

- a) **DOV/19/00721 - Erection of 2 pairs of semi-detached dwellings and a detached Eco home; formation of parking, vehicular access and landscaping (existing dwelling to be demolished) - 4 Mill Lane, Shepherdswell**

Reason for report: As a result of the number of representations received in relation to the initial set of plans

- b) **Summary of Recommendation**

Planning permission be granted, subject to conditions.

- c) **Planning Policies and Guidance**

Development Plan

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy 2010, the saved policies from the Dover District Local Plan (2002) and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

A summary of relevant planning policy is set out below:

Core Strategy Policies

- CP1 -The location and scale of development in the District must comply with the settlement hierarchy. Shepherdswell is identified as a Local centre and a secondary focus for development in the rural area.
- DM1 - Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM11-Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by Development Plan policies.
- DM13 – Provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for residential development should be informed by the guidance in the Table for Residential Parking.
- DM15-Development that would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted if it is in accordance with the allocations in the Development Plan Documents, is justified by the needs of agriculture, the need to sustain the rural economy or community and it does not result in the loss of ecological habitats, provided that measures are incorporated to reduce as far as practicable, any harmful effects on countryside character.

## National Planning Policy Framework 2019 (NPPF)

- Paragraph 2 states that “planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- Paragraph 11 states that decision making should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up to date development plan or where there are no relevant development plan policies or the policies are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or any adverse impacts of granting permission doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole.
- Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 124 states that 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.
- Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Paragraph 47 ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.
- Chapter five of the NPPF seeks to significantly boost the supply of housing, requiring Local Planning Authorities to identify specific deliverable sites sufficient to provide five years’ worth of housing.
- Paragraph 177 states: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

- Paragraphs 184, 185, 189, 190, 192 and 193 relate to the determination of planning applications in relation to the historic environment and heritage assets.

### The Kent Design Guide

The guide provides criteria and advice on providing well designed development.

### Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Section 66 states that “In considering whether to grant planning permission for development which affects a Listed Building, special regard should be had to the desirability of preserving the building or its setting.”

Section 72(1) states that “In the exercise, with respect to any building or land in a Conservation Area, of any powers under any of the provisions mentioned in sub-section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

### National Design Guide

Provides guidance on objectives for good design and how this can make a positive contribution to the character of an area.

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

DOV/18/00008 Outline application for the conversion and extension of existing house to four self-contained dwellings and erection of one detached dwelling (all matters reserved). This application was refused for the following reasons:

1. *The proposed single dwelling would be poorly related to the nearby built environment by reason of its isolated location and access arrangements and would be poorly related to the open countryside by reason that it would appear incongruent and obtrusive and harmful to the open, spatial context of the site. As such, the proposal harms the appearance of the open countryside and the character and appearance of the conservation area contrary to Policy DM15 of the Dover District Core Strategy and Paragraphs 127 and 196 of the National Planning Policy Framework.*
2. *The proposed southern extension to the existing building would by reason of its scale, proximity to the boundary of the site and the consequent direct and indirect impact upon trees within and adjacent to the site would cause harm to the character and appearance of the conservation area, contrary to Paragraphs 127 and 196 of the National Planning Policy Framework.*

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

##### KCC Highways

The Highways Engineer has stated verbally however that there would be no objection to the access, number of parking places or layout and that there is no highway reason for refusal of the scheme.

Standard conditions will be required in relation to the provision and retention of parking places, vehicle access and manoeuvring space. An Informative has been recommended concerning the need to obtain the necessary highway consents.

### KCC PROW

No comments to make as the development will have no impact on the footpath.

### Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. An Informative is recommended covering this matter in the event that planning permission is granted.

Notes that the application makes reference to drainage using Sustainable Urban Drainage (SUDs). Drainage details submitted to the LPA should specify the responsibilities of each party for the implementation of the SUDs scheme and provide a management and maintenance plan for the lifetime of the development.

### DDC Environmental Health

No objections raised but have recommended conditions covering mitigation matters in the event that contamination is found at the site during construction, prevention of dust and smoke pollution and restriction on times for demolition and construction.

### DDC Tree Officer

Initially raised concerns about the impact of the proposal on the root protection area and canopy of a mature tree that extends out from the garden of number 2 Mill Lane towards the application site. It was noted that this tree has high amenity value and assurances were requested that it would not be detrimentally affected by the proposed development.

Further details and an Arboricultural Method Statement relating to the impact on all trees were submitted. The applicants' agent states that the tree adjacent to Upton House has been accurately surveyed and its spread plotted.

