

- a) **DOV/20/00155 – Erection of 6 dwellings and works to the existing building to form a 7th dwelling with associated parking and landscaping - 8 The Street, Ash**

Reason for report: Number of representations (129 letters of support and 105 letters of objection)

- 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.

Ash Neighbourhood Plan 2021

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).

National Design Guide 2019

Kent Design Guide

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

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.

Section 66(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.'

- d) **Relevant Planning History**

There is no relevant planning history for the site. However, there is a recent TPO application which is relevant.

TC/19/00075 - Fell four trees (T1 - yew. T2 - not known, T3 - not known, T4 - Sycamore). Approved.

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

DDC Environmental Health Manager – no observations.

DDC Tree Officer – no objection was raised following the receipt of an arboricultural method statement and a tree protection plan. Suitably worded conditions have been recommended to be attached.

DDC Heritage Officer – initially objected to the planning application on the grounds of unjustified loss of the non-designated heritage asset and detrimental impact on the Conservation Area. Subsequently, the proposal was amended to retain the non-designated heritage asset. No objection has been raised subject to conditions to secure appropriate detailing of the building. A condition has also been recommended for building recording prior to demolition of the outbuilding.

DDC Ecological Officer – made the following comments:

I have reviewed the preliminary ecological appraisal and bat survey reports and support their recommendations. The PEA lists a number of ecological enhancement measures, which should be conditioned including:

- hedgehog nesting boxes
- Provision of 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas
- ready-made bird boxes (sparrow terrace timber boxes or house martin nests or mix of open-fronted and hole-nesting boxes and constructed from woodcrete)
- WoodStone Build-in Swift Nest Boxes : 2 to 4 per dwelling, resulting in an equal number overall of nest sites and residential units. Each nest box will be integrated in a wall that is not south facing, at a height of at least five metres.
- bat roosting spaces within the new buildings (examples can be found in: Williams, C (2010). Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build. RIBA) or installation of ready-made bat boxes (such as Kent Bat Box, Habitat, EcoSurv Bat Box or Schwegler Bat tube.
- owl boxes in trees
- Establish climbing plants on walls and other vertical structures
- Establish wildflower plug/bulb planting in amenity grassland and private gardens Consider using grid mesh system (or Ground Reinforcement Grids) with topsoil and seeding with a wildflower species mix, to car parking areas and new access drives to retain some vegetation as well as drainage, or Gravel turf
- Establish Fruit Espaliers.

BATS

The bat survey has identified the house as a day and/or night roost for brown long eared bats. Adequate compensation for the loss of this roost is therefore a legal requirement and the applicant will have to apply for an EPS development licence from Natural England, post planning permission. The compensation recommended includes:

- one 'Improved Cavity Bat Box' (or similar) to be installed onto an adjacent tree prior to demolition (to provide continued roosting opportunities);
- one bat loft to be incorporated in the roof of one of the units to provide long-term roosting opportunities.

REPTILES

The PEA identified the need for a reptile survey however, it has not been received.

Reconsultation response:

I note the results of the reptile survey and I have no further comments to make on this application.

KCC Highways – raised concerns in relation to the use of the access, visibility splays and the pedestrian link. Therefore, refusal was recommended. Subsequently, further details were received with a view to address the concerns raised by KCC Highways. Following the review of a series of amendments, KCC Highways lifted their objection and recommended a number of conditions including submission of a Demolition and Construction Management Plan before the commencement of any development on site (Routing of demolition, construction and delivery vehicles to/from site; Parking and turning areas for demolition, construction and delivery vehicles and site personnel; Timing of HGV movements (these are likely to be restricted during school drop-off and pick-up periods); Provision of wheel washing facilities; Temporary traffic management / signage; Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development; Site access arrangements).

Other conditions include:

- 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, including the retention of public access to the three spaces between units 1 and 2.
- 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 associated highway alterations (parking restrictions) shown on the submitted plans prior to the use of the site commencing. Applicant to use best endeavours to secure the necessary Traffic Regulation Order and implement the parking restrictions.
- 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.
- Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing.
- Completion of the step-free paved connection to public footpath EE117 at the rear of the site prior to the use of the site commencing.
- Provision of electric charging points

KCC Archaeology – recommended a condition to be attached in respect of archaeology.

