

Application No: Y17/1066/SH

Location of Site: Scout Association Headquarters Range Road Hythe
Kent

Development: Erection of a four storey building containing four flats and basement car park, following demolition of existing building.

Applicant: Mr Neil Griggs
GW Homes (South East) Ltd
C/O Mr Mike Simmonds
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Date Valid: 05.09.17

Expiry Date: 31.10.17

Date of Committee: 28.11.17

Officer Contact: Mr Paul Howson

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and the signing of a section 106 agreement securing appropriate visibility splays, with delegated authority given to the Head of Planning to agree the wording of the legal agreement.

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a four storey building containing four flats and a basement car park, following demolition of the existing building. Submitted in support of the application are a Design & Access Statement, a Planning Statement, a Heritage Statement, and a Flood Risk Assessment. Along with the drawings for the elevations and plans, the application also includes a drawing of the Proposed Vision Splay.
- 1.2 The proposal would provide a four storey building with a curved facade where it turns the corner of the road junction. It would have basement vehicle and cycle parking on the semi-basement lower floor, and a main entrance with connecting lift. The first floor would have two flats, each with an open plan living/dining/kitchen room and a bathroom. The larger unit would have 2 bedrooms (1 en-suite), and the smaller unit would have 1 bedroom. Both would benefit from sea facing open terraces. The second floor would provide a single flat with an open plan living/dining/kitchen room, a bathroom, 3 bedrooms (1 en-suite) and a sea facing open terrace. The

recessed upper level would have a further unit with an open plan living/dining/kitchen room, a bathroom, and 2 bedrooms (1 en-suite).

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is situated within the Hythe settlement boundary. The adjacent Lifeboat Station buildings are Grade II listed. The site is outside Flood Zones 2 & 3 on the Environment Agency maps; and is not shown as being at risk from flooding on the Shepway Strategic Flood Risk Assessment (SFRA) even when allowing for climate change up to 2115.
- 2.2 The existing site building is single storey with a flat roof, pebble dash to the exterior walls and a parapet wall on the front elevation. It was formally used as a Scout Hut, but is now vacant. The building takes up roughly half the site the rest being the former recreational outdoor space for the facility. Directly to the east of the site is a Chalet bungalow from which a physiotherapy business operates. Directly to the south of the site is a fisherman's hut (used for cold storage of fish), beyond which are the former Lifeboat Buildings from which a fishmongers business operates, and the shingle beach where the Hythe fishing fleet are located. To the south east is the overgrown garden of 96 St Leonards Road and to the west is the Fisherman's Beach residential development, currently under construction. To the north on the opposite side of Range Road are low level semi-detached chalet style bungalows.

3.0 RELEVANT PLANNING HISTORY

- | | | |
|-------------|---|--|
| 89/1439/SH | - | Erection of 2 metre high chain link fencing and wall approved with conditions 18.12.89 |
| 96/0680/SH | - | Siting of a temporary building for storage and scouting activities approved with conditions 11.11.96 |
| Y10/0984/SH | - | Construction of a new pitched roof over existing building, erection of an extension to the side elevation and extensions to the existing boundary wall approved with conditions 07.11.11 |
| Y16/1277/SH | - | Determination as to whether the prior approval of the Local Planning Authority is required for the demolition of former Scout Hut. Prior approval not required. |

4.0 CONSULTATION RESPONSES

- 4.1 Hythe Town Council
No objection

Southern Water

Thank you for your letter of 13/09/2017.

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 Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding."

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.

KCC Highways and Transportation

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

I note that this application would be a non-protocol application with regards to the description. However, this application has constraints with regards to the visibility at the proposed access; as the visibility splays fall within third party ownership. The visibility splays must be secured via a legal agreement before the development works take place, with details to be submitted to the Local Planning Authority.

