

- a) **DOV/17/00398 - 45 Eythorne Road, Shepherdswell, Dover, CT15 7PG - Outline application for the erection of two pairs of semi-detached dwellings, two detached dwellings and the creation of a vehicular access (existing dwelling to be demolished).**

Number of contrary views

- b) **Summary of Recommendation**

Planning Permission is Granted.

- c) **Planning Policy and Guidance**

**National Planning Policy Framework (NPPF) 2018.**

- Paragraph 8 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision – making this means approving plan without delay or
  - Where there are no relevant plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless;
  - The application of policies in this framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed or
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- Paragraph 47 sets out ‘planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise;
  - a) Promote social interaction, including opportunities between people who might not come into contact with each other – for example through mixed use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active frontages;
  - b) Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example and the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
  - c) Enable and support healthy lifestyles, especially where this would address identified local health and well – being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- Paragraph 102 sets out amongst other things that. Transport issues should be considered from the earliest stages of plan-making and development so that

patterns of movement, streets, parking proposals and other transport consideration are integral to the design of schemes, and contribute to making high quality places.

- Paragraph 105. 'If setting local parking standards for residential and non – residential development, policies should take into account;
  - a) The accessibility of the development;
  - b) The type, mix and use of development;
  - c) The availability of and opportunities for public transport;
  - d) Local car ownership; and
  - e) The need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
  
- Paragraph 109 states 'Development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
  
- Paragraph 110 sets out amongst other things 'application for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services; and appropriate facilities that encourage public transport use;
  
- Paragraph 117 states Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
  
- Paragraph 118 sets out amongst other things planning policies and decisions should 'give substantial weight to the value of using suitable brownfield land within settlement for homes and other identified needs'.
  
- Paragraph 124 sets out 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this'
  
- Paragraph 127. Planning policies and decisions should ensure that developments:
  - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...
- Paragraph 131 'in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings;.
  - Paragraph 175 sets out amongst other thing 'When determining planning applications, local planning authorities should apply the following principles;
- 1) If significant harm to biodiversity resulting from a development cannot be avoided (through relocating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;'

### **Dover District Core Strategy (CS)**

- Policy CP1 states the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services.
- Policy DM1 states that development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- Policy DM11 – states that 'development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies
- Policy DM13 'Parking provision should be a designed led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives'.

### **Other Guidance/ relevant matters**

- Kent Design Guide
- Hedgerow Regulations 1997

#### d) **Relevant Planning History**

None relevant.

#### e) **Consultee and Third Party Responses –**

##### **Kent Highway Services**

Comments received April 2017 – No objections in principle, concerns were raised over the red line and the extent of the highway in regards to Penfold Gardens and The Glen. No objection in respect of accesses for the dwellings shown being taken from these cul-de-sacs, need confirmation the proposed spaces could be achieved.

If such access cannot be achieved the proposal would likely to lead to unacceptable on-street parking in the highway.

September 2017 – The proposed footpath connection between the two parking areas is acceptable. Clarification is needed on the status of the access parking arrangements and what access rights the applicant has across the strips of land in question.

November 2017 – The red line now includes land and the proposed access points up to the highway boundary in Penfold Gardens and The Glen. No objections in respect of highway matters. Adequate access from the highway is provided to all proposed dwellings (including utilising the existing access off Eythorne Road for one dwelling) and sufficient room is available for off street parking on the highway. A number of conditions should be attached to any permission.

### **Dover District Councils Senior Environmental Health Protection Officer**

No objection to the application. Environmental Health do not wish to object to the application however notes the comments from Southern Water in relation to the foul sewage system in this area of Shepherdswell.

The department can advise it is aware of several historical complaints concerning failure of the SWA pumping station that serves properties in this area which has resulted in flooding of sewage in residential properties in The Glen, Shepherdswell. Additional load to the existing foul sewage should be closely examined.

### **Southern Water**

Please note that building over the public sewer is not acceptable. It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

The approved site layout should incorporate the following requirements:

- 1) The 150 mm diameter foul sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer
- 2) No new soakaways or other water retaining features should be located within 5 metres of a public sewer.
- 3) All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items (1) – (3) above also apply.

In order to divert drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect/ divert the public sewers, prior to the commencement of the development."

