

Application No: Y19/0231/FH

DCL/19/05

Location of Site: 20 Encombe, Sandgate, Folkestone, Kent, CT20 3DE.

Development: Erection of a three storey block of five (two-bedroom) apartments following the demolition of No. 20 Encombe with associated parking and landscaping.

Applicant: Sunningdale House Developments Ltd

Agent: Hume Planning Consultancy Ltd

Date Valid: 28.03.19

Expiry Date: 23.05.19

PEA Date: 05.07.19

Date of Committee: 02.07.19

Officer Contact: Adam Tomaszewski

SUMMARY

Planning permission is sought for the construction of a three storey building to comprise five two-bedroomed apartments following the demolition of 20 Encombe, along with associated parking and landscaping. The assessment of the application set out below considers that the proposal is in accordance with the local and national planning policy and is acceptable with regard to principles of the proposed development, residential amenity, highway matters, drainage, archaeology, land stability and ecology. The development is therefore considered to be sustainable and as required by the provisions of the NPPF should be approved, subject to appropriate conditions.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1.0 THE PROPOSAL

1.1 The proposed development is for the demolition of the existing two storey dwelling at 20 Encombe and to replace it with a three storey building comprising five residential apartments with associated parking and landscaping. The proposed development has a contemporary three storey design with flat roof and balconies for each of the apartments to the front elevation.

1.2 The scale of the proposal has been guided by the site levels in order to provide access to the lowest ground floor level which would be at the appropriate topographical level to allow direct access from the access road.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Inside the settlement boundary
- Area of archaeological potential
- Land instability area as identified by the British Geological Survey

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site lies at the northern end of the Encombe cul-de-sac, which is accessed from the A259 at Sandgate Esplanade. The site currently has a two storey flat roofed dwelling sited on it, which is of no particular architectural merit. The site covers an area of approximately 0.23 hectares, comprising flat land on the site of the existing dwelling and wooded hillside (part of the Sandgate Escarpment) at the rear. The site borders the principle entrance to the 36 apartments currently under construction on the adjoining site to the west, which formerly contained Encombe House, permitted under the outline permission reference Y11/0122/SH, subsequent reserved matters application reference Y16/0447/SH and the non-material amendment application Y18/0022/NMA. The owner of that site is also the applicant in this current application. The area of Encombe, of which this site forms part, was originally a mature parkland landscape interspersed with footpaths.
- 3.2 A Conservation Area is sited further to the east and to the south.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Y18/0579/FH - Retrospective application to fell three Birch and one Sycamore, and coppice four Yews, all subject of Tree Preservation Order No 8 of 2002. Approved with conditions.

5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

5.2 Sandgate Parish Council

Raised objections on the following grounds:

1. Increase in traffic generation would be detrimental both in terms of noise and present a clear danger to motorists and pedestrians.
2. Progressive demolition of properties in this area causing increasing concerns regarding land slippage.
3. Increased problems from water run-off due to over development.
4. Impact on badger setts.
5. Impact on neighbouring properties.
6. Inadequate parking provision.
7. Inadequate neighbour notification.

5.3 Building Control

No objections subject to the Council's standard landslip condition.

5.4 Environment Agency

Raised no objection subject to conditions outlined in the appraisal below.

5.5 Landscape and Urban Design Officer

No objection.

5.6 Environmental Health

No objection subject to the imposition of the condition set out by the contaminated land consultants.

5.7 KCC Archaeology

No comment.

5.8 KCC Ecology

Raised no objection subject to conditions outlined in the appraisal below.

5.9 Southern Water

Raised no objection.

5.10 Merebrook – Contamination Consultant

Raised no objection subject to the Council's standard contamination condition.

5.11 Arboricultural Manager

Raised no objection subject to condition outlined in the appraisal below.

6.0 REPRESENTATIONS

6.1 15 letters/emails have been received objecting on the following grounds:

- Gross overdevelopment;
- Out of character and scale with the adjacent houses.
- Demolish 20 Encombe and rebuild something of a similar size and height;
- Unstable land conditions and instability
- Impact on drainage
- Existing capacity of foul and surface sewers is overloaded.
- Additional traffic would impact on road safety including at the junction of the A259;
- Increase in noise and pollution
- Land instability could be disastrous for the Encombe area;
- Requests a planning condition restricting the parking of construction vehicles on the road.
- The character and appearance of the development would be detrimental to the Local Landscape Area;
- Does not marry well with the Sandgate Design Statement;
- Overspill parking within Encombe Road would result;
- Will exacerbate existing problems lower properties have of water runoff;
- Impact on neighbouring property, loss of privacy, overlooking, concerns raised that the occupants could change the layout and increase size of overlooking windows.
- Ecological impacts especially with regards badgers.
- Concern over parking arrangements
- Additional residents traffic on the highway network will place a heavy strain on residents in the area;
- The addition traffic on the existing highway network will impact the free flow of traffic and the existing junctions are not able to accommodate the additional traffic;

