

**Application No:** Y18/0196/SH

**Location of Site:** The Cottage, Hillside, Sandgate, Folkestone

**Development:** Erection of a four-storey building containing 6 No. 2 bedroom apartments and a two-storey building containing 1 No. 2 bedroom apartment together with car parking, cycle and bin storage following removal of the existing house and garage.

**Applicant:** Mr Stephen Kingston

**Agent:** Mr Liam Smith  
Lee Evans Partnership  
St John's Lane  
Canterbury  
Kent  
CT1 2QQ

**Date Valid:** 07.02.18

**Expiry Date:** 04.04.18

**PEA Date:** 01.03.19

**Date of Committee:** 26.2.19

**Officer Contact:** Louise Daniels

#### **SUMMARY**

This report considers whether planning permission should be granted for the erection of a four-storey apartment building containing six flats and for the erection of a two-storey building containing one flat in Sandgate. The report recommends that planning permission be granted as it is considered that the proposal would preserve the character and appearance of the conservation area and visual amenity of the area, and would not result in a detrimental impact upon existing or future residents' amenity, highway safety or ecology.

**RECOMMENDATION:** That delegated authority be given to the Development Management Manager to grant planning permission subject to the conditions set out at the end of the report, subject to the receipt of a soil stability report that demonstrates that the site can be satisfactorily developed without adversely affecting the stability of the site and neighbouring land and property; and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

## **1.0 THE PROPOSAL**

1.1 This application is for the erection of a four-storey apartment building containing six flats and for the erection of a two-storey building containing one flat together with car parking, cycle and bin storage following removal of the existing house and garage.

- 1.2 The lower ground floor of the apartment building is proposed to be set down into the slope on the south side, following the existing topography of the site. The top floor flat is within the roof and has been set back from the main elevation on both the north and south elevations. The block includes a lift and staircase. Following concerns raised by officers, the apartment block has been amended during the process of the application to give a more traditional design with a mixture of a gable and hipped roof to the south facing elevation, and a hipped roof to the north facing elevation. The southern elevation has also been stepped and the amount of glazing has been reduced giving the building a more traditional appearance.
- 1.3 The materials proposed for the scheme are a mixture of white render, vertical cedar cladding, exposed stone, glass balustrading, zinc cladding and slate roof tiles. The two-storey building would echo a similar design to the proposed apartment block with matching materials.
- 1.4 The proposed internal layout for the apartment block is as follows:  
Flat 1 (lower ground floor) – two bedrooms, en suite, kitchen/diner/living room, bathroom and utility room.  
Flats 2 and 3 (ground floor) – two bedrooms, en suite, kitchen/diner/living room and bathroom.  
Flats 4 and 5 (first floor) – two bedrooms, en suite, kitchen/diner/living room and bathroom.  
Flat 6 (second floor) - two bedrooms, en suite, kitchen/diner/living room, bathroom and utility room.
- The proposed internal layout for the detached two-storey building is as follows:  
Flat 7 - two bedrooms both with en suites (one bedroom at ground floor and the other on the first floor), utility, kitchen/diner/living room, bathroom and study. The ground floor of the two-storey building would also accommodate a garage, cycle store and bin stores for the whole development.
- 1.5 A parking courtyard is proposed between the apartment block and the two-storey building. Seven parking spaces and two visitor spaces are proposed for the development, three at ground floor within the two-storey building and the remainder within the parking courtyard. The existing access point from Hillside will remain unchanged.
- 1.6 A communal lawn area within the south of the site would be provided with the existing pathway which links the site with Sandgate Esplanade retained, and an additional stepped section proposed between the parking courtyard and the communal lawn area.

