

Application No: Y17/0300/SH

Location of Site: Radar Station Dungeness Road Dungeness Kent

Development: Erection of a holiday let following demolition of existing structures.

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Date Valid: 22.05.17

Expiry Date: 17.07.17

Date of Committee: 29.8.17

Officer Contact: Mr Paul Howson

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a holiday let following demolition of the existing structures. Submitted in support of the application are a Preliminary Ecological Assessment, plans of the proposed building and existing structure, visual impressions of the proposed building, and a Design and Access Statement. Subsequent to the initial submission a Structural Engineers Report, a roof section drawing, a Revised Preliminary Ecological Assessment, a Construction Plan, a Planning Statement, and a Demolition Method Statement have been provided.
- 1.2 The proposed holiday let would provide a corrugated metal finished timber framed single storey building, with a shallow pitched roof and a concrete exposed chimney feature. The proposed floor area would be approximately 62.7sqm, as opposed to the existing floor area of approximately 59.5sqm. The proposed main roof height would be 3.7m, as opposed to approximately 3m for the ridge of the existing structure. The property would be orientated seaward with framed sea views from the southern internal living space. The internal space would include a kitchen/living area, a bedroom, and a bathroom, and there would be two small external terraces to be constructed

from railway sleepers. Pedestrian access would be via the repaired and narrowed railway sleeper track, under which would run the services. The concrete posts would be retained, with the chain link fence removed.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is located outside of any defined settlement boundary. The land is the subject of an Article 4 Direction, which covers householder development on existing dwellings, and therefore is not directly relevant to this application. It is in the Dungeness Conservation Area, and it is situated between the Grade II* listed Dungeness Lighthouse, and the Grade II listed Old Lighthouse. It is in the designated Dungeness National Nature Reserve, a Special Area of Conservation (SAC), a Ramsar site, a Special Landscape Area and a Site of Special Scientific Interest (SSSI). The site adjoins an area of undeveloped coast and falls within Flood Zone 3a, but is not shown to be at risk of flooding in the Council's Strategic Flood Risk Assessment (SFRA) when allowing for climate change.
- 2.2 The application site contains remains of timber buildings enclosed by a 2m high chain link fence and was formerly a Radar Station (see background below paragraph 8.1). The buildings are now degraded and are not in a useable state, as is the access track from the road. The site is located south of Dungeness Road; approximately 70m into the open beach, out on a limb beyond the existing building line of the Dungeness dwellings that exist in this part of the estate, and opposite the Britannia public house on the north side of the road. A boardwalk for visitors runs seawards across the beach to the east of the site, and there are a few isolated buildings out in the surrounding open beach to the west of the site.

3.0 RELEVANT PLANNING HISTORY

- SH/74/43 - Renewal of permission for two timber huts to house Marine Radar Equipment was approved with conditions in 1974.
- SH/80/476 - Retention of two timber buildings to house Marine Radar Equipment was approved with conditions in 1980.
- 88/1521/SH - Retention of three timber huts was approved with conditions in 1989.
The permission was subject to a condition that: 'The buildings hereby permitted shall be demolished and all materials resulting from the demolition shall be removed and the land reinstated to the satisfaction of the District Planning Authority on or before 1st December 1993.'

Y14/0861/SH - Erection of a dwelling and formation of a replacement access track, following demolition of existing buildings was refused in 2014.

The grounds for refusal were:

1) The proposed new dwelling by virtue of its overall form, design and scale represents an unacceptably harmful form of development that would have significantly greater visual impact than the structure it would replace, and is considered to adversely impact upon the landscape and conservation area. As such, it would be contrary to saved policies BE4, CO1, and CO4 of The Shepway District Local Plan Review and the National Planning Policy Framework which seek to protect special landscapes and designated heritage areas.

2) The proposal is for a new dwelling outside of any defined settlement boundary on a site with no history of residential use. As such, it would be contrary to saved policies CO1 and HO1 of the Shepway District Local Plan Review; and, Core Strategy policy CSD3; and, guidance contained in the National Planning Policy Framework (paragraph 55), which seek to protect the countryside from development pressure, and direct new development to recognised settlements. It is considered that insufficiently robust justification to overcome this policy conflict has been provided.