Therefore, I would recommend the following conditions if permission is granted:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the access with the necessary vehicle crossover licence as shown on the submitted plans prior to the use of the site commencing.
- No work shall be commenced on site until evidence is provided to the Local Planning Authority to ensure the visibility splays as shown on the submitted plan (Project 16.025 Drawing 013) with no obstructions over 0.9 metres above carriageway level, is secured by a legal agreement.

Please note: Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-afterth iq hway-la nd>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Landscape and Urban Design Officer

The application is for a block of three apartments on Fisherman's beach, much of which is currently being developed. The site is close to two historic buildings currently occupied by Griggs Fishmongers.

The approximate extent of the site is shown in red. The two historic buildings are shaded yellow. The design is well considered and takes inference from the design for the new neighbouring development. The only issue might be the overshadowing of the neighbouring property.

The Materials suggested for the design are considered appropriate, it is requested that samples should be submitted so that they can be agreed prior to the commencement of the development.

Some suggestions for minor amendments and requests for further details are given below. The uppermost floor of the building seems unfinished. The adjacent sketch suggests an amendment, a canopy like structure that surmounts the roof of the apartment extending beyond the walls.

The rendered white planters shown for the north and west elevations will get stained from detritus from the pavement. It might be preferable to use some other material.

It is anticipated that the details of the proposed new boundary walls to the south and east of the development will be secured by condition. The brick should match that for the ground floor of the building and have some form of capping detail.

Hard and soft landscape details also need to be confirmed. A maritime tolerant herbaceous scheme would be appropriate for the planters. Again it is anticipated that this will be secured by condition.

N.B. There is a slight discrepancy in the detailing for the east elevation. The Design and Access Statement (page 14) indicates that the wall of the penthouse apartment is clad with metal, whilst drawing Number 011 shows it as timber. It is assumed that timber is the preferred finish.

Environmental Health

Environmental Health has no objections to the granting of this planning application subject to the following conditions:

Contaminated Land

Environmental Health makes the following recommendations should permission be granted:

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected

given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document *Model Procedures for the Management of Land Contamination (Contamination Report 11)*.

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also

include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours' and other off-site receptors [Kent and Medway Structure Plan Policy NR5 and Dover District Local Plan Policy DD1].

Informative: Planning Policy Statement 23: Planning and Pollution Control states that: in considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the Environmental Protection Act 1990.

Construction Method Statement

6. A construction method statement shall be submitted to and approved by this Department. The method statement should include details of the following:-

- Hours of work
- Haulage routes
- Likely noise levels to be generated from plant
- Details of any noise screening measures
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded
- Likely dust levels to be generated and any screening measures to be employed
- Proposals for monitoring dust and controlling unacceptable releases
- Wheel washing facilities and facilities for discharging the water

The above details on noise can be found in the Councils' The Control of Noise from Construction Sites, General Guidance Note, and also the BRE four part Pollution Control Guides 'Controlling particles and noise pollution from construction sites'. I would expect the method statement to follow the relevant parts of these documents in some detail.

HOURS

7. I advise that any works audible at the site boundary should be restricted to the following: -

08.00-18.00 Mondays to Fridays, 08.00 —13.00 Saturday and no audible work on Sundays and Bank Holidays

Noise from mixed use

I note there are commercial and/or industrial premises in close proximity of the proposed site.

8. Environmental Health would ask the applicant to provide a noise impact assessment. This assessment must be carried out by a competent person and must be registered with the Institution of Acoustics. The report must set out design criteria (PPG) for the residential proposal and assess the potential effects of local noise sources on the residential, based on current planning guidance - Noise Policy Statement for England (NPSE) and The National Planning Policy Framework (NPPF).

Any report should be submitted to this department for approval

Reason: The purpose of the noise impact assessment is to determine whether or not the proposed residential is likely to be adversely affected by noise from existing sources.

Information: In accordance with 858233 "Good" design standard means the noise levels in residential accommodations should not exceed 30dBA internally in bedrooms at night and 35dBA internally in living rooms during the day.