KCC PROW – no objection. Informatives have been recommended to be attached to the permission.

Southern Water – no objection subject to conditions.

Ash Parish Council – object to the planning application on the following grounds:

- Tree Preservation Orders -The planning application for the removal and replanting of trees covered by TPOs (Ref 19/01474) has not been addressed.
- Type of housing mix does not address the needs of the parish

- The design of the scheme is not in keeping with the character of the adjacent conservation area.
- Listed Buildings: The design of the scheme does not appear to respect, protect or enhance the settings of Listed Buildings and Buildings of Note considered to be heritage assets that are adjacent to the site.
- The constraints of the site position and height in relation to adjacent properties (loss of amenity) have not been acknowledged.
- Over-looking – it is noted that the unit closest to the Glebelands boundary has been moved to 6 metres from the boundary, however there will still be loss of privacy to the adjacent properties in Glebelands. The application proposes this is to be dealt with by boundary planting. This raises questions about type of species and long-term management.
- The provision for three public parking spaces for the vehicles displaced by the requirement for double yellow lines opposite the site access. The viability of this public parking provision is questioned by the parish council. It suggests that it is impractical and the residents who currently have on-street parking by 11 The Street, will not be able to make use of the new spaces. Even if this is managed, the new spaces are some distance and are at the top of the incline. There would be a loss of parking for those who drop-off and collect children attending the adjacent St Faith's School. It is also thought likely that this public parking could cause longer term tensions between the residents of the site and those who live off the site over the cost, management and maintenance of the public car parking spaces. It will also increase the traffic movements on and off the site.
- The loss of the two parking spaces opposite the access does not take into account, the use of those spaces by the residents who live on The Street or the use of the spaces by parents whose children attend St Faiths School that is adjacent to the site. This part of The Street is often congested. It is on the bus route for the village. The requirement that large vehicles park on The Street to load and unload will make this situation worse. Further even with the use of the double yellow lines, it will not be possible for large vehicles to make a left-hand turn into the site. This will increase the congestion on The Street around the junction of Chequer Lane and The Street.
- Sight Lines - While the double yellow lines may help with car traffic, as the area will provide a passing bay, they will not serve the purpose of making the limited visibility splays that have been proposed, workable. The visibility splays will require a large proportion (at least 12 metres) of the bank and the trees to be removed to the right of the access off the site. (This will impact the conservation area and the street scene). The splay to the left of the access off the site will require the removal of street furniture. This will make the use of the footway up to Glebelands unsafe. This public right of way is well used by school children attending the Cartwright & Kelsey School and the residents who live in the Glebelands and Molland estates. There has to be an effective child safety barrier where the footpath meets the road to ensure the safety of the pedestrian using the public right of way, especially the school children. This is essential because of the steep slope of the footpath as it reaches The Street.
- The design of the access does not reflect the number of trees and bank on the street frontage that will need to be removed, both to the left and the right of the access to provide the necessary sight-lines.
- The provision of a pedestrian access for the site has not been fully addressed.
- Drainage - the parish council would ask it is noted that the height of the site above street level may require the depth of the SUDS to be such as to prevent run-off onto The Street.

Public representations

30 letters of objection received raising the following matters:

- Unsafe access
- Poor visibility to turn onto the main road
- School very close to the lane
- great concerns regarding the sewage system
- loss of privacy, noise nuisance, loss of light
- limited parking on the street
- also pose a problem to the emergency vehicles
- loss of wildlife habitat
- extremely detrimental to the community
- the status of Conservation Area is important and should be respected
- unnatural expansion of a village
- the road is extremely congested and busy at times of the day and week
- challenge the traffic survey which shows light traffic
- Ash bypass relieved some pressure in the area
- walking in this area in order to access the countryside behind the Volunteer pub is already difficult
- loss of trees
- increase in traffic congestion
- light pollution
- insufficient parking
- a number of mature trees have been felled
- no details of the boundary with the properties at Glebelands
- design, size and architectural features totally disrespects the context, character and heritage of the village
- overly dense
- renovating the existing building has not been considered
- pedestrian safety
- overdevelopment
- insufficient landscaping
- lack of replacement trees