If the applicant proposes to construct a new on-site foul sewerage pumping station, no habitable rooms of new or existing residential properties should be located less than 15 metres from the pumping station compound boundary, in order to protect

the amenity of prospective residents from the vibration, noise and potential odour generated by sewage pumping stations.

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. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Please note that some types of permeable paving will not be allowed to be constructed over or within 3 meters of public or adoptable sewers. The applicant is advised to seek further assistance in this matter with Developer Services team of Southern Water.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

#### **Dover District Councils Principle Ecologist**

The bat activity survey indicated that the derelict house is not currently being used as a roost but has a very high potential to be used as such. Therefore, there are no objections based on biodiversity subject to a condition that the recommendations in the bat activity survey are carried out in full.

#### **Kent County Council Archaeology**

The application is located within an area of archaeological potential associated with known and probable archaeological remains which are evident in the fields surrounding and within the village of Shepherdswell. A recommendation that provision be made in any forthcoming planning consent for a programme of archaeological works.

#### **SGN – Plant Location Team**

Please note that privately owned gas pipes or ones owned by other GT's may be present in this area and information regarding those pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners.

The accuracy of the information shown in this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but should be looked out for.

On the mains record you can see low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m or a low/medium pressure system of above or within 3.0m of an intermediate pressure system. When required conformation of position should be found using dug trail holes.

### **Eythorne Parish Council**

Supports the development of a property on the Eythorne Road frontage  
Providing all matters of overlooking/loss of amenity is satisfactory addressed.

It is felt however that the proposed development of three semi-detached properties on the site are accessed from the Glen & Penfold Gardens is an over intensive development which could lead to a significant loss of amenity for the local residents. There are considerable problems with foul water sewage in the locality. The scheme fails to accord generally with the scale and character of the properties on the adjacent estates. The lack of on -site parking and likely increased traffic in these cul-de-sacs is also of particular concern.

### **March 2018**

My Council supports the development of a property on the Eythorne Road frontage, providing all matters of overlooking/loss of amenity are satisfactory addressed. It remains of the view that the proposed development of two pairs of semi-detached properties on the site accessed from The Glen and Penfold Gdns, is an over intensive form of development which would lead to a significant loss of amenity for local residents. In particular the limitations of `on-site` parking and likely increased traffic in these cul-de-sacs are a major concern. The Parish Council is also of the opinion that given the considerable problem with Foul Water Sewage in this locality and the concerns of the residents and Southern Water, an improved sustainable urban drainage system must be in place before further development is permitted at this level of the village.

It was resolved that the Parish Council's views remain as stated earlier in the year and as published on the DDC web-site on the 23rd March 2018

### **Third Party Responses**

23 Letters of representations have been received and are summarised below:

Comments neither supporting nor objecting to the application.

The East Kent Railway Trust does not have a drainage ditch as assumed in the flood risk report;

The boundary should be respected and that suitable protection is put in place by the developer to ensure trespass onto the railway land is avoided for safety reasons'

The EKR is an active, operating railway, the developer should consider this impact on the properties proposed;

Any drainage projects, power or other utility projects that may interfere with or will cross EKR land or operation are objected to at this time due to lack of detail.

Four letters of support have been received and are summarised below;

- How can people object when they are renting new houses in The Glen. If these people had the chance to make some money they would, pure jealousy;
- I would do the same, as most people if they happened to be fortunate enough to be in the position of making as much as they can, they should be honest with themselves and others;
- Before Penfold Gardens and The Glen were planned/built, this property stood here amongst fields, so some of the people that live on these roads that have been objecting wouldn't be living there if there were still fields around this property, so where would they be living. Give others a chance to live in the village.
- How can people object when they are renting new houses in The Glen;
- The changes that this land needs are still being held up;
- A few locals no not want changes and DDC are listening to them, yet major building plans in Kent are going ahead despite relevant objections major building plans in Kent are going ahead despite relevant objections
- Plans for number 45 are taking far to long to go through;
- After reading the other residents views and concerns, they are short sighted and just seem to be concerned about the annoyance of the works that will go ahead;
- Far better to be turned into a respectful development than being left as it is;
- The people closest and their views are worst as they obviously have coerced others;
- Their drainage from their side goes onto said property;
- Parking problems in Penfold, as another comment points out, take your vehicle off the road and use the drives.