6.2 The Sandgate Society objects to the proposal and raised the following concerns in two separate representations:

- The erection of yet more flats in this area is already having an overbearing effect on the back drop of what was once a green hillside which is undermining any possibility of having any sort of identifiable architectural character in this part of Sandgate.
- Increase in traffic pressures.
- The impact of extra load already imposed, the diversion of water courses as a consequence of the recent implementation of land stability solutions and the effects of almost doubling vehicular use of the road.
- Out of keeping with the design of the properties to the east, the proposed development relates to the properties to the west.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<https://www.folkestone-hythe.gov.uk/planning/planning-policy/local-plan>

<https://www.folkestone-hythe.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

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

SD1, BE1, BE17, BE19, HO1, U2, U10a, U15, TR5, TR11, TR12, CO1, CO4, CO11.

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

DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD4, CSD5.

7.4 The following policies of The Places and Policies Local Plan Submission Draft apply:

HB1, HB3, NE2, NE6, NE7, T2, T5, CC2, HE2.

The Submission draft of the Places and Policies Local Plan (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.

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

SS3, SS5, CSD5

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given

to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

7.6 Sandgate Design Statement – The Escarpment Character Area

7.7 The following paragraphs of the National Planning Policy Framework 2019 apply: 7-14, 38, 47, 48, 54, 59, 102, 108, 109, 117, 122, 124, 127, 131, 170, 175, 177, 178, 179, 180.

8.0 APPRAISAL

Relevant Material Planning Considerations

8.1 The main considerations in the determination of this application are the principle of the proposed development, sustainability, design, residential amenity, land stability, ecology, highways, contamination, trees/landscaping and archaeology.

Principle/Sustainable Development

8.2 At a national level the National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development as does policy DSD of the Shepway Core Strategy and policy SD1 of the Shepway Local Plan Review. The NPPF defines 'Sustainable development' as having three dimensions: economic, social and environmental.

8.3 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 of 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 and no objection is raised in respect of this element of policy CDS5 of the core strategy.

8.4 The NPPF encourages the effective reuse of brownfield sites (previously developed land) that are not of high environmental value. Policy SS1 of the Shepway Core Strategy identifies the strategic priorities for future development being on urban, brownfield sites. Saved policy HO1 of the Shepway Local Plan Review permits housing on previously developed sites or infill within urban areas. Policy SS3 of the Core Strategy requires development within the district to be directed towards previously developed land within the urban area.

8.5 With regard to the principle of development in this location, this is considered acceptable. The application site is located within the settlement boundary of Folkestone and Sandgate and is within a predominantly residential area. The sustainable location benefits from good access to local shops, services and transport connections. This site is considered to be an infill previously developed windfall plot within the built environment where its development for additional residential units would make more efficient use of the land and potentially enhance the area. Saved Local Plan Review policy HO1a) supports the development of infill brownfield sites within existing urban areas.

Design

8.6 The NPPF and saved local plan policy BE1 require new residential development to deliver high quality housing in terms of the appearance of the development, ensuring that the development density is appropriate for its location, the street scene and character of the area and also the functionality and layout of the development design.