The Tree Officer has now confirmed that he is satisfied that the scheme would not be of detriment to those trees situated along the southern boundary. It is recommended that a tree protection plan is provided and approved, accompanied with an arboricultural method statement in accordance with BS5837: 2012. It is appreciated that some information has already been submitted to this effect but it would be useful to have this as a separate document accompanying the plan. This matter can be covered by a safeguarding condition.

### DDC Ecological Officer

Accepts the findings and recommendations of the Ecological report for enhancement of the site for wildlife. The enhancements would provide a biodiversity net gain and can be covered by a condition.

### DDC Heritage Officer

The demolition of the existing building is acceptable: whilst this building has some historic interest, appearing on historic maps dating to the beginning of the C20, the features of interest are retained to the rear and one side elevation.

The proposed units are sympathetically detailed, taking inspiration from neighbouring historic properties, and with the use of appropriate materials as shown on the plans will sit well within the CA.

By setting back from the road frontage, much as the existing building, this provides a gap between the units and the street which ensures that they do not impose on the street scene.

The proposal causes no harm to the significance of the conservation area and confirm my positive support.”

### Third-Party Representations

#### Parish Council

Initial comments: Support the application in principle but note care needs to be taken with design as it is in a Conservation Area. It was thought that the Eco Home was a good idea. Special attention needs to be taken about the parking around the site especially during school time.

Comments in relation to latest plans: The reduction in the number of parking spaces from 13 to 8 in relation to potential occupancy of new dwellings could lead to on street parking in the adjoining narrow road.

#### Original Set of Plans

A total of 72 representations were received in relation to the originally submitted plans. Of these 35 were in support and 34 raised objections. A further three were neutral.

Those in support made the following comments:

- Support for semi-detached houses
- Support for four bedroom houses
- The proposal will blend in with the surroundings and be a visual improvement
- Improvement to the street scene, the Conservation Area and overall character of the area
- Existing house is out of character and proposal represents an attractive infill.
- The detached house to the rear will be well concealed.
- Scheme includes provision of off road parking
- Proposal makes use of a brownfield site for much needed housing, rather than using an area of countryside.
- Occupants will bring business to the village
- Occupants would have access to a good local primary school
- Construction disruption is only a temporary phase

Those against the proposal made the following comments:

- Unnecessary loss of 4 Mill Lane
- Original plans-height of houses and dormers
- Development unlikely to have a positive impact on nearby Listed Buildings
- Semi-detached houses are out of keeping for a village location
- Lack of smaller properties for younger people or first time buyers

#### Other Matters Raised

- Noise/dust/disturbance during construction period.
- Parking problems and highway violations during the construction period.

#### Revised Set of Plans

In relation to the revised set of plans 5 representations have been received, all raising objections to the scheme, as follows:

- Proposal will result in the expansion of development outside the footprint of 4 Mill Lane and the introduction of five new dwellings, leading to overdevelopment of the site.
- The scale of the development would be overbearing and would harm the landscape close to St Andrews Church and the North Downs Way.
- The parking requirements for four-bedroom houses would exceed the proposed 8 spaces shown to be provided, leading to on street parking and issues of highway safety. On road parking spaces would also be lost as a result of the development.
- Detrimental impact on the Conservation Area, nearby trees and fauna and flora within the churchyard.
- The proximity of the new vehicle access would conflict with those already existing nearby.
- Damage to the quality of life of those living nearby.
- The applicant failed to adhere to the previous planning permission for the 3 recently approved dwellings completed on the adjacent site.

#### Other Matters Raised:

Support for the application comes from addresses as far away as Norfolk or those connected with the applicant's company, rather than residents.

Ongoing disruption by construction traffic and dangerous parking conditions on Mill Lane. Continued noise problems, difficulties for pedestrians and residents being blocked in by construction traffic.

Use of the land for the storage of plant and material.

There is no need for more houses locally and the price will not be affordable for local people.

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

##### The Site

- 1.1 The application relates to a roughly L-shaped site situated on the south eastern side of Mill Lane. The site is adjoined on three sides by other residential development but falls outside the settlement confines. The site lies within the Conservation Area.
- 1.2 The site is currently occupied by 4 Mill Lane (Upton House), a large, eight bedroomed detached two storey dwelling that is set back from the road frontage.

The house has a hipped roof above painted stucco walls. The house is separated from the road frontage by a paved area behind an evergreen hedge. The garden area immediately to the rear of the house is flat and then slopes down gently to the south east. This garden incorporates several trees and a pond with a number of trees.