18 letters of objections have been received and are summarised below;

- There are flooding and inadequate drainage infrastructure, the development will require modifications to the already inadequate drainage system;
- The application states that overflow parking will be available within the access roads. The Glen is already overflowing with cars and two parking spaces is inadequate;
- Emergency services have been hampered by parked cars, perhaps a new access should be considered from the Eythorne Road;
- If the site is large enough to support that number of large dwellings, then perhaps it could support its own road and more affordable sized housing;
- A small residential site will gravely and negatively impact on the local community which is detrimental to the public realm;

- A sewer feasibility survey for Penfold Gardens and The Glen was conducted in April 2016, this was due to current ineffective sewerage system and pumping station;
- Residents of the Glen already experience sewerage overspill, this travels back up the water pipes and either floods the gardens or backs up the toilets;
- The Glen and Penfold Gardens differ in style of house design, the houses in The Glen are two storey detached houses, properties in Penfold Gardens are bungalow maisonette style properties, the proposed properties will not conform to the rhythm and uniformity due to the different styles;
- The land will create a visual opening in the street and the new properties will be seen from The Glen and Penfold Gardens and will be an ugly and overbearing construction;
- There are no elevational drawings;
- The size of the houses are too large and are positioned to close together;
- The Glen and Penfold Gardens enjoy privacy and separation allowing the streets to be individual, whilst enjoying woodland views ;
- There is no ecological impact assessment, there are bats on the site;
- Amending the plans from 7 to 6 houses are still going to cause the same concerns;
- The land is confirmed as an area of scientific interest;
- How will emergency vehicles access the site;
- A footpath can cause anti social behaviour and motorcyclists can still gain access;
- Who will be responsible for the upkeep of the wooden fences separating the two roads?
- The developer is only interested in making money and no thought has been given to existing residents and the village as a whole;
- Safety concern over children due to more vehicles;
- Concerns over the construction traffic;
- The proposed houses are set further back on the plans than the existing houses in The Glen, this will greater affect the views in The Glen;
- The original house, could be seen as historically important to the fabric of the village;
- The land could be used for land banking;
- There is the possibility of noise nuisance from a potential pumping station;
- This is an overdevelopment of the site;
- This would be overbearing on surrounding properties;
- Concerns over the land being potentially contaminated;
- There is no evidence of parking space provision for visitors;
- The boundary line between 15b and the development is misleading, the plan between 15b The Glen and the existing boundary line is only 1.35m not 3.87m;
- The boundary fence between 15b and the development is not 1850mm high but is a part close boarded fence and part interwoven panels with timber posts but is varying height to suit the site contours;
- The window in the flank elevation of 15b serves a lounge/dining room;
- Loss of light;
- The plans are not to scale;
- The loss of the established mature boundary hedge at the end of Penfold Gardens will have a negative impact on the character of the area;
- The detached dwelling in Eythorne Road would result in overshadowing;
- The residents have been ignored;
- A detailed site survey needs to be completed;

- The proposed dwellings should be chalet bungalows;
- Street lighting will need to be erected, impacting on resident and wildlife;
- Layout of proposal is inappropriate;

A pumping station is not a welcome addition to this site. All concerns in previous objections still stand so please refer to these before any decisions are made.

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

- 1.1 The site is within the village Eythorne, with a site area of 0.24 hectares. The topography of the site slopes from north-west to south east. A detached two-storey dwelling is sited adjacent to 16C The Glen and is not visible from Eythorne Road. This existing dwelling is in a bad state of repair and is not very accessible. The site has become overgrown and has a strong band of trees along the rear boundary. A landscaping band also exists along the three remaining boundaries, but is not as tall or dense as the rear boundary. There is no clear defined existing access visible into the site.
- 1.2 The adjacent properties fronting Eythorne Road are a mixture of different architectural styles and designs. Number 43 Eythorne Road is a detached two storey dwelling, with windows in the flank elevation overlooking the site, with off street parking to the front. Number 49 Eythorne Road is a detached bungalow with off street parking.
- 1.3 To the north west of the application site is The Glen which is generally characterised by detached 1960's and 1970's dwellings, with the exception of 16B and 16C being a pair of semi-detached dwellings.
- 1.4 Penfold Drive is mainly characterised by 1960's bungalow types to the north east of the site. To the rear of the site is East Kent Railway with a meadow and drainage ditch separating the application site and the adjacent railway tracks.

