

Application No: Y16/1093/SH

Location of Site: Wharfdale Station Road Hythe Kent

Development: Demolition of house and erection of terrace of 4 houses with detached car ports at rear.

Applicant: Mr D Sinclair
Culverden Developments
C/o Agent

Agent: Mr Mike Simmonds
Kent Planning
18 Sene Park
Hythe
CT21 5XB

Date Valid: 04.11.16

Expiry Date: 30.12.16

Date of Committee: 20.12.16

Officer Contact: Mrs Wendy Simpson

RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 The proposal is for detailed planning permission for the erection of a terrace of 4 houses with detached car ports at the rear, following the demolition of the dwelling on the site known as Wharfdale.
- 1.2 The works include the excavation of the western part of the site so from Blackhouse Hill the proposed terrace will appear as four storeys (including accommodation in the roofspace). From the rear the terrace will appear as three storeys (including accommodation in the roofspace) due to a rise in ground levels across the site. At lower ground floor level the terrace would have a front projection across the whole frontage onto the roof of which balconies will be provided.
- 1.3 The terrace as a whole will measure about 20.25m wide; to the eaves, measuring on the Blackhouse Hill elevation, the height will be about 8.95m. To the ridge will be about 12.1m. Each house will measure about 5m wide, with the southernmost dwelling proposed with a side addition, and the garden sizes will vary in depth and shape as the site tapers towards its southern end. The proposed depths of the gardens would be between about 7.5m and 4.55m.
- 1.4 To the rear of the gardens will be a retaining wall of between about 2m to 2.35m high and at the higher ground level to the rear, will be vehicle

access off Station Road, with a car port and a driveway parking space for each dwelling.

- 1.5 To the southern end of the site, outside of the private sites of the dwellings, is to be provided a communal pathway between Blackhouse Hill and Station Road and a landscaped area, including a retained tree.
- 1.6 The proposed palette of materials is stock brick, with natural slate roof and timber weatherboard above lower ground floor level. Various balconies are proposed with glazed balustrades.
- 1.7 Within each dwelling is to be provided: at lower ground level – hallway, study and shower room; at upper ground level - a lounge and kitchen/diner/dayroom; at first floor level - two double bedrooms (one ensuite) and a family bathroom; and, at second floor level - two double bedrooms (one ensuite) and a further bathroom.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is located in a residential area, within the urban boundary of Hythe. The site shares a boundary with Station Road (private road) to the east and Blackhouse Hill to the west. The application site consists of a combination of the whole residential boundary of the existing dwelling 'Wharfdale' to be demolished and the northern part of the garden of 'Lantern Cottage' to the south of Wharfdale. To the north of the site are three short terraces of late Victorian/early Edwardian dwellings. On the western side of Blackhouse Hill the houses are 20th century, detached dwellings of individual design and in wider plots than the Victorian development opposite.
- 2.2 The property 'Wharfdale' has a Station Road address and faces that street. The existing garden of Wharfdale is set nearly 2m above the level of the highway in Blackhouse Hill and the existing house itself is set about 3.5m above the level of the highway in Blackhouse Hill. At the central point of the eastern boundary of Wharfdale with Station Road, the existing land level is about 5.5m above the level of the highway in Blackhouse Hill.
- 2.3 The local plan identifies the site as being in an area of known land instability. In support of the application has been submitted ecology Assessment, land stability report, tree survey, drainage strategy, contamination desktop study.

3.0 RELEVANT PLANNING HISTORY

No recent history.

4.0 CONSULTATION RESPONSES

- 4.1 Parish Council

Support subject to covenants being considered and addressed

4.2 KCC Highways And Transportation

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

4.3 KCC Ecology

We have reviewed the ecological information submitted in support of this application and we advise that additional information is required prior to determination of the planning application. This is in regards to the recommend bat emergence survey and additional information about the retained reptile receptor site.

Bats

One building has been classified as having low potential for bats and it is therefore recommended to undertake a bat emergence survey. We advise that this survey is undertaken prior to determination of any planning application.