4.0 CONSULTATION RESPONSES

4.1 Lydd Town Council

Recommend Refusal on the grounds that the proposal is out of keeping with the area.

4.2 Natural England

No objection raised on the basis of the additional information provided during the course of the application and have confirmed that all necessary mitigation measures have been met.

4.3 Council For Protection Of Rural England

No comments received.

4.4 Environmental Health

Have no objection, subject to the standard contamination condition.

4.5 Environment Agency

No objection to the proposed development. Please however take note of the following comments.

Flood Risk

The site is situated within an area which is considered to be at risk from tidal flooding and is classified as lying within Flood Zone 3a by our flood risk maps. However, when examining the Shepway Strategic Flood Risk Assessment (SFRA), it is clear that the site lies on elevated ground as it lies outside the flood hazard areas under both present day and climate change conditions.

As stated in our previous correspondence on 17 March 2017, we are satisfied that the proposed development falls outside of the Hazard Area as defined by The Local Planning Authorities SFRA. The development is for a change of use of the existing building and for holiday accommodation only. Should this change to **permanent use** we would need to see further details regarding flood risk and mitigation.

4.6 Southern Water

The applicant is advised to consult the Environment Agency directly regarding the use of a cess pit. The owner of the premises will need to empty and maintain the cess pit to ensure its long term effectiveness.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

4.7 Heritage Consultant

The existing structure is very enigmatic due to both its long forgotten technical function and its advanced state of decay. Whilst such sites are very much part of the character of Dungeness, the building will continue to deteriorate until it is just a pile of broken rotted timber within the fenced compound. Once it reaches that condition it might either remain and become gradually robbed away for firewood or alternatively cleared away, complete with its perimeter fence to leave the ground in a pristine condition.

The proposal offers another scenario and suggests the building be replaced by another structure of similar form and bulk that would offer holiday letting

accommodation in the same way as does many of the other houses scattered around on the bare shingle of Dungeness Point.

If this basic premise is accepted, then the proposals represent an extremely sensitive and thoughtful response to the site, proposing a replacement building of modest size, carefully designed in a modern idiom with modern materials which however respond to the colour pallet of other existing buildings in the locality. The aim being to produce a design that is more informed by the functional buildings along the South coastline of Dungeness Point than it is by the more domestic character of the historic residential buildings in the area, either purpose built or converted from old railway wagons and buses.

Much care has been taken to minimise the impact on the local environment, both during the construction phase and afterwards, and the proposal seeks to re-establish the direct relationship between the building and the shingle which is the case with other Dungeness buildings. This is achieved by the removal of the sleeper platform raft and fences from between the concrete fence posts, which they will remain as an enigmatic reminder of the former use of the site.

Careful analysis of the local building forms lay behind the decision to turn the proposed building to a different orientation to the one followed by the existing building and this is to be commended.

Practical matters of access (pedestrian only) and the method of construction have been well thought out so as to minimise the impact of both on the local environment, which is apparently extremely sensitive to damage from vehicle traffic and excessive foot traffic.

My one concern is about the excessively wide overhang of the roof, especially on the South-West side, and given the extreme exposure of the site, I am sceptical that the roofs can be constructed in such a minimal slender form as indicated by the drawings. The practicalities may result in a more clumsy appearance than suggested by the scheme drawings. I therefore feel that these particulars need to be explored further by the applicant prior to any decision being made.

Recommendations

Whilst an argument can be made that nothing at all should be allowed on this site, I am of the view that sufficient careful consideration of the various impacts that the replacement building would make here on the local environment has been carried out such as to warrant the approval of this very sensitively designed replacement building.

I refer back to my concerns over the overhangs and the apparent slenderness of the construction and I am of the view that the applicant needs to further consider the practicalities of this aspect of the design with an engineer so that we may be convinced that what is proposed will be

buildable prior to us considering whether the proposal might be granted permission.

Any approval needs to be carefully conditioned to control the following:

- Samples of wall and roofing materials to be considered
- Details of eaves, window and door joinery
- Article 4 Direction restricting PD rights and permanent occupation

Conditions prohibiting the erection of telephone aerials and positioning of domestic equipment on the areas surrounding the property should be attached.

