

Application Number	24/0653/FH
Location	The Log Cabin, Dungeness Road, Dungeness, Romney Marsh, TN29 9ND
Application Description	A replacement dwelling with retention and restoration of existing railway carriages.
Applicant	Mr Sam Cox
Agent	Hollway Studio
Officer Contact:	Danielle Wilkins

Recommendation

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. Reason for consideration by the Committee

- 1.1. The application is reported back to Committee after consideration of the item was deferred at the Meeting on 7th January this year to allow for further publicity to take place.

2. Background Information

- 2.1 The report to the 7th January meeting of the Planning and Licencing Committee is attached at Appendix 2. The issues for consideration in this report are a result of the additional publicity for the application, carried out since that meeting.
- 2.2 Additional CGI images have been submitted which seek to show the pattern proposed to the Corten steel. These are provided in figures 2-7 below:



Figure 1 – close-up sample doodles

Perforated Cladding Screen



De-bossed Solid Cladding

Figure 2 - perforated cladding screen & de-bossed solid cladding examples



Figure 3 - close-up view of front elevation



Figure 4 - close-up view of front elevation



Figure 5 - close-up view of rear elevation



Figure 6 - close-up view of rear elevation

3. Additional Consultation

3.1. Following the meeting an additional two site notices were posted adjacent to the application site on either side of the highway. 30 additional representations have been received, all raising objection. These have been read and summarised below:

- Demolition of the existing dwelling not justified
- Set precedent for larger replacement houses with external artwork
- Incongruous materials and design
- Harmful to conservation area/landscape/history of railway carriages
- Increased litter/intrusion/trespassing/ noise from tourists/visitors
- Highway safety
- Harm to residential amenity and ecology arising from increased tourism

4.3 The following issues were raised but are not considered to be material considerations and have been given no weight in the consideration of this application.

- Proposal should include change of use for art installation/ advert
- Solar panels will not function behind the cladding
- Inadequate initial public consultation and incorrect site history
- Applicant's fame/ social media followers/ comparisons to Banksy
- Proposal is a vanity project/ artwork lacks political/ social engagement
- Impact on views from other dwellings
- Letter sent to Councillors was not discussed at Committee
- Town Council objection triggered committee referral, not objections
- Decision taken at pre-application stage without consideration of statutory/public demands including Article 4 and ecological designations
- Same architects as four other dwellings on the Dungeness Estate

4.4 Responses are available in full on the planning file on the Council's website:

[Planning Register](#)

5 Appraisal

5.1 In light of the above the issues for consideration, in addition to those set out in the original committee report, are the design of the proposals and the impact on the conservation area, potential increase in activity in the area, and highway safety.

Design of the proposals and impact on the conservation area

- 5.2 The applicant has provided additional CGI images, showing the designs of the “doodles” themselves and the materials proposed. It is considered that while the specific detail would be visible to those standing near the building, they would be more subtle when viewed from further away, where most views of the building would be taken from. It is not therefore considered that the doodles themselves would appear overly large or add clutter to the elevations, to the extent that they would detract from the character and appearance of the conservation area or the visual amenities of the wider area.
- 5.3 The materials proposed are also considered to be acceptable and would add to the variety of dwellings in the area while at the same time respecting the historic significance of the railway carriages, materials found locally, and the form of architecture in the area, complying with policy HB1 of the PPLP and the NPPF in respect of the impact of development on heritage assets.
- 5.4 The maximum height of the building would increase from approximately 3.6 metres to 5 metres when measured to the top of the tallest ridge of the pitched roof. The dwelling as proposed would though feature varying roof forms and heights, and the eaves height would remain at approximately 3.4 metres. The increase in height of part of the dwelling is not considered to be harmful in itself, and would not be out of character with other dwellings in the area. A comparison can be seen in figure 1 below.



Figure 7 - existing and proposed street scene

Increased activity in the area

- 5.5 Concern has been raised that the proposed development would attract a number of visitors to the area and increase the risk of tourists and visitors walking through private property resulting in noise and disturbance to existing residents and harm to the ecology of the wider area.
- 5.6 Issues relating to trespass are a legal matter and do not amount to a material planning consideration. The Dungeness Estate already attracts visitors to the

area due to its unique landscape and style of architecture and tourism in the area is broadly encouraged by the Council. Members will recall that Natural England do not raise objection to the proposed development and consider the impact on ecology to be acceptable.