- 8.7 The area is within the Escarpment Character Area of the Sandgate Village Design Statement. This acknowledges the contemporary architecture within the area and also states that - *There is no common architectural style here and a unifying approach would be desirable*. The proposed design is contemporary, which suits the style of the architecture in Encombe. It is very similar to the design of the new apartments currently under construction to the west, and a number of other new residential dwellings on the approach to the development site, therefore it is considered that the design complements the surrounding buildings and fulfils the requirements of the Sandgate VDS.
- 8.8 The existing pattern of development within Encombe varies significantly, with a variety of style and scale of buildings. However it is reasonable to conclude that the predominant built form in this part of Encombe is large two and three storey detached dwellings addressing the street frontage. It is also noted that several modern and contemporary dwellinghouses have been built recently within Encombe and a series of large apartment blocks are being constructed at the top of the road adjacent to the development site.
- 8.9 In terms of siting, the plot is considered to be spacious in size and the (ground floor) building footprint of approximately 250sqm would sit comfortably within the plot where there is sufficient room to accommodate the building without it appearing cramped or over intensive and without eroding the spacious green characteristics of the area. Good space and landscaping would remain and whilst two trees would be removed, these are low quality and would not be detrimental to the visual amenity of the area (trees and landscaping are covered in more detail below). The proposed siting would also ensure that the dwelling visually contributes to the streetscene where its high quality architecture will be clearly visible. As such the siting is considered acceptable.
- 8.10 With regard to scale, the three storey scale is considered acceptable. This area has a mixture of scales, but is predominantly two and three storey. Its scale and form is also proposed to respond to the hillside location and the changing levels and natural contours of the land which would also prevent its bulk and mass from appearing unduly large.
- 8.11 The applicant has included design measures to create visual interest and reduce the mass of the building further. It is proposed that each of the three floor levels has a different elevation treatment, with natural stone work at ground level, a light coloured render on the first storey and a darker coloured aluminium cladding at second floor level. The change in materials would help to architecturally break down the mass of the building, creating relief to the front elevation and allowing the top floor to blend into the backdrop of the wooded escarpment to the rear.
- 8.12 The use of a mixture of materials also breaks up the bulk and mass of the development providing visual relief. In this regard, the building would not be seen as a vertical three storey building, but instead a building form that gradually rises sympathetically following the hillside profile and creating interest and innovative form. As seen from the road, being the most prominent elevation, the maximum roof height reaches approximately 8.9m but this is staggered with each storey stepping back gradually from the road ensuring that the overall height would not appear dominant.
- 8.13 Whilst the maximum roof height of the proposed development would be approximately 0.8m higher than 21 Encombe, the roof height at its maximum would be set back around 10.6m from the neighbouring property. Whereas, 21 Encombe is currently 1.6m higher than 20 Encombe so arguably the impact from the neighbouring property on the current 20 Encombe now is more significant than what is being proposed. It is therefore considered that in terms of scale, bulk and mass the proposed development would integrate well within its surroundings, and would sit comfortably in the street scene without appearing unduly dominant.
- 8.14 In design and appearance terms, the development is considered to propose a high quality contemporary and modern design approach that responds to the character of the area. The form and scale responds to the hillside by following and addressing the rise in the land and stepping back away from its closest neighbour. Recognition-of the coastal and leafy escarpment character

is also presented through the mixture of materials including stone work and light render juxtaposed against the modern darker aluminium cladding. The stone work and render reflects the local geology and are local vernacular materials whilst the darker modern aluminium material integrates well with the leafy green character of the escarpment to the rear. The design proposes strong features within acceptable parameters.

- 8.15 It is, therefore, considered that in siting, scale, design and landscaping the proposal is of a high standard that would appear acceptable within its surroundings. The proposed building is considered to comply with the provisions of policies SD1 and BE1 of the Local Plan Review and HB1 of the PPLP, in terms of presenting a high standard of design, which would physically and visually interrelate with its surroundings. The boundary of a conservation area (CA) is nearby however, the scale of the proposals and the distance between the site and the CA boundary is such that there would be no impact on its setting.