The matters raised have been addressed through amended plans, to the satisfaction of the Heritage Consultant.

4.8 KCC Ecology

Summary

We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If the provided mitigation measures are followed and adhered to, we are satisfied that there will be no likely significant impact upon the statutory protected sites. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached.

Statutory Designated Sites

We advise that the development site is located within the following designated sites:

- Dungeness - Special Area of Conservation (SAC);
- Dungeness - National Nature Reserve (NNR)
- Dungeness, Romney Marsh and Rye Bay - Ramsar Site;
- Dungeness, Romney Marsh and Rye Bay - Site of Special Scientific Interest (SSSI).

In considering the site interest for the SAC and Ramsar Site, we advise that Shepway District Council, a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Shepway District Council 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.

A preliminary ecological assessment has been submitted to identify any potential impacts that the development may have on the aforementioned designated sites. As the site is restricted to the existing footprint of the development, it is unlikely to have a likely significant impact upon the

qualifying features of the designated sites. However, the report has identified that there is potential for impacts upon the surrounding areas during construction.

Information has been submitted detailing construction mitigation measures as well as details of ecological supervision during construction. It is proposed that regular reports will be submitted to Natural England and the Local Planning Authority, and we advise that these measures are secured via condition of any granted planning application.

In light of the provided information, and if the mitigation measures are followed closely, we consider that the submitted proposals will not have a likely significant effect on Dungeness SAC and Ramsar site, and therefore an Appropriate Assessment will not be required for these designated sites.

In addition, in light of the above mitigation measures, we are satisfied that there will be no significant impacts upon Dungeness SSSI and NNR.

Protected Species

We are satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species. Sensitive areas have been identified within the report along with provisions to protect these areas during construction. The mitigation measures and ecological supervision during construction as outlined in the ecological report will further ensure that there will be no detrimental impacts upon protected species.

Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of any granted planning permission. This is in accordance with Paragraph 118 of the NPPF "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

Ecological Enhancements - Suggested condition wording:

"Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes. The approved details will be implemented and thereafter retained."

Reason: To enhance biodiversity

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 13th April 2017

Neighbours notified of additional information. Expiry date 14th June 2017

5.2 Site Notice. Expiry date 20th April 2017

5.3 Press Notice. Expiry date 27th April 2017

6.0 REPRESENTATIONS

6.1 9 letters/emails received objecting on the following grounds:

- The historic site/building should be protected.
- Conversion to a museum to reflect the history should be considered.
- The unique shingle environment (SSSI) should be protected.
- Additional residential units in Dungeness are unacceptable in principle.
- Could set precedent for conversion of other local non-residential buildings.
- Contrary to planning policy.
- Harmful to the Conservation Area.
- Increased holiday lets in the area eroding sense of community.
- Increased visual impact of proposed building.
- Harmful to landscape.
- The building should be removed and the site returned to natural state.
- Level of glazing/decking will lead to privacy and light pollution issues.
- Concerns regarding ownership of track.
- Concerns regarding rotating the existing configuration.
- Concerns about loss of view.
- The previous reasons for refusal are not fully overcome.

3 further comments received in response to re-consultation.

- The buildings must be preserved.
- Concerns about excavations.
- Chimney is too prominent.
- Impact on local traffic.

6.2 15 Letters of support

- Restores a historic site/building.
- Part of evolution of area.
- Contribute to visitor numbers.
- Positive addition to landscape.
- Sensitive design.
- Avoids further deterioration of existing structures.
- Avoids anti-social behaviour associated with existing structures.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE4, BE5, CO1, CO4, CO6, CO11, CO14, U1, U10

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS3, CSD3, CSD4

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework: including paragraphs 28, 55, 133

National Planning Policy Guidance

8.0 APPRAISAL

Background

8.1 The original use of the structure was for research purposes connected to coastal radar. It was constructed in the 1960s, and had higher platforms added reaching its peak size by the mid-1970s. The facility was abandoned by the early 1990s, and by 2006 the highest remaining platform was 5m above the shingle. The original construction was poor quality, featuring two adjoining sheds on a railway sleeper raft, with the platforms added later to aid sight lines across the channel. The existing buildings are semi permanent with no significant foundations, and the use for which they were erected has long since ceased. What currently exists on site is a lightweight single level timber structure, with the collapsed remains of the platforms.

