

**Application No:** Y19/0362/FH

**Location of Site:** Romney Cottage Madeira Road Littlestone New Romney

**Development:** Demolition of existing care home and erection of 3 dwellings.

**Applicant:** HTW Construction

**Agent:** OSG Architecture Ltd  
Wyseplan Building  
Occupation Road  
Wye

**Officer Contact:** Louise Daniels

## SUMMARY

This report considers whether planning permission should be granted for removal of an existing care home and replacement with 3 residential dwellings. The report recommends that planning permission be granted as it is considered that the loss of the care home would not have a detrimental impact upon the districts care provision as the facility no longer meets the required standards and the facility has been marketed in accordance with policy HB11 of the Places and Policies Local Plan. The report considers that the 3 proposed dwellings would be acceptable in terms of the design and visual appearance, impact upon neighbouring and future occupant's amenity, ecology, flood risk and highway safety.

## RECOMMENDATION:

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

## 1. INTRODUCTION

- 1.1. The application is being reported to the Chief Planning Officer through the delegation plus procedure in exercising emergency delegation powers. The application had previously been due to be considered by the Planning and licensing committee due to an objection to the scheme received from New Romney Town Council.

## 2. SITE AND SURROUNDINGS

- 2.1 The application relates to a detached part two, part three-storey building in the settlement boundary of Littlestone (Figures 1 and 2). The building has a pebbledash render façade with a three-storey gable end feature, clay-tiled pitched roof and single-storey pitched roof side extensions to the north and south side elevations. There is a driveway and area of hardstanding to the north of the site leading to the rear garden area. The lawful use of the building is a care home for the elderly (use class C2).



Figure 1: Front elevation



Figure 2: Front elevation

2.2 The application site lies within the Littlestone Conservation Area. The immediate street scene is characterised by residential dwellings, predominantly large detached (ranging from single storey to three storey) units of mixed design, situated along both sides of Madeira Road (Figures 3 and 4). Littlestone Golf Club (home to two 18 hole golf courses) sits immediately to the rear of the application site, which is also within a designated Local Landscape Area and Site of Special Scientific Interest. Littlestone

Beach is situated to the east, which is also a designated Ramsar site, Special Area of Conservation and Special Protection Area. Part of the site lies within the Environment Agency's Flood Zones 2 and 3, and the site is also within an Area of Archaeological Potential.



Figure 3: Wider Streetscene



Figure 4: Wider Streetscene

2.3 The application site is positioned between 2 detached residential properties, 'Stoney Hoe' (Figure 5) to the north and 'Redworth Cottage' (Figure 6) to the south. The

neighbouring dwellings have pitched roofs (one is two-storey and the other three-storey) and feature a mix of pale render and tile hanging to the elevations.



(Figure 5 – Stoney Hoe)



(Figure 6 - Redworth Cottage)

2.4 A site location plan is attached to this report as **Appendix 1**.

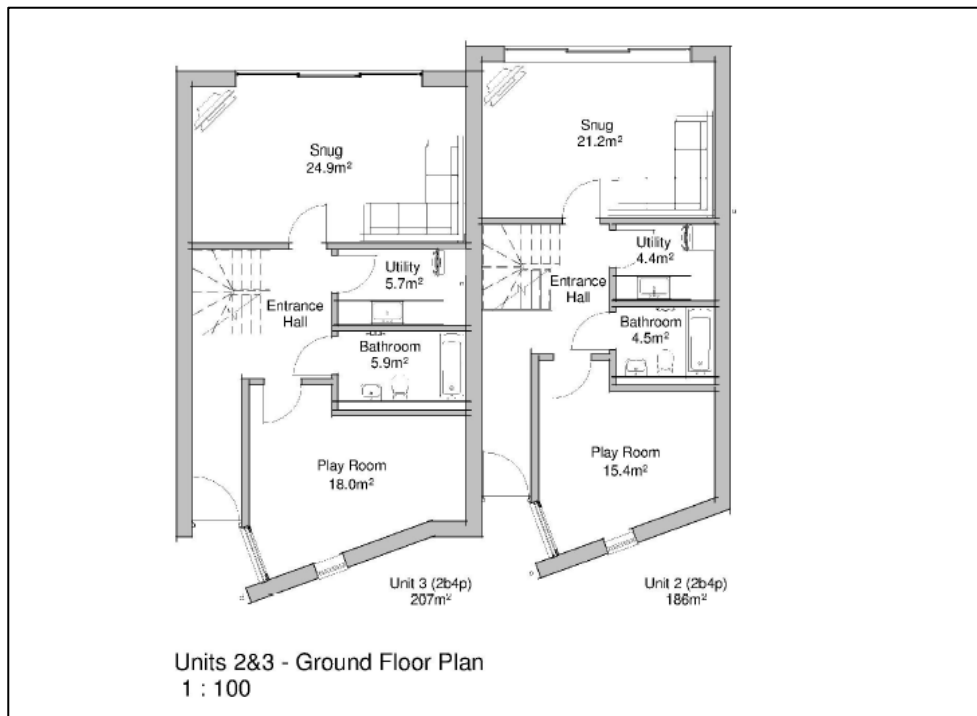
### 3. PROPOSAL

3.1 Full planning permission is sought for the demolition of the existing building and the construction of 3 residential dwellings. Two of the properties would form a pair of semi-detached units, the third would be detached (Figure 7). The buildings would have a three-storey façade with pitched roofs, and would be of a modern design finished in render with Siberian larch cladding, natural slate roof tiles and anthracite aluminium detailing.