## **2.0 SITE DESIGNATIONS**

2.1 The following apply to the site:

- Inside settlement boundary
- Sandgate Conservation Area
- Area of land instability

- Setting of a listed building
- Some trees to the north boundary have a TPO 8 (2002)

### **3.0 LOCATION AND DESCRIPTION OF SITE**

3.1 The application site has a detached two-storey dwelling situated within a long plot. The application site is located at the end of a private road, Hillside with off-street parking available within the site. The application dwelling, 'The Cottage' is finished in white render with black framed windows, with clay roof tiles and sprocketed eaves. The character of the area is of large detached dwellings mostly with hipped and pitched roofs. To the east of the application site is The Clintons, which is a two-storey dwelling with a hipped roof and finished in render and facing brick work. To the west of the site is No.10 Encombe, which is a single storey dwelling with a facing brickwork finish. To the north east of the site is Robingale, a two-storey flat roofed dwelling with a facing brick work finish. The site is located on a gradient, sloping down towards the Sandgate Esplanade, to the south. The application dwelling is positioned centrally within the site and as such is within the escarpment and so is partially visible from Sandgate Esplanade. The application dwelling follows the building line of the properties to the south of Hillside. There is a detached garage within the site which is positioned north of The Cottage and which is visible from Hillside but not from the Esplanade. There is pedestrian access to the south of the site via some steps down to the road level.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 Application Y15/0700/SH for the erection of a two storey extension together with alterations and addition of basement swimming pool was granted planning permission with conditions. The same proposal has been recently granted planning permission again under application Y18/0588/FH.

### **5.0 CONSULTATION RESPONSES**

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

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

Responses are summarised below.

5.2 Sandgate Parish Council  
Object on the following grounds:

- Overbearing and out of place with the Conservation Area
- Errors regarding the actual boundaries
- The access is limited in width for construction and emergency vehicles
- Impact upon the Sir John Moore Statue not given (listed statue to the south of the site)
- No structural impact assessment regarding the impact upon the neighbouring properties or on pedestrians and traffic
- Increased noise and light pollution on neighbouring properties and loss of privacy

- Building of local interest and should be retained

### 5.3 KCC Highways and Transportation

No objection subject to conditions to secure a construction management plan, provision and retention of vehicle and cycle parking, provision of a two-way traffic sign at the junction of Wilberforce Road and Hillside.

### 5.4 Southern Water

No objection.

### 5.5 Arboricultural Manager

No objection subject to condition relating to the pre-development tree survey.

### 5.6 KCC Ecology

No objection subject to conditions to secure a lighting design strategy for biodiversity and ecological enhancements.

## 6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 24.10.2018

6.2 Site Notice. Expiry date 20.03.2018

6.3 Press Notice. Expiry date 22.03.2018

## 7.0 REPRESENTATIONS

7.1 Representation responses are available in full on the planning file on the Council's website.

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

Responses are summarised below:

7.2 10 letters/emails received objecting on the following grounds:

- Overbearing, bulky, dominant and incongruous.
- Height will not preserve or enhance the character of The Esplanade or the surrounding area.
- Demolishing a house of local interest in a Conservation Area.
- Out of keeping.
- Too intensive in an area of family homes.
- Loss of uniqueness to the area.
- Surrounded by listed buildings.
- The Cottage and The Clintons shown in the Sandgate Design Statement showing the character of Sandgate Esplanade.
- The Cottage was identified in the Sandgate Conservation Area Appraisal Stakeholders feedback as being a property of Local interest.

- Elevated position would mean the block would totally dominate the surrounding dwellings.
- Inaccuracies in the plans showing the access into the site over neighbouring property. Only 10ft wide, inadequate for 7 apartments and a house.
- Increase in traffic, one large family dwelling does not generate the volume of traffic that a block of flats would.
- Emergency vehicles will be restricted.
- Parking is restricted in Sandgate, this development will worsen this with only 9 parking spaces.
- Nuisance and disruption during construction to neighbours together with damage to property.
- Loss of privacy to neighbouring properties.
- Felling of an important Monterey cypress.
- Instability of the land, and damage to neighbouring properties.