8.2 A request was made to the Council in 2006, seeking an opinion on the possibility of demolishing the structure and erecting a residential unit in its place. The response pointed out the constraints due to the local and national designations in place in and around the site, and the associated planning policies. In these circumstances, the advice was that “demolition of the existing buildings and erection of one residential unit is unlikely to be looked on favourably from a planning point of view”. The advice went on to suggest there may be scope for repair and conversion of the existing buildings for residential use, if their essential character can be retained in the works. However, in the intervening years, the remains of the timber sheds have deteriorated to the point that they are beyond realistically being converted.

Relevant Material Planning Considerations

8.3 The main considerations in determining this application are the principle of the proposed tourism use, the visual impact on the landscape, the impact on the character and appearance of the conservation area, and the impact on the setting of nearby listed buildings. Further considerations include the impact of the proposed development on, neighbour amenity, highways,

flooding, ecology, contamination, and the other matters raised in the written representations. Further to this, the previous reasons for refusal need to have been overcome. This current proposal differs from the previously refused application, as it would be a single storey replacement of the existing structures for use as a holiday let; as opposed to a much larger proposed replacement for use as a dwelling that was refused in 2014. There is no history of any form of residential use on this site, therefore policies relating to replacement dwellings did not apply on the previous application.

Policy

- 8.4 The main policy considerations in the determination of this application include Shepway District Local Plan Review Saved Policies BE1, BE4, CO1, and CO4; and, Shepway Core Strategy Local Plan Policies SS3 and CSD3. Local plan policy BE1 seeks that development should accord with existing development in the locality; and, policy BE4 requires height, scale, form and materials of new development, to respect the character of conservation areas. Policy CO1 seeks to protect the countryside and sets out criteria for development in the countryside to be acceptable; and, policy CO4 requires proposals to protect the natural beauty of the Special Landscape Area, to which particular reference is made to Dungeness. Core Strategy policy SS3 reinforces local plan policies to protect the countryside and coastline by directing new development to defined settlements; and, policy CSD3 sets out the criteria for exceptions to the above policy. The National Planning Policy Framework (NPPF) contains further guidance, including paragraph 28 which seeks to support economic growth in rural areas.
- 8.5 Core Strategy policy CSD3 (Rural and Tourism Development of Shepway) is particularly relevant as it relates to proposals for new development in locations outside established settlements. Amongst the criteria for where a rural/coastal location may be acceptable in principle includes point c. 'sustainable rural diversification, and tourism enterprises.' Where sites for tourism uses are unavailable within settlements and development is proportionate in scale/impact and also accessible by a choice of means of transport, it may be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and Primary Villages. It also states at point e. that 'replacement buildings (on a like for like basis)' may be acceptable. Saved local plan policy CO1 also seeks to restrict development in the countryside by setting out criteria where exceptionally development would be acceptable. In this case point C) is relevant in that development will be permitted where it has 'a high standard of design and, sympathetic in scale and appearance to their setting.'

Principle of a replacement building for a tourism use

- 8.6 The current proposal for a replacement building is considered to meet criteria e. of policy CSD3 as the scale of the proposed development reflects the scale of the existing structure, and attempts to emulate the dual pitch form of the existing sheds. This reverses the approach of the two storey dwelling previously refused, which was unacceptable in principle as a dwelling,

compounded by its bulk and attempt to reinstate the platforms that have long since collapsed, significantly increasing the visual impact.

