

a) DOV/20/01117 - Erection of a detached dwelling, vehicular access and associated parking - Land Rear of 152 and 154 Canterbury Road, Lydden

Reason for report: Number of contrary representations

b) Summary of Recommendation

Planning permission be approved.

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.

Core Strategy Policies

A summary of relevant policy is set out below:

CP1 - The location and scale of development in the District must comply with the settlement hierarchy. Lydden is identified as a village and a tertiary focus for development in the rural area, suitable for a scale of development that would reinforce its role as a provider of services to its home community.

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 which would result in the loss of or adversely affect the character or appearance of the countryside will only be permitted where it is in accordance with allocations in Development Plan Documents, is justified by the needs of agriculture, is justified by the need to sustain the rural economy or it cannot be accommodated elsewhere.

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

This is relevant with regard to a site identified as land adjacent to Lydden Court Farm, Church Lane which lies to the north of the application site.

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 122 states that planning decision should take account of the desirability of maintaining an areas prevailing character and setting (including residential gardens).
- 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.

Kent Design Guide (2005)

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

National Design Guide (2019)

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/05/01221 - Erection of a 3 bedroom detached dwelling with integral garage and construction of a vehicular access on part of the rear gardens of numbers 152 and 154 Canterbury Road - Approved

The dwelling the subject of DOV/05/01221 is now known as 160 Canterbury Road.

e) Consultee and Third-Party Responses

KCC Highways-advised that:

a) visibility splays of 43m x 2.4m x 43m are required at the access over land within the control of the applicant and/or the highway authority, with no obstructions over 1m above carriageway level within these splays and

b) pedestrian visibility splays are located behind the footway on each side of the access. These should measure 1m x 1m with no obstructions over 0.6m above footway level within the splays.

Amended plans have been received incorporating these details and no objections are raised in respect of highway matters and confirmation has been received that parking is in accordance with policy DM13. Conditions are recommended to cover the following:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the access shown on the submitted plans including the necessary vehicle crossing in the highway prior to the use of the site commencing.
- Provision and maintenance of the driver visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of the pedestrian visibility splays shown on the submitted plans with no obstructions over 0.6m above footway level within the splays, prior to the use of the site commencing.
- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Southern Water-requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

In a further response to the neighbour comments about localised flooding the following comments were made:

"I'm not aware of and I cannot find any history of sewer related hydraulic flooding in the area behind 152/154. We have had issues of fat blockages up the road at the Lydden Bell public house so this is on sewer maintenance and there have been a few other blockages scattered around this area but none of them are really relevant. The area behind these properties being at a geographical low point, in a valley, so making a new connection may be problematic and of course there may be issues with field run-off."

KCC Archaeology-I can confirm that no archaeological measures are required.

Parish Council-No written representations received at the time of preparing the report.

Third-Party Representations

A total of 49 representations were received. Of these 24 were in support and 25 raised objections. Some of those in support simply state "Support" without giving planning reasons. Some of the objections received are from addresses that are not directly affected by the proposal or from addresses outside the district.

Summary of Comments raising objections

- Small size of the plot resulting in over intensification of development.
- Small amount of outdoor space for the occupants of the proposed dwelling and numbers 152/154.
- Overlooking and overshadowing.
- Outlook would be restricted from rear of property by trees on land outside applicant's ownership.
- Poor parking and access arrangements leading to increased risk of accidents. Vehicles would need to either reverse off or onto the highway.
- Lack of parking space for occupants or visitors.
- Numbers 152 and 154 do not have off road parking and currently park on the highway. Occupants of these properties will be forced to park further along the road where there is already a high level of on street parking. Drivers also park across the pavement causing obstructions for pedestrians.
- Views when leaving the site would be obstructed by parked cars and a tree on the neighbouring site.
- Light intrusion from car headlights causing distress and invasion of privacy.
- Removal of hedges and vegetation at the site and harm to flora/fauna
- Concern the plans will be altered to include windows in the side elevation leading to loss of privacy
- Change in outlook from houses opposite and loss of views
- Proximity of a telegraph pole/street light to vehicle access
- Rain brings debris down from the hills which can build up in Canterbury Road
- Potential for increase in surface water and flood risk.