7.3 Objection letter received from the Sandgate Society on the following grounds:

- P.4 of the Sandgate Design Statement shows the steps up to The Cottage together with the foliage being characteristic of the escarpment. The Cottage is recognised as a characteristic of the escarpment.
- Conservation area.
- The extensive works required to provide stable foundations for a building of significantly increase weight will destabilise surrounding properties.
- The Sandgate Conservation Area Appraisal Stakeholders feedback document identified this building as one of 'local interest'
- The scale is dependent on the Y15/0700/SH permission.
- Access is unsuitable, shows a wider access than is available.
- P.26 of the Sandgate Design Statement seeks to resist unsympathetic infilling of gardens and the demolition of sound buildings to replace them with apartment blocks.

## **8.0 RELEVANT POLICY GUIDANCE**

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

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, HO1, BE1, BE4, BE16, BE17, BE19, TR11, TR12, U1.

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

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, HB3, T2 and T5

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance

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

- 8.5 The following Supplementary Planning Documents apply:  
Sandgate Conservation Appraisal 2009  
Sandgate Design Statement 2013
- 8.6 The following paragraphs of the National Planning Policy Framework 2018 apply:  
8 – Achieving sustainable development.  
11 – Presumption in favour of sustainable development  
38 – Positive, creative and proactive approach to development proposals  
127 – Criteria for assessing good design  
200 – Look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.  
201 – Not all elements of a conservation area will necessarily contribute to its significance.

## **9.0 APPRAISAL**

### **Background**

- 9.1 Alterations to The Cottage have previously been accepted under application Y15/0700/SH and Y18/0588/FH for the erection of a two storey extension together with alterations and addition of a basement swimming pool. These alterations are fairly significant in scale and would significantly change the appearance of the exterior of the building. Therefore, as significant changes to the dwelling have been previously accepted it is not considered that the loss of the building could be resisted on design and visual amenity grounds.

### **Relevant Material Planning Considerations**

- 9.2 It is noted that some of the representations received state that 'The Cottage' is listed as a building of 'local interest' in the 'feedback document' (Appendix 3 to the Sandgate Conservation Appraisal 2009). As part of the preparation of the Conservation Area Appraisal, in accordance with English Heritage advice at the time, stakeholder involvement was required in the appraisal process. The feedback document is a summary of the responses that were received to a questionnaire that was circulated to stakeholders. Reference to 'The Cottage' in this feedback document is just one of many buildings that the Sandgate Society believed to be of historical and/or architectural merit and recommended for inclusion. However, 'The Cottage' was never designated as a 'local building of merit' in the Sandgate East Proposed Conservation Area Historic Environment Analysis (see Appendix 2a – East). As such, no weight can be given to the 'feedback document'.
- 9.3 The Sandgate Design Statement is in the process of being revised however, it has not yet been through any form of consultation and so can still be considered to be at an early stage of preparation. Therefore, the current adopted Sandgate Design

Statement (2013) is relevant. The application site falls within the Esplanade Character Area but there is no reference within the Sandgate Design Statement (2013) to 'The Cottage'.

- 9.4 Therefore, whilst 'The Cottage' is located in a conservation area it is not recognised in any policy document as being of local interest or significance in the conservation area and as such the only material planning consideration in this regard is the proposal's impact on the setting of the conservation area and streetscene, not the loss of the existing building.
- 9.5 The relevant issues for consideration with regard to this current application are design and layout, impact on conservation area, neighbouring amenity, trees, land instability, archaeology, ecology and highway safety.

### **Design and Layout**

- 9.6 Saved policy BE1 of the Shepway District Local Plan Review seeks a high standard of design and choice of materials for all new development with materials being sympathetic to those predominating locally in type, colour and texture. Furthermore, development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height and elevational details.
- 9.7 Policy BE4 relates to conservation areas and states that applications for the demolition of buildings which contribute to the character or appearance of a conservation area should be refused. As the building has not been locally listed, although its removal would have an impact, it is not considered that this would be a negative impact that would warrant refusal of this application. Policy BE4 further requires proposals to respect the character of the conservation area in terms of height, scale, form and materials. The proposed apartment block has been amended during the process of the application to give a more traditional design with a mixture of a gable and hipped roof to the south elevation, and a hipped roof to the north elevation.
- 9.8 Due to the increase in gradient from east to west along Hillside, properties increase in their profile on the escarpment when viewed from Sandgate Esplanade. The application site is at the end of Hillside and the proposed apartment building has been designed to ensure the main ridge line is no higher than the existing building and the approved extensions, although not yet built. The ridge height would be slightly lower than the ridge height of The Clintons.
- 9.9 There is a bungalow to the west of the application site No.10 Encombe, which is accessed from Encombe to the west, and although there would be a height difference between the proposed apartment block and this bungalow, it is acknowledged that there already is a height difference between the existing two-storey building and this bungalow, and so it is not considered that the height of the proposed apartment building would be any more detrimental to the street scene when viewed from The Esplanade. The height, width and depth of the proposed block closely follows the building scale of the extensions approved under Y15/700/SH and Y18/0588/FH. The building line is similar to The Clintons, and is set back from No.10 Encombe, although