- 1.3 The site extends behind three more recently constructed properties in Mill Lane and towards a semi-detached bungalow at the southern end of the residential cul de sac known as Millfields. This is a planned 1960s linear settlement of single storey dwellings, some now having dormer accommodation in the roof space.
- 1.4 The application site slopes down from the front to the rear towards another parcel of land that falls under the applicant's ownership. The site is adjoined by a public footpath running along the southern boundary leading towards open countryside. Beyond the footpath is a detached dwelling, number 2 Mill Lane, with the grounds of the Grade II listed St Andrews Church wrapping around the southern boundary of number 2.

### The Proposal

- 1.5 The application comprises two elements, as follows:

It is proposed to demolish number 4 Mill Lane and to construct two semi-detached pairs of properties reached via a single vehicle access within the site frontage. Each of these houses would be two storey's in height, with accommodation in the roof space providing four bedrooms. The houses would be designed with a ridged tiled roof above elevations of brick to the ground floor and render to the first floor. The houses would incorporate rooflights to the rear. The dormer structures shown on the original plans have been deleted from the scheme. At the rear each house would have a patio area with further garden space beyond.

- 1.6 A total of eight parking spaces would be provided to the front of the pairs of properties, two for each dwelling. The parking area would be adjoined by a strip of landscaping along the site frontage and to the sides. The single access point would be provided towards the centre of the site, further north of the existing site entrance.
- 1.7 The second part of the application comprises the construction of a two-storey flat roofed dwelling of more contemporary design situated to the rear of the recently constructed dwellings fronting Mill Lane, towards the north eastern boundary of the site and number 1 Millfields. This property would be set into the slope of the land with a lower courtyard surrounded by a gabion wall.
- 1.8 This property would incorporate a grass roof with skylights and solar panels over the courtyard and balcony to the southeast elevation. The dwelling would have two bedrooms and a therapy pool room on the lower floor with a third master bedroom, en-suite facilities and living accommodation on the upper floor. To the front of the property there would be a double width garage. Access to this property would be via a new separate vehicle access situated to the north of the proposed semi-detached frontage houses (subject of this application) and south of a recently constructed dwelling also fronting Mill Lane. There would be room to park three cars with manoeuvring space to allow vehicles to enter and leave in a forward direction.

## **2. Main Issues**

### 2.1 The principle of the development

- The impact on the character and appearance of the Conservation Area and the neighbouring tree
- The impact on the adjoining countryside/landscape
- The impact on residential amenity
- The impact on the highway network
- The impact on ecology

## **Assessment**

### Principle of Development

- 2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.3 Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. Policy CP1 deems that sites outside of defined settlements are unsuitable for further development unless it functionally requires a rural location. DM1 states that development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- 2.4 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocations Action Plan (LALP) through the preparation of a single local plan. The decision to review the CS and LALP is an acknowledgement that in some cases the evidence base is out of date. With regard to this application, it's recognised that policies in the Core Strategy (Policies CP2 & CP3) are not up to date. Reduced weight should also be applied to policies CP1 and DM1 of the Core Strategy.
- 2.5 Under policy CP1 of the Core Strategy Shepherdswell is defined as a Local Centre and a secondary focus for development in the rural area. The application site currently falls outside the defined settlement confines of the village. Weighed against this, it's recognised that the site is already occupied by a dwelling (proposed to be demolished in this application), It adjoins areas of existing residential development which lie within the settlement confines, and fronts one of the main routes through the village from where local services/facilities within Shepherdswell can be accessed.
- 2.6 Reference is made above (part d) to a recent application for residential development on the site (DOV/18/00008) for a similar scale of development to that currently proposed. While that application was refused, the reasons turned primarily on the anticipated impacts of the proposal rather than any in principle objection based on the proximity of the site to the village confines.



- 2.7 While the site lies outside the village confines it does adjoin them. The suitability of the site for the development in this case is considered to turn on the detailed assessment of the merits of the scheme as set out in this report, relative to matters including its impact on the natural and historic environment and a consideration of its general compatibility with the requirements of the NPPF, including paragraph 11 (presumption in favour of sustainable development).

