgerow) or on the public highway. As such, it is not considered the development would result in undue overshadowing or loss of light to the amenities of nearby residents.
- 2.27 In respect of privacy, the majority of windows and openings would be located on the southeast elevation and would overlook the garden of the site and the beach beyond. There would be two windows at ground floor level (serving a TV room/study and secondary window to a bedroom with windows on the southeast elevation) and two rooflights at first floor level (serving an office and a bathroom) on the northeast flank elevation. Whilst these would face towards the neighbouring property to the northeast (Isipingo, Bay Hill), they would primarily overlook the garden of the site and are considered to be sufficiently separated (by approximately 30m) such that there would be no unacceptable harm to privacy.
- 2.28 On the southwest elevation, there would be two windows at basement level (serving a workshop), two windows at ground floor level (secondary windows serving the open plan kitchen/living/dining room with additional windows/openings to the southeast elevation) and one rooflight serving an office at first floor level. These openings would primarily overlook the side garden and parking area of the site, and due to the separation distance to Pine Edge to the southwest, are not considered to result in harm to the privacy of these neighbouring occupants. Concerns have been raised in respect of privacy and interlooking between the upper floor windows of the proposed dwelling and the windows of neighbouring properties to the northwest of the site. It is considered that views between the ground floor level windows and neighbouring properties would be partially screened by the boundary hedgerow and that remaining views would be unlikely to result in unacceptable harm to neighbouring privacy as the primary outlook from the open-plan room (served by larger openings on the rear elevation) would be across the garden of the site, the beach and the Channel to the southeast. In respect of the first floor level rooflight proposed, this would serve an office. It is considered that any views from the rooflight towards neighbouring windows would be oblique and are not considered to result in such significant harm to warrant refusal. Several opaque rooflights would be installed on the northwest elevation of the roof, which would serve a staircase and hallway and are not considered to result in undue harm to privacy.
- 2.29 In respect of the amenity of the proposed occupants, the dwelling would contain five bedrooms with a well sized living/kitchen/dining room at ground floor level with a raised terrace. There would be no change to the existing vehicular access or parking spaces within the site. In addition, the proposals include heat pumps and an MHVR (mechanical ventilation with heat recovery) system (it is considered appropriate to impose a condition requiring further information regarding the specifications of the MHVR and heat pump systems as none has been provided). A bike locker has been identified on the proposed ground floor plan, and it is considered appropriate to suggest a condition is imposed requiring further details to be provided in this respect. It is

considered the development would provide a high standard of amenity for existing and future users, in accordance with Paragraph 130(f) of the NPPF.

Other Material Considerations

Travel

- 2.30 Policy DM11 seeks to restrict travel demand outside of the rural settlement confines. The nearest settlement is St Margaret's and the site is located approximately 19.5m from the confines. Whilst access to the village would be via an unlit road with no public pavements, it is not considered that this would unduly deter residents from walking to the village. Nonetheless, the proposals would replace an existing dwellinghouse containing the same number of bedrooms as proposed. As such, it is not considered the development would generate significant additional travel demand beyond the confines and is considered to be acceptable having had regard to Policy DM11.

Parking

- 2.31 The proposed dwelling would contain five bedrooms and Policy DM13 identifies that 2no parking spaces would be required. No change is proposed to the existing arrangements, where there is an existing parking area to the southwest of the dwellinghouse (suggested to be secured by condition). Aerial imagery shows that two cars can be parked on the driveway. In respect of visitor parking or if there were additional parking demand, a public car park is available to the south of the site by St Margaret's Bay beach and further parking is available on St Margaret's Road to the west of the site. In the interests of encouraging sustainable travel in accordance with NPPF Paragraphs 110 and 112, it is suggested a condition is imposed should permission be granted for cabling to be installed to allow the installation of EV charging points at the site.
- 2.32 Concerns have been raised by third parties in respect of parking for construction workers and for the delivery of materials and other works during the construction period of the development. Bay Hill is a narrow, mostly single width road, with limited passing places and steep bends. As such, should the construction of the development and timing of deliveries not be carefully managed, this could result in vehicles blocking the road, which would not be acceptable, with access required at all times for the public and emergency services. A Proposed Construction Management Plan (CMP) Framework has been submitted to ensure that robust management policies and procedures are implemented throughout the construction phase at the application site, in order to minimise the impact of the development during the construction phase on the local area and highway network (whilst acknowledging that a detailed CMP will be required should permission be granted). The CMP Framework has been reviewed by KCC Highways and Transportation, which has identified further matters that would need to be addressed fully in the final CMP (i.e. routing of construction and delivery vehicles to/from the site, parking and turning areas for construction and delivery vehicles and site personnel, timing of deliveries, avoiding the use of large steel beams/other large element materials to mitigate the use of HGV's accessing the site via Bay Hill), for which they suggest a condition is imposed. Subject to this condition, which would require details to be provided prior to the commencement of the development, they raise no objection. Informally, they recommended it may be worth requesting the full CMP upfront, however it was not considered reasonable to do this prior to the determination of the application and as this could be dealt with by way of condition, which would be subject to consultation with KCC Highways.