Summary of comments in support

- The site is within the confines of the village, the proposal represents infill and the principle is acceptable
- Size of the site and garden are acceptable
- Proposal will provide a useful family home in the village that will be in keeping with the surroundings
- Design is in keeping. Property will appear as a bungalow at street level making it less obtrusive.
- New properties are important to keep the village school and community moving forward.
- Parked cars slow traffic down.
- No negative impacts

Other matters raised include:

- reference to cars already parking on the highway near the site for those residents who do not have off road parking.
- reference to speeding and dangerous driving issues that exist in the village.
- reference to Chunnel vehicles using the road and the use of Canterbury Road as an alternative route when the A2 is blocked
- proximity to 2 bus stops
- narrow pavements in the area

- disruption by delivery and construction traffic
- removal of non protected trees and vegetation.
- change to property values
- air quality

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

- 1.1 Numbers 152 and 154 are a pair of semi-detached two storey houses situated on the north side of Canterbury Road within the settlement confines. The properties are set approximately 2.3m below road level and are understood to be in the same ownership. Numbers 152 and 154 are older properties constructed of flint and brick that are set at right angles to Canterbury Road and reached via an external flight of stairs. The lower ground level of these properties result in only the first floor and roof of the cottages being readily visible from road level.
- 1.2 The southern boundary of number 152 closest to the road frontage comprises a low fence covered in vegetation adjacent to the back edge of the pavement along Canterbury Road. The rear gardens of numbers 152 & 154 slope down slightly from south to north. There was evidence that some clearing of the garden had taken place in recent times when the site was visited but that a hedge remained along the northern boundary of the garden of number 154. Beyond this boundary, on land outside of the applicant's ownership, is a row of mature leylandii type trees which screen the site from the land beyond.
- 1.3 To the west of the application site is number 160 Canterbury Road, a more recent property that was constructed on land that originally formed the end part of the gardens of numbers 152 and 154. This dwelling is situated centrally in a plot measuring approximately 33m in width by 15m in depth with amenity space on either side. There is a close boarded fence along the eastern boundary of the site with the end of the gardens of numbers 152 and 154.
- 1.4 Number 160 comprises a dwelling over two floors with further accommodation in the roof space and dormers to the eastern roof slope. The dormer windows serve bedrooms 1 and 2, both of which have a second window to either the front or rear elevation of the dwelling. This property benefits from an elevated vehicle turning/parking area with a garage on the western side.
- 1.5 On the south side of Canterbury Road is a terrace of 6 older houses, two of which, (numbers 71 and 75) are listed buildings. These properties do not all benefit from off road parking and the occupants tend to park on Canterbury Road. The street scene in this part of Lydden is somewhat mixed with differing plot and property sizes and styles.

Proposal

- 1.6 It is proposed to further subdivide the remaining garden of numbers 152 and 154 to create a building plot measuring 19.5m in width x an average of 20m in depth. The plot would have an area of approximately 390 square metres. The boundary with number 160 comprises a 1.8m high fence. Along the northern boundary of the proposed plot the existing hedge is shown as being retained.
- 1.7 The submitted plans show the provision of a detached 3 bedroom house with a room at first floor described as an office that could potentially be used as a fourth bedroom. The property would have a slab level below Canterbury Road not dissimilar to the adjoining properties either side. Garden and patio space would be provided on the eastern side and to the rear of the dwelling. The layout of the house has been designed without any windows at first floor level in the side elevations (facing east and west).

The dwelling would be finished in brickwork and tile hanging with a slate roof and white upvc windows.

- 1.8 A new vehicle access would be created on the eastern side of the dwelling leading to an elevated parking area with space for two cars. This area would be surrounded by a brick wall with fence above to a height of approximately 1.8m. Steps would be provided on the western side of the parking platform leading down to the garden area of the dwelling.