Environment Agency

We have no comments to add to this planning application as it falls outside our remit as a statutory planning consultee.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 4th October 2017

5.2 Site Notice. Expiry date 11th October 2017

5.3 Press Notice. Expiry date 19th October 2017

6.0 REPRESENTATIONS

6.1 70 letters/emails received objecting on the following grounds:

- The area is already overdeveloped.
- Sufficient housing land in Shepway to not require high density.
- Development does not provide affordable homes.

- The development would provide second homes for non-locals.
- Overbearing form of development.
- Overshadow existing houses / loss of light.
- Loss of light to consulting rooms of adjacent property.
- Overlook surrounding dwellings / loss of privacy.
- Obscure views of listed building and affect its setting.
- Clarification on boundary treatment required.
- Restrict access to the beach.
- Insufficient parking provision.
- Already congestion from new housing and existing industrial uses.
- Local roads do not have enough capacity for further development.
- Detrimental to the adjacent fishmongers / fishing business.
- Not proportionate to the surrounding built form.
- Redevelopment should be limited to two storeys.
- Unsympathetic development would further change character of area.
- Overlarge ugly design.
- Would not reflect the local heritage.
- Not in keeping with streetscene.
- Mitigation for loss of community facility.
- Development should contribute to highways improvements.
- Flood risk.
- Contamination.
- Further disturbance during construction.
- Insufficient publicity for the application.

6.3 9 representations have been received in support of the proposal.

6.4 145 copies of a generic letter have been received objecting to the proposal.

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, BE1, BE5, HO1, TR5, TR11, TR12

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

DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD7

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework – paragraphs 7, 9, 50, 60, 70

8.0 APPRAISAL

Relevant Material Planning Considerations

- 8.1 The principle of new development in this location is supported by saved local plan policy HO1, which supports residential infill within existing urban areas; and Core Strategy policy SS3 which states the principle of developments is likely to be acceptable in defined settlements. However, this is subject to environmental, highways, flooding and other material planning considerations, which in this instance include visual impact, impact on heritage assets, impact on neighbouring occupiers, impact on highways, flooding, loss of a community facility, and other matters raised in the representation.

Policy

- 8.2 The main policy considerations in the determination of this application include Shepway District Local Plan Review Saved Policies BE1, BE5, and HO1; and, Shepway Core Strategy Local Plan Policies SS3 and CSD7. Local plan saved policy BE1 seeks that development should accord with existing development in the locality; and, saved policy BE5 seeks to preserve listed buildings and their settings. Saved policy HO1 supports redevelopment of previously developed sites or infill within existing urban areas, subject to environmental considerations and highway safety considerations. Core Strategy policy SS3 seeks that new development is directed towards existing sustainable settlements, and that the principle of development is likely to be acceptable on previously developed land within defined settlements, subject to the criteria set out in the policy. Core Strategy policy CSD7 amongst other things seeks Hythe should develop as a high quality residential centre. The National Planning Policy Framework (NPPF) contains further guidance, including paragraph 50 which seeks to deliver a wide choice of high quality homes, which widen opportunities for home ownership.

Loss of community facility

- 8.3 The former scout building is in a poor state of repair, and was declared redundant. The officer site visit revealed the building to be no longer fit for purpose for a community use, and that it would take considerable investment to bring it up to a required standard, and there is no realistic possibility of this happening. The building has sat empty since the scout group (and pre-school) relocated to more suitable buildings, and given that these community functions continue to provide the same facilities on more appropriate sites, it is considered the proposal would not impact negatively on the community's ability to meet its day-to-day needs, in accordance with paragraph 70 of the NPPF and Core Strategy policy SS3. Furthermore, the fallback position is that the building can be demolished, as there was no objection to the prior approval application.