Reptiles

Reptile surveys have been undertaken with a small population of grass snakes and slow worms recorded. Therefore mitigation measures will need to be provided to ensure that there is no detriment to the reptile population on site. The mitigation measures proposed include strimming the vegetation and translocating the reptiles to retained suitable habitat. No details have been provided outlining where this suitable habitat is located and from consulting with the proposed landscape plans there doesn't seem to be a provision for reptile habitat.

We advise that additional information is provided that outlines where the current reptiles were found on-site along with the provision of retained reptile habitat (shown on maps). We advise that enhancement measures are included (i.e. hibernaculas or necessary management) to ensure that the area can support additional translocated animals. This information will need to be submitted prior to determination of any planning application to allow Shepway District Council to fully assess the impact on the reptile population.

Breeding Birds

As the site has habitat suitable for breeding birds, any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs

to be removed during the breeding season then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.

Whilst we agree that a full breeding bird survey will not be necessary due to the size of the site, a precautionary mitigation methodology should be adhered to prevent any offences being committed. This can be secured as a condition of any planning application and we suggest the following wording:

No removal of hedgerows, trees, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The following enhancement measures have been suggested:

- 3 x Schwegler 1SP Sparrow Nest Box
- 2 x Schwegler 1FQ Bat Boxes

We advise that additional measure for reptiles are included in the retained habitats. These enhancement measures can be secured as a condition of any planning application.

4.4 Land Contamination Consultants

I write further to your request to review the following documents:

- Phase 1A Desktop Study and Walkover by Kent Planning dated October 2016; and
- Enviroscreen Certificate by Argyll Environmental for Culverden Developments Ltd dated 14 November 2016. The stated purpose of the report is to provide a valuation of the property.

The documents have been submitted in support of an application for planning consent for erection of a terrace of four houses with detached car ports at rear and areas of landscaping. The documents have been reviewed with respect to the requirements of Shepway's standard land contamination condition which is split into five sections as set out below:

1. Desk Study and Conceptual Model.
2. Intrusive Site Investigation and Risk Assessment;
3. Remedial Strategy and Verification Plan;
4. Verification Report; and

5. Contamination Discovery Strategy.

The condition should be implemented in a phased manner; with each phase only required should a potential risk be identified by the preceding phase. Information has been submitted with regard to part 1 of the condition.

The reports set out the findings of a site walkover, and uses desk-based information to establish the site history, and presence/absence of entries in the environmental statutory registers that might be of relevance to the site. The report concludes that no further investigation is necessary.

Whilst the information presented is useful and indicates that gross contamination of the site is unlikely, the report does not include a Conceptual Site Model and does not follow the source-pathway-receptor method of risk assessment as recommended by EA CLR11 publication and as required by Shepway's land contamination planning condition/national planning practice guidance. In addition, given that the site has been used previously, it is considered possible that contamination could be present in excess of stringent risk-based standards which are designed to be protective of health in a residential environment. The Enviroscreen report also makes the comment that the Local Authority may require further assessment, which is indeed the case. Merebrook therefore do not accept that no further investigation is appropriate. Merebrook consider that basic soil investigation is appropriate to determine the presence/absence and physical nature of any made ground and also to provide a chemical characterisation of near surface soils in proposed soft landscaped/garden areas. The testing suite should include common contaminants such as heavy metals, speciated PAH and asbestos fibres. The site investigation should be carried out by a suitably qualified environmental consultant.

At present, I am unable to recommend that the requirements of Shepway's standard land contamination condition are met.

4.5 Southern Water

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

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to

ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme
Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

4.6 Building Control Officer

This application will need the standard Latchgate condition applied.

4.7 Arboricultural Manager

No response to date.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 29.11.2016

5.2 Site Notice. Expiry date 06.12.2016

6.0 REPRESENTATIONS

6.1 3 letters/emails received objecting on the following grounds:

- Windows on the first and second floor will cause loss of privacy to rooms within the property Teide;
- Overdevelopment of the site;

- The development would be out of character with the street scene in Blackhouse Hill, Station Road and Cannongate Road;
- The density of development does not reflect that of the locality and is contrary to policy S3 of the Shepway Core Strategy;
- Loss of sunlight and daylight to no. 4 Blackhouse Hill – especially to an existing ground floor bedroom window overlooking the site;
- Overshadowing of garden of 4 Blackhouse Hill;
- Increased traffic onto Blackhouse Hill will lead to accidents.