2. **Main Issues**

- 2.1 The main issues for consideration are:

- The principle of the development
- Standard of development-plot size, design and appearance
- Amenity of proposed occupants
- Impact on existing residential amenities
- The impact on the character and appearance of the area
- Highway Matters
- Surface Water/Drainage
- Appropriate Assessment
- Other Matters

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 in accordance with the plan unless material considerations indicate otherwise.
- 2.3 In March 2017 DDC Cabinet agreed to commence the review of the Core Strategy (CS) and Land Allocation 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. It is also recognised that some of the detailed policies applicable to the assessment of this application (including Policy DM1) are to various degrees, now considered inconsistent with aspects of the NPPF and as such are out-of-date. That does not mean however that these policies automatically have no or limited weight. They remain part of the Development Plan and must therefore be the starting point for the determination of the application. Furthermore while the overall objective of a policy might be held out-of-date, greater weight can nevertheless still be applied to it depending on the nature/location of the proposal in question and the degree to which the policy (in that limited context) adheres to and is consistent with the policy approach in the NPPF.
- 2.4 This application must be assessed in line with the “tilted balance” at paragraph 11 of the NPPF which requires that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme.
- 2.5 Policy CP1 of the Core Strategy identifies Lydden as a village. The site lies within the settlement confines identified in Policy DM1. This location broadly accords with the objectives of the NPPF which seek to locate development where they have access to

and can support local services. The main focus of this assessment therefore relates to the site specific considerations which are addressed below.

Plot Size

- 2.6 The main issue is whether the remaining garden areas of numbers 152 & 154 can be subdivided further to produce a plot of adequate size to accommodate a dwelling without causing undue harm to the amenities of the occupants of the adjacent properties and without resulting in overdevelopment of the plot or causing undue harm to the general character of the area.
- 2.7 This part of Canterbury Road is characterised by a mix of property sizes, ages and styles. With the natural valley form those properties on the south side of the road are generally situated at a higher level than those on the north side. Numbers 152 and 154 do not have a traditional relationship with Canterbury Road, being set at right angles and at a lower level to the highway. Some dwellings nearby do not benefit from off road parking, leading to local on street parking, a situation that occurs in many villages throughout the district.
- 2.8 This proposal will result in the creation of a new plot measuring 19.5m in width x 20m (on average) in depth. In general terms the proposed plot is of adequate size, although not large. When considered in relation to other plots along Canterbury Road the proposed plot is larger than some but smaller than others. As a result of the subdivision numbers 152 and 154 would also be located on more compact sites measuring approximately 25m in length and between 9 and 13m in width. The resulting plot sizes cannot however be considered in isolation.

Design and Appearance

- 2.9 The proposed dwelling would be arranged over two floors with a ridged roof running west to east and dormer windows set across the eaves line to the front and rear elevations. No windows are shown in the side elevations or in the ground floor of the southern elevation, below road level. The proposed dwelling has been designed without windows at first floor level in the side elevations so as to avoid direct overlooking towards numbers 152, 154 or 160. As a standalone design the proposed style of dwelling is satisfactory.
- 2.10 The rooms of the proposed dwelling would be of acceptable sizes and would be naturally lit. The internal living conditions of the future occupants would be acceptable and would accord with paragraph 127 of the NPPF. An area for the storage of refuse is shown to the rear of the car parking area.
- 2.11 The proposal also incorporates an elevated car parking platform area to the east enclosed by a wall and fence. This would be constructed of brick work to a height of 5.5m (including the fence above) and being 6.2m wide x 6.5m deep, increasing to 7.4m to accommodate a bin storage area. The elevated car parking area would not be particularly visually pleasing when seen from within the site, appearing as a tall, solid brick structure with the fence reaching to above first floor window level of the proposed dwelling. Views from outside the site would however be limited and there should be no harm to the overall character of the street scene.
- 2.12 In order to better understand the situation at the site, the applicant's agent was requested to provide a section from within the site west-east to clarify the slab level of the proposed dwelling in relation to those of numbers 152, 154 and 160. The agent has however requested that the application is determined based on the information currently available.