#### Impact on Character of Area/Conservation Area

- 2.8 Shepherdswell is a fairly well spread out settlement comprising a mix of house styles and sizes of differing ages. There is also variety in the plot shapes and sizes. The surrounding countryside is undulating with quite far reaching views across fields in some places. The application site lies within a conservation area and adjoins the historic core of the settlement which includes the listed St Andrews Church and other historic buildings fronting a small village green. Beyond this area, to the east along Mill Lane, the built character is more varied with 19th C rural cottages giving way to standard 20th C house types as one leaves this core.
- 2.9 Paragraph 193 of the NPPF advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 require "special regard" and "special attention" to be paid to the desirability of preserving Listed Buildings and Conservation Areas.
- 2.10 The proposal involves the demolition of No. 4 Mill Lane. This is a large solid looking house that is set back from and partly screened from the road frontage by an evergreen hedge. It is not a listed building and does not make a significantly positive contribution to the character of the area generally. As such, no objections are raised to the principle of demolition.
- 2.11 During the determination of the application it has been important to ensure that any development of this site would not result in harm to the overall character of the Conservation Area and the setting of the nearby listed church. For this reason the design of the frontage houses in particular has been the subject of considerable negotiation involving the Council's Heritage Officer to achieve a form that would be appropriate for this location.
- 2.12 The submitted plans initially showed two pairs of large semi-detached houses with hipped roofs and dormer structures to the front and rear. These were considered to be inappropriate given their height, size and bulk which would have appeared out of place in this rural village location and would not reflect the context of this part of Mill Lane. In addition, there was concern about the creation of two vehicle accesses to the frontage and the extent of hard surfacing resulting in an urban appearance.
- 2.13 After detailed discussion revised plans have been received showing the two pairs of frontage houses amended to incorporate a ridged roof above brick and

rendered elevations. The houses have also been pulled back from the site frontage and away from the south western boundary and only one access would be provided to the frontage houses. As a result, the appearance in the street scene would be less dominant and there would be no undue harm to the character of the Conservation Area. The density of the scheme is considered to be acceptable and would not result in overdevelopment of the site having regard to the existing varied character of development in the vicinity.

#### Impact on Trees

- 2.14 The initial tree survey received with the application did not meet with BS5837:2012 standards. Further information showing the canopy spread of the tree, location of the Root Protection Area, tree and branch spread has now been received. The Council's Tree Officer has confirmed that the revised siting of the frontage houses will ensure that the development not have a detrimental impact on the root protection area and canopy of the trees to the south west of the site.

#### Detached Contemporary House

- 2.15 With regard to the contemporary dwelling proposed to the rear further details have been provided including sections through the site from front to back and side to side to show the relationship with the levels at the site and the property at 1 Millfields. The additional information clarifies that the house has been designed to take advantage of the slope so that it would be set into the land rather than stand out significantly above it. This dwelling would appear largely as single storey with the lower floor and courtyard being set into the surrounding ground level.
- 2.16 The sections through the site show that the eaves height of the contemporary house would be slightly (40cm) above those of number 1 Mill Field. There would be a distance of approximately 4.7m between the new house and number 1 Mill Field. With regard to the relationship with the frontage houses it is noted that the upper floor of the contemporary house would be slightly below the ground floor level of the frontage houses.
- 2.17 By virtue of the falling land levels to the south east the proposed contemporary dwelling would fit into the slope of the site without undue harm to existing residential amenities. The detached house whilst of contrasting and contemporary design would have a satisfactory relationship with both the new adjacent dwellings in Mill Lane, the closest property in Mill Field and the currently proposed frontage houses. Although of non traditional design the detached dwelling would not appear as an incongruent or obtrusive feature when viewed from the rear, such as to cause undue harm to the spatial context of the site. The appearance of the rear of the application site would clearly be altered but not harmed by the proposal. In terms of general visual amenity the detached dwelling would not result in unacceptable harm such as to justify withholding consent.

#### Impact on Countryside

- 2.18 The application site does not fall within any nationally designated landscape. The village is however surrounded by pleasant undulating landscape some of which is in use for agricultural purposes. The site is adjoined by existing residential development on three sides but the land falls away to the south east towards

undeveloped countryside. Access to the countryside from the village is possible from a number of footpaths, including the one to the west of the application site. It is therefore possible to see the site from a distance when approaching by foot from the south east.

- 2.19 The proposed dwellings would form a new developed edge to this part of the village but would not extend as far out to the south east as the properties in the Mill Close cul de sac development to the north east. Whilst the view when approaching or seen from the countryside to the south east will alter with the introduction of the new houses, they would be seen in the context of the existing built form of the village. As a result there should be no undue harm to the character of the countryside as a result of the proposed development and no harm in terms of policy DM15.

#### Impact on Residential Amenity

- 2.20 Under the previous outline application, it was noted that with a suitable design, appropriate landscaping and planning conditions overlooking from the site towards existing adjacent properties could be suitably mitigated.
- 2.21 The current application shows the proposed frontage dwellings set back approximately 19-20m from the highway so that there would be a sufficient degree of separation to avoid overlooking and loss of privacy for existing occupants in Mill Lane. The siting of the dwellings would result in a similar layout and separation distance to other existing houses on either side of Mill Lane.
- 2.22 The PRoW to the west would continue to separate the development from number 2 Mill Lane. The frontage houses have been designed without habitable windows in the side elevations. A condition can be attached stating that no new openings are installed in the side elevations of the properties, to prevent any direct overlooking.
- 2.23 The contemporary dwelling to the rear would be set approximately 4.7m from the north eastern boundary with the adjoining property 1 Millfields to the north east and 15.8m from the rear elevation of the new property to the north west. Only high level windows or those serving non habitable rooms are shown in the adjoining elevations of the contemporary dwelling. Again, a condition can be imposed to ensure that no further openings are installed in these elevations to prevent overlooking or loss of privacy.