Visual Amenity/Design

- 8.4 The setting of the application site is very mixed. The original vernacular of the area was of a mix of bungalows, 'chalet' bungalows, two storey dwellings, and larger light industrial buildings at the western end of Range Road. However, this low key character has been dramatically transformed by the Fishermans Beach residential development, currently nearing completion, which comprises of a mix of three and four storey town houses and apartment blocks, which are now the dominant characteristic of the streetscene. The application site sits between these two distinct elements. The design ethos is to emulate the curved design of the building (under construction) on the opposite corner of the junction, to bookend the new development and extend the sense of place to encompass the road junction.
- 8.5 The upper floor would be stepped in to minimise the massing of the building, and the extensive use of glazing also reduces the perceived bulk within the streetscene, including when approaching towards the east elevation which is broken up with opaque glazing. The parking level is also partly sunken to reduce the overall height, creating a transitional step down between the higher four storey block on the opposite corner and Irving House. It is considered appropriate for the design to emulate the high quality contemporary Fishermans Beach development, rather than the bungalows and chalet bungalows to the east of the application site. The proposed design is considered acceptable on its own merits as having its own identity within the streetscene, whilst the curved form and material palette would mirror the Fishermans Beach development. The mix of render and cladding would give the building a suitable contemporary appearance with the horizontal emphasis of the finishes helping to reduce the perceived height. A feature planter on the north and east elevations would help anchor and soften the development.
- 8.6 Saved policy BE1 seeks that development should accord with existing development in the locality, and the proposed development complies with this by blending in with the new development that has become the dominant characteristic of the evolving built form. It is considered the site as is, is an eyesore in the context of the evolving new community being developed, and that the proposal would bring the site up to a standard that would complement and harmonise with the new development, and create a grandiose contemporary entrance to the beach area. It is acknowledged that there is some local resistance to the proposed development, on the grounds of overdevelopment, and being contrary to the older established dwellings on Range Road. However, paragraph 60 of the NPPF advises that planning decisions should not impose architectural styles or particular tastes. Contemporary design is part of the seaside vernacular throughout Hythe and Shepway, and the proposal is considered to be a high end design in keeping with the transformation of the immediately surrounding building typology, that would transition the old and the new, by creating a landmark entry point to Fishermans Beach.

Impact on listed building

- 8.7 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on the District Planning Authority as regards listed buildings in exercise of its planning functions. It provides that, in considering whether to grant planning permission for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.8 The south boundary of the application site is approximately 15m from the Grade II listed Hythe Lifeboat Stations, a pair of buildings now home to a fishmongers, the lifeboat use having ceased immediately after WW2. The North Lifeboat station the closest to the site and the oldest of the pair, dates from 1893 and is brick built with slate roof. The South Lifeboat Station dates from 1936 and is clad in corrugated iron with a curved roof. It is necessary to consider the impact of the proposed development on the setting of these listed buildings, and the application acknowledges this through the submission of a Heritage Statement. The use by a well established fishmongers business ensures that the buildings are maintained in a manner which does not compromise the buildings fabric, and they remain largely intact. The proposed development would not compromise the operations of the business; therefore this would remain to be the case. The buildings were located for access to a clear area of beach to launch the lifeboats, and accessibility for lifeboat men.
- 8.9 The proposed development would not impact on this reading of the historic use, which is best understood from the seaward side. The assessment on the setting of the listed buildings is in the context of the large modern residential development (Fisherman's Beach) to the west of the listed structures, and the large modern apartment block (Bay) on their eastern side. Further to this there is a large detached fisherman's hut between the application site and the listed building, which provides a buffer between them. In this context the proposed development would have a negligible impact on the current setting of the Lifeboat Station site, their significance being predominantly their historic maritime associations more so than their architectural form, the understanding of which would not be compromised by the proposed development. It is therefore considered the proposal would not conflict with saved policy BE5 in this regard, with sufficient information having been submitted for the setting of the listed buildings to be properly assessed.