- 8.7 Furthermore, in the light of policy CSD3 c. support for tourism enterprises, the current proposal for a tourism use would be acceptable in theory. Economic and tourism development is supported in principle as set out in local and national policies, and paragraph 28 of the NPPF seeks to support economic growth in rural areas in order to create jobs and prosperity. Dungeness is a popular visitor destination, and good quality tourism offers in the area have potential to have significant benefits to the local economy, supporting direct employment with wider trickle down benefits to the Shepway economy. New opportunities for overnight stays in particular maximise benefits to the local economy. Local plan tourism policies (CSD3 pre-ambule) recognise the demand for higher grade new small scale accommodation, but seek to weigh this against any unacceptable visual intrusion in areas designated for landscape quality. Overall, a planning case can be made for a commercial (tourism) use to be supported by planning policy, which overcomes the previous reason for refusal of a permanently occupied residential dwelling, which was contrary to planning policy in this location.
- 8.8 The existing structure strikes a very evocative silhouette on the landscape. However, at the current rate of decay it would eventually disintegrate to an indistinguishable pile of decomposed timber, and eventually the site would return to shingle, either naturally or through clearance. Given the proposal offers to provide a replacement structure of similar form and bulk, and given the policy support for tourism enterprises, it is considered the proposal is acceptable in principle, particularly as it has been sensitively designed to reflect the site circumstances, and protect the local landscape environment. A management plan has been conditioned to ensure that that is managed in an appropriate manner and as such there are no objections on these grounds.

Visual impact of proposed development / design

- 8.9 All that presently remain of the original radar station structure are the two adjoining sheds that once supported the deck, and these are in a decrepit condition, although their form is still clearly visible. Therefore, the assessment should be based on what actually currently exists on site, rather than what existed on the site historically, which was the case with the previous application. The timber remains of the former radar station add an atmospheric silhouette to the open beach landscape, which blends into the natural environment and barely intrudes on the horizon. It is one of a few isolated redundant historic structures which punctuate the Dungeness beach, and has become a well established part of the character of the area. Nevertheless, the application building is a timber structure that was never intended to be permanent, as evidenced by the temporary planning permissions, which were granted on the basis that all traces of the structure were removed from the site upon the cessation of the need for them. The proposed replacement building would be on roughly the same footprint as the existing sheds, given the constraints of the site perimeter. Importantly,

in regard to overcoming the previous reason for refusal, the current proposal recreates the dual pitch roof form of the two existing sheds, respecting their scale, particularly in terms of height. The design includes a rotund chimney feature which reflects the vertical emphasise of the backdrop of lighthouses, and smokehouses. Therefore, whilst the proposed building would appear more solid and permanent than the decaying timber remains, to a large extent there would be no significant increase in the visual impact of the building on the landscape and skyline than is currently the case. The proposed building ridge height of 3.7m is only slightly higher than the existing ridge height, and is significantly diminutive in relation to the proposed dwelling which was refused planning permission in 2014, which would have been 6.5m above ground level with a further floor underground. As such, it is considered the proposed holiday let would not significantly increase visual impact on the local natural landscape, than the existing timber remains of the Radar Station. Furthermore, it would be considered to be consistent with the height and bulk of the low level houses and holiday lets in the immediate vicinity, as the characteristic form of neighbouring dwellings is low level single storey dwellings, and therefore the proposal would harmonise with the surroundings in terms of scale. As such, the issues of obtrusiveness of the earlier refused application are considered to be overcome, as there would be limited harmful impact on the landscape. Any minimal harm from a more solid replacement building of the weathered soft lines of the existing dilapidated structure, would be considered to be outweighed by the economic and social benefits of increasing the local tourism offer, which would outweigh the harm as required by saved policy CO4.

- 8.10 As referred to above, in terms of the design of the proposed holiday let the concept is to retain the form and volume of the existing two sheds. It also would rotate the orientation by 90 degrees to run parallel with the coastline, to reflect the general pattern of development in this part of Dungeness, where the properties are orientated facing the sea, and are largely unplanned. The two sections of the building are stepped on the east elevation, so that they read as two adjoined entities as is the case of the existing two sheds. Removing the chain link fence maintains the non-physical boundaries that characterise Dungeness properties, to allow the site to merge with the surrounding landscape, whilst retention of the supporting posts demarcates the site boundaries and gives a nod to the historic use of the site. It is considered the proposal when compared to the previously refused scheme represents a much more simplified 'low key' structure that reflects what remains of the former Radar Station with a shed like aesthetic, and a material palette and colouration that takes cues from other local stand alone buildings in the beach vista; along with keeping the design uncluttered, and not overly domesticised, with an appreciation that the site has a quasi industrial past in the design ethos. The two proposed external patios would be formed from reclaimed railway sleepers. The only design issue was that the overhang of the roof is excessively wide, especially on the south west side, and assurances were required that the slenderness of the roof form can realistically be constructed. Subsequently amended drawings and a Structural Report were submitted to satisfactorily address these points, with detailed section drawings of the construction, with

a simple eaves overhang. The Heritage Consultant is now satisfied that the slender shed like roof form with an overhang is achievable and appropriate. In conclusion, it is considered that the proposal represents a very responsive approach to the existing site situation, with modest proportions which reflect the existing buildings, and modern materials that react to the brownish corrugated finish of many local traditional functional buildings, rather than trying to emulate the local dwelling vernacular, given the site has no residential history.