**The proposal**

Outline planning permission is sought with all matters reserved for six residential dwellings, with the existing house to be demolished.

All plans are illustrative which includes the layout and all matters are reserved. The drawing submitted indicates 5 x three bedroom dwellings, and a four bedroom dwelling. A pair of semi detached dwellings (plots 32 and 30 Penfold Gardens) and a detached dwelling 15C The Glen are located to the north east of the site, close to a railway track. Plots 17 and 19 are located within the middle of the site, whilst number 45 Eythorne Road is indicated as a four bedroom dwelling fronting onto Eythorne Road with access onto Eythorne Road.

Parking spaces for the proposed development are indicated to the front of plots 17, 19, 30, 32 and 45, whilst the parking space for number 15C would be to the north west of the property dividing this and number 15B The Glen.

No indicative elevations or street scene plans have been provided.

Planning Policy Guidance sets out that unless the applicant has indicated that the details are submitted 'for illustrative purposes only' (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval.

## **2. Main Issues**

2.1 The main issues in the consideration of this application are:

- The principle of the proposed development;
- The impact on the character and appearance of the area;
- The impact upon residential amenity;
- Flooding and drainage;
- Ecology;
- Highway safety.

## **3 Assessment**

### **Principle of Development**

- 3.1 Policy CP1 of the core strategy identifies the location and scale of development for settlement in terms of hierarchy. Eythorne is defined as being a settlement type as a village which is suitable for an appropriate scale of development that would reinforce its role as a provider of services to essentially its home community.
- 3.2 Policy DM1 of the Core Strategy identifies that development on land outside rural settlement confines unless specifically justified by, amongst other things, other development plan policies or where the development functionally requires such a location. The proposed dwellings would be located within the confines and therefore the development complies with the Core Strategy.
- 3.3 The application site consists of a detached house in a bad state of repair on an overgrown site. Paragraph 118 of the National Planning Policy sets out amongst other things that 'planning decisions should promote an effective use of the land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'. It continues to set out that 'planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. In this instance the proposed development would be sited on a piece of land that was once used for residential use within the existing settlement boundary of Shepherdswell. The principle of dwellings in this location are considered to be acceptable and significant weight should be applied in this instance, subject to other material considerations. The proposal is therefore considered to comply with the aims and objectives of the National Planning Policy Framework.

### **The impact on the character and appearance of the area**

- 3.4 The development is in outline form with all matters reserved. As such the drawings in terms of layout that have been submitted are illustrative in form and are designed to show how the proposed development could be accommodated on the site.
- 3.5 The Design and Access Statement considers the existing typology and patterns of development in the surrounding area and a site section has been submitted to demonstrate how the proposed development could appear on site.
- 3.6 The proposed development although illustrative, demonstrates the site layout suggests a form of development sympathetic with the existing surroundings. The density is considered to reflect that of the properties within The Glen, Penfold Gardens and Eythorne Road and is therefore not considered to be an overdevelopment of the site.
- 3.7 Plots 15c, 30, 32, 17 and 19 are indicated as following the same scale and form as the properties within The Glen. Plot 45 is considered to continue the scale of the properties within Eythorne Road which are considered to be of a larger scale than those directly to the rear. It is considered the proposal would comply with the aims and objectives of paragraph 127 which sets out that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for a short time but over a lifetime of the development.
- 3.8 Some concerns have been raised by third parties in respect of a footpath connecting The Glen and Penfold Gardens. This is considered to promote social interaction including opportunities for meeting between people who might not come into contact with each other. The street layout would allow for easy pedestrian and cycle connections within and between neighbourhoods, and have active street frontages as set out in paragraph 91. Paragraph 91 of the National Planning Policy Framework goes on to set out decisions should aim to achieve inclusive and are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life for example through the use of clear and legible pedestrian routes, this is achievable through the introduction of this footpath. The footpath is further supported by paragraph 110 of the National Planning Policy Framework which states ' applications for development should give priority first to pedestrian and cycle movements, both within the scheme and neighbouring areas'.
- 3.9 The loss of some of the existing hedging is regrettable, whilst the landscaping is to be considered at a reserved matter stage, the indicative plan does show the retention of some of the existing trees within the site and some new planting on site. Paragraph 127 (b) sets out that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. In this instance it is considered appropriate to impose a condition for the details of hard and soft landscaping to be submitted and approved to protect the visual appearance of the area and therefore comply with paragraph 127 of the National Planning Policy Framework. Give the importance of landscaping and given that replacement planting will be required, it is considered that it would be reasonable to bring forward the submission of full landscaping details relevant to the reserved matters applications.