Neighbouring Amenity

- 8.10 The development site is on a road junction with residential dwellings close by and other residential development in close proximity. There is also a building immediately adjacent to the application site on the eastern side, from which a physiotherapy business operates. Consideration is required with regard to the impact of the proposed development on the occupiers of these properties. Starting with the Irving House (the physiotherapist premises), the applicant has carried out a daylight/sunlight analysis which

shows that the building would retain the full benefit of uninterrupted daylight/sunlight throughout the morning and early afternoon, but that the rear of the building would be cast in shadow by the proposed development from mid afternoon into the early evening. The rear elevation windows on the ground floor and upper floor that would be affected by the increased shadow all serve consulting rooms for the commercial activity within the building (it is understood there is no longer accommodation at first floor level). It is considered that these rooms would continue to benefit from good levels of light for the larger part of the day and the loss of light in the afternoon would not be significant enough to impinge on the continuation of the commercial operation. Further to this the staggered nature of the east elevation and the set back of the upper floor, minimise the loss of light and the oppressiveness in relation to Irving House. Furthermore, the proposed windows that side would serve bathrooms which would be obscure glazed, and there would be privacy screens on the east side of the balconies which would be secured by planning condition. Whilst the building could potentially revert back to being a dwelling, the assessment can only take account of the current site circumstances and it is considered the proposal would not preclude that happening. Overall the impact on the amenity of Irving House is not considered to be a constraint on the proposed development.

- 8.11 The pair of semi-detached properties on the north side of Range Road opposite the application site (6 and 8 Range Road), need consideration. It is considered that the trajectory of the sun would still enable these south facing properties to get sunlight throughout the morning and afternoon, with shadow not exacerbating that which exists from Irving House and the Fishermans beach development at these times. Whilst there would be a greater loss of light during the middle of the day, in summer the sun would be high in the sky by this time and sunlight would still reach the front of these houses. It is acknowledged that the outlook for these properties will be reduced from the front, due to the height of the proposed building, and there is potential interlooking. However, with the space separation of the road this would not be considered overbearing, and given the front of these properties are open to the public domain, loss of privacy would be no worse than existing. Overall, it is not considered that development on the opposite side of a public highway would be unacceptably detrimental, and that the main amenity areas at the back of these houses would be unaffected, and they would still receive good levels of sunlight for the greater part of the day. As such, whilst acknowledging the occupiers may have concerns with the proposed development, the amenity enjoyed by the occupiers of these properties would not be affected significantly enough to warrant withholding planning permission.
- 8.12 The impact of the windows on the west elevation would have potential for interlooking between the openings of the new block under construction to the west of the proposed building. However, with the separation of the road between, the relationship between the two buildings which virtually mirror each other, would cancel the impact of the other out. The application building is subservient to this closest Fishermans Beach development building, and the impact from the proposed development in this respect is acceptable.

8.13 Consideration would also be needed in regard to the sites 96 and 98 St Leonards Road. 98 St Leonards Road has recently been redeveloped and now contains a modern apartment block know as Bay. There is 40m space separation between this and the proposed building, and the outlook from the proposed south facing balconies would be to the north facing rear of this building, whose main amenity areas are on the seaward (south) side. Therefore, the occupiers of this neighbouring development would not be considered to be significantly affected by the proposed development. The area immediately to the south east of the application site is the former gardens of 96 St Leonards Road. It is understood this is now under separate ownership and is earmarked for development. However, there is no valid planning application and therefore any potential future additional dwelling on this site is not a material consideration for this proposal. Further to this the existing dwelling at 96 St Leonards Road enjoys approximately 30m space separation and the occupier's privacy would be secured through the provision of balcony privacy screens.

Highways

8.14 The proposal provides undercroft parking accessed via a ramp from Range Road. Pedestrian access would also be from Range Road. The semi subterranean parking area would provide four vehicle parking spaces (one per unit), as well as cycle and bin storage within this area. The underground space allows sufficient turning room for vehicles to be able to exit in forward gear. Further to this visibility splays have been provided in consultation with highways officers and the agreement of the owner of the Physiotherapy Centre. Highways officers are satisfied this is workable, but this would need to be secured by a legal agreement to be submitted to the LPA. Therefore subject to appropriate conditions, Kent Highways and Transportation officers are satisfied the proposal is acceptable.