Impact on conservation area

8.11 Local plan policy BE4 seeks to protect the character and appearance of the conservation area. The existing buildings are of limited architectural merit although they form part of the latter half of the 20th century history of the area, having been an unmistakeable presence in the landscape for around 50 years. As previously mentioned, the height, scale, and form of the proposed development respect the existing timber sheds and the established character for which the area is designated, which has evolved to become a mix of long-established and sympathetic modern buildings and structures. As such the proposal is considered to protect the character and appearance of the conservation area through not increasing the visual impact; and, being a sympathetic design concept to contribute to the conservation areas evolving mix of building typology. The proposal would therefore comply with the requirements of saved local plan policies BE1 and BE4 and Section 72(1) of the Conservation Areas Act. Any minimal harm through loss of a semi-permanent structure would be considered to be less than significant and outweighed by the public benefits of boosting the local tourism offer, in accordance with paragraph 133 of the NPPF.

Impact on setting of listed buildings

8.12 The site sits between the old and new Dungeness lighthouses, which are listed Grade II and Grade II* respectively. Considering the scale of these two heritage assets and the area of open beach that separates them from the application site; it is considered that their significance or an understanding of their setting would not be affected by the proposed new holiday let.

Neighbour amenity

8.13 The proposed holiday let has extensive glazing to maximise views, focused particularly on the seaward side. There are limited openings facing the dwellings on Dungeness Road some 60-200m away, and a small decking area on the western elevation. With the considerable space separation from these closest dwellings, which are open to the public domain, as is characteristic of dwellings in Dungeness, visitor occupation of the site would not significantly exacerbate loss of privacy as exists from public use of the board walk and beach.

Highways

8.14 Access to the site would be off private roads, there are no nearby public highways that would be affected, so from a highways perspective the proposal is acceptable.

Flooding

8.15 The site is in Flood Zone 3a, but is not at risk of flooding in the revised SFRA predictions, even when allowing for climate change. Consequently, the Environment Agency has no objection, subject to the accommodation remaining as a holiday let and not a dwelling. If a change of use were proposed to a permanent dwelling in the future, further flood risk assessment and mitigation would be required. It is considered the site would pass the sequential test as it is in an area of the Romney Marsh character area at the lowest risk of flooding, and would pass the exception test as it would have wider sustainability benefits to the community through the potential economic benefits the proposal would provide, and would be 'safe' in flooding terms for its lifetime. As such there are no objections.

Ecology

8.16 There is considerable local and national planning policy protection for the natural environment in Dungeness, due to the multiple designations as set out at the beginning of this report. In this regard, the requirements of Natural England have been satisfied following the receipt subsequent to the original submission, of a Method Statement, and Site Construction Plan. These demonstrated that the likely impacts of the proposals on the SSSI notified features would not have a significantly adverse effect, and that appropriate avoidance and mitigation measures would be in place. The proposed development would not have a significant impact on the Dungeness, Romney Marsh, and Rye Bay Ramsar; and, Dungeness Special Area of Conservation (SAC); and, Dungeness National Nature Reserve (NNR); or, damage the qualifying interest features of the Dungeness, Romney Marsh, and Rye Bay SSSI, particularly as the site is restricted to the existing footprint. Impact on the local environment during construction and post-construction have also been carefully considered in the proposal and reducing the access track to confine it to pedestrian use only, would prevent vehicle damage to the sensitive important habitats. The mitigation includes a pre-commencement briefing for construction workers and supervision throughout by an appointed ecologist, in consultation with Natural England. It has also been confirmed no shingle will be imported into the site, and dedicated areas have been set aside for working areas, parking and storage. As such, Natural England (NE) has advised that with suitable conditions the impact of the proposed development can be mitigated. Therefore there are no objections on these grounds.