- 5.7 A replacement dwelling on this site would not give rise in itself to noise and disturbance in excess of what might normally arise from a dwelling.
- 5.8 The proposed development is considered acceptable in this regard, in compliance with the Development Plan and the NPPF.

Highway Safety

- 5.9 The application site is located on a private estate where there are no public footways, however there is 20mph speed limit in force throughout the estate. Given the access already serves the existing dwelling, it is not considered that the proposal would give rise to an increase in vehicle movements, demand for on street or off street parking spaces nor an impact on pedestrian safety. There is nothing inherent in this scheme which would prejudice the movement of emergency service vehicles across the wider area or in the vicinity of the site.
- 5.10 Accordingly it is considered that the proposed development would be acceptable in respect of highway safety, in compliance with the Development Plan.

6 CONCLUSION

- 6.1 For the reasons set out above and in the previous committee report, it is considered that the proposal would result in a sustainable form of development, in compliance with adopted policy and it is therefore recommended that planning permission is granted.

7 RECOMMENDATIONS

That Members agree and adopt the appended Habitats Regulations Assessment; that planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

<u>Plan/Drawing Title</u>	<u>Drawing Number</u>	<u>Received</u>
Site location plan	100.00-P1	01/05/2024
Site plan – BNG habitats	100.05-P2	11/10/2024
Site plan – CEMP	100.06	11/10/2024
Proposed ground floor plan	300.00-P1	01/05/2024
Proposed roof plan	300.01-P1	01/05/2024
Proposed elevations AA-BB	300.02-P1	01/05/2024
Proposed elevations CC-DD	300.03-P1	01/05/2024
Proposed sections	300.04-P1	01/05/2024

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3. No development beyond the construction of foundations shall take place until samples of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of preserving and enhancing the character and appearance of the conservation area

4. No further development, whether permitted by Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: To enable the Local Planning Authority to retain control over future development, to ensure any additions reflect the architectural detailing of the permitted dwelling and do not detract from the visual character of the surrounding conservation area.

5. Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interest of preserving and enhancing the character and appearance of the conservation area

6. The parking area shown on the submitted plan shall be provided and made available prior to the first occupation of the any of the dwelling hereby approved, shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: In the interests of highway safety and convenience.

7. Prior to the first occupation of the dwelling hereby permitted, the electric vehicle charging point which provides for at least 7KW shall be installed in the location set out in the approved plans. The charging point shall be retained in working order in perpetuity.

Reason: In the interest of sustainable development and reducing carbon emissions.

8. No development shall take place until the mitigation measures set out within the submitted Construction and Environmental Management Plan (CEMP) have been implemented. The CEMP shall accord with the measures outlined in Construction Environment Management Plan reference 100.06 (dated July 2024).

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

9. The development shall be carried out in accordance with the submitted flood risk assessment (RAB 3143_FRD) and in particular the following mitigation measures it details:

- Finished floor levels shall be set no lower than 5.88 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

10. Prior to first occupation details including a sensitive external lighting scheme to avoid light spill into the Dungeness statutorily designated sites shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the siting and design of any lighting together with the spread and intensity of the lighting. These measures will thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. No additional external lighting shall be installed at the site without the prior written approval of the Local Planning Authority.

Reason: To limit the impact of light pollution from artificial light on Dungeness statutory designated sites

11. If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

12. No development beyond the construction of foundations shall take place until details to demonstrate that the dwelling hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

13. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works, including boundary treatments (inclusive of colour, materials) have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

14. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

15. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

16. Prior to works above slab level an ecological enhancement plan must be submitted to and approved by the Local Planning Authority. The plan must demonstrate how the site will enhance biodiversity through planting which will benefit pollinators, and/or native species planting and ecological enhancement features within the buildings and site. The plan must be implemented as approved

Reason: In the interest of biodiversity and ecology.

Informatives:

1. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.