acknowledging the lower ground floor extends further south into the site however, this would be set within the sloping ground level of the site, with different materials used, exposed stone, to ensure this element appears separate and less visually intrusive. As such the siting is considered acceptable.

- 9.10 The south elevation has been designed with two projecting elements to the ground and first floors, so that the building has articulation to break-up the massing. A hip and gable roof are proposed, details of which have been taken from surrounding properties. The top floor would be set within the roof, set back from the south facing elevation with an inset balcony, again to break-up the massing of the building. To the north facing elevation, the proposed apartment building would have a hipped roof and would appear as two-storeys, which is considered would integrate well within the street scene when viewed from Hillside. It is therefore considered that the proposal would integrate well within the street scene when viewed from The Esplanade.
- 9.11 The two-storey building to the north of the site would have a flat central roof, relating to the flat roof design of Robingate, with hipped sides to relate to pitched roofs within the surrounding area and also to relate to the proposed apartment building to link the development together. The render and slate roof for both the two-storey building and apartment block appear locally within the surrounding area.
- 9.12 It is therefore considered that in siting, scale and design the development is of a high standard that would appear acceptable within its surroundings. The proposed buildings are considered to comply with the provisions of policies SD1, BE1 and BE4 of the Local Plan Review, and emerging policy HB1 of the PPLP in terms of presenting a high standard of design, which would physically and visually interrelate with its surroundings and preserve the character of the conservation area.

## **Amenity**

- 9.13 The apartment building has been designed with only two side facing windows which are to be high level to serve the living rooms of two flats on the ground and first floor with light to the centre of the building. These windows would not provide an outlook and would be secondary windows, with the main windows to these rooms to the rear (south facing elevation). The side facing windows would be conditioned to ensure they were above 1.7m from the finished floor level of the rooms in which they are installed. Other than these windows, no side facing windows are proposed, and the balconies to the south facing elevation would all have privacy screens, details of which would be conditioned. The two-storey building to the north of the site would not have any windows to the east facing elevation at first floor, thereby preserving the privacy of the neighbouring dwelling Robingale. A ground floor window is proposed to the east facing elevation however this would serve an en suite and would be conditioned to be obscure glazed. Therefore the proposed development is not considered to cause loss of privacy to any neighbouring property.
- 9.14 The proposed apartment block would be positioned closest to The Clintons to the east of the application site. The side elevation would retain the same building line as the existing property, retaining a separation distance of approximately 4m. There is a first floor side facing window and a side facing dormer window to The Clintons which currently receive some afternoon sunlight from the south. The proposed building



would be positioned on the same building line and would have the same ridge height and roof outline, therefore the impact on light to this neighbouring property is considered to be similar to the existing situation and not significantly detrimental to warrant refusal. A sunlight and daylight study is submitted as part of this application which concludes that the deduction in daylight to the windows of the neighbouring buildings is less than the value that is considered to represent a notable impact.

