

Report DCL/18/42

Application No: Y18/1075/FH

Location of Site: Land Adjoining 141 Coast Drive, Lydd On Sea, Romney Marsh, Kent, TN29 9PD

Development: Erection of a detached dwelling with associated car parking, following the demolition of a garage

Applicant: Mrs T Luetchford

Agent: Mr James Smith
Drawing Services Ltd
Hydene
Barrack Hill
Hythe
Kent
CT21 4BY

Date Valid: 28.11.18

Expiry Date: 23.01.19

PEA Date: 08.05.19

Date of Committee: 30.04.19

Officer Contact: Alexander Kalorkoti

SUMMARY

The proposal for a single new dwellinghouse with parking following the demolition of a garage is considered to be acceptable in principle within the settlement boundary and with a low risk of flooding. The simple pitched roof design and choice of materials, which closely mirrors neighbouring development is considered to be acceptable with regard to visual impact and it is considered that the proposal would not bear any significant or detrimental impact on the amenities enjoyed by neighbouring occupiers. The proposed layout provides for off-street parking to meet the relevant standards and is considered to be acceptable with regard to parking and would not give rise to any issues of highway safety. As a result of the above, the application is recommended for approval subject to conditions.

RECOMMENDATION: That delegated authority be given to the Chief Planning Officer to grant planning permission subject to the conditions set out at the end of the report; and to agree and finalise the wording of the conditions and add any other conditions that he considers necessary following the expiry of the notification period to the Romney Hythe and Dymchurch Railway, subject to no objection being received from them.

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1.0 THE PROPOSAL

- 1.1 The proposal comprises of the erection of a detached dwelling with associated car parking, following the demolition of an existing garage.
- 1.2 The proposed dwelling would be a chalet bungalow with a simple pitched roof, front porch and front rooflights.
- 1.3 In terms of materials, the proposed dwelling would be finished with facing brickwork at ground floor, cladding to the side gable ends and inter-locking tiled roof. The proposal also includes uPVC windows and doors for the new dwelling, a 1.5m high close-boarded boundary fence and tarmac vehicular access.
- 1.4 Internally, the proposed dwelling would have a hallway, lounge/dining room, bathroom, bedroom and kitchen at ground floor, with two further bedrooms at first floor level.
- 1.5 Two off-street parking spaces would be provided to the front of the new plot.
- 1.6 In terms of amenity space, the proposed dwelling would have a rear garden of 7.6m in depth, reducing to 6.3m in depth across the width of the proposed dwelling.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:
 - Lydd Settlement Boundary
 - Area of interest to the Romney Marshes Area Internal Drainage Board
 - SSSI Risk Impact Zone

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is a corner plot of Coast Drive and Williamson Road, and is bound on the western boundary by the Romney, Hythe & Dymchurch Railway.
- 3.2 In terms of designations, the opposite/east side of Coast Drive from the site is within a National Nature Reserve, Special Area of Conservation, Special Protection Area, Ramsar and the Dungeness, Romney Marsh and Rye Bay SSSI.
- 3.3 The main building of the existing corner plot is a chalet bungalow finished in painted render, a tiled roof and uPVC windows, with a flat-roofed rear extension, detached rear garage and facing brick boundary walls. The application site would be created by subdividing part of the rear garden of the existing plot.

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4.0 RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history in relation to this proposal.

5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Lydd Town Council
Support the application.

5.3 The Environment Agency
Assess the application as having a low environmental risk.

5.4 Natural England
No objection as it is considered that the proposed development would not have significant adverse impacts on statutorily protected sites.

5.5 Romney, Hythe & Dymchurch Railway
Awaiting comments

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 07.01.19

7.0 REPRESENTATIONS

7.1 No representation responses were received in relation to this application.

8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, HO1, BE1, U1, TR5, TR11, TR12, CO11.

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, CSD5.

8.4 The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent

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examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, HB3, NE2, HB10

- 8.5 The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

The following policies of the Core Strategy Review Submission Draft 2019 apply: SS1.

- 8.6 The following Supplementary Planning Documents apply:
Kent Design Guide: Interim Guidance Note 3

- 8.7 The following paragraphs of the National Planning Policy Framework 2019 apply in particular:

8 & 10 – Achieving sustainable development.
70 – Identifying land for homes
122 – Achieving appropriate densities

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this current application are the principle of development, design and visual appearance, amenity for future occupiers, amenities of neighbouring occupiers, parking and highways, and nature conservation.