Residential Amenities

- 8.16 Policy SD1 of the Shepway Local Plan Review and the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development. Policy HB1 of the PPLP requires developments to not have an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook. These policies need to be taken into account when assessing the potential impacts of new build residential development on neighbouring dwellings.
- 8.17 Concern has been raised over the proposed development having an overbearing impact on the adjacent property 21 Encombe. However, the 'step back' from the main façade would also be incorporated on the eastern side boundary, at first and second floors, in order to reduce the perceived mass and scale of the building on this side. The first floor would be approximately 4.9m from the side elevation of 21 Encombe and the second floor would be approximately 10.6m, the ground level would sit below the existing boundary treatment. This would also create a stepping up of the massing of the building form as it transitions away from 21 Encombe towards the six storey apartment pavilions which are under construction to the west.
- 8.18 Owing to the separation distances from the neighbouring houses to the east, of between 4.9 - 10.6m it is considered that there would be no significant overbearing issues, or overshadowing. There would only be three small bathroom windows on the east elevation that would be visible to 21 Encombe, these would be obscure glazed and as such are not considered to result in any risk of overlooking the neighbouring property. There would be no overlooking and loss of privacy to the south or west as the windows would look onto the public streetscene and to the north would be the woodland escarpment. To the south, the proposed apartments would have a strong element of glazing and balconies but would be in excess of 70 metres away from houses below that have rear elevations and garden outbuildings facing the development site as well as good boundary treatment to prevent a significant loss of privacy. It is therefore considered that the development would safeguard residential amenities to an acceptable level.
- 8.19 It is considered that the building can be sited within the plot without being demonstrably harmful to the residential amenities enjoyed by neighbouring occupiers. The residential use is acceptable and compatible within the area and other houses.
- 8.20 Policy HB3 of the emerging PPLP requires all new residential properties to meet nationally described internal and external floor space standards, for dwellings of this size the internal floorspace should be a minimum of 70sqm. All five of the proposed apartments would exceed this standard with internal floor spaces ranging from 90.2 to 115.7 sqm. All of the dwellings would also have private balcony areas with a minimum depth of 2m. It is considered that for future occupiers the units are all considered to be well proportioned with acceptable private outside space in the form of balconies and that living conditions in the proposed flats would be considered acceptable. Overall the proposal is not considered to result in harm to the amenities of neighbouring dwellings

and the proposed units would provide the future occupiers of the units with a good standard accommodation and would be in compliance with policy SD1 of the Shepway Local Plan Review and policies HB1 and HB3 of the emerging PPLP.

Land Stability

- 8.21 The rear of the application site incorporates a steep embankment and this area falls within an area identified by the British Geological Survey as being a risk of instability. Policy BE19 states that planning permission for development within this area will not be granted unless investigation and analysis is undertaken which clearly demonstrates that the site can be safely developed and that the proposed development will not have an adverse effect on the slip area as a whole. Policy NE6 of the emerging PPLP goes on to say that where proposals affect land where instability is suspected, any planning application must be accompanied by a Phase 1 desktop land stability or slope stability risk assessment report and that the Council will look favourably on schemes that can bring unstable land back into use, subject to other planning and viability considerations. The development is proposed to be constructed primarily on the footprint of the existing dwelling so that it follows the existing contours of the land cutting into the hillside and would not impact on the embankment area in the north of the site any more than at present.
- 8.22 Matters of land stability have been covered in the submitted Phase 1 Preliminary Risk Assessment which has considered the geology, slope gradient and development and has outlined that the following criteria be adhered to when bringing the proposed development forward:
- No development within a suitable margin behind the main landslip;
 - No net increase in ground bearing surcharge is applied as a result of the construction proposals;
 - A suitable drainage strategy is employed to control and reduce groundwater levels;
 - Careful design of water supply mains and sewers including detailing of connection; and
 - Detailed consideration of surface water drainage to ensure that rainfall run off does not feed into the landslip.
- 8.23 Furthermore a detailed slope stability assessment will be carried out upon completion of a site specific ground investigation which will be informed by further topographical survey information obtained from north and south of the site. In addition further investigation into the following geotechnical and environmental issues will be carried out, including:
- Confirmation of the properties of possible onsite made ground, landslide deposits, and underlying geology;
 - Confirmation of the depth to rock head and bearing capacity of the underlying geology for foundation design;
 - Determination of the pH and sulphate of the made ground, natural strata and groundwater for concrete design;
 - Confirmation of site wide groundwater conditions;
 - Ground gas monitoring.
- 8.24 Building Control have been consulted and have no objections subject to imposition of the standard land stability condition. I am satisfied that the detailed further work recommended in the Phase 1 report, in conjunction with the Council's land stability condition, satisfactorily address land stability matters and meets policy requirements. Therefore the development is considered acceptable, subject to conditions requiring the additional investigation works and reports, and to be in accordance with saved Local Plan Review policy BE19, policy NE6 of the emerging PPLP and paragraphs 178-179 of the NPPF.

