

DCL/19/23

Application No: Y19/0313/FH

Location of Site: Shepherds Meadow Woodland Road Lyminge Folkestone Kent
CT18 8DW

Parish/Town Council: Lyminge Parish Council

Ward: North Downs West

Development: Erection of a replacement dwelling following demolition of existing dwelling.

Applicant: Mr & Mrs D Best

Agent: Miss Karen Banks
Rebus Planning Solutions 36 Basepoint Business Centre
Shearway Business Park Shearway Road Folkestone Kent
CT19 4RH

Officer Contact: Louise Daniels

Site Area (ha): 0.03

SUMMARY

This report considers whether planning permission should be granted for the erection of a replacement two-storey dwelling following demolition of the existing chalet bungalow dwelling. The report recommends that planning permission be granted as although the replacement dwelling would be slightly larger in footprint than the existing chalet bungalow, it would comply with policy HB5 (replacement dwellings in the countryside) of the Places and Policies Local Plan, and it is considered that the design would preserve the character of the surrounding countryside, Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area.

RECOMMENDATION:

That planning permission be approved subject to the conditions set out at the end of the report.

1. INTRODUCTION

1.1. The application is reported to Committee because of the objection raised by Lyminge Parish Council.

2. SITE AND SURROUNDINGS

- 2.1. The application site is situated on the western side of Woodland Road, within the area of Lyminge outside the defined settlement boundary. The application site is within open countryside outside of defined settlement boundaries, within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the locally designated Special Landscape Area (SLA).
- 2.2. The existing dwelling is a small chalet bungalow with a hipped roof set back from the road frontage. There is a 'Nissen hut' outbuilding to the north-west of the existing dwelling. There is a large field to the rear of the existing dwelling, which is under the same ownership, and is used to keep horses. Access to this field is from within the application site, to the south of the Nissen hut. There is a public footpath to the rear of the site which crosses the horse fields to the rear.
- 2.3. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Planning permission is sought for the demolition of the existing chalet bungalow (Fig.1) and for the erection of a replacement two-storey dwelling (Fig.2). The dwelling would be sited in the same location and orientation to the existing dwelling, set at an angle to the road, with a slightly larger footprint than the existing. The proposed roof is of dual-pitched, with half dormers to the front and rear. At ground floor level a hipped canopy roof is proposed above the front entrance door with a window to either side. To the north-west side elevation ground and first floor windows and a glazed door are proposed, to the south-east side elevation only first floor windows are proposed.
- 3.2 The proposed roof and first floor are proposed to be red/orange plain clay interlocking and hanging tiles, with the ground floor being red/brown multi-facing brickwork. Windows are proposed as white powder coated aluminium.
- 3.3 Internally the dwelling would comprise of an open plan sitting room, dining room and kitchen, a study and a W.C. / shower room at ground floor level, and four bedrooms (one en-suite) and a bathroom at first floor level.



(Figure 1) Existing front elevation (north-east)



(Figure 2) Proposed front elevation (north-east)

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y18/0364/SH	Erection of a replacement dwelling (resubmission of planning application Y17/0878/SH)	Refused
Y17/0878/SH	Erection of a replacement dwelling.	Refused
Y17/0085/SH	Change of use of agricultural land to the keeping of horses together with the erection of a stable block.	Approved with conditions

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Lyminge Parish Council: Object on the following grounds:

- The proposed dwelling represents an overdevelopment in comparison to the existing dwelling.
- The proposed scheme is not significantly improved in comparison to previously refused schemes.
- Overlooking of the adjacent property.
- The increased height would make the dwelling more visible in an AONB.
- Permitted development rights should be removed.

KCC Ecology: No objection. Bat surveys were originally required however, after re-reviewing the imagery, as well as reading the description of the existing building on-site (i.e. the brickwork and tiles being in good condition), there is a negligible potential for roosting bats to be present. Therefore no further information is required to be submitted. However, in alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Therefore, ecological enhancements should be secured by condition.

Environment Agency: No objection subject to details of foul and surface water drainage being secured by condition, and a standard contamination condition.

Southern Water: There are no public sewers in the area to serve the development. The applicant is advised to explore alternative means of foul sewerage disposal. The Environment Agency should be consulted regarding use of a private wastewater treatment works or septic tank which disposes effluent to sub-soil irrigation. The Council's Building Control Officers should be

consulted as to the adequacy of soakaways to dispose of surface water drainage.