Other matters raised are not relevant to planning but are discussed in the 'Other Matters' section of this report.

7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, HO1, BE1, BE19, TR5, TR11, TR12, U10a, CO11

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS3, SS5, CSD4, CSD5, CSD7

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework (particularly paragraphs) :

9, 14, 15, 17, 32, 50, 56, 57, 58, 61, 109, 118, 120, 121

8.0 APPRAISAL

Relevant Material Planning Considerations

8.1 The main matters for consideration in this case are:

- Principle/Sustainability
- Design and Scale
- Amenities
- Highways and Parking
- Drainage/Contamination
- Ecology
- Land Instability

Principle/Sustainability

- 8.2 The site falls within the urban boundary of Hythe on the Local Plan maps and is within a reasonable walking distance from Hythe Town Centre and bus routes. Therefore, at a very basic level the site is not excluded from consideration for redevelopment. It is therefore considered to be locationally sustainable but the proposal needs also to be considered in detail against other policies and guidance at national and local level in terms of the specifics of the proposal.
- 8.3 The National Planning Policy Framework [NPPF] defines 'Sustainable development' as having three dimensions: economic, social and environmental.
- 8.4 In term of water sustainability, policy CSD5 of the Shepway Core Strategy in part requires that all developments should incorporate water efficiency measures. The policy states development for new dwellings should include specific design features and demonstrate a maximum level of usage should be 105 litres per person per day or less. This usage level figure is adjusted to 110 litres per person per day under the guidance of Building Regulations Approved Document G (which came into effect in October 2015). This can be controlled by planning condition.
- 8.5 Other aspects of sustainability are considered in the report below in consideration of matters of contamination, flooding/drainage and ecology.

Design and Scale

- 8.6 The NPPF and saved local plan policy BE1 require new development to be of 'high quality' housing in terms of the appearance of the development, ensuring that the development density is appropriate for its location, the impact on the street scene and character of the area is acceptable and also the functionality and layout of the development design is appropriate. Paragraph 9 of the NPPF seeks positive improvements in the quality of the built environment (in part) by the 'replacing poor design with better design'. Para 56 of the NPPF says that 'good design is a key aspect of sustainable development'. Para 57, 58 and 61 refer to high quality and inclusive design, that is visually attractive as a result of good architecture and appropriate landscaping, that adds to the overall quality of the area and responding to local character and history and reflecting the identity of local surroundings and materials, and integrating new development into the built environment.
- 8.7 The application site currently fronts Station Road, which is a private unmade road only now serving Wharfdale and Lantern Cottage. (The various Victorian terraces to the north may have pedestrian access rights over it as their rear boundaries abut Station Road.) Dwellings on the eastern side of Station Road front onto Cannongate Road and do not create a streetscene onto Station Road. This application seeks to reverse the existing relationship of the site to surrounding streets and the proposal seeks to present the proposed terrace to the Blackhouse Hill streetscene and is designed to address buildings within that streetscene, enabled by the excavation of the western side of the site down to the level of the Blackhouse Hill highway.