Ecology

- 8.25 The application has been accompanied by a Preliminary Ecological Appraisal Report. Having considered the most likely protected species, the survey confirms that there are active badger setts present on the site, however, these are not located within the actual development footprint. No other protected species were identified on the site. The ecology report also recommends ecological enhancement and mitigation measures for the site including the retention of all native and semi-mature trees where possible, retention of existing vegetated features to the north, planting of a range of nectar rich plants within the landscaping of the development, installation of bird boxes and bat boxes within the trees on the northern part of the site.
- 8.26 KCC Ecologists have assessed the proposed development and the ecological survey carried out and consider that there is sufficient information to determine the application and raise no objections. They have acknowledged that badgers are highly mobile creatures and that the badger sett layout could change and move closer to the development therefore they have requested that to address this concern a detailed badger mitigation strategy be produced and submitted as a planning condition. I am satisfied that this will address the concerns that have been raised regarding badgers. KCC have recommended that further mitigation and enhancement measures be incorporated into the scheme, which can be controlled by condition and an informative regarding the statutory protections measures relating to breeding birds. As such the development is considered acceptable in accordance with saved Local Plan Review policy CO11 and emerging policy NE2 of the PPLP and would safeguard and enhance ecology.

Highways

- 8.27 The site is considered to be in a sustainable location and accessible by various means of transport. It is close to facilities and amenities in Sandgate and benefits from good road and footpath networks as well as being accessible by public transport being close to bus stops.
- 8.28 The development proposes off street private parking as well as bicycle parking. Vehicular and pedestrian access would be off Encombe which is a quiet residential road with low traffic speed which is acceptable. The parking provision of five allocated spaces and two visitor spaces would be accessed from a rear access way to the apartments and would be sited a short distance away on the access road to the adjacent apartments currently under construction. There is a current overprovision of eleven parking spaces as part of that development and the seven spaces would be taken from this overprovision, this would be required by condition.
- 8.29 The proposed development does not fall within the category of development that Kent Highway Services provide comments on. KCC's Interim Guidance Note 3 (IGN3): Residential Parking, provides minimum and maximum residential parking guidelines depending on location. For a development of this type 1 space per apartment is required and 1 visitor space. The development proposes 5 allocated spaces and 2 visitor spaces, so would meet these guidelines. The spaces would be allocated from the current overprovision of parking at the adjacent apartment development. This development is providing 58 spaces and in line with (IGN3) would only have to provide a total of 47 spaces, leaving an overprovision of 11. Allocating 7 of these to the new development now proposed would still leave an overprovision of 4. As such the development is acceptable and in accordance with saved Local Plan Review policies TR11 and TR12 and policies T2 and T5 of the emerging PPLP and the parking provision would be required by condition.

Contamination

- 8.30 Saved policy U10a relates to contamination with respect to the health and safety of occupiers of residential development and the contamination of land and watercourses by the development. As a previously developed site, there is a risk of contamination being present and therefore the application has been accompanied with a desktop assessment. The report highlights a potential low to moderate risk and recommends further intrusive investigation. The Council's Contamination

Consultant agrees with the report and advises that part 1 of the Council's standard condition has been complied with through the report and recommends the rest of the condition be imposed. Conditions can also be used to protect controlled ground water resources with suitable drainage. As such, subject to a suitably worded planning condition, no objection is raised to the proposal under saved policy U10a of the Shepway Local Plan Review or policy NE7 of the emerging PPLP.

Archaeology

- 8.31 The site is within an area of archaeological potential and as such it is a material planning consideration. KCC Archaeology have been consulted and have advised that in this instance no archaeological measures are necessary. It is therefore considered that the proposal is acceptable with regard to archaeology.

Landscaping

- 8.32 A number of TPO trees are located on the western boundary of the site and these would remain. A Tree Survey has been provided in support of the application and outlines that the proposal would see the removal of two trees (non TPO) within the site that are either diseased or unsafe. The report also outlines a series of tree protection measures that would be employed to prevent damage during construction. The Council's Arboricultural Manager has no objection to the proposal and requests a condition to be imposed that requires him to be notified when all the protective fencing has been erected so that it can be inspected.
- 8.33 It is also important to condition a detailed landscaping scheme that outlines a high quality approach to both hard and soft landscaping design in order to further contribute to the visual amenity and enhancement of the area. On the basis of these conditions being imposed on any planning permission the proposals are considered acceptable and it is considered that they will enhance the streetscene and the adjacent conservation area setting and provide an opportunity to protect and enhance the existing protected trees in accordance with saved Local Plan Review policies BE16 and BE17.

Local Finance Considerations

- 8.34 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.
- 8.35 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 development is liable for the Community Infrastructure Levy which in this area equates to £111.15 per sqm of new floor space.
- 8.36 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 £6686 for one year and £26743 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

8.37 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.