Amenity of the Proposed Occupants

- 2.13 There is some concern about the level of external amenity that would be provided for the occupants of the proposed dwelling by reason of the size of the plot and siting of the adjacent properties. As mentioned, the proposed development would provide a reasonably sized four bedroom house on a plot of adequate although not large size, with a small but sufficient amount of outdoor garden/patio space. The quality of this outdoor space would be affected by several factors including the limited depth (4.5-5.5m) of the rear garden and the reduced outlook as a result of the mature evergreen trees that fall outside of but close to the application site. This row of trees is situated approximately 5.5m away from the rear boundary and could be removed at any time without the need for planning permission. If this were to occur it would improve the distance of outlook for the occupants, but this matter is outside of the scope of this application.
- 2.14 There are also some concerns about the amenity space associated with the proposed dwelling being overlooked from first floor dormer windows on the eastern side of number 160 (not shown on the submitted plan) and first floor rear windows of numbers 152 and 154. The dormers to the side of number 160 are set between 3.6 and 4.6m above the slab level of that property and 9.1m from the boundary with the application site. As a result of the windows facing directly towards the application site there is likely to be some overlooking of the private amenity area of the proposed dwelling from number 160. Such an arrangement is not ideal but can occur in some instances where a new dwelling is introduced within the confines of settlements amongst existing properties.
- 2.15 On the eastern side a distance of around 11.5m (at the nearest point) would remain between the rear of number 152 and the boundary with the proposed site. There would be an overall separation distance of 20m from the rear of numbers 152/154 to the side elevation of the proposed dwelling. Such a distance would not provide a high level of separation but would be satisfactory in terms of limiting direct overlooking from the rear of numbers 152/154 towards the application site and retaining a sufficient level of privacy from the eastern direction.
- 2.16 On this occasion whilst it is recognised that some overlooking towards the proposed dwelling would take place from number 160 to the west, there would be a satisfactory and more private amenity space remaining to the east. On balance this would provide an adequate level of amenity for the occupants of the proposed dwelling.

Impact on Existing Residential Amenities of Occupants of Adjacent Properties

Numbers 152 & 154

- 2.17 The introduction of a new dwelling to the rear of numbers 152 & 154 will inevitably have an impact upon and lower the standard of amenity currently enjoyed by the occupants. These properties would be situated approximately 20m away from the side elevation of the proposed house and will be left with gardens of around 12m in depth. The amount and quality of amenity space will be reduced but there would be sufficient space remaining for outdoor amenities for the occupants of numbers 152 & 154.
- 2.18 In addition to a reduction in amenity space there will also be some erosion of the quality of the outlook from these properties, particularly number 152 which will face towards the side wall of the elevated parking area. The wall with fence above would measure 5.5m in height and would extend for a maximum depth of approximately 7.4m. The applicant's agent has agreed to clad the exterior of the car parking area with timber so as to lessen (soften) the impact of this element of the development. Such an

arrangement would help to tone down the appearance of the structure and limit visual impact for the occupants of number 152. This matter would need to be covered by a condition requiring further details of this treatment to be submitted.