- 8.8 The roof ridge and eaves height of the proposed terrace is stepped down slightly from that of the adjacent terrace to the north. The proposed elevation drawing supplied is somewhat lacking detail but in its height and form is generally sympathetic to the street scene. There are some aspects of the detailing as shown that are not currently acceptable and could be improved by seeking amendments to the plans, such as the windows on the second floor, in the front gable, are slightly too wide in terms of height to width ratio in comparison with the others on the front elevation. It is also considered that the addition of chimneys and vertical delineation between the dwellings, including on the roof, would assist in breaking up the form of what is a large elevation with much of the elevation at a level plane, and with materials extending horizontally across the whole frontage. Amendments have not been sought at this stage as such changes would not address the more fundamental concerns in respect to the proposal.
- 8.9 Whilst the use of windows and detailing of the southern flank adds interest to this elevation, of concern is the depth of the block for what will be a very prominent building when travelling up Blackhouse Hill. The southern flank of the building is to measure about 12m (excluding single storey front projection and roof overhang), which when compared to the southern flank of the main body of the first Victorian terrace (measuring about 8.25m) is about half as deep again. The depth of Lantern Cottage southern flank is about 8.25m also and the depth of the proposed block will be about half as deep again as that building and higher.
- 8.10 Therefore, due to the larger exposed southern flank of the proposed block, in combination with the full four storey presentation to Blackhouse Hill, the close location of the block to the back edge of the street and the proposed roof form with both front/rear gables for each dwelling and side gables for the whole terrace block, the building will appear of a greater scale and mass than other buildings within the street and would not appear as a sympathetic addition to the existing built form, as such appearing incongruous within the street scene.
- 8.11 It is noted that whilst it is indicated on the plans that a Cherry tree to the south of the site is to be retained and would soften the view of the southern flank of the building, in reality the tree is not of any great size or condition and will not significantly mitigate against the impact of the flank within the street scene.

Neighbouring Amenity

- 8.12 Policy SD1 of the Shepway Local Plan Review and the NPPF (paragraph 17) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.

Amenities of Future Occupiers

- 8.13 In this case the size of the houses are considered to be generous and will provide a good level of internal space. However, the large internal space seems to be at the expense of the gardens, which are very small for what

are large sized family units (featuring four bedrooms and four bathrooms plus a shower room), but also are considerably compromised by the high retaining wall topped with carport structures to their rear. (The garden depths for the four proposed units measuring approximately 7.5m, 6.35m, 4.6m, 4.55m respectively and the combined retaining wall/carport heights measure about 4.55m, 4.7m, 3.71m, 4.1m respectively).

8.14 Therefore as well as there being insufficient garden space for the needs of the occupiers of the houses the outlook from the combined kitchen/diner/dayrooms, and in some units also from the first floor rear bedroom windows and within the gardens themselves, will be significantly blighted by the dominating presence of the retaining wall/carports to their rear.

8.15 The retaining wall/carports are also likely to result in rear rooms lacking adequate daylight and the gardens also being significantly overshadowed. No daylight/sunlight assessment has been provided to demonstrate the adequacy of light to rooms and gardens. In this case the officer has not asked for this to be provided as it is not a single matter of concern.

Neighbours' Amenities

8.16 In terms of privacy there is no concern as mutual overlooking is normal in this area and the proposal would not exacerbate this. Also whilst a neighbour to the east has raised a concern at the distance of separation between the site and their dwelling, this would be in excess of 20m which is considered to be acceptable and would not warrant the refusal of the application.

8.17 Given the proximity to dwellings to the north and the scale and depth of the proposed building there is concern that the daylight to existing habitable room windows in the closest building will be harmfully impacted by the proposal as may be overshadowing of the garden. No daylight/sunlight assessment has been submitted in respect to the impact on the closest neighbouring dwelling, but the basic tests of the British Research Establishment guidance would suggest that a more rigorous assessment is warranted.

8.18 In a similar way the singular block form of the building footprint and its projection past the rear of the main body of the adjacent terrace means that the outlook from windows in the existing southern side of the terrace will be dominated by the proposed building.

8.19 Overall, the impact of the scale of the building on the available garden space for future occupiers of the units, the impact on the neighbours' amenities and the impact within the street scene of Blackhouse Hill are considered to be symptomatic of what is considered to be an overdevelopment of the site in this proposal.

Highways

- 8.20 Policy TR12 of the Shepway Local Plan Review relates to car parking levels to serve new development and currently the Council uses the Kent County Council Interim Parking Note 3 as its standards under this policy. Policy TR11 relates to the impact of new development on the highway network. Policy TR5 relates to the provision of cycle parking. Paragraph 32 of the National Planning Policy Framework states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*
- 8.21 In this case alternate parking for Lantern Cottage is available close to the junction of Station Road with Blackhouse Hill.
- 8.22 The provision of 2 car park spaces per dwelling in this location meets with the requirements of policy TR12 of the KCC Interim Parking Standards. The surface of Station Road however is not suitable to serve additional vehicular traffic and as the only dwellings that have vehicle access over Station Road are both within the ownership of the applicant, if the development is approved, it may be appropriate to make the permission provisional to an agreement, to provide a betterment to the surface of Station Road and its upkeep thereafter.
- 8.23 The highway network will not change under this proposal and the addition of the traffic from an additional three dwellings onto the existing highway network in this location would not result in any highway safety issues.