- 3.10 For the reasons set out above the proposal albeit it in an outline application is not considered to adversely impact on the character and appearance of the area and is therefore considered being compliant with regards to the aims and objectives of the National Planning Policy Framework in particular paragraphs 91, 110 and 127.

### **Impact upon residential amenity**

- 3.11 Paragraph 127 (f) sets out that planning decisions should ensure that all developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The proposed layout indicates that the back to back distance between 45 Eythorne Road and plots 17 and 19 is approximately 32 metres, which would limit the potential for interlocking between the proposed dwellings and also be a sufficient distance to provide sufficient amenity space to serve the proposed dwellings.
- 3.12 In respect of plots 17/19 and 30/32 these are considered to reflect the building line of The Glen and Penfold Gardens with parking proposed to the front of the properties and private amenity space to the rear of the properties and therefore the potential for interlocking between these properties would be minimal.
- 3.13 The applicant has submitted some illustrative floor plans to demonstrate the layout of the proposed dwellings, from the plans submitted it would indicate the window within the flank elevation would serve a bathroom and could be obscure glazed and conditioned as such. However, full details would be submitted within a reserved matters application and the residential amenity could be fully assessed at this time.
- 3.14 Local residents have raised concerns over the potential impact the proposed development could have in respect of being overbearing on the adjacent properties. Careful consideration has been given to the illustrative layout especially in respect of 15B The Glen. The original submission showed two pairs of semi-detached dwellings to the rear of the site, which would have resulted in a separation distance of approximately 800mm dividing the proposed dwellings and the adjacent property 15B The Glen, which was deemed unacceptable and amendments were sought. The loss of one of these proposed dwellings to the rear of the site and the repositioning of the parking to the side of 15C The Glen, has mitigated against this concern and a dividing distance of approximately 4 metres is achievable to ensure the proposal would not adversely impact on the residential amenities of 15B The Glen.
- 3.15 With respect to plots 17 and 19 there is a distance of approximately 1 metre dividing these properties from the dividing boundaries, however number 16C The Glen (a detached dwelling) is set off the boundary by approximately 4.4 metres and therefore it is considered the proposal is not considered to have a detrimental impact in respect of being overbearing or result in harm to the residential amenities currently enjoyed by the occupiers of 16C The Glen.
- 3.16 The characteristics of numbers 28 and 15 Penfold Gardens consist of detached garages to the south, south east of these dwellings, with a dividing distance of approximately 10 metres separating these and the application site. Due to the characteristics of these houses and a substantial dividing distance it is considered that the proposal would not adversely impact on the amenities currently enjoyed by these occupants.

- 3.17 Some concerns have been raised over the potential impact the proposal will have on local residents during construction. Due to the characteristics of the site it is deemed reasonable to request a construction management plan prior to the commencement of development to include storage of materials, wheel washing facilities and hours of construction to protect the residential amenities of the local residents.
- 3.18 The application is for an outline application with all matters, which means full consideration will be given to the impact on residents amenities at the reserved matters stage. That said, based on the illustrative layout and for the reasons above the proposed development is not considered to adversely impact on the residential amenities enjoyed by the occupants of the surrounding properties and would ensure a high standard of living for future and existing occupants and complies with the aims and objectives of the National Planning Policy.