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

- 1.1 The application relates to a site to the north of The Street. To the west is the centre of the village. It is bounded by The Street to the south, Molland Lane to the west, a late C20th development of chalet bungalows to the north and a major urban footpath to the east. The site is occupied by a two-storey building which whilst currently vacant is understood to have been used as a dwellinghouse several years ago. By virtue of its age, setting and architectural design, the existing building together with its courtyard structures are considered to be non-designated heritage assets. The western half of the site lies within the Ash Conservation Area. There is a Grade I Listed Church approximately 350m from the site to the north. 7 Yeomans Cottage, a Grade 2 listed property can be found across the road to the south of the site. PROW (Public Right of Way) EE120 runs along the eastern boundary of the site leading to Glebelands.
- 1.2 There are trees within the site subject of a TPO, notably an individual horse chestnut to the north western corner (T11), a copper beech and sycamore to the western boundary (T12 & T13) and a sycamore tree to the southern boundary (T14).
- 1.3 The site sits at approximately 3.5m above the street level (i.e. The Street the land steeply rises from south to north. To the north of the site is 'Glebelands' – a development comprising chalet style bungalows backing onto the site.
- 1.4 Originally, the application sought permission for the erection of 8 dwellinghouses and demolition of the existing building (considered to be a non-designated heritage asset)

and the outbuilding. Insufficient justification was provided to justify the loss of the non-designated heritage asset. Following discussions with the applicant's agent, the proposal was amended which included retention of the existing building and its conversion and extension to form a dwelling and reduction in the number of dwellings by 1 unit.

- 1.5 The proposal includes detached and semi-detached dwellinghouses of a contemporary style. The schedule of accommodation comprises Unit 1 and 8 with 4 bedrooms and Units 2-7 with 3 bedrooms. The material palette comprises yellow brickwork, slate tiles and timber fenestration, responding to those within the local area. The proposal seeks to utilise the existing access off The Street. Vegetation is to be removed to allow for a safe visibility splays. The access leads to a courtyard type parking area. It is understood that a number of mature trees on the site have been felled and the proposal would require further substantial clearance of the site to facilitate the development.
- 1.6 . The proposal makes provision for a total of 21 open parking spaces i.e. an average of 3 parking spaces per unit.

2. **Main Issues**

- 2.1 The main issues are:
- The principle of the development
 - Impact on character and appearance
 - Impact on Heritage
 - Impact on residential amenity
 - Impact on the highway network
 - Impact on ecology

Assessment

Principle of Development

- 2.2 It is necessary to consider the impact that the publication of the Regulation 18 plan has on the assessment of this application. 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.
- 2.3 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 the plan, unless material considerations indicate otherwise.
- 2.4 Paragraph 11 of the NPPF states that development which accords with an up to date development plan should be approved without delay whilst, where there are no relevant development plan policies or where the most important policies are out of date, permission should be granted unless policies in the NPPF for protected areas or assets provide a clear reasoning for refusing the development or where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in NPPF as a whole. A footnote confirms that whether policies are out of date also include instances where the local planning

authority cannot demonstrate a five year housing land supply or where the delivery of housing falls below 75% of the housing requirement in the previous three years.

- 2.5 It is considered that policy DM1 is the 'most important' policy for determining this application. For completeness, the tilted balance is not engaged for any other reason, as the council has a demonstrable five year housing land supply (5.56 years worth of supply) and have not failed to deliver at least 75% of the housing delivery test requirement (delivering 80%).
- 2.6 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 557 dwellings per annum. Policy DM1 places a blanket restriction on development which is located outside of settlement confines, which is significantly more restrictive than the NPPF. As a matter of judgement, it is considered that policy DM1 is out-of-date and, as a result, should carry reduced weight. Policy DM1 states that development will not be permitted outside of the settlement boundaries, unless it is justified by another development plan policy, functionally requires a rural location or is ancillary to existing development or uses. The site is located within the settlement confines and therefore accords with Policy DM1.
- 2.7 Policy DM1 is out-of-date and is critical to the determination of this application, being the 'most important policy'. The 'tilted balance' described at paragraph 11 (d) of the NPPF is therefore engaged.