Number 160

- 2.19 It is acknowledged that the proposed house will also have some impact upon the amenities of number 160 particularly with regard to outlook. Number 160 is situated approximately 9m from the boundary with the application site and so there will be a change in outlook from the eastern side of this property. A degree of separation would however remain and would not be dissimilar from other relationships between neighbouring properties provided the proposed dwelling has a slab level to reflect that of the garden of number 160. To clarify this matter sections and slab level details showing the proposed dwelling located no higher than the existing garden area of number 160 are considered necessary. In order to safeguard this matter it is recommended that a condition is attached requiring details to be submitted and to ensure a satisfactory relationship with number 160. On balance the change in outlook from the eastern side of number 160 and the remaining separation distance between number 160 and the proposed dwelling would not result in such an unduly high level of harm such as to constitute a reason for refusal.
- 2.20 In submitted representations reference has been made to the impact the proposed development would have on the amount of sun and daylight reaching number 160. On occasion, where a proposed development would be sited adjacent to or in very close proximity to a neighbouring property or orientated in such a way as to cause direct overshadowing Building Research Establishment Tests can be carried out. The view of the department is that in this instance given the separation distance of 10m there would be no detrimental impact in terms of daylight reaching number 160. Whilst there may be a minor change in the level of early morning sunshine, based on experience and the level of separation this would not be at a harmful level such as to require the applicant to carry out sunlight tests.
- 2.21 The comments made by neighbours about the possible introduction of windows in the side elevations of the proposed dwelling at a later date are noted. Such an arrangement would lead to direct overlooking that would not be acceptable in terms of paragraph 127. In the event that planning permission is granted conditions can be attached to prevent openings in the roof or side elevations at first floor level.

Nearby properties

- 2.22 The proposed development will alter the outlook for the occupants on the southern side of Canterbury Road who are used to looking across a domestic garden. In planning terms there is no entitlement to a view and whilst the outlook will alter there will not be undue harm to the amenities of the occupants of houses to the south.

Impact on Character and Appearance of the Area and the Landscape

- 2.23 As a result of the lower slab level of the proposed house, only the upper floor of the development would be seen from road level. This stretch of Canterbury Road comprises a mix of house sizes and styles. The proposed dwelling would not look out of keeping or be harmful to the street scene. With regard to the wider village scene the proposal would not stand out as a harmful feature in the landscape.
- 2.24 There should be no undue impact on the setting of the two listed buildings on the south side of Canterbury Road due to the separation distance involved.

Highway Matters

- 2.25 With regard to parking provision the proposed dwelling would have two off road spaces. This would accord with the requirements set out in policy DM13 and is therefore considered to be acceptable. The KCC Highways Engineer has confirmed that visibility splays shown on the revised plan are acceptable. The introduction of an additional dwelling to the village represents a modest scale of development that would not produce a significant number of additional vehicle movements on the adjacent highway network. Subject to the conditions outlined by KCC, it is considered that the development would be provided with a safe access onto Canterbury Road, with adequate visibility in either direction, such that the operation of the highway or the footway would not be unacceptably impacted.
- 2.26 The following additional commentary is provided in response to highway concerns raised by neighbours:
1. It is noted that on street parking takes place in the locality for those properties that don't have off road parking, which includes number 152 and 154. The Highways Engineer notes that on street parking sometimes takes place adjacent to existing accesses and in visibility splays but adds that this does not appear to be creating significant problems.
 2. A neighbour has made reference to an "acceptable distance" of a vehicle access from the siting of a telegraph pole. The KCC Highways Engineer has stated he is unaware of any necessary distance in highway terms. The applicants would need to contact the relevant utility organisation responsible for the telegraph pole and make any necessary arrangements for its re-siting if required.
 3. The KCC Highways Engineer has confirmed that he is not aware of any plans to provide any additional traffic calming measures in this part of the village. He states "Parish Councils have been asked for a Highway Improvement Plan (HIP) by our Traffic Schemes Team, in which they can highlight issues/measures they would like investigated. Such highway improvements are certainly not a reasonable request for one dwelling."
 4. The KCC Highways Engineer has stated "There has been 1 reported personal injury crash in this section of Canterbury Road in the 3 years to the end of September 2019, involving a single vehicle skidding on a wet surface. Clearly no pattern or number of crashes to indicate a particular problem with accesses or visibility".
 5. The speed of vehicles along Canterbury Road and the movement of Chunnel Plant Hire works vehicles are matters that fall outside the scope of this planning application and would need to be pursued separately with the parties concerned.
 6. Reference is made to the possibility of the road becoming blocked by vehicles during the construction of the dwelling. This is often a matter that is raised in association with a planning application but would not constitute a reason for refusing planning permission, although clarification could be sought through a construction management plan condition about how construction vehicles would service the development.