PUBLIC SECTOR EQUALITY DUTY

- 8.38 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

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

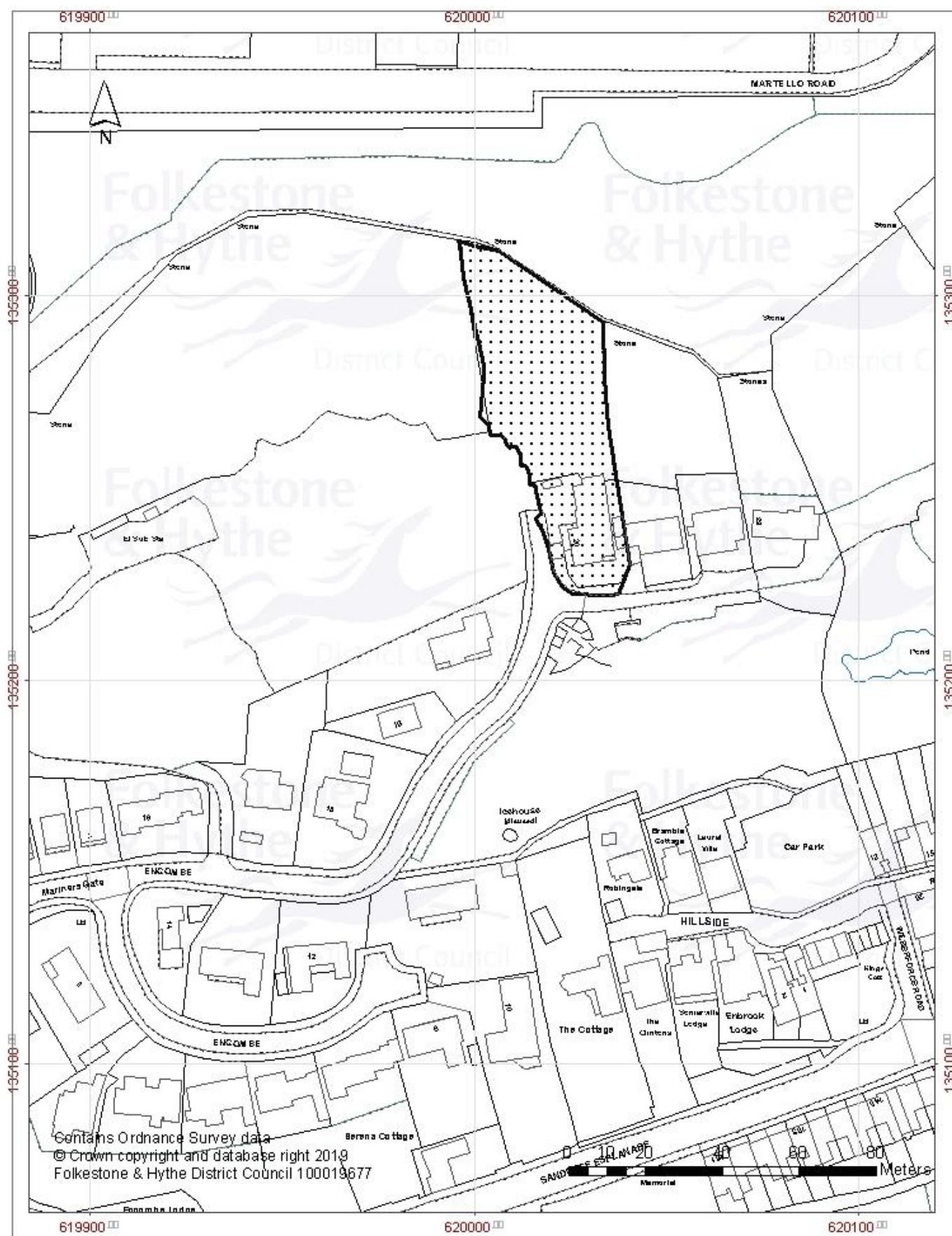
9.0 BACKGROUND DOCUMENTS

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

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

1. Standard 3 year permission.
2. Materials.
3. Provision and retention of vehicle parking spaces.
4. Sustainable surface water drainage scheme.
5. Verification report pertaining to the surface water drainage scheme.
6. Contamination.
7. Land stability condition.
8. Detail of foundation design
9. Maximum water use calculations.
10. Restriction of the use of piling in foundation design.
11. Badger mitigation strategy.
12. Ecological enhancement.
13. Tree Protection measures and inspection.
14. Hard and Soft Landscaping.
15. Details of boundary treatments.

Y19/0231/FH
20 Encombe
Sandgate



Contains Ordnance Survey data
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