8.15 It is acknowledged that local residents have raised concerns about congestion on Range Road. However, it is considered that the current problems are mainly due to construction workers vehicles and that upon completion of the Fisherman's Beach development this would return to normal. As highways officers are satisfied that the current proposal meets current parking standards, and raise no highway safety issues subject to appropriately worded conditions, there is no planning reason to resist the proposed development on highways grounds.

Flooding/Drainage

8.16 The site is not within an area identified at being at risk by the Environment Agency, and Shepway's Strategic Flood Risk assessment confirms this to be the case even when allowing for climate change. A brief Flood Risk Assessment has been submitted with the application to reflect this. Further to this the proposed living accommodation is raised above ground level due to the lower ground floor parking area. Therefore there is no requirement to apply sequential testing and the development would be considered to be

safe in terms of flood risk. Consequently the Environment Agency has no comment to make on the proposal and flood risk would not be a constraint to the proposal.

Contamination

8.17 Environmental Health officers have confirmed a standard contamination condition would need to be applied to any planning permission, to investigate any potential contamination, and to carry out mitigation and remedial work if found to be necessary.

Local Finance

8.18 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. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which 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. This application is liable for the CIL charge and would generate £70,200. The proposal would provide 4 new dwellings, which would not trigger a requirement to provide a contribution for affordable housing.

Other Issues

8.19 Concern was expressed in the representation about the posting of the site notice, stating that it should have been attached to the plastic front door of the scout hut. Taping the notice to the door would have resulted in it peeling off after a short time; whilst stapling it to the adjacent boarded up gate entrance ensured it was securely fixed in a prominent position at the front of the building.

Human Rights

8.20 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.

8.21 This application is reported to Committee at the request of Cllr Mary Lawes, due to the overbearing impact of the proposed development.

9.0 SUMMARY

9.1 The proposal is for a contemporary block of four flats with a well considered modern design, which is considered to harmonise with the evolving built form of the surrounding area. In this context it is considered it would integrate into the street setting forming a defined transition between the old and new elements in the streetscene. Therefore, in terms of visual amenity the proposal is considered acceptable. The proposal has also been assessed as not impacting negatively on the setting of the nearby listed buildings.

9.2 The only immediate neighbouring building is a Physiotherapy Centre, which would not be unacceptably affected by the proposed development. The surrounding residential properties would benefit from space separation from the proposed development, which would be considered to reduce the impact on neighbouring occupiers to being less than significant. As such, residential amenity would not be a reason to resist the proposed development.

9.3 Highways officers have confirmed the proposed parking provision is acceptable, and the layout would not raise any highway safety issues. No other planning reasons have been identified to resist the proposed development, and the application is recommended for approval in line with planning policies which encourage the provision of good quality housing on unused sites within the built area.

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 granted subject to the following conditions:

1. Standard time condition.
2. Submitted plans.
3. Materials to be submitted for approval (including planters).
4. Landscaping details to be submitted for approval.
5. Boundary treatment details to be submitted for approval.

6. Construction Management Plan to be submitted (including hour of working).
7. Bound surface for first 5m from highway.
8. Cycle parking as shown on approved plans to be provided prior to commencement.
9. Vehicle crossover to be completed prior to first use.
10. Standard contamination condition.
11. Windows on the east elevation to be obscure glazed.
12. Privacy screen to be erected and maintained on the east side of the proposed balconies.
13. Water efficiency condition.
14. Levels details to be submitted for approval.

Informative:

1. Southern Water comments

Decision of Committee

Y17/1066/SH
Scout Association Headquarters
Range Road
Hythe