Surface Water/Drainage

- 2.27 The application form identifies that surface water would be disposed to the existing water course and foul sewage would be disposed to a mains sewer. Southern Water have been consulted on the application and advise that a formal application for a connection to the foul sewer would need to be made by the applicant, and an informative is suggested accordingly. Pre-commencement conditions are suggested for details of site drainage works for the disposal of surface water and a detailed scheme for the disposal of foul sewage are recommended to ensure satisfactory arrangements if planning permission is granted.
- 2.28 As outlined above Southern Water has not identified a particular flooding problem in the area and field run off is to be expected in a valley location.

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

- 2.29 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.
- 2.30 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.
- 2.31 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.
- 2.32 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.
- 2.33 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.
- 2.34 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.

Other Matters

- 2.35 The comments made by near neighbours have been given careful consideration and largely addressed above.
- 2.36 With regard to the removal of trees and vegetation at the site it should be noted that this can take place without the need for planning permission, with the exception of trees covered by a Tree Protection Order or those in a Conservation Area. Neither of these circumstances apply to this site. No indication has been given that there are ecological matters to be addressed at the site.
- 2.37 With regard to construction management issues further information was requested from the applicant's agent in relation to the requirements of the Highways Engineer. The agent states that his client would deal with the construction management plan under the usual condition guidelines. His client is negotiating with the farmer to access via the field at the rear but nothing has been finalised.

3. Conclusion

- 3.1 The application site is located within the settlement confines and the proposed erection of a dwelling in this location is broadly acceptable in principle having regard to policies CP1 and DM1 and the objectives of the NPPF. In addition paragraph 127 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which would promote health and well-being with a high standard of amenity for existing and future users. As noted above the tilted balance needs to be applied as outlined in paragraph 11 of the NPPF.
- 3.2 The proposal is acceptable in highway terms and the scheme would not result in harm to the overall character of the area or the visual qualities of the nearby AONB and as a result there would be no negative environmental impacts weighing against the proposal in the tilted balance. As outlined above the proposal would have some impact on the amenities of the occupants of adjoining properties but it has been satisfactorily demonstrated that the development would not result in significant and demonstrable harm such as to withhold planning permission. Various safeguarding conditions can be recommended to ensure a satisfactory level of amenity is retained for adjacent residents.
- 3.3 It is concluded, when weighed in the round, that some weight can be given to the fact that the proposal would contribute one additional dwelling to the supply of housing in the District and has the opportunity to provide employment for local companies during the construction phase. There would be a very modest social benefit, providing an additional dwelling which would support nearby local services/facilities. The environmental impact is considered to be neutral.
- 3.4 The tilted balance (paragraph 11, NPPF) requires that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. In this case, whilst the proposal would have some effect on the living environments of the adjoining properties, this would be limited and would avoid unacceptable impacts. Overall it's considered, in line with the tilted balance, that the adverse impacts are well below the level whereby they would significantly and demonstrably outweigh the stated benefits of the proposal.
- 3.5 On balance therefore it is recommended that planning permission be approved subject to the conditions below.

g) **Recommendation**

I PERMISSION BE APPROVED subject to the following conditions:

1. Time period.
2. In accordance with approved plans
3. Slab level/section details to be submitted showing the level no higher than the adjoining garden to no.160.
4. Materials including details of cladding to parking platform.
5. Landscaping
6. Drainage details
7. Parking provision.
8. Provision of vision splays
9. Construction management plan
10. Measures to accommodate electric vehicle charging facility
11. Provision of refuse storage facilities.
12. No windows or openings to be installed in the side elevations of the proposed dwelling.
13. No openings to be installed in the roof of the proposed dwelling.

- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Hilary Johnson