8.17 If planning permission is granted the Conservation of Habitats and Species Regulations 2010 require that: "a competent authority (in this case the Council), before deciding to undertake or give any consent, permission or authorisation for, a plan or project which – (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the

management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives." The Habitats Regulation Assessment (HRA) process helps determine the likely significant effect on the integrity of any European site by proceeding to the Appropriate Assessment Stage. KCC Ecology and Natural England have confirmed that the proposal is not necessary for the management of the European Site in terms of the HRA. Therefore it is necessary to determine whether the proposal is likely to have a significant effect on any European site by proceeding to the Appropriate Assessment Stage. Natural England and KCC Ecology have confirmed the project is not likely to have a significant effect on the interest features of the site alone or in combination with other projects, due the fact that the proposal is being constructed on a similar footprint as the existing building, the mitigation measures proposed and supervision suggested. As such, KCC advise that an Appropriate Assessment will not be required for these sites, but have suggested conditions which should be attached to any approval. Subject to this the Council have been advised that there will be no significant impacts upon the Dungeness SSSI or NNR. In conclusion sufficient ecological information has been submitted, and with the mitigation measures secured by condition, there would be no likely significant impact upon the statutory protected sites or protected species. Ecological enhancements should also be secured by condition. There are therefore no objections on habitats and ecological grounds

Contamination

- 8.18 There may be contamination present on site in connection with the original use of the facility. A standard condition requiring this to be investigated and remediated if necessary should be applied if planning permission is granted. Should contamination be found and remediation proposed, this would be assessed in conjunction with Natural England and KCC Ecology.

Local Finance

- 8.19 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new dwellings. This application is liable for the CIL charge however it is a zero charge zone.

Other Issues

8.20 The application has attracted considerable interest from local residents and other interested parties, with a mix of support and objections summarised in section 6 above. It is considered the main points raised have been addressed in the body of this report. In terms of ownership, parts of the revised red line application site not under the control of the applicants have been addressed by serving notice on the land owners EDF. It is not the purpose of this assessment to consider alternate uses of the site, but to assess the merits of the proposal submitted. As discussed in this report the building is not capable of being converted, and the current proposal would not be a precedent for other sites in Dungeness, as each application submitted is judged on its own merits. It is not considered the proposal would erode the sense of community, it involves no loss of an existing dwelling, and visitors add vitality and vibrancy to the area.

Human Rights

8.21 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.22 This application is reported to Committee due to the views of Lydd Town Council who object to the proposal on the grounds of being out of keeping with the area.

9.0 SUMMARY

9.1 The proposal is for a reinterpretation of the remaining structure that occupies the site, being like for like in terms of scale. The tourism proposal is considered to meet the criteria for planning policy exceptions for new development outside of defined settlements and as such is acceptable in principle. The proposal would not significantly increase visual impact on the landscape, and as such would not adversely affect the designated landscape, the character and appearance of the conservation area, and the setting of listed buildings. Furthermore, appropriate mitigation and avoidance measures would be in place to protect the designated natural environment.

9.2 As such, given the proposal is not considered to have a significantly greater adverse impact on the local landscape and conservation area, through the replacement of an established feature with a no more visually prominent building; and as it is not proposing a new dwelling outside the settlement boundary; the previous reason for refusal is considered to be overcome, and the application is recommended for conditional approval.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