Impact on the Character and Appearance of the Area

- 2.8 The immediate feature of the site is the very strong 'treescape', with mature trees extending up the bank and, effectively hiding the standing structures from general view. This gives the site the appearance of a small wooded area towards the periphery of the otherwise relatively tight-knit village. Nevertheless, it is relevant to note that the density of the built-up area significantly reduces towards the end of the settlement (i.e. where the site is located). Immediately opposite the site across The Street are an eclectic mix of relatively large buildings of varying ages from C16th to C19th occupying large plots. The Street is characterised by street fronting linear development although it is noted that there is no consistency in terms of its overall scale and design. The development to the north (properties fronting Glebelands) is completely hidden from view from The Street and is only apparent when approached either by Molland Lane or on foot via the public footpath.
- 2.9 The existing building on the site could be accessed by the existing (historic) access which is a steeply rising drive from the corner of the plot at the intersection of the public footpath with The Street, and the drive leads to the immediate right of the house. A Heritage Statement has been received with the application which gives a detailed summary of the features of the existing redundant dwelling. It concludes that the existing house has been little altered and retains much of its original features internally. It is also stated, "*The historic Ordnance Survey maps show that the structures existed in 1873 and the subsequent layers show that the footprint has remained unaltered. The maps indicate that the trees were a feature of the site from earliest times and indicate 'mini parkland' tree planting*".
- 2.10 It is noted that the site would utilise the existing (historic) access which would be widened, and a number of trees would have to be lost. The Planning Statement also makes it apparent that substantial vegetation clearance would be required towards the

rear of the site. The proposed block plan shows a driveway into the site running along the boundary with Glebelands. In respect of the layout, it is noted that the development in this part of the village is low density with the majority of the buildings facing towards The Street, however, the separation from the road varies considerably, with some buildings directly addressing the road and others set back by a significant distance. It is considered that the unplanned, sporadic and diverse character of the properties produces a strong defining character to the area. The proposed development although has a planned layout, which neither provides street fronting development nor larger properties set back from road within spacious plots, it is relevant to note that the site is significantly elevated from The Street and this variation would not result in unacceptable harm to the character and appearance of the street scene. In addition to this, the existing mature tree screening would be retained where possible which would screen the majority of the development from views in The Street.

- 2.11 In respect of detailed design, the proposal seeks to incorporate contemporary architectural features. The Planning Statement describes how this design approach responds to the character of the area in a contemporary manner. It makes reference to a collection of gables that echo that of the village, providing modest rural houses set amongst a large tree canopy. The pitched roofs create a traditional roofscape offsetting the neighbouring dwellings to the north. The use of yellow brick and slate roofs compliment the retained dwelling to the front of the site. The window frames will match the slate in colour to give the building a complete composition which is coherent and clear. The use of high quality brickwork with careful and precise detailing give depth and texture to the exterior to create a modern building of its time and setting. It is described as having an *“architectural language that reflects order and proportion with large windows forming a dignified composition within the site. This language is traditional in principle, but contemporary in detail”*. In turn, the site would not be highly prominent in views from the Conservation Area or the street scene. I am therefore satisfied that the character and appearance of the Conservation Area would be preserved.
- 2.12 In conclusion, the proposed development is considered well sited and appropriately designed and would not cause harm to the character and appearance of the street scene. It would therefore accord with paragraph 130 of the NPPF.