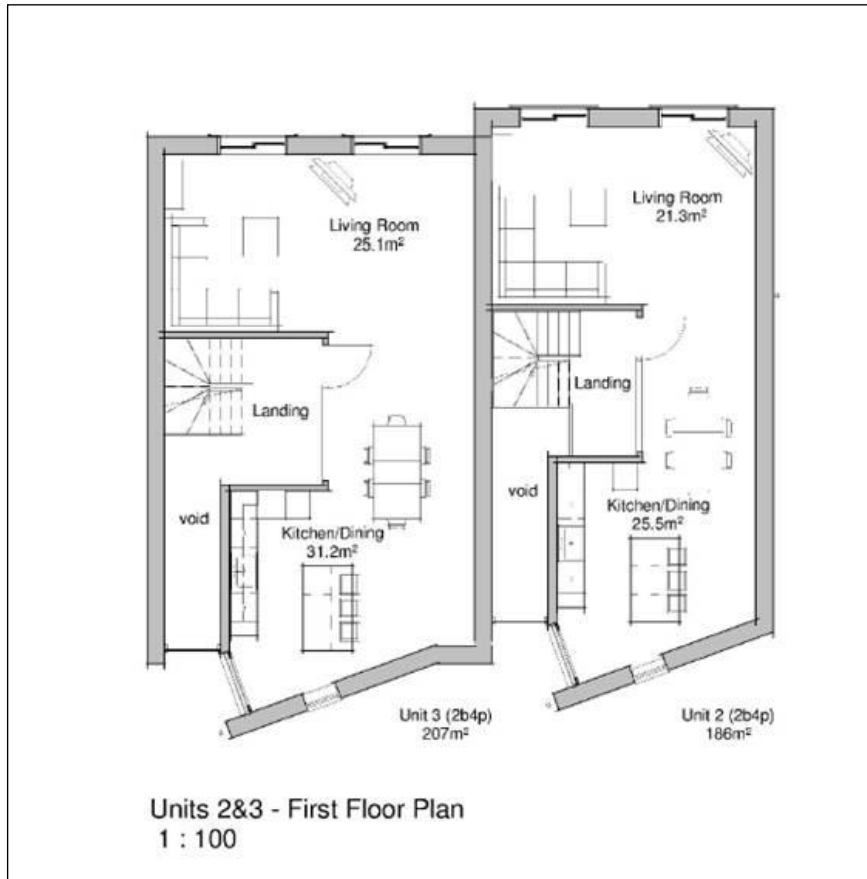


(Figure 7)

3.2 The internal layout of the semi-detached dwellings (Units 2 & 3) would comprise a 'snug' and playroom with bathroom and utility room at ground floor level (Figure 8), a living room and joint kitchen/dining room at first floor level with two bedrooms and an en-suite at second floor level (Figure 9).

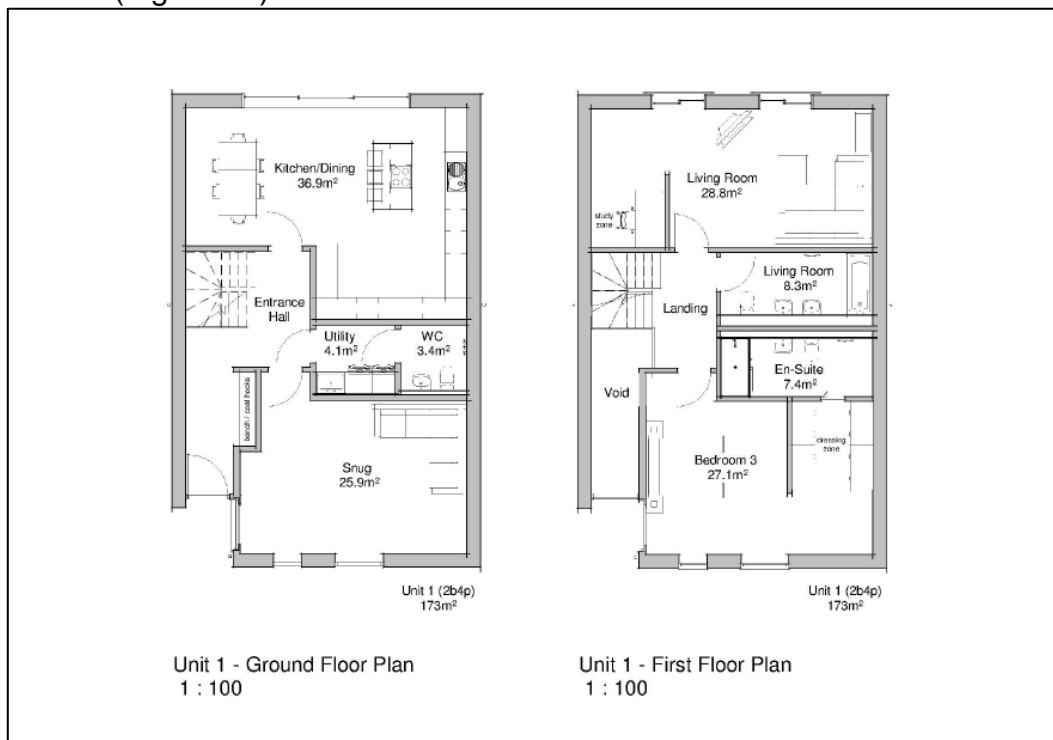


(Figure 8)