Local Residents Comments

5.2 1 neighbour directly consulted and 1 letter of objection received.

5.3 The key issues are summarised below:

Objections

- The existing bungalow is an example of a 1930's bungalow which contributes to the character of the area.
- It is a prominent and sensitive location and close to a public footpath.
- The proposed dwelling design is not in keeping and will be of less visual presence than the existing building.
- It would be more sustainable to alter / upgrade the existing building, than demolish and replace it.
- No details have been submitted regarding foul sewerage, trees and hedged, and biodiversity. Reports addressing these issues should be obtained.
- The proposed dwelling will be larger and taller than the existing building and will have a more harmful impact upon the AONB.
- A larger dwelling will be less affordable than the existing dwelling, which would conflict with the objective of delivering a mix of housing types.
- The proposed dwelling could be extended in the future; permitted development rights should be removed.

5.4 Responses are available in full on the planning file on the Council's website:
<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6 RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded some weight, according to the criteria in NPPF paragraph 48.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public

consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.4 The relevant development plan policies are as follows:-

Folkestone and Hythe District Local Plan Review (2013)

SD1 - Sustainable Development

BE1 - Standards expected for new development in terms of layout, design, materials etc.

BE16 - Requirement for comprehensive landscaping schemes

HO1 - Housing land supply

CO1 - Countryside to be protected for its own sake

CO4 - Special Landscape Areas and their protection

CO20 - Criteria for replacement dwellings in the countryside

U1 - Criteria to be considered for development proposals relating to sewage and wastewater disposal for four dwellings or less, or equivalent

U15 - Criteria to control outdoor light pollution

TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes

TR11 - Accesses onto highway network

TR12 - Vehicle parking standards

Folkestone and Hythe Local Plan Core Strategy (2013)

DSD - Delivering Sustainable Development

SS1 - District Spatial Strategy

SS3 - Place-Shaping and Sustainable Settlements Strategy

CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

Places and Policies Local Plan Submission Draft (2019)

HB1 - Quality Places through Design

HB2 - Cohesive Design

HB3 - Internal and external space standards

HB5 - Replacement dwellings in the countryside

T2 - Parking Standards

T5 - Cycle Parking

NE2 - Biodiversity

NE3 - Protecting the District's Landscapes and Countryside

NE5 - Light Pollution and External Illumination

NE7 - Contaminated Land

CC1 - Reducing Carbon Emissions

CC2 - Sustainable Design and Construction

CC3 - Sustainable Drainage Systems (SuDS)

Core Strategy Review Submission draft (2019)

SS1 - District Spatial Strategy

SS3 - Place-Shaping and Sustainable Settlements Strategy

CSD4 - Green Infrastructure

Government Advice

National Planning Policy Framework (NPPF) 2019

- 6.5 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 102 to 107 - Promoting sustainable transport.

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 148 to 165 - Meeting the challenge of climate change, flooding

Paragraphs 170 to 177 - Conserving and enhancing the natural environment.

Paragraphs 174 to 177 - Habitats and biodiversity.

Paragraphs 178 to 183 - Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Natural Environment

National Design Guide October 2019

C1 – Understand and relate well to the site, its local and wider context

I2 – Well-designed, high quality and attractive

Paragraph 53 *‘Well designed places are visually attractive and aim to delight their occupants and passers-by’.*

N3- Support rich and varied biodiversity

7 APPRAISAL

- 7.1 In light of the above the main issues for consideration are:

a) Principle of a replacement dwelling

- b) Visual and landscape impact
- c) Standard of accommodation/ amenity of occupiers
- d) Neighbouring amenity
- e) Transport and highways
- f) Landscaping, trees and biodiversity
- g) Flooding and Drainage
- h) Land contamination

a) Principle of a replacement dwelling

- 7.2 The application site is outside any defined settlement boundary and within the open countryside and therefore policies CO20 of the Local Plan and HB5 of the PPLP apply.

