



Pete Halsall International_Haus Limited
37 Madrid Road
Barnes
London
SW13 9PF

Town and Country Planning Act 1990 (As Amended)

APPLICATION NUMBER 21/00936

NOTIFICATION OF REFUSAL OF FULL PLANNING PERMISSION

Proposal: Erection of 8No. terraced dwellings, new vehicular access, parking and landscaping
Location: Land To The South East Of 1-9 St Georges Place, Reach Road, St Margarets At Cliffe, CT15 6HU


TAKE NOTICE that Dover District Council, the District Planning Authority, **HAS REFUSED** Full Planning Permission for the proposal in accordance with the application and accompanying plans.

The reasoning underlying such refusal is as follows:-

- 1 The proposal would result in the permanent and significant loss of the quantity and quality of the existing designated protected open space, resulting in a qualitative deficiency of the identified informal recreational/amenity greenspace and its functionality within the local area. The proposal would also result in the significant loss of its visual amenity value, detrimental to the local environment and settlement with no provision of an equivalent facility. The proposal is therefore contrary to Policy DM25 of the Core Strategy (2010), Draft Policies SP2 and PM5 of the Submission Draft Dover Local Plan (2023) and paragraphs 93, 98, 99 of the National Planning Policy Framework (2010).
- 2 The proposal would result in the permanent loss of a community facility which is also identified as an Asset of Community Value, where alternative provision of the same or similar facility is not available in the local area. There is a demonstrated demand for such a facility and there is no evidence that an acceptable alternative will become available in an accessible location. The retained open space would fail to provide an equivalent or better facility, therefore contrary to Draft Policies SP2 and PM6 of the Submission Draft Dover Local Plan (2023) and paragraph 93 of the National Planning Policy Framework (2021).
- 3 The proposed development would result in the permanent loss of the majority of the existing open landscaped green space and the visual amenity qualities and characteristics it provides to the local area. The layout, scale and built form of the development is disproportionate and out of keeping with the surrounding built environment and pattern of development, resulting in an imposing and inward facing appearance and layout, diminishing the quality, character and visual amenity of this part of St Margaret's at Cliffe, contrary to Draft Policy PM1 of the Submission Draft Dover Local Plan (2023) and paragraph 130 of the National Planning Policy Framework (2021).

- 4 The site contains protected trees of substantial amenity value, that positively contribute and enhance the character and quality of the area. The proposed development, by virtue of its layout, siting and proximity of Plots 1-4 to the adjacent protected trees to the north western boundary, south western side boundary and T9, would be highly likely to create future pressure for their removal or significant works to these trees. This would be severely detrimental to the character and amenities of the locality and diminish the environmental benefits of the trees, contrary to Draft Policies CC8 and PM1 of the Submission Draft Dover Local Plan (2023) and paragraphs 130 and 131 of the National Planning Policy Framework (2021).
- 5 The site is identified as providing a suitable habitat for reptiles. The proposal is not supported by a reptile survey to inform the presence/likely absence of reptiles on site nor provide an appropriate mitigation strategy. The absence of which is likely to adversely affect reptiles and has failed to fully consider the impact on ecology and biodiversity. It has not been fully demonstrated that this proposal would protect, enhance or minimise impacts to biodiversity contrary to paragraphs 174 and 180 of the National Planning Policy Framework (2021), paragraphs 98 and 99 of Circular 06/2005 'Biodiversity and Geological Conservation' and Draft Policy NE1 of the Submission Draft Dover Local Plan (2023).
- 6 The proposal has not provided an appropriate mechanism to secure the provision of an informal pedestrian crossing. In the absence of an appropriate mechanism the proposal fails to provide safe and suitable pedestrian access, connect the site to the surrounding footway network or encourage sustainable travel, contrary to Draft Policy TI1 of the Submission Draft Dover Local Plan (2023) and paragraphs 110 and 111 of the National Planning Policy Framework (2021).

Dated: 15th May 2023

DISTRICT COUNCIL OFFICES WHITE CLIFFS BUSINESS PARK DOVER, KENT CT16 3PJ TEL: (01304) 821199	Signed:  Sarah Platts Head of Planning and Development
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YOUR ATTENTION IS DRAWN TO THE NOTES AND ANY LETTER ACCOMPANYING THIS NOTICE

In accordance with paragraph 38 of the NPPF, Dover District Council (DDC) takes a positive and proactive approach to development proposals focused on solutions. DDC works with applicants/agents in a positive and proactive manner by: Offering a pre-application advice service; where possible, suggesting solutions to secure a successful outcome; and, as appropriate, updating applicants/agents of any issues that may arise in the process of their application. In this instance

The applicant/agent was provided the opportunity to submit amendments to the scheme to address issues but these did not overcome the in principle objections to the proposal.

Appeals to the Secretary of State

- * If you are aggrieved by the decision of the Council to refuse permission for the proposed development, or to grant permission subject to conditions, you may wish to discuss with the Council whether a revised proposal would be likely to succeed; the District Council is likely to charge for such discussions. Otherwise you may appeal to the First Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you wish to appeal, you must do so within 6 months of the date of this notice or within 12 weeks of this date if your application concerned is householder development or minor commercial. Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0303 444 5000, or online at www.planningportal.gov.uk/pcs.

The Secretary of State has power to allow a longer period for giving notice of an appeal, but he will not be prepared to use this power unless there are extraordinary circumstances which excuse the delay in giving notice of appeal.

- * The Secretary of State need not consider an appeal if it seems to him that the Council could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Council based its decision on a direction given by him.

Purchase Notices

- * If either the Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- * In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Environmental Statements

- * If you submitted an Environmental Statement, the Local Planning Authority has taken that environmental information into consideration in reaching its decision.

Other Matters

- * Any planning permission or approval granted is confined to permission under the Town and Country Planning Act and the Town and Country Planning (General Development Procedure) Order 2015, and does not negate the need for compliance with any other enactment, bylaw, or other provision whatsoever or of obtaining from the appropriate authority or authorities any permission, consent, approval or authorisation which may be required. This includes the need to apply for Listed Building Consent should the proposal involve the demolition or alteration (internal or external) of, or extension to, a building listed as being of Architectural or Historic Interest, or of any structure built before July 1948 within the curtilage of a listed building, for the total or substantial demolition of any unlisted building if it is situated within a designated conservation area.
- * You are advised particularly to contact the Building Control Officer at the District Council Offices, White Cliffs Business Park, Dover (01304 821199) to ascertain whether permission is necessary under the Building Regulations. Attention is also drawn in particular to the provisions of Section 53 of the County of Kent Act 1981, which may be applicable, the requirements of the Party Wall Etc Act 1996 concerning notifying affected neighbours and the Housing Act 2004 concerning the adequacy of lighting to habitable rooms. Many species of wildlife and their habitat are protected by law.
- * Should any change be required to your proposal, however minor, in connection with other legislation or otherwise, a further planning permission is likely to be required to ensure that the development is authorised.