#### Highway Impacts

- 2.24 Policy DM11 states that planning applications for development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximise walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban and rural confines will not be permitted unless justified by development plan policies.
- 2.25 The proposed development would be provided with a satisfactory number of parking places and manoeuvring space for each dwelling to enable cars to enter and leave in a forward direction. The KCC Highways Engineer considers that a

total of 8 spaces (two for each of the frontage houses) is sufficient for the size of dwellings proposed and no objection has been raised to the location of the new vehicle accesses. Conditions would be required to ensure the parking and turning areas for all dwellings are provided and maintained.

#### Impact on Ecology

- 2.26 The Senior Ecological Officer has recognised that the proposal provides the opportunity for a biodiversity net gain for this site. In summary this would include bat boxes on trees or buildings or integral bat bricks or tiles, bird boxes, log piles or brushwood heaps for reptiles. Other opportunities for net gain include the green roof with a low nutrient status, compost heaps near the pond to encourage egg laying by grass snakes and planting of native species near the pond to improve wildlife. A condition can be imposed to provide measures to encourage wildlife to the site.

#### Other Matters

##### Neighbour Comments

- 2.27 The original comments of the neighbours have been given careful consideration in addition to those made in relation to the latest set of plans. Those observations relating to planning matters have been addressed in the relevant sections in the above report.
- 2.28 With regard to the non-planning matters raised by neighbours, Members will be aware that any potential disruption, noise or disturbance during the construction process would not constitute a reason for withholding planning permission. A condition can be attached requiring the submission of a Construction Management Plan which is a standard procedure for this type of development.
- 2.29 The department is aware that some of the representations in support of the proposal do not come from local addresses and notes the observation that the process appears to be in favour of the applicant. This is a matter that cannot be addressed under this planning application and it is necessary for Officers to follow the current adopted Committee constitution.

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

- 2.30 The proposed development requires that an appropriate assessment be undertaken in relation to the potential effects of recreational pressure on the European sites at the Thanet Coast and Sandwich Bay.

The following appropriate assessment has been undertaken on that basis.

- 2.31 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.

- 2.32 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.33 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.34 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.35 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 Conclusion**

- 3.1 The site falls outside the defined village confines of Shepherdswell but lies adjacent to existing residential houses on three sides. As with the previous outline application the principle of developing this site for residential purposes is considered acceptable due to the proximity to and mixed nature of the surrounding settlement pattern.
- 3.2 Following considerable discussions and negotiations the form of the proposed development is now satisfactory and would not have a detrimental impact on existing residential or visual amenities or the character of the Conservation Area or the surrounding landscape. The scheme is acceptable to the Council's Heritage Officer subject to all necessary safeguarding conditions.
- 3.3 Access to the frontage houses and the detached dwelling to the rear and the parking facilities are acceptable in terms of adopted KCC Highway standards.
- 3.4 The current application provides significantly greater detail than the 2018 outline application and with this level of information it is clear that the proposal will not result in overdevelopment of the site or harm to the neighbouring trees to the south west.
- 3.5 In the light of the above policy context it is recommended that planning permission should be granted.

#### **g) Recommendation**

- I PERMISSION BE GRANTED subject to conditions to include:

1. Time limit for implementation
  2. Approved Plan numbers
  3. Submission of construction management plan
  4. Submission of materials samples
  5. Details of slab levels
  6. Retention of parking/turning spaces
  7. Submission of Landscaping details
  8. Submission of Tree Protection measures
  9. Env Health Contamination mitigation
  10. Env Health No burning of materials at the site
  11. Env Health Demolition hours
  12. Submission of details of ecological enhancements 19.8.19
  13. Remove PD rights windows in roof
  14. Remove PD rights in relation to side windows
  15. Remove PD rights front walls
  16. Joinery Details (including porches)
  17. Drawings 1:10 of proposed eaves/string courses/plinth details
  18. Details of positions of flues/vents/meter boxes
  19. Refuse details
- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary conditions in line with the issues set out in the report and as recommended by Planning Committee and to draft and issue a Statement of Reasons

Case Officer

Hilary Johnson