Saved policy CO20 states:

The District Planning Authority will grant planning permission for a replacement dwelling in the countryside subject to proposals meeting all of the following criteria:

- a) the dwelling to be replaced is in a lawful residential use;*
- b) development is of a high standard of design and in keeping with the character of the locality and would not damage the quality of the landscape;*
- c) the replacement dwelling is not significantly more intrusive in the landscape than the one it is replacing and in the case of small dwellings, the replacement would also not be substantially larger in size and massing*
- d) the existing dwelling cannot practicably be adapted or extended, in accordance with Policy CO21.*

Where the siting of a replacement dwelling does not directly result in the demolition of the existing dwelling, a condition may be attached to a permission to require demolition on completion of the new dwelling.

Emerging policy HB5 states:

Planning permission will be granted for replacement dwellings in the countryside provided that:

- 1. The existing dwelling has a lawful residential use;*
- 2. It can be demonstrated that the scale, bulk, massing, external appearance, architectural detailing, materials, lighting and location within the site does not harm the wider landscape, the functioning of neighbouring uses or the amenities of nearby residents; and*
- 3. It can be demonstrated that a suitable access can be achieved.*

Emerging policy HB5 no longer requires the existing dwelling to not be adaptable or extendable.

- 7.3 Application Y18/0364/SH (Fig.4) was for a replacement dwelling and was refused as the proposal was much larger than is currently proposed under this application. The proposed dwelling was considered to significantly increase the visual dominance of the dwelling within the AONB and SLA resulting in harm to the natural beauty, appearance and character of the designated countryside location. It was therefore considered contrary to saved policies CO4 and CO20 of The Shepway District Local Plan Review; policy CSD4 of the Shepway Core Strategy Local Plan; and guidance in the National Planning Policy Framework (paragraph 115) which seek to protect designated landscapes and ensure replacement dwellings are not substantially larger and more intrusive on the landscape than the existing dwelling. The previous application Y17/0878/SH (Fig.3) was refused for the same reasons.



(Figure 3) Proposed front elevation (north-east) as refused under Y17/0878/SH



(Figure 4) Proposed front elevation (north-east) as refused under Y18/0364/SH



(Figure 5) Proposed front elevation (north-east)

- 7.4 This current application by contrast to the previous two refusals is much smaller (Fig.5). In addition, the PPLP is at a much more advanced stage and therefore has significant weight in the assessment of this application whereas previously the emerging policy did not form part of the decision making. The emerging policy is slightly less restrictive than the saved policy and no longer requires replacement dwellings to not be substantially larger in size and massing and instead, has a requirement that the proposed dwelling is not harmful to the landscape in terms of its scale.
- 7.5 The application site has a lawful residential use, and has a suitable vehicular access which it is proposed would be utilised to serve the replacement

dwelling. The existing dwelling is not of a particularly high standard in design terms or of particular architectural merit. As such, it is not considered to be a non-designated heritage asset and its demolition is therefore considered to be acceptable as there are no planning grounds to resist this.

- 7.6 It has been raised in representations that the retention and improvement of the dwelling would be a more sustainable option than its demolition and replacement. This is acknowledged, however there is no policy requirement to first consider renovation and/ or extensions before considering demolition. As such, this is not considered to be a reason warranting the refusal of planning permission.

b) Visual and landscape impact

- 7.7 The existing dwelling is a small chalet bungalow with a hipped roof form oriented at an angle from the road. The proposed replacement two-storey dwelling would be sited in a similar position, with first floor accommodation set partially within a dual-pitched half-hipped roof form. The resulting appearance would be that of a larger dwelling, although the first floor accommodation would be set within the roof and the dual-pitched roof design would result in a reduced ridge height in comparison to a single pitch design.

- 7.8 The existing dwelling has a footprint of 93 sqm, an eaves height of 2.3m and a ridge height of 6m. The proposed replacement dwelling has a footprint of 100 sqm, and eaves height of 3.7m and a ridge height of 7m. It is therefore acknowledged that with a slightly larger footprint, a higher eaves height and a ridge height 1m higher than the existing, the proposed dwelling is larger than the existing dwelling, and would result in some additional visual impact upon the surrounding countryside. However the proposal replacement dwelling is considered to be of a much improved design and of an appropriate and not overly large scale and form, in keeping with the character of the surrounding area. Whilst the replacement dwelling would appear as a larger dwelling than the existing, it is of similar positioning and orientation, and would retain elements of the bungalow character. Overall therefore it is considered that the replacement dwelling would not cause a harmful visual impact upon the landscape and that the character of the site, the surrounding countryside, AONB and SLA would be conserved, in accordance with the aims of saved policies BE1, HB1 and NE3.