Impact on Heritage

- 2.13 Regard must be had to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which requires that, in relation to listed buildings, “special regard” be had to “the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Regard must also be had for the provisions of the NPPF, in particular the paragraphs (199–202) at Chapter 16. Notwithstanding the statutory duty, the NPPF paragraph 202 requires that regard must be had for whether development would cause harm to any designated heritage assets, whether that harm would be substantial or less than substantial and whether, if harm is identified, there is sufficient weight in favour of the development (public benefits) to outweigh that harm.
- 2.14 The applicant’s Heritage Statement notes that the dwelling in question is shown on the 1st Edition Ordnance Survey map of 1873 (Kent XLVII.4 Series: Ordnance Survey, 25 inch to the mile). The 1840 tithe indicates a property within generous grounds on this site. The existing building, by virtue of its polite architectural detailing and use of gault brick and welsh slate is likely to date to the mid C19. Although internal access was not gained (for reasons of public health), externally the building retains its original features such as sash windows and door surround. In addition, the former ancillary outbuildings

including coach house remain largely unaltered, resulting in an attractive ensemble. Being set back from the street frontage and with fairly large grounds is unusual for this Conservation Area. Although now largely shielded from view by mature trees, the building is orientated to address its single access route and consequently a view is provided of the principle elevation from this vantage. With the surrounding vegetation the site provides a quiet semi-rural character on the edge of the settlement. Therefore, by virtue of its age, setting and architectural detailing, the property and its related courtyard structures is considered to be a non-designated heritage asset. In reaching this conclusion regard has been had for the 'values' within Historic England's 'Conservation Principles, Policies and Guidance'.

- 2.15 Having visited the site and from the photos submitted with the heritage statement, it is not considered that the building is in an 'unrepairable' state as had been originally asserted by the applicant within the Planning statement (such that the only option is to demolish). No evidence had been submitted to evidence this claim, for example a detailed structural survey to demonstrate whether or not the building is beyond repair. I refer to the paragraph 189 of the NPPF which explains that heritage assets (which includes non-designated heritage assets) are "an irreplaceable resource and should be conserved in a manner appropriate to their significance". At paragraph 197 (a) of the NPPF, it states, "In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". The building and its related courtyard structures have historic and architectural value and are considered to be a positive contributor to the character of this part of the Ash Conservation Area. In light of the above, discussions were had with the applicant's agent in this regard, and it was eventually agreed by the applicant that the building could be retained and restored with some refurbishment works although it is also proposed to extend the principal building. Having reviewed the amended drawings, it is considered that the proposed conversion and extension of the non-designated heritage asset would not cause harm to its significance whilst also bringing the disused building back into residential use.
- 2.16 In respect of the Conservation Areas and the nearby listed buildings, DDC's Heritage has confirmed that they are satisfied that the proposed development is well screened and appropriately designed and as such it would preserve the character and appearance of the Conservation Area and the setting of the nearby listed buildings. For the above reasons and having regard to both the statutory duty of the council under The 'Act' and the policy within the NPPF, no harm would be caused to the setting of the Listed Building or the Conservation Area. It would therefore accord with paragraphs 189, 197 and 203 of the NPPF.

Impact on Trees

- 2.17 I would refer back to the heritage statement which states, "*The maps indicate that the trees were a feature of the site from earliest times and indicate 'mini parkland' tree planting*". A number of third party representations have been received raising concerns regarding the loss of trees on the site. It is relevant to note whilst the proposed development would require substantial clearance of the existing vegetation on the site to accommodate the proposed dwellings, it would not result in the loss of high amenity value trees. DDC's Tree Officer had previously raised concerns regarding the potential impact on the protected trees annotated as T1, T2, T3 and T4, by virtue of construction of driveway over the root protection zones. Subsequently, a tree survey was submitted together with a tree protection plan. This was reviewed by the DDC's Tree Officer and the proposal was deemed acceptable subject to a condition requiring execution of the tree protection plan during the construction period.