- 9.15 To the west of the application site is No.10 Encombe. The proposed apartment block would have a separation of approximately 6m between the main side elevation of the proposed building and the bungalow. This separation would be reduced to 5m at two points where the window projections are proposed. During the application process, the proposal has been amended and the separation distance between No.10 Encombe and the proposed apartment block has been increased slightly, so is a betterment on the proposal assessed within the sunlight and daylight study which was already assessed as having a less than significant impact.
- 9.16 In terms of the proposed two-storey building to the north of the site, it would be positioned a sufficient distance away from the side of Robingale to not cause a detrimental impact in terms of loss of light.
- 9.17 The two buildings have been designed with all habitable room windows having an outlook and all flats would achieve suitable sized rooms and adequate light and outlook to all habitable rooms in accordance with emerging policy HB3 of the PPLP. Saved policy SD1 of the Shepway District Local Plan Review, HB1 of the PPLP 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.
- 9.18 Whilst the proposal would likely result in a modest increase in activity due to increased car movements, the access would remain as existing and the most affected neighbouring properties are all large detached houses set back in the plots with some distance to the road. As such, any increased disturbance would not be significantly detrimental to warrant refusal of the application.
- 9.19 As such it is considered that the proposal would not result in any significant harm to neighbouring or future occupier's amenity.

### **Highway Safety**

- 9.20 Saved policy TR12 of the Local Plan Review and T2 of the PPLP states that new development, redevelopment or a change of use will only be permitted if it makes provision for off street parking on or near the site in accordance with the current maximum vehicle parking standards. This proposal utilises an existing onsite parking area. The proposal would provide one space per flat and two visitor spaces for the development, nine spaces in total which is compliant with the Kent Design Guide Review: Interim Guidance Note 3 (November 2008). In addition, a secure cycle parking area is proposed.
- 9.21 The existing access into the site would remain and would be utilised. There is objection that the access into the site is not drawn correctly as it passes over private land however as the access is not changing and remains as existing, this is a private

matter between the two land owners and not a material planning consideration. Kent Highways raise no objection to the application following these amendments to achieve acceptable visibility splays within the application site and highway land.

## **Trees**

9.22 The garden has been unmanaged for some years and is overgrown. Several elements of the woody vegetation would be removed to make way for the development but all are considered to have a low or minimal value. The larger and more valuable trees are mostly near the north and south boundaries of the site, and would be unaffected by the proposal (including the TPO trees). Tree protection measures would be conditioned to ensure they are protected during construction. The Council's Arboricultural Officer has recommendation that all recommendations made within the pre-development tree survey regarding tree removal, tree retention and protection shall be conditioned.

## **Ecology**

9.23 The submitted ecological report concluded that none of the trees and buildings have potential for roosting bats and KCC Ecology raise no objection, however recommend that lighting is controlled and request a condition.

## **Environmental Impact Assessment**

9.24 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.

9.25 The site is located within an area of land instability as defined on the Local Plan Proposals Map and saved policy BE19 of the Local Plan Review requires applications to demonstrate that the site can be safely developed without having an adverse impact on the slip area. A report demonstrating this has been requested from the applicant and a condition would be imposed on any planning permission which requires a detailed soil slope stability report to be submitted and approved before works commence.

## **Other Issues**

9.26 The development would be connected to mains drainage for both foul and surface water.

## **Local Finance Considerations**

9.27 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments),

or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

9.28 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £109.40 per square metre for new residential floor space.

9.29 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £ 8,908.13 for one year and £ 35632.54 for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

## Human Rights

9.30 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.

9.31 This application is reported to Committee due to the objection from Sandgate Parish Council.

## 10.0 BACKGROUND DOCUMENTS

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

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**RECOMMENDATION – That delegated authority be given to the Development Management Manager to grant planning permission subject to the following conditions, subject to the receipt of a soil stability report that demonstrates that the site can be satisfactorily developed without adversely affecting the stability of the site and neighbouring land and property; and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary:**

1. Standard time condition
2. Approved plan numbers
3. Materials
4. Construction management plan
5. Provision and retention of vehicle parking spaces
6. Details of cycle parking
7. Two-way traffic sign at the junction of Wilberforce Road and Hillside.
8. Tree protection measures
9. Windows to be high level above 1.7m to east elevation.
10. Privacy screens
11. Landscaping details
12. Lighting design strategy for biodiversity and ecological enhancements
13. Soil stability

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