Principle of Development

- 9.2 Saved policy HO1 of the local plan sets out that infill development within existing urban areas may be permitted subject to environmental and highway safety considerations. The site is located within Lydd on Sea residential area which is recognised in the settlement hierarchy as a primary village in Core Strategy Table 4.3, as being within the Greatstone-On-Sea

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settlement boundary, and is defined as a settlement 'which contributes to strategic aims and local needs and as a settlement has the potential to grow'. As such in this location, the principle of infill residential development within a primary village is acceptable subject to all other material planning considerations being satisfactorily addressed. Whilst garden land is not classified in the NPPF as brownfield land, there are no local or national policies restricting development on garden land in principle.

- 9.3 With regard to flood risk, the site has previously been identified as being within Flood Zone 3a by the Environment Agency. However following an update of the EA's flood map the site is no longer shown as being within a flood zone. The site is also not shown as being at risk of flooding on the hazard maps contained with the Shepway Strategic Flood Risk Assessment (SFRA). The EA has previously advised that 'more vulnerable' residential development in this area should be subject to both the sequential and exception tests, however given the change in flood risk classification it is considered that the aforementioned tests are not applicable in this case. The site is considered to be of low environmental risk, as confirmed in the EA's consultation response, and therefore consistent with the aim of steering new development to areas with the lowest probability of flooding. In light of the above, the proposal is considered to be acceptable with regard to flood risk to life and property for the lifetime of the development.
- 9.4 In light of the above, the principle of residential development in this location is considered to be acceptable.

Design & Visual Appearance

- 9.5 The proposed dwelling is simple in design with openings on the ground floor and front roof slope. A porch canopy would be provided above the front door which would create a focal point and some architectural interest. The basic design premise is appropriate for the site and while not of outstanding design quality, it reflects the appearance of existing dwellings in the locality, particularly the dwelling directly opposite, and is in keeping with the area.
- 9.6 Although it is acknowledged that the properties in the area typically have longer gardens than the proposed dwelling, the width of the plot is comparable to the surrounding development so that it would not appear out of keeping in the streetscene. The width of the surrounding plots also dictate the modest size of the small dwellings that are sited upon them.
- 9.7 As referenced above, the palette of materials and grouping is also simple and logical, with facing brickwork at ground floor, cladding to the side gable ends and an interlocking tiled roof.
- 9.8 In light of the above, the proposal is considered to be acceptable with regard to design and visual appearance.

Amenity for Future Occupiers

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- 9.9 It is acknowledged that the size of the proposed plot is limited, a constraint which was identified in relation to the plot opposite, subject of application Y14/0114/SH. Given the dimensions and parallel boundaries of this site, this plot is more constrained in terms of space than the plot opposite which has been subdivided and developed for a single new dwelling under permission Y14/0114/SH. In terms of space standards, emerging policy HB3 of the Places & Policies Local Plan sets out the nationally described technical housing space standard. In the case of a three-bedroom dwelling arranged over two storeys, as included in the proposal, the space standards set out a minimum internal space of 84 sq m.
- 9.10 From the submitted plans, the internal floor area of the new dwelling would measure 81 sq m and although this falls short of the space standard stated in the emerging policy, it is considered that the extent of the shortfall is minor in this case and would not significantly or detrimentally compromise the amenity enjoyed by future occupants of the dwelling.
- 9.11 Although it is noted that the resultant plot would provide a garden with a depth of 7.6m narrowing to 6.3m across the width of the proposed house, as opposed to the recommended depth of 10m set out in emerging policy HB3, it is considered that this would provide a useable garden space in close proximity to additional amenity provided by the coastline, and in spite of the reduction in external space for the existing house (141 Coast Drive) would leave the main house with adequate outdoor amenity space in the form of a rear garden with a maximum depth of 13.3m reducing to 6.5m as a result of the layout of the main house. In light of the above, it is considered that a variation to the space standards set out in emerging policy HB3 is acceptable in this case and that the proposal is in accordance with emerging PPLP policy HB10 in relation to development within residential gardens. It is not considered that the development would result in an overdevelopment of the site and sufficient amenity space would be provided for both the proposed and existing dwelling. In terms of amenity for future occupiers, the planning agent has confirmed that the rooflights which would provide natural light and outlook to the proposed bedrooms at first floor level would be set at a maximum of 1.05m above finished floor level. As such, it is considered that the rooflights would provide acceptable outlook to the bedrooms, which constitute principal habitable space within the proposed dwelling.
- 9.12 In light of the above, the proposal is considered to be acceptable with regard to the space standards and amenity for future occupiers.