Highways/Travel Impacts

- 2.18 Policy DM13 of the Core Strategy suggests that a minimum of two independently accessible car parking spaces be provided for residents of the dwelling, together with an additional 0.2 spaces per dwelling for visitors, although parking should be a designed process. The application proposes 21 off street car parking spaces within the site, which includes two communal visitor spaces. Therefore, the proposal makes adequate provision for the off-street parking spaces thereby meeting the needs generated by the future occupants of the proposed development. The proposed development would therefore accord with policy DM13 of the Core Strategy.
- 2.19 The development includes provision for cycle parking spaces. In accordance with the recommendations of the Kent Design Guide (including Interim Guidance Note 3) and the NPPF, and to encourage and facilitate the use of this sustainable form of transport, it is considered that provision of cycle parking (at one space per bedroom) should be secured by condition.
- 2.20 With regards to the access to the development, it is proposed to utilise the existing access. KCC Highways initially raised concerns regarding the use of the existing access for the proposed development. It was advised that the existing on-street parking takes place opposite the site access and along the southern side of The Street, extending both eastwards and westwards from the access. It had not been demonstrated that the splays required are achievable due to level differences and presence of barriers/walls/street furniture. There was insufficient space for delivery vehicles to enter the site, manoeuvre and exit in a forward gear. In addition to this, it was unclear whether a suitable pedestrian link could be made as was indicated within the Transport Statement. The applicant's agent was made aware of these concerns and a series of amended drawings were received following by formal consultations with KCC Highways.
- 2.21 In the latest response, KCC Highways have confirmed that the proposals are considered satisfactory and would provide acceptable visibility and manoeuvring room at the site access. A number of conditions have been recommended to be attached to the permission. It has been advised that the proposals are likely to generate 3-4 two-way vehicle trips during the network peak hours, which is unlikely to have a severe impact on the capacity of the highway network. However, it is acknowledged that there is a lack of passing places in this section of The Street due to the demand for on-street parking. This leads to some eastbound drivers overrunning the footway immediately to the east of the site at the access to nos. 10/10A/10B/12 The Street, to make way for westbound drivers. The provision of an 11-metre length of double yellow lines opposite this access, measured from the corner of no. 11 The Street, will provide a passing place and remove the need for vehicles to overrun the footway. This improvement now forms part of the proposals. This will entail the loss of two existing on-street parking places, however, as a compensatory measure, three additional parking places would be provided within the site to mitigate this loss. These works could be secured by a suitably worded condition.
- 2.22 There is no footway fronting the site and therefore a step-free connection is proposed to the existing public footpath at the rear of the site, providing safe pedestrian access to the wider footway network and bus stops, school and other services/amenities in the village.
- 2.23 Having regard to the above, the proposed development is considered acceptable and would not cause harm to the pedestrian or highway safety. Therefore, it would be in accordance with paragraphs 110 and 111 of the NPPF.

Impact on Neighbours

- 2.24 Below is a detailed assessment of the impact on the properties adjoining the application site fronting Glebelands to the north.
- 2.25 The application site abuts the rear boundaries (properties fronting Glebelands) of nos 40, 42, 44, 46, 48, 50 and 52. The neighbouring properties where there is potential to be affected are nos 44, 46, 48 and 50. Therefore, detailed assessment of the potential impacts has been carried out. Nos 40, 42 and 52 are at substantial separation distances from the proposed dwellings. Therefore, it is not considered that the proposed development would cause harm to the residential amenity of the neighbouring properties.

Nos 46, 48 and 50 Glebelands

- 2.26 The proposed dwelling 'Unit 7' (L-shaped two storey detached dwelling) is sited along the rear boundary of the site and would sit at a distance of approximately 19.5m from no.50 and 20m from no.48 and 25m from no.46 their rear elevations. Having regard for the adequate separation distance together with boundary screening, it is not considered that the proposed dwelling would cause sense of enclosure, loss of light or overshadowing to the neighbouring occupants of nos 46, 48 and 50 Glebelands.
- 2.27 With regards to loss of privacy, no windows are proposed to the side elevation of the proposed dwelling facing nos 48 and 50. It is noted that the first floor elevation facing no.46 would have two windows serving two bedrooms. The nearest window would be approximately at a distance of 20m and 25m from the area of private gardens of nos 48 and 46 respectively. Whilst some glimpse views of the private gardens would be achievable particularly given the topography of the site, it is not considered that the loss of privacy would be sufficiently harmful to justify withholding permission on this basis.
- 2.28 In conclusion, the proposed development is considered well designed and would not prejudice the living conditions of the neighbouring occupants. The proposal would therefore accord with paragraph 130 of the NPPF.