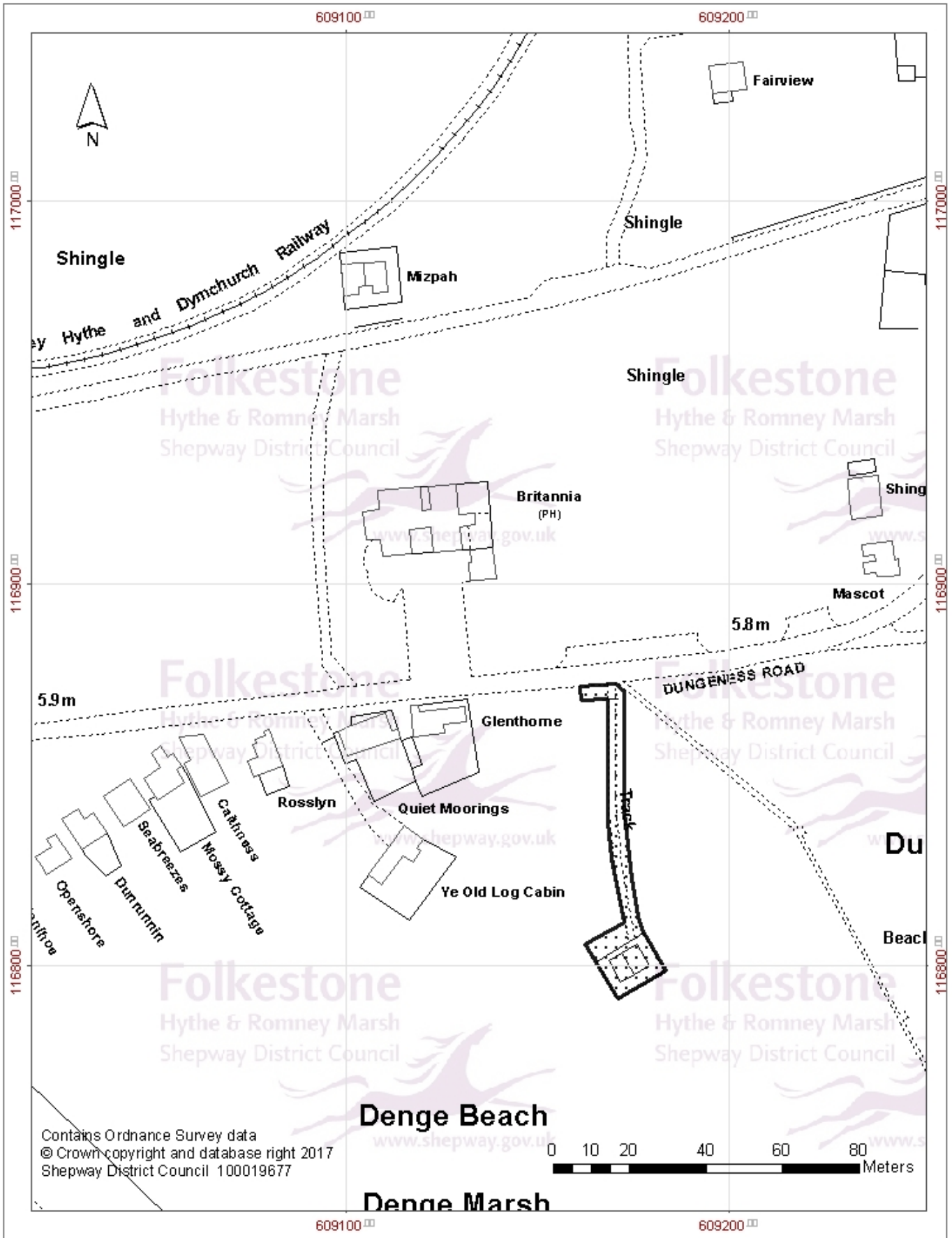
RECOMMENDATION – That planning permission be granted subject to the following conditions:

1. Standard Time condition
2. Submitted plans
3. Materials to be submitted
4. Bin store to be submitted as shown on approved plan
5. Details of buried cess tank to be submitted for approval
6. Standard contamination condition
7. Joinery details to be submitted for approval
8. Restriction of use to bona fida holiday use
9. Standard holiday occupancy condition
10. Details of the management of the holiday facility to submitted, prior to commencement of development.
11. Restrictions on outdoor paraphernalia
12. Demolition and construction shall be carried out in accordance with the submitted Demolition Method Statement, the Construction Plan, and the recommendations contained in the preliminary Ecological Assessment
13. Biodiversity enhancements to be in accordance with submitted preliminary Ecological Assessment
14. Permitted development rights to be removed
15. Standard water efficiency condition

Informative:

1. Environment Agency - Foul and Surface Water drainage advice.
2. Southern Water standard SUDs and sewer advice.

Y17/0300/SH
Radar Station
Dungeness Road
Dungeness



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