Drainage/Contamination

- 8.24 At paragraph 109, the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
- 8.25 Policy CSD5 of the Shepway Core Strategy also requires the wastewater systems be used that do not allow a peak rate and surface water runoff from the site that exceeds that of the existing surface water runoff rate, with appropriate sustainable drainage and water management systems incorporated.
- 8.26 The proposal details that both foul sewerage and surface water will drain to the mains drainage. Whilst this is acceptable for foul water this is not acceptable for surface water under policy CSD5 of the core strategy or the NPPF. However, the lack of available garden space for the units would make it very difficult to provide a sustainable drainage scheme on this site given the significant increase of building on this site compared to the existing situation. Again this would point to the overdeveloped nature of the proposal in its current form.

8.27 In terms of contamination a desktop study has been prepared but the Councils' land contamination consultant is not able to agree with its conclusions as they note *"the report does not include a Conceptual Site Model and does not follow the source-pathway-receptor method of risk assessment as recommended by EA CLR11 publication and as required by Shepway's land contamination planning condition/national planning practice guidance"*. Therefore, if planning permission is to be granted then the full, standard, contamination condition will need to be applied.

Ecology

8.28 The matter of ecology falls under the 'environmental' aspect of sustainable development and the NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Saved policy CO11 of the Shepway Local Plan Review states that permission will not be given for development which would endanger plant or animal life protected under law or if it causes the loss or damage to habitat and landscape features of importance to nature conservation. This is unless the need for the development outweighs the nature conservation considerations and mitigation measures are undertaken to fully compensate for remaining adverse effects.

8.29 In this case an ecology report does include survey results of a reptile survey which records a small population of grass snakes and slow worms recorded. However the landscaping details of the proposed development does not appear to provide any areas of suitable habitat within the site for the population to be translocated to. Any such habitat areas would need to be provided with planting and features to support the reptile population and maintained for this purpose thereafter. It is not clear if a suitable provision can be made and would point to the overdeveloped nature of the site in this proposal. This matter has been referred back to the applicant.

8.30 The ecology report accompanying the application classifies one building as having low potential for bats and it therefore recommends a bat emergence survey be undertaken. However no bat survey has been submitted.

8.31 At this time, therefore, the ecology aspect of the proposal is insufficient to demonstrate that the proposal will not endanger animal life protected under law or cause the loss of or damage to habitat and landscape features of importance to nature conservation. (It should be noted that the survey season for 2016 has now finished and as such no surveying will be able to take place until the 2017 season which is not within a reasonable timescale for the determination of this application.)

Land Instability

8.32 Saved policy BE19 of the Shepway Local Plan Review requires that development in areas of land instability will not be granted unless investigation and analysis has been undertaken which clearly demonstrates that the site can be safely developed and the proposed development will not have an adverse effect on the slip area as a whole. The NPPF advises in

paragraphs 120, 121 that *'responsibility for securing a safe site rests with the developer and/or landowner' and that planning decisions should ensure that the site is suitable for its new use taking account of various matter including ground conditions and land stability.*

- 8.33 The Council's Building Control Officer advises that a condition be used to take account of land stability in the development design, which will need to include retaining walls at the rear of the site.

Other Issues

- 8.34 Neighbours raise the matter of a 'covenant' on the land that 'no erections or buildings of any kind other than one detached dwelling shall be erected on the said land.
- 8.35 The nature of a covenant is a civil matter and as such may need further investigation under civil law outside of the planning application. An informative can be use if planning permission is granted to advice that the grant of planning permission would not set aside any legal matters under civil law related to the land.
- 8.36 A neighbour has raised the matter of a loss of view of the sea but the matter of 'view' is not a material planning consideration.
- 8.37 NPPF paragraph 44 and policy SS5 of the Core Strategy require the provision of high speed broadband, which can be secured by planning condition should the application be approved.