Nos 44 and 42 Glebelands

- 2.29 The proposed semi-detached pair of dwellings (Units 2 and 3) would lie at a distance of approximately 16.2m and 12m from the dividing boundaries with nos.44 and 42 respectively; and approximately 25m and 21.5m from the rear elevations of nos 44 and 42. Whilst the separation distances are felt to be sufficient, it is acknowledged that a degree of perception of overlooking may still persist. However, on balance, it is not felt that the perception of overlooking would be so severe to warrant a refusal of the application on this basis.

Drainage

- 2.30 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 on-site or 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.

- 2.31 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.

Ecology

- 2.32 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. Regard has been had to Natural England's Standing Advice which suggests that in rural areas, the likely presence of bats, breeding birds, badgers, reptiles and great crested newts could be expected. The application site is in a rural location. The site itself contains unmanaged vegetation surrounded by dense mature trees/hedges albeit, it is noted that a number of mature trees have been felled and other vegetation cleared. Nevertheless, the site still contains established trees/hedges and other vegetation which could provide habitat for protected species.
- 2.33 The application has been supported by a Preliminary Ecological Appraisal (PEA), a bat survey and a reptile survey. It is noted that the reptiles survey was recommended within the Phase 1 Habitat Survey however it has not been carried out. The Council's ecologist has accepted the recommendations made in relation to enhancements and has recommended further conditions to secure the habitat for bats. In respect of reptiles, the additional report concluded that no reptiles were found during the seven surveys, therefore reptiles are expected to be absent from the site and no mitigation measures were considered necessary in this instance.

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

- 2.34 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.
- 2.35 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.
- 2.36 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.
- 2.37 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.
- 2.38 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

- 2.39 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.
- 2.40 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.
- 2.41 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.
- 2.42 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.
- 2.43 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.
- 2.44 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.

- 2.45 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.

3. Conclusion

- 3.1 It is concluded that no harm would arise in respect of the character and appearance of the wider Conservation Area or the street scene. The development would retain the non-designated heritage asset and bring the disused structure back into use. It would not cause harm to the residential amenity of the neighbouring occupiers. It is considered acceptable in terms of highways impact, drainage and ecology. Having regard to the above, it is recommended that the application be approved, subject to conditions.

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, PLANNING PERMISSION BE GRANTED, subject to conditions which include:

- 1) 3-year standard time limit
- 2) Approved plans
- 3) Samples of materials
- 4) Provision of bike and bin storage prior to first occupation
- 5) Precommencement condition - Demolition and Construction management plan (Routing of demolition, construction and delivery vehicles to/from site; Parking and turning areas for demolition, construction and delivery vehicles and site personnel; Timing of HGV movements (these are likely to be restricted during school drop-off and pick-up periods); Provision of wheel washing facilities; Temporary traffic management / signage; Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development; Site access arrangements).
- 6) Provision of measures to prevent the discharge of surface water onto the highway.
- 7) Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, including the retention of public access to the three spaces between units 1 and 2.
- 8) Use of a bound surface for the first 5 metres of the access from the edge of the highway.

- 9) 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.
 - 10) Completion of the access and associated highway alterations (parking restrictions) shown on the submitted plans prior to the use of the site commencing. Applicant to use best endeavours to secure the necessary Traffic Regulation Order and implement the parking restrictions.
 - 11) 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.
 - 12) Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing.
 - 13) Completion of the step-free paved connection to public footpath EE117 at the rear of the site prior to the use of the site commencing.
 - 14) Provision of electric charging points
 - 15) Removal of PD rights (classes A, B, C, D and E)
 - 16) Removal of PD rights for insertion of window openings at first floor level
 - 17) Joinery details, eaves details, ridge details at 1:10 for the non-designated heritage asset.
 - 18) Hand dug condition and tree protection measures
 - 19) Programme of archaeological works
 - 20) Building's recording prior to demolition works
 - 21) Ecological mitigation and enhancement works
 - 22) Landscaping scheme
 - 23) Precommencement condition requiring submission of a detailed scheme for surface water disposal
 - 24) Precommencement condition requiring submission of a detailed scheme for foul water drainage
 - 25) Boundary treatment and hard surfacing
- II. Powers to be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Lucy Holloway