- 7.9 It is recommended that permitted development rights for extensions and alterations (Classes A, B and C), and outbuildings (Class E) be removed by condition to ensure that any future development would be controlled so as to not have a harmful visual impact in this sensitive location.

c) Standard of accommodation

- 7.10 The proposed dwelling is a four-bedroom, seven-person, two-storey design. As such, policy HB3 of the PPLP specifies a minimum size of 115 sqm. The proposed dwelling has a floorspace of 176 sqm and therefore exceeds this

standard. The proposed ground floor accommodation is generous and all of the bedrooms comply with the minimum size standards. The garden area for the dwelling is large and would comply with HB3 standards. Therefore, it is considered that the dwelling would provide a high standard of amenity for future occupiers in compliance with policy HB3 and the NPPF.

d) Neighbouring amenity

- 7.11 The closest neighbouring property to the site is Orchard Cottage which is located over 40 metres from the site (boundary to boundary). This is considered to be sufficient distance so that the proposed development would not impact in any significant way on neighbouring residential amenity.

e) Transport and highways

- 7.12 As existing, vehicular parking is provided on a driveway area alongside the dwelling. The submitted drawings do not show a proposed parking layout; the application form details that three car spaces and four cycle spaces would be provided. It is considered that there would be sufficient space to accommodate this provision and it is recommended that full details and implementation be secured by planning condition.

f) Landscaping, trees and biodiversity

- 7.13 No details of a scheme of soft and hard landscaping have been submitted however these details could be secured by condition.
- 7.14 There are trees on site and hedgerows situated along the boundaries. It appears that no removals are proposed or required, however the trees would require protection during construction works and therefore it is recommended that a tree protection scheme be secured by planning condition.
- 7.15 KCC Ecology have considered the nature and condition of the existing building and raise no objection to the proposed development subject to a scheme of ecological enhancements being secured by condition to ensure that a net gain is delivered in accordance with NPPF requirements. Subject to this condition the scheme is considered to comply with saved policy BE16, emerging policy NE2 and the NPPF.

g) Flooding and drainage

- 7.16 The site is within Flood Zone 1 and therefore not at high risk of flooding. There is no connection to the public sewer available, foul and surface water drainage will therefore have to be accommodated within the site. As per Environment Agency advice, it is recommended that full details of a scheme of foul and surface water drainage be secured by planning condition.

h) Land contamination

- 7.17 The Environment Agency recommend a land contamination condition, which would trigger requirements should contamination not previously identified be found to be present.

Environmental Impact Assessment

- 7.18 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

- 7.19 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. The CIL charge for this site would be £138.94 per sqm of internal floor area (although the existing floor area would be deductible and the development may be eligible for a self-build exemption).

Human Rights

- 7.20 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 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.

Working with the applicant

- 7.21 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Public Sector Equality Duty

- 7.22 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.
- 7.23 It is considered that the application proposals would not conflict with objectives of the Duty.

Conclusion

- 7.24 Although the replacement dwelling would be slightly larger in footprint than the existing chalet bungalow, it is considered that it would comply with policy HB5 (replacement dwellings in the countryside) of the PPLP, and it is considered that the design would preserve the character of the surrounding countryside, Kent Downs AONB and SLA in accordance with saved policies BE1, HB1 and NE3. The proposed dwelling is not considered to result in harm to neighbouring amenity and would provide a high level of accommodation for future occupants. Details regarding landscaping, tree protection measures, vehicle and cycle parking, ecological enhancements and drainage could be secured by condition, along with a restriction on permitted development rights for extensions, alterations and outbuildings.

8.0 Background Documents

- 8.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

9.0 Recommendation

9.1 That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary:

1. Standard implementation period
2. Materials
3. Landscaping
4. Vehicle and cycle parking
5. Foul and surface water drainage
6. Contamination
7. Ecological enhancement scheme
8. Tree removal, retention and protection measures
9. Removal of certain permitted development rights
10. External lighting scheme
11. Water efficiency

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