Amenities of Neighbouring Occupiers

- 9.13 The dwelling has been carefully designed to overcome any overlooking issues by limiting openings to the front elevation and ground floor at the rear such that there would be no overlooking onto private amenity areas of the adjacent properties. Given the scale and relative location of the proposed bungalow within the subdivided plot, it is considered that the retained separation distances would ensure that a significantly detrimental overshadowing or overbearing impact is not created by the proposal on

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either the neighbouring boundary to the rear or the side boundary shared with the rear of the corner plot (141 Coast Drive).

- 9.14 The site is otherwise separated from the neighbour to the west by the RHD Railway line. It is therefore considered that there would be sufficient separation between dwellings that the proposal would not cause any discernible impact on the nearest neighbouring property to the west by way of overlooking, overshadowing or overbearing.
- 9.15 While it is acknowledged that the site is adjacent to the light railway track which might cause some disturbance to future occupants, this is not a mainline train track but a tourist/leisure feature. The trains are slower and less frequent in comparison to a normal rail line and it is worth noting that the railway is not operational at night. In addition, it is noted that the side elevation facing directly on to the railway line includes a single external door to the kitchen only to further limit any impact on the amenity enjoyed by future occupants. In this respect, it is considered that this feature of the area would not cause demonstrable harm to amenity.

Parking & Highways

- 9.16 The proposed layout allows for an extended vehicular access to serve the property and two independently accessible off-street parking spaces to the frontage of the property. The access is some distance from any junction and has good visibility. The parking arrangement would meet the recommended provision set out in the Kent Design Guide: Interim Guidance Note 3. It is therefore considered that the proposal is acceptable with regard to highway safety parking provision and would not result in any associated issues of highway safety subject to a condition to ensure the laying out and retention of the parking spaces shown on the submitted plan.
- 9.17 The development is not considered to adversely affect the adjacent Romney Hythe and Dymchurch Light Railway track visibility and level crossing warning lights.
- 9.18 In light of the above, the proposal is considered to be acceptable with regard to parking and highway matters.

Nature Conservation

- 9.19 As referenced above the application site, formed through the subdivision of the existing rear garden of no.141, would fall outside of statutorily protected sites. In terms of designations which are in close proximity to the application site, the opposite/east side of Coast Drive falls within a National Nature Reserve, Special Area of Conservation, Special Protection Area, Ramsar and the Dungeness, Romney Marsh and Rye Bay SSSI. As the site falls within the Risk Impact Zone in relation to the nearby SSSI, Natural England were consulted and raise no objection as they considered that the proposed development would not have significant adverse impacts on statutorily protected sites.

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- 9.20 In line with Natural England's advice, due to the nature of the proposal for the subdivision of the existing plot and the erection of a single new dwellinghouse, it is considered that the impacts of the proposal beyond the site's boundaries would be relatively minor and would not bear a significantly detrimental impact upon the diverse coastal landscape, which is recognised as a nationally and internationally important site of coastal geomorphology.
- 9.21 Given the scale and extent of the proposal as outlined above and its relative location to the Natura sites (Special Area of Conservation and Special Protection Area), it is considered that the proposal would not have a 'likely significant effect' on a Natura site and as such an appropriate assessment/Habitats Regulations Appraisal (HRA) under the Habitats Regulations is not required.
- 9.22 As a result, the proposal is considered to be acceptable with regard to nature conservation.

Environmental Impact Assessment

- 9.23 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 9.24 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 9.25 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new residential floor space.
- 9.26 New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

- 9.27 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the

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individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

9.28 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

9.29 This application is reported to Committee as the applicant is an employee of the Council.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That delegated authority be given to the Chief Planning Officer to grant planning permission subject to the conditions set out at the end of the report; and to agree and finalise the wording of the conditions and add any other conditions that he considers necessary following the expiry of the notification period to the Romney Hythe and Dymchurch Railway, subject to no objection being received from them.

Conditions

1. Standard Time Condition
2. Approved Plan Numbers
3. Materials
4. Water Efficiency
5. Hard & Soft Landscaping
6. Removal of PD Rights
7. Car Parking Laying Out and Retention for Parking Purposes

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8. Cycle Parking Laying Out and Retention
9. Surface Water Disposal

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