Impact on Flood Risk/Drainage

- 2.33 The site is located in flood zone 1 which has the lowest risk from flooding and as such, the sequential and exceptions test are not required. Furthermore, due to the size of the site; less than 1 hectare, a flood risk assessment is not required. The application form states that foul sewage would be disposed of to the mains sewer (connecting to the existing drainage system). No details of surface water drainage have been provided and Southern Water advise that their initial investigations indicate that there are no public surface water sewers in the area to serve this development. They advise that alternative means of draining surface water from this development are required, which should be in line with the hierarchy of Building Regulations with preference for soakaways. As such, it is considered appropriate to recommend a condition is imposed requiring details of surface water drainage to be submitted should permission be granted and subject to this, the development is considered acceptable in this respect.

Ecology/Wildlife

- 2.34 The proposed dwelling would be sited largely on the footprint of the existing dwelling, however the garden of the site (to the southeast) is within the Dover to Kingsdown Cliffs SSSI and Special Area of Conservation (SAC). The application has been subject to consultation with Natural England who advised that further information was required to determine impacts on the designated sites. In response to this, the Agent submitted a construction management plan framework addressing air, water and noise pollution management and a Habitat Regulation Assessment (HRA) screening matrix identifying avoidance and mitigation measures. This was used to inform a HRA produced by the DDC Senior Natural Environment Officer which, having carried out a screening assessment of the project, concludes that the project would not be likely to have a significant effect on any European site, either alone or in combination with any plans or projects and an appropriate assessment is therefore not required. Whilst not required, taking a precautionary approach, this has been sent to Natural England for comment. At the time of publication, a response had not been received. The recommendation is therefore to grant permission subject to no new material considerations being raised by Natural England.

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

- 2.35 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.
- 2.36 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.
- 2.37 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.

- 2.38 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.
- 2.39 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.
- 2.40 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.

Planning Balance

- 2.41 The principle of the development is contrary to the development plan in respect of Policies DM1, DM8 and DM11 (however accords with the objectives of Policies DM15 and DM16). As discussed in the principle of development section of this report, it is acknowledged that some of the key policies in the determination of the application are out of date and hold reduced weight and as such, the tilted balance approach set out in Paragraph 11 of the NPPF is engaged. In such circumstances, permission must be granted unless material considerations indicate otherwise.
- 2.42 Policy DM1 carries limited weight, however Policy DM11 carries greater weight as it is considered to broadly be in accordance with the key sustainable development objective of the NPPF. As considered in the above report, the development would generate travel outside of the rural settlement confines contrary to Policy DM11. However, it is considered that the location of the site, relatively close to a number of facilities and services (albeit not a full range of day to day facilities and services), could provide some assistance in providing further custom to local services and the vitality of rural services in accordance with Paragraph 79 of the NPPF, which weighs in favour of the scheme. In addition, the proposals would result in the replacement of an existing dwelling with the same number of bedrooms as proposed and as such, it is considered there would be no additional travel generated compared to the existing scenario.
- 2.43 For the reasons set out in the report, it is considered that the design of the proposed dwelling would be visually attractive, sympathetic to the local character of the rural area and would function well and add to the overall quality of the area in accordance with Paragraph 130 of the NPPF. It is also considered that the design, scale and siting of the dwelling would preserve the character and scenic beauty of the countryside and would be unlikely to result in significant harm to the wider landscape character, in accordance with Policies DM15 and DM16. The existing building is considered to be a non-designated heritage asset, however subject to the suggested conditions, it is considered its' demolition and replacement with the proposed dwelling would conserve the character and appearance of the Conservation Area and would result in no harm (either substantial or less than substantial) to the significance of heritage assets. The impact on residential amenity and other material considerations has been addressed above is considered to be in accordance with the objectives of the NPPF.

2.44 Overall, whilst this is a very finely balanced assessment, it is considered that the disbenefits of the scheme do not outweigh the benefits, with material considerations indicating that permission should be granted, subject to relevant conditions.

3. Conclusion

3.1 As outlined above, the site lies outside of the settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. Due to the design and appearance of the proposed replacement dwelling, and for the reasons outlined in this report, the development is considered to preserve the character and appearance of the countryside and wider landscape area. Whilst the existing dwelling is a non-designated heritage asset, its demolition and replacement with the proposed dwelling is considered to conserve the character of the Conservation Area, resulting in no harm (either substantial or less than substantial) to its significance (having had regard to Chapter 16 of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990). Furthermore, the development is considered unlikely to result in undue harm to residential amenity. In light of Paragraph 11 of the NPPF, and in taking into account other material considerations as discussed in the planning balance section of this report, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

g) Recommendation

I SUBJECT TO no new material considerations being raised by Natural England, PERMISSION BE GRANTED subject to conditions:

(1) Standard time condition, (2) list of approved plans (3) samples of materials (4) construction management plan (5) details of surface water disposal (6) existing and proposed ground, eaves and ridge levels (7) details of build contract prior to demolition of existing dwelling (8) recording of building prior to demolition (9) provision and retention of vehicle parking (10) EV charging points (11) cycle parking (12) details of MHVR and heat pump systems.

II Powers to be delegated to the Planning and Development Manager 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

Rachel Morgan