

a) **DOV/20/00544 – Erection of 5 detached dwellings, new vehicle access, associated car parking and landscaping (existing dwelling to be demolished) - Meadow Cottage and Land Rear of The Street, Preston**

Reason for report: Number of contrary views (28) and call-in by Cllr Trevor Bartlett (on the grounds that the development, if permitted, would set a precedent and be cramped and out of character with the surrounding conservation area, affect neighbouring properties and have a dangerous impact on the road which is already busy)

b) **Summary of Recommendation**

Planning permission be granted.

c) **Planning Policies and Guidance**

Core Strategy Policies

DM1, DM11, DM13, DM15 & DM16

Draft Local Plan Reg 18

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.

National Planning Policy Framework 2021 (NPPF)

Paragraphs 8,11,38, 92, 110, 111, 119, 122, 124, 126, 130, 131, 132, 134, 152, 180, & 182 and Chapter 16 (historic environment).

Sections 66(1) and 72(1) of Planning (Listed Buildings and Conservation Area) Act 1990

Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.'

Section 72(1) states that, 'In the exercise, with respect to any building or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

National Design Guide (2019)

Kent Design Guide

Preston Village Design Statement

d) **Relevant Planning History**

There is no relevant planning history for the site.

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

DDC Ecologist – “I have reviewed the ECIA dated 31st of July 2020. I accept the conclusions of the report and support the recommendations for ecological enhancement of the site. In summary:

- Building 1 has been confirmed as supporting bat roosts for common pipistrelle and brown long eared bats.
 - Demolition of this building will require an EPSM licence from Natural England post planning permission.
 - No reptiles were found by the survey
 - The priority habitat traditional orchard, will be retained
- Mitigation measures include:

- Installation of bat access tiles within unit 1 and mounting of bat boxes on trees to provide roosting space during construction works
- An ecological watching brief during the demolition of building 1
- Use of only traditional non-breathable bitumen felt for the areas accessible to bats to prevent entanglement
- A bat sensitive lighting scheme following BCT guidelines
- Clearance of woody vegetation outside the bird nesting season (march to August inclusive)
- covering of excavations at night to prevent mammals becoming trapped
- Apparently the ecological enhancements will be provided within a landscape & ecological management plan (LEMP).

This should form a condition of consent. It will include:

- Hedgerow planting of native species
- Native nectar rich planting around the new buildings
- Gaps at the base of fences to allow mobility of species such as hedgehogs and amphibians”.

DDC Waste Services – no objection.

DDC Heritage – no objection subject to conditions.

KCC Highways

Response received on 11 June 2020

“I refer to the above planning application and confirm the proposals are acceptable in highway capacity terms, the traffic from 5 additional dwellings being unlikely to have a severe impact on the highway network. However, the following matters need resolving:

1. Visibility splays of 43 metres x 2.4 metres x 43 metres are required at the proposed access over land within the control of the applicant and/or the highway authority, with no obstructions over 1 metre above carriageway level within the splays. These splays are not shown on the plans and it appears the proposed access location may need to be amended to achieve them. A detailed plan is therefore required showing how the necessary splays are to be achieved.
2. A minimum 1.8 metre-wide footway should be provided along the frontage of the site, set back 0.5 metres from the edge of carriageway white line. Detailed plans and an independent safety audit with designer's response should be submitted for the footway. The access should be formed via a vehicle crossing in the footway.
3. The remote location of parking for Unit 1 is likely to lead to unacceptable parking on the highway and it should therefore be amended accordingly.

Rotation/alteration of the dwelling layout so that the front door does not face The Street may also assist.

- 4. Part of the access appears to be outside the application red line and across third party land, and may therefore not be achievable. The length of the access road and distance of some properties from the highway means that both the access and turning area should be able to accommodate a 10.7 metre rigid HGV delivery vehicle. Swept paths should be submitted to demonstrate that such a vehicle can suitably negotiate the access and turning area.*

I wish to place a holding objection until the above matters have been satisfactorily resolved.

The shared driveway within the site is to remain private and therefore, whilst the following matters are unlikely to have an unacceptable impact on the highway, you may wish to give them further consideration:

- 5. The size of refuse vehicle shown turning within the site appears considerably smaller than a typical refuse vehicle. Refuse collection vehicles also rarely enter shared private driveways.*
- 6. Drivers using the car ports in unit 6 have to reverse an excessive distance”.*

Re-consultation response received on 27 August 2020

“I refer to the amended plans submitted for the above and would comment as follows:

- 1. The visibility splays shown on the plans do not appear to be 43 metres x 2.4 metres x 43 metres as previously requested, over land within the control of the applicant and/or the highway authority.*
- 2. As previously requested a minimum 1.8 metre-wide footway should be provided along the frontage of the site, set back 0.5 metres from the edge of carriageway white line. Detailed plans and an independent safety audit with designer’s response should be submitted for the footway. The access should be formed via a vehicle crossing in the footway.*
- 3. The remote location of parking for Unit 1 is likely to lead to unacceptable parking on the highway and it should therefore be amended accordingly. Rotation/alteration of the dwelling layout so that the front door does not face The Street may also assist.*

I wish to place a holding objection until the above matters have been satisfactorily resolved”.