Local Finance Considerations

- 8.38 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.
- 8.39 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first six years through the New Homes Bonus. The Government has consulted councils earlier in the year seeking to reform the New Homes Bonus to be paid over 4 years instead of 6 years, with a possible transition to 5 years. As such only a 4 year value for the New Homes Bonus has been calculated. . In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £4,283 per annum for 4 years (subject to consultation). New Homes Bonus payments are not considered to be a material consideration in the determination of this application.

8.40 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £100 per square metre for new dwellings.

Human Rights

8.41 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.

8.42 This application is reported to Committee due to support by Hythe Town Council.

9.0 SUMMARY

9.1 Whilst neither the removal of the existing dwelling nor the redevelopment of a terrace of dwellings is an inappropriate approach for development on this site the scale of the current proposal is considered to be an overdevelopment of the site. The depth, scale and mass of the proposed terrace is not sympathetic to the existing built form in this residential area and will appear too large within the street scene when travelling up Blackhouse Hill. The scale of the terrace results in gardens that are too small to support the generous family houses proposed and the gardens will be dominated by the retaining wall and car ports. The retaining wall and car ports will significantly overshadow the gardens and will likely cause a significant loss of daylight to rooms in the rear of the proposed dwellings and will dominate the outlook from those rooms.

9.2 Furthermore, no assessment has been made of the impact on the existing daylight and sunlight received by the dwelling to the north of the site. In addition the depth of the proposed building, in the proximity shown, will be dominant on the outlook from the windows of the adjacent dwelling to the north.

9.3 There has been insufficient assessment and mitigation work undertaken at this time in respect to the impact of the proposal on the ecological value of the site, which is part of the consideration of the sustainability of the site and therefore without further work and possible redesign the proposal cannot be considered to meet the sustainable development requirements. In a similar way the use of Sustainable Drainage Systems are not proposed which is contrary to the requirements to achieve sustainable development.

- 9.4 Matters of the upgrading of the Station Road, design refinement, measures to address land instability and contamination, and the installation of high speed internet capabilities could be addressed by planning condition or legal agreement.

10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be refused for the following reason(s):

1. The proposed terrace will appear out of scale to existing built form in Blackhouse Hill, particularly when travelling north, appearing too large by virtue of the wider flank of the block than is seen currently within the street, in combination with the full four storey presentation to Blackhouse Hill, the close location of the block to the backedge of the street and the proposed roof form with both front/rear gables for each dwelling and side gables for the whole terrace block. As such, the proposal would be detrimental to the character of the streetscene, contrary to saved policies SD1 and BE1 of the Shepway Local Plan Review, policy DSD of the Shepway Core Strategy and paragraphs 17, 56 and 61 of the National Planning Policy Framework.
2. The proposal constitutes an overdevelopment of the site by virtue of the scale of the terrace and associated lack of garden space to support large family dwellings and suitable replacement habitat for reptiles. As such, the proposal fails to provide a suitable living condition for future occupiers of the terrace with significantly overshadowed gardens and the outlook from the gardens and the combined kitchen/diner/dayrooms being dominated by the retaining wall and carports to the rear of the site. The close proximity of the retaining wall/carports to the rear of the terrace would result in a lack of daylight to the kitchen/diner/dayrooms and the terrace block would cause a loss of daylight to rooms in the adjacent dwelling to the north and would dominate the outlook from those rooms. The proposal is contrary to saved policies SD1 of the Shepway Local Plan Review, policy DSD of the Shepway Core Strategy and paragraphs 17 of the National Planning Policy Framework.
3. There is insufficient survey and mitigation work submitted to demonstrate that the proposal will not endanger animal life protected under law or cause the loss of or damage to habitat and landscape features of importance to nature conservation and therefore, the proposal would not result in sustainable development. The proposal is contrary to saved policy CO11 of

the Shepway Local Plan Review, policy SD1 of the Shepway Core Strategy and paragraphs 109 and 118 of the National Planning Policy Framework.

Decision of Committee

Y16/1093/SH
Wharfdale
Station Road
Hythe



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