### **Flooding and drainage**

- 3.19 Concerns have been raised over the flooding and foul water sewerage. Dover District Councils Senior Environmental Health Officer has set out they do not wish to object to the application, however have noted the comments from Southern Water in relation to the foul sewage system in this area of Shepherdswell and are aware of several historical complaints concerning failure of the SWA pumping station that serves properties in The Glen and additional load to the existing foul system should be closely examined.
- 3.21 Southern Water has set out that building over a public sewer is not acceptable but that it might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity. Southern Water has set out the requirements of any approved layout should incorporate measures which could be conditioned. In addition to this Southern Water has stated 'their initial investigations indicate that there are no public surface water sewers in this area to serve the development'. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer',
- 3.22 That said, Southern Water have suggest a condition should be attached in respect of the foul and sewerage disposal and this can be dealt with in this manner. In respect of this matter and based on the Southern Water and EH comments, it is considered reasonable to attach a condition in respect of the foul and surface water. In addition, to ensure that the risk of localised flooding is not increased, a timetable for the implementation of sewerage works (with no occupation until implementation) and maintenance, should be included.

### **Ecology**

- 3.23. On site is a detached dwelling in a bad state of repair and local residents had concerns regarding the use of the dwelling as a summer roost by bats.
- 3.24 Dover District Council's Principle Ecologist raised concerns due to the condition of the garden (as indicated on Google Earth) and the proximity to the Local Wildlife Site (The Knees and Disused Railway Line) is such that the site is likely to support bats, which could use the dwelling as a roost. Four letters of representations were received which mentioned bats and two were specific in saying that bats may use the house as a summer roost and at this time permission could not be granted.

- 3.25 Subsequently the applicant was advised to undertake a bat survey in September 2018. Dover District Councils Principle Ecologist has reviewed the survey and has stated 'the bat activity survey indicated that the derelict house is not currently being used as a roost but has a very high potential to be used as such. Therefore, there are no objections based on biodiversity subject to a condition that the recommendations in the bat activity survey are carried out in full. The proposal is therefore considered to comply with the aims and objectives of the National Planning Policy Framework in particular paragraphs 174 and 175.

### **Highway Safety**

- 3.26 At the time of the original submission Kent Highway Services raised no objection in principle to the access onto Eythorne Road to serve a single dwelling due to an existing vehicle crossing in the footway at this location.
- 3.27 However, there was some concern over the strips of land between the red line and the extent of the highway in Penfold Gardens and The Glen, in respect of the ownership and whether access could be afforded across this land.
- 3.28 Clarification were sought and amendments were received which overcome the concern of the ownership. Policy DM13 of the Dover District Council Core Strategy sets out 'planning provision should be a design lead process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Whilst the layout is indicative it does demonstrate that there is sufficient room available for off-street parking to ensure the development is unlikely to result in unacceptable parking on the highway subject to appropriate conditions and therefore accords with policy DM13 of the Dover District Councils Core Strategy.

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

- 3.29 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.
- 3.30 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.
- 3.31 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.
- 3.32 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.

- 3.33 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.
- 3.34 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.

### **Conclusion**

- 3.35 In this instance substantial weight needs to be given to the value of using a suitable brownfield within a settlement for homes. The plans are for indicative purposes; only however it is considered the proposal would not result in material harm to the character and appearance of the street scene and surrounding area or adversely impact on the residential amenities of the existing and proposed occupants. In addition to this it is concluded here there is no undue harm in respect of biodiversity or highway safety. Therefore the development is considered acceptable, subject to appropriate conditions and accords with the aims and objectives of the National Planning Policy Framework and policies, CP1, DM1, DM11, DM12 and DM13 of the Core Strategy. As such I recommend that Members give this proposal favourable consideration, and grant delegated powers to approve, subject to the imposition of safeguarding conditions that relate to the matters set out below.

### **(G) Recommendation**

- I. **PERMISSION BE GRANTED** subject to conditions to include: 1) time outline, 2) time reserved matters, 3) approved plans 4) samples, 5) design details, 6) slab levels, 7) cycle and bin storage, 8) parking and turning provision and retention, 9) surface bound material onto the highway, 10) no discharge onto the highway, 11) construction management plan, 12) visibility splays, 13) archaeology, 14) foul and sewage disposal details, 15) Hard and soft landscaping scheme with landscape implementation and timeline, 16) hedgerow & landscape protection measures, 17) surface water disposal 18) finished surfacing to vehicle and pedestrian access routes, parking areas, kerbs, 19) bat survey 21) submission of external lighting 22) details of boundary treatment, 23) joinery details.
- II. Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and matters in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer - Karen Evans