Subsequent response received on 23 September 2020

“I refer to the amended plans and safety audit submitted for the above on 15th September and confirm the issues previously raised have been resolved. I note the issue raised in safety audit item A.4.1. regarding the need to taper the width of proposed footway to meet the existing, and this can be dealt with through the separate assessment process for the works within the highway.

The addition of four dwellings is unlikely to generate a significant level of traffic and will not have a severe impact on the capacity of the highway network. The access proposals are acceptable, providing adequate visibility and an improvement to pedestrian access and safety through provision of a length of

footway along the site frontage. The footway will be provided at the developer's expense through an agreement under s.278 of the Highways Act.

Adequate parking is provided within the site for both residents and visitors. I therefore now have no objections in respect of highway matters subject to the following being secured by condition:

Submission of a Demolition and Construction Management Plan before the commencement

of any development on site to include the following:

- (a) Routing of demolition/construction and delivery vehicles to/from site
- (b) Parking and turning areas for demolition/construction and delivery vehicles and site personnel
- (c) Timing of HGV movements (these are likely to be restricted during school drop-off and pick-up periods)
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Access arrangements

- 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.
- Provision and permanent retention of the vehicle turning facilities 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 and proposed footway shown on the submitted plans or amended as agreed with the Local Planning Authority, prior to the use of the site commencing.
- Closure of the existing access prior to the use of the site commencing.
- Provision and maintenance of the 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 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

I would also request that each plot is fitted with at least one electric/hybrid vehicle charging point, to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Natural England – no objection.

Southern Water – no objection. An informative has been recommended to be attached to the permission.

Preston Parish Council – object to the planning application and raise the following matters:

- *“The Village Design Statement (adopted by DDC as material consideration) clearly identifies the character of the village as being of relatively large houses on relatively large plots (as, indeed, this one is!) and the proposal to replace it with 6 units would be very cramped and out of character, it could lead to a dangerous precedent and erode the character of the village as defined in the VDS.*
- *The rear part of the site (where 5 of the units would be sited) is outside the village confines where there is a presumption against development.*
- *The cramped nature of the proposals would seriously affect the amenities of the neighbouring properties.*
- *The site falls within a conservation area and the proposals would fail to preserve or enhance the area.*
- *The access to the site would be directly opposite the butchers and not far from the entrance to the garden centre (and the recently approved entrance), and is considered to be unsuitable to support the additional traffic generated from the site.*
- *The site was not put forward for consideration under the recent call for sites as part of the local plan review. If it had been, it is considered that it would have been rejected on similar grounds to other plots local to the application site.*
- *There are already concerns with infrastructure capacity, and an additional 5 dwellings would considerably add to the problems.*
- *Access onto the main road would be dangerous and would cross the virtual walkway. Especially in view of the recent permission on the other side of the road”.*

Public Representations:

28 letters of objection received raising the following concerns:

- The site falls within a conservation area and the proposals would fail to 'preserve or enhance' the area.
- the entrance to the site will be dangerous for pedestrians, customers using the garden centre and butchers and the residents in the immediate area.
- severely disrupt the species rich biodiversity of this land
- will set a precedent for further development of the site
- sewage problems
- will have a significant impact on drainage and water supply
- unsafe access
- noise and light pollution
- loss of outlook
- loss of privacy to nearby properties
- cramped and out of character
- directly impact Gable End Cottage to front of the proposed dwellings causing a major loss of privacy
- Meadow Cottage even though not Listed could be an example of a Hall House. The open plan living area with originally one front door and central fireplace and Chimney. The Cottage has had numerous unsympathetic parts added which now disguise what is underneath. An application to Historic England for Listing ref 1465188 has been applied for and is under consideration.
- will also add further traffic generation..Preston requires starter homes and affordable housing and not large homes.
- the village also doesn't have the amenities to support any further development,

- will result in loss of privacy and increased noise surrounding the existing houses, presence of bats, slow worms and native reptiles
- pedestrian safety issues
- significant increase in traffic

2 letters of support received making the following comments:

- great for the prosperity of the local businesses and will assist in the long term viability of the local amenities. This will make a positive contribution to the village and should be supported.
- the houses are high standard and extremely good quality
- Due to recent construction works Preston is now becoming a thriving village which has a shop, pub, restaurant, butchers and garden centre all these business need the support of the local community and support surrounding areas.
- In the current post COVID economic climate creating work for local tradesmen is in everyone's best interest and houses of this quality and stature can only be beneficial for our village and outlying areas that rely on this community and local services and traders.

f) 1. The Site and the Proposal

1.1 The application relates to a parcel of land associated with Meadow Cottage (existing dwelling) which fronts The Street. Part of the site lies within the Conservation Area and within the settlement confines of Preston whilst a large portion (to the west) falls outside of the built up area. The existing dwelling is not listed. The wider site (outlined in blue) comprises an area of neutral grassland with some clumps of mostly category U trees (i.e. trees classified as unsuitable for retention). The site shares boundaries with Kelway to the north and Gable End Cottage to the south whilst the site extends to the rear of adjoining properties Kelway, Berario and Low Lands to the north; Gable End Cottage and Woodville to the south.

1.2 The housing variety in Preston is diverse in character. The scale of domestic buildings in Preston range from small single storey cottages and bungalows to substantial farmhouses, five bedroom family houses, a large vicarage and Preston Court, the manor house. The street scene is predominantly characterised by detached, semi-detached dwellinghouses with short terraces of three or four. A few two storey houses have a further attic floor in the roof space lit by dormer windows, gable end windows or roof lights. There is a prevalence of both shallow pitched and steep pitched roofs. Some early surviving dwellings (with steeply pitched roofs) comprise thatched roofs, kent peg tiled roofs whilst some older cottages feature a 'catslide' roof. Equally the use of shallow pitched concrete and slate tiled roofs is also evident.

1.3 The application seeks permission for the erection of four dwellings and one replacement dwelling with associated hardstanding and creation of a new vehicular access. The existing dwelling 'Meadow Cottage' would be demolished. The proposed would feature catslide, hipped and gable end roofs, chimneys and porches under pitched roofs, brick cills and headers. The dwellings would be finished in a combination of materials including hanging tiles, painted timber weatherboarding, red roof tiles and timber fenestration. A variety of fencing materials have been proposed. Post and rail fence would be installed in front of single native species hedgerow at the frontage of the site on the eastern boundary; post and wire mesh fencing would be installed between the rear gardens, the grassland and orchard area and will be reinforced with

mixed native hedgerows; and a close boarded fence would be installed between the rear gardens.

1.4 In support of the application, the following documents have been submitted:

- Heritage Statement
- LVIA
- Landscape Strategy
- Landscape & Visual Appraisal
- Arboricultural Report
- Ecological Appraisal

2. Main Issues

2.1 The main issues for consideration are:

- The principle of the development
- The impact on the character and appearance of the area
- The impact on residential amenity
- The impact on Highways
- The impact on Ecology
- Drainage

Assessment

Principle of Development

2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in such plans, unless material considerations indicate otherwise. However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF 2019 states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.

2.3 At the present time the Council is able to demonstrate a 5-year housing land supply (having 6.35 years supply). The council have not 'failed' the Housing Delivery Test for the purposes of Paragraph 11 of the NPPF (i.e. the delivery of housing has not been substantially below the housing requirement over the previous three years). It is considered that the policies which are most important for determining the application are DM1, DM11, DM15 and DM16.

2.4 Policy DM1 and the settlement confines referred to within the policy were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council's 2010 Adopted Core Strategy. In accordance with the Government's standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement it is considered that policy DM1 is in

tension with the NPPF, is out-of-date and, as a result, of this should carry only limited weight.

- 2.5 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst there is some tension, this policy broadly accords with the NPPF's aim to actively manage patterns of growth to support the promotion of sustainable transport. However, the blanket approach to restrict travel generating development outside of settlement confines is inconsistent with the NPPF. This application is adjacent to the confines of a Village and so the development is contrary to DM11. The degree of harm arising from the infringement with Policy DM11 is considered to be limited. It is therefore considered that, for the purposes of this application, DM11 is partially out-of-date and should be afforded limited weight.
- 2.6 Policies DM15 and DM16 generally seek to resist development that would result in the loss of, or adversely affect the character or appearance, of the countryside or would cause harm to the character of the landscape. These policies are broadly consistent with the aims of the NPPF including the need to: recognise the intrinsic character and beauty of the countryside. The blanket approach of refusing development which results in the loss of the countryside within DM15 however is at odds with the NPPF and DM15 refers to the importance of "character and appearance" of the countryside, whereas the NPPF seeks to protect "character and beauty". While the policy DM15 is otherwise consistent with the NPPF, parts of it are inconsistent and not up-to-date. It is considered that DM15 should therefore be afforded less than full weight..
- 2.7 As a whole, it is considered that the main policies for determining the application are not up-to-date and as such the 'tilted balance' (paragraph 11, NPPF) must be engaged.

Impact on Character and Appearance and Heritage

- 2.8 A large part of the site lies within the countryside, where policy DM15 applies. This policy directs that planning permission for development that adversely affects the character or appearance of the countryside should be refused, unless one of four criteria is met, and the development does not result in the loss of ecological habitats. While the policy DM15 is otherwise consistent with the NPPF, DM15 has slightly reduced weight insofar as the 'blanket' approach of this policy is concerned.
- 2.9 Regard must also be had to whether the development would harm the landscape character of the area, in accordance with policy DM16. Where harm is identified, permission should be refused unless it is in accordance with the development plan and incorporates any necessary avoidance or mitigation measures, or can be sited to avoid or reduce the harm and/or incorporate design measures to mitigate the impacts to an acceptable level.
- 2.10 Preston exhibits a distinctive settlement pattern, following a ribbon of mainly residential development along The Street, typically one plot deep. Outside the settlement envelope, the development pattern is more scattered, sparse and is characterised generally by clusters of development associated with agricultural complexes and single cottages.

- 2.11 The wider landscape is predominantly relatively flat open farmland, with arable and grazing pastures, fragmented by areas of woodland. These include an area of ancient woodland, orchards, windbreaks and areas of coppiced chestnut. The landscape is punctuated with ribbon/linear rural settlements and farmsteads along the rural roads. Settlement areas are characterised by a ribbon distribution of development in the village of Preston, with small farmsteads and hamlets scattered throughout the wider landscape, usually along the lanes
- 2.12 The proposal involves demolition of the existing dwelling and erection of 5 dwellings with Units 2-5 (4 nos) arranged in a manner which would reflect a courtyard type arrangement prevalent in rural areas. The initial submission involved the erection of 6 dwellings (including one replacement dwelling) with extensive rear gardens. Concerns were raised in respect of the extensive domestication of the site which would be perceived as an encroachment into the countryside resulting in landscape impacts. Concerns were also raised in respect of the density of the dwellings proposed.
- 2.13 The scheme was amended which included a reduction in the number of dwellings by 1 and the re-siting and redesign of Unit 2. The garage associated with Unit 2 has been re-sited and aligned with the proposed dwelling (Unit 2). This arrangement gives a clear separation distance of 24m as opposed to the previous arrangement with a clear separation distance of 12m from the rear elevation of Gable End Cottage. A SUDS pond has also been proposed. Further to this, the size of the private gardens were substantially reduced with a view of containing the visual impact arising from the proposed development. The amended layout resulted in the removal of a dwelling which would have otherwise been prominent in views from The Street. Following the review of the amended drawings, it was felt that whilst there was a reduction in the proposed built form, views of the proposed development would still be achievable from The Street particularly Units 3 and 4. Although the design of the dwellings was considered acceptable in its own right, it was felt that the overall development lacked rural appeal. Further discussions were had in respect of the provision of high quality landscaping to enable the desired rural transition. Subsequently, an amended landscaping plan was received which included a cluster of standard and heavy standard trees within the pocket between Units 3 and 4 with a view to extend the rural feel as is currently experienced by pedestrians in The Street.
- 2.14 The application is accompanied by a Landscape Visual Impact Assessment. It is noted that a wider area was selected for the assessment and 10 viewpoints (including long range and narrow range views) were identified from where the site is or may be visible and the impacts of development. The assessment considers the sensitivity to change, the magnitude of change and the significance of impacts (over the course of 10 years), having regard for potential mitigation. Of all the viewpoints, the most relevant viewpoints are considered to be viewpoints 4 (EE142), 6 and 7 (EE153) and viewpoints 9 and 10 (from The Street).
- 2.15 In respect of viewpoint 4 (EE142 to the south), the magnitude of change, sensitivity to the receptor and significance of the impacts has been assessed to be low. With regards to viewpoints 6 and 7 (EE153 to the west), it is noted that the views achievable would be over a significant distance (i.e. over 100m). The magnitude of change, sensitivity to the receptor and significance of the impacts have been assessed to be moderate to high. Finally, the viewpoints 9 and 10

include views of the replacement dwelling. The magnitude of change has been assessed to be high, sensitivity to the receptor and significance of the impacts have been assessed as moderate. Therefore, whilst there would be some limited visual harm arising from the proposed development, it is also noteworthy that the significance of impacts with appropriate mitigation over the course of 10 years has been assessed to be low to neutral. Having regard to the above, it is considered that the conclusions drawn are reasonable. In the event of a grant of permission, an appropriately worded condition could be attached requiring execution of the submitted landscaping scheme. For the foregoing reasons, it is not considered that the proposed development would cause harm to the character and appearance of the wider landscape or the street scene. As such, the proposal would not be contrary to policies DM15 and DM16 of the Core Strategy and paragraph 170 of the NPPF which calls for development to take into account the intrinsic character and beauty of the countryside

- 2.16 Regard has also been had to the detailed design of the dwellings and its impact on the character and appearance of the Conservation Area and the setting of the listed buildings. The nearest listed buildings to the application site lie at a distance of approximately 51m to the south (Wayside Cottages) and 58m to the north (Half Moon and Seven Stars).
- 2.17 From a review of the design and access statement and the submitted drawings, it is apparent that a site analysis has been carried out and regard has been had to the prevailing architectural styles in the vicinity of the application site. It is acknowledged that the properties in the street do not conform to a particular architectural style. A mix of exterior finishes to the properties in the immediate area are noted which include plain render, painted brick, exposed brick work and timber weatherboarding. Also, the properties in the area incorporate a variety of fenestration materials although timber is prevalent. The proposed dwellings comprise a mix of catslide roofs and hipped gable ends with single storey integrated garages. It would utilise a mix of materials including red tile hanging, red stock brickwork, black weatherboarding, red tiled roof and timber doors and windows. Therefore, having regard to the siting, scale, separation distance and detailed design of the proposed dwellings, it is considered that the proposal would respond to the prevailing character of the existing buildings and the pattern of development within the locality. The proposed development is therefore considered acceptable subject to conditions and would comply with paragraphs 130 of the NPPF. To ensure the retention of the existing character of the street, a suitably worded condition could be attached to remove permitted developments rights including Classes A (extensions), B (dormers/hip to gable extensions), D (Porches) and E (outbuildings) to allow further control of development on the site.
- 2.18 Concerns have been raised by Preston Parish Council in respect of the need for affordable housing in Preston stipulated by the Preston Village Design Statement. Whilst the need for affordable housing is recognised, this is not a policy requirement for this scale of development. It is necessary also to consider the proposed scheme within the relevant context i.e. provision of five high quality family homes in the village in a sustainable location. Concerns have also been raised regarding the design of the dwellings, cramped nature of the proposal and the potential to set a 'dangerous precedent'. The design of the dwellings has been thoroughly assessed and following the amendments to the scheme which involved a reduction in one residential unit, it is considered that it would sufficiently help retain the spaciousness and the rural appeal in the area.

In respect of setting a precedent, the proposed development has been assessed on its own merits. It is not considered that the particular circumstances of the proposal are such that weight could be given to the precedent issue in considering any future application elsewhere in the village – any such application would likewise be assessed on its own merits. The 'Planning Policies and Guidance' section of the report sets out all the local and national planning policies that have been considered as part of the planning assessment. Therefore, it is not considered that the grant of permission would set a precedent in this instance.

- 2.19 Third party concerns have been raised in respect of the demolition of the existing dwelling and the building was subject to consideration by Historic England for the purposes of listing. Historic England did not consider the building worthy of being listed particularly given the substantial level of alterations that have been carried out over the years. Equally during the site visit, it was noted that there were a number of large diagonal cracks in the building walls which raise serious concerns regarding the structural integrity of the structure. DDC Heritage have raised no objection in respect of demolition of the building however, conditions have been recommended including a bespoke condition for the building's recording prior to demolition and another condition requiring demolition to be carried out as a continuous operation with the redevelopment of the site and to protect the character or appearance of the Conservation Area.
- 2.20 In conclusion, it is not considered that the proposal would cause harm to the character and appearance of the street scene, the Conservation Area or the setting of listed buildings in the vicinity of the site. Therefore, the proposal is considered to be in accordance with the Sections 66(1) and 72(1) of Planning (Listing Buildings and Conservation Areas) Act 1990. As far as the NPPF is concerned, the proposal is considered to be a sympathetic form of development which would not result in any harm to the heritage asset. Accordingly, the impact of the development would cause no harm to the significance of the heritage assets or their settings.

Impact on Residential Amenity

- 2.21 The proposed dwellings would be well separated from their nearest neighbouring properties. The finished dwellings would lie at a distance of approximately 34.5m from the rear elevation of Lowlands, 31m from Berario, 36.5m from Kelway and 24.5m from Gable End Cottage. It is considered that, given the substantial separation distances and relationships between properties, no unacceptable loss of light, sense of enclosure or overlooking would occur. Therefore, no harm to the residential amenity of the neighbouring occupiers is envisaged from the proposal.
- 2.22 Regard must also be had for potential noise and disturbance which would be caused during demolition and construction. Given its proximity to the neighbouring residential properties and the sole means of vehicular access being close to neighbouring properties, it is considered that it would be reasonable and proportionate to require a demolition and construction management plan to be submitted for approval by way of condition. This should include details of access arrangements and delivery timings; details of where construction vehicles, plant and materials will be parked and stored; timing of HGV movements and hours of noisy activities and the plant to be used and details of how dust and other debris will be controlled.

- 2.23 Third parties have objected to the application on the grounds that the proposed development would result in harmful impact to residential amenity. However, following the receipt of amended plans, it is felt that the concerns in relation to the loss of privacy and sense of enclosure have been satisfactorily overcome.
- 2.24 There are no other residential properties in the vicinity to be directly affected by the proposal. Therefore the proposed development complies with paragraphs 127 and 130 of the NPPF in this regard.

Living Conditions of Future Occupiers

- 2.25 The dwellings, together with their individual rooms would be of a good size, whilst all habitable rooms would be naturally lit. The properties would be provided with private gardens and areas which could be used for refuge storage and general amenity space. As such, the living conditions of future occupiers would be acceptable.

Impact on Parking/Highways

- 2.26 Policy DM13 of the Core Strategy (Table 1.1), requires that development provide adequate parking to meet the needs which would be generated, balancing this against design objectives. It is considered that the site is in a rural location, where 1 and 2 bedroom houses will be expected to provide 1 space per unit; 3 and 4 bedroom houses will be expected to provide 2 spaces per unit. Additionally, visitor parking should be provided at a rate of 0.2 parking spaces per dwelling. The application proposes 15 car parking spaces and 3 visitor parking spaces and would accord with policy DM13 of the Core Strategy.
- 2.27 Regard has also been had to Policy DM11 which 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. The proposed dwellings would give rise to additional travel in a location beyond settlement confines. However, given the siting of the proposed development directly adjacent the settlement confines, it is not considered that any material harm would arise sufficient to raise an objection on this ground.
- 2.28 The proposal seeks to block the existing access and create a new vehicular access to the north of the replacement dwelling. KCC Highways have been formally consulted. A number of concerns were raised during the application process and further clarification/information was requested to be submitted including demonstration of visibility splays 43m x 2.4m x 43m within the area of land owned by the applicant. KCC also advised that a minimum of 1.8m wide footway should be provided along the frontage of the site, set back 0.5 metres from the edge of carriageway white line. Detailed plans and an independent safety audit with designer's response should be submitted for the footway. The access should be formed via a vehicle crossing in the footway. Further to this, the remote location of parking for Unit 1 was considered unacceptable as it would increase the likelihood of inappropriate parking on the highway. Swept path diagrams were also requested. The applicant's agent was forthcoming and the requested information was submitted. On review of further information, KCC Highways withdrew their objection and concluded that the addition of four dwellings is unlikely to generate a significant level of traffic and will not have a severe impact on the capacity of the highway network. The access proposals are acceptable, providing adequate visibility and an improvement to pedestrian

access and safety through provision of a length of footway along the site frontage. The footway will be provided at the developer's expense through an agreement under s.278 of the Highways Act.

- 2.29 KCC have advised that, should permission be granted, a demolition and construction management plan should be submitted and approved to ensure that unacceptable harm would not be caused to the highway network. In addition to the conditions in relation to the access and parking, KCC have also requested that each dwelling with allocated parking is fitted with an electric/hybrid vehicle charging point. It is considered that appropriately worded conditions could be attached to the permission requiring the installation of suitable electric duct cabling to an external wall outlet that would allow for any subsequent fitting of an electric vehicle charging station to serve a vehicle parked at that dwelling.
- 2.30 In accordance with the recommendations of the Kent Design Guide (inc. IGN 3) and the NPPF, and to encourage and facilitate the use of this sustainable forms of transport, it is considered that details for the provision of cycle parking (at one space per bedroom) should be secured by condition.
- 2.31 In conclusion, it is not considered that the proposal would result in an unacceptable highways impact or severe residual cumulative impacts on the road network and would therefore accord with paragraph 109 of the NPPF.

Impact on Trees

- 2.32 There are several mature trees within the application site. A tree survey has been submitted with the application which also includes an arboricultural method statement and a tree protection plan. A number of trees are proposed to be removed which include Ash (T27), Sycamore (T22), Lawson Cypress (T2, T6, T8, T9, & T11), Holly (T12 & T14), Spruce (T7), Birch (T5) and Malus (T10) due to their proximity to the proposed development. These trees have been classed as Category C trees (low quality trees). Further to this, due to the poor physiological and structural condition of the Prunus (T4 & T24), Ash (T17) and Lawson Cypress (T13) are recommended to be removed on purely arboricultural grounds regardless of whether the development is permitted or not. For the purposes of the survey, these trees have been recorded as Category U (BS5837: 2012, Table 1) being in a condition where they cannot be retained as living trees for longer than 10 years. These trees are extremely poor specimens with any remedial works considered unlikely to produce trees with any degree of longevity. There are also multiple dead stumps that require clearing. Finally, there is 1 Category B Yew (T3) that requires removal due to its proximity to the proposed development; however, this is a small tree not widely visible from the surrounding area and therefore its loss will have limited impact on the visual amenity of the area.
- 2.33 The tree protection plan identifies the precise location of the trees, crowns and the root protection zones of the trees. A Construction Exclusion Zone (CEZ) has been marked and the protective fence positions have been shown to clearly demarcate the area from the construction zone, to ensure that there is no compaction of the soil or severance of tree roots. In the event of a grant of planning permission, appropriately worded conditions can be attached to the permission to secure the tree protection measures as detailed within the submitted tree survey.

Ecology

- 2.34 The EU Habitats Directive 1992, requires that the precautionary principle is applied to all new projects, to ensure that they produce no adverse impacts on European Sites. The application has been supported by a Phase 1 Habitat Survey and a bat survey.
- 2.35 The key survey findings confirmed that there was evidence of bat roosts for common pipistrelle and brown long eared bats within the existing building. The demolition of this building will require an EPSM licence from Natural England post planning permission. No reptiles were found during the survey. The priority habitat traditional orchard be retained. It is relevant to note that whilst the orchard is within land in the applicant's ownership, it lies outside of the red line site plan. The following mitigation measures have been proposed:
- Installation of bat access tiles within unit 1 and mounting of bat boxes on trees to provide roosting space during construction works
 - An ecological watching brief during the demolition of building 1
 - Use of only traditional non-breathable bitumen felt for the areas accessible to bats to prevent entanglement
 - A bat sensitive lighting scheme following BCT guidelines
 - Clearance of woody vegetation outside the bird nesting season (march to August inclusive) covering of excavations at night to prevent mammals becoming trapped
 - Hedgerow planting of native species
 - Native nectar rich planting around the new buildings
 - Gaps at the base of fences to allow mobility of species such as hedgehogs and amphibians.
- 2.36 It is considered that the findings within the ecological appraisal are sound and that the recommendations are sufficient to ensure that the Council's duties in respect of habitats, protected species and ecology generally will be fulfilled. DDC's ecological officer is satisfied with the information provided and recommends that all the recommendations for the enhancements detailed within the ecological appraisals should be secured via suitably worded conditions.

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

- 2.37 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.
- 2.38 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.
- 2.39 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.

- 2.40 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.
- 2.41 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.

Stodmarsh Nutrient Area

- 2.42 The Conservation of Habitats and Species Regulations 2017, Regulation 63 requires that an Appropriate Assessment be carried out. It is for the council, as the 'competent authority', to carry out the assessment.
- 2.43 Members may be aware of press reports relating to concerns about raised nutrient levels affecting Stodmarsh Lakes and the delays in housing schemes coming forward as a result. This has affected the districts of Canterbury and Ashford, as well as part of Dover District. Essentially the concerns have been raised following studies by Natural England (NE) that increases in wastewater from new developments coming forward have resulted in increased nutrient levels in Stodmarsh Lakes and which are causing water quality issues as a result. The lakes have high international ecological value for wetland habitats and the rare and special wildlife they support. They are protected through a combination of designations including A Special Area of Conservation, A Special Protection Area, A Ramsar site, A site of Special Scientific Interest and a National Nature Reserve. As such they are protected under the Habitat Regulations which requires an Appropriate Assessment to be carried out to show there would be no adverse effect of a proposal on the integrity of the site. Until that can be demonstrated NE will raise an objection to any development proposal resulting in an increase of wastewater.
- 2.44 As far as Dover District is concerned, the areas affected are those which discharge to the Dambridge wastewater treatment works in Wingham. In common with other treatment works the Wingham site discharges treated effluent which eventually enters the Little Stour and then the Great Stour Rivers. Whilst Stodmarsh is upstream from the nutrient discharge location, because the river is tidal, there is potential for upstream movement during incoming tides.
- 2.45 Because of the above, officers commissioned consultants to carry out a study to undertake an investigation into potential connectivity between the Dambridge works and water bodies at Stodmarsh. This involved extensive collation and analysis of hydrological data in order to construct applicable modelling profiles. Two scenarios were considered; a worst case when Great Stour discharge was very low; and a realistic flow pattern based on actual recorded flows for the period of 2016-2019. The modelling was conservative in its approach, for example ignoring the potential for any contaminants to decay or otherwise be removed before they might arrive at Stodmarsh lakes which is likely in all probability. The results were that under a worst case scenario there might be a

concentration of 0.002 mg/l at the lakes whilst under a more realistic scenario the increase in concentration might be 0.00012 mg/l. Even allowing for any lack of decay in the contaminants, such levels are below the limits of detection of the methods used for water quality.

- 2.46 The above results were presented to NE in mid 2021. Notwithstanding the extremely low probability of any connection with Stodmarsh lakes, NE was reluctant to rule out the possibility of ANY contaminants entering the lakes and therefore was not at that stage prepared to remove its standing objection.
- 2.47 During discussions however, it also emerged that the presence of a sluice gate downstream of Stodmarsh lakes might effectively prevent any upstream flow and therefore contaminants, from entering the lakes. The consultants were therefore asked to rework their modelling taking that factor into account. The results of this have been presented to NE who have to date, maintained their position. We remain in discussion with NE and are considering all options.
- 2.48 The current application, along with many other [housing] proposals in this part of the District, has now been on hold for over a year pending the resolution of this issue. This is a major concern to the Council and developers alike given the need to meet housing targets. Given the delays caused by this issue and the progress made so far with the advice provided by our consultants and discussions with NE ongoing, officers consider that a recommendation to grant subject to the issue being satisfactorily resolved, will at least establish the principle of the proposal and give the developers some comfort. The recommendation is framed in recognition that the application can only be approved on the basis of there being no likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site or alternatively, that satisfactory mitigation can be achieved.

Drainage

- 2.49 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.50 Whilst Southern Water have raised no objection in this instance, it is considered reasonable to attach the pre-commencement conditions requiring the submission of detailed schemes for both foul water and surface water disposal.

Other Material Considerations

- 2.51 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Therefore, the assessment of sustainability can be separated into three dimensions: social, economic and environmental.
- 2.52 The proposed development would support growth and would provide a small increase in the local population, which would produce a corresponding increase

in spending in the local economy. The development would also have a transitory economic benefit during the construction phase. The development would provide four additional dwellings which would provide a small boost to the supply of housing in the district.

- 2.53 Turning to the environmental role, by virtue of its siting and detailed design, it is not considered that the proposal would result in a localised urbanising effect to the rural character of the area. No wider landscape impact is envisaged from the proposal. The application site abuts the settlement confines of Preston and has fairly good access to the public transport and facilities and services in Preston such that it would be likely to provide additional support for those facilities and services. Therefore, it would be in keeping with the sustainable travel objectives of the NPPF and objectives relating to supporting community facilities.
- 2.54 In conclusion, taking the above facts in the round, it is considered that the proposed dwellings would not result in any adverse impacts, but would constitute a sustainable form of development in compliance with the principles of the NPPF.
- 2.55 As stated earlier in this report, the application must be assessed against the NPPF (paragraph 11) 'tilted balance'. This requires that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits [of the scheme] when assessed against the policies on the NPPF as a whole. At the time of reporting this application, and for the reasons set out in this report, it is not considered that any adverse impacts have been identified that would warrant a refusal of the application on this basis of the NPPF tilted balance.

3. Conclusion

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the area or wider countryside. The development would not cause harm to the residential amenity of the neighbouring occupiers. It is considered acceptable in terms of ecology, highways impact and drainage. Having regard to the above, it is recommended that the application be approved.

g) Recommendation

- I SUBJECT TO the local planning authority, as the 'competent authority' for the purposes of the Habitat Regulations, being satisfied (in consultation with Natural England as/if necessary), that discharges of wastewater from Dambridge wastewater treatment works would not have a likely significant effect on the integrity of the Stodmarsh SAC, SPA and Ramsar site, or alternatively that satisfactory mitigation can be achieved, PERMISSION BE GRANTED, subject to conditions which include:
- (i) 3-year time limit
 - (ii) Approved plans
 - (iii) Samples of materials
 - (iv) Provision of parking and turning facilities
 - (v) Measures to prevent the discharge of surface water onto the highway
 - (vi) Pre-commencement condition for Demolition and Construction Management Plan

- (vii) Use of bound surface for the first 5m of the access from the edge of the highway
- (viii) Cycle parking provision
- (ix) completion of the access and proposed footway prior to the use of the site commencing
- (x) Closure of the existing access prior to the use of the site commencing
- (xi) Provision and maintenance of visibility splays with no obstruction over 1 metre above carriageway level within the splay
- (xii) Provision of a strip measuring 2.4m in width from the edge of carriageway along the site frontage with no obstructions over 1m above carriageway level within the strip, prior to use of the site commencing
- (xiii) Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing
- (xiv) Bin storage
- (xv) Completion of access prior to first use
- (xvi) Removal of PD rights (classes A, B, D and E)
- (xvii) Surface water disposal scheme
- (xviii) Foul water drainage scheme
- (xix) Bespoke Landscaping scheme – site landscaping and also including a cluster of standard and heavy standard trees as shown on the proposed landscaping plan.
- (xx) Hand dug condition and tree protection measures including protective fencing
- (xxi) Ecology – plantation of native species and biodiversity enhancements and mitigation measures as detailed within the report
- (xxii) Bat sensitive lighting scheme
- (xxiii) Provision of electric charging points.
- (xxiv) Building's recording prior to demolition
- (xxv) Demolition to be carried out as a continuous operation with the redevelopment of the site and to protect the character or appearance of the Conservation Area.

- II Powers to be delegated to the Planning and Development Manager to resolve details of any necessary planning conditions and matters covered in recommendation I (i) above relating to any impacts on the protected Stodmarsh sites in accordance with the issues set out in the report and as resolved by Planning Committee.

Case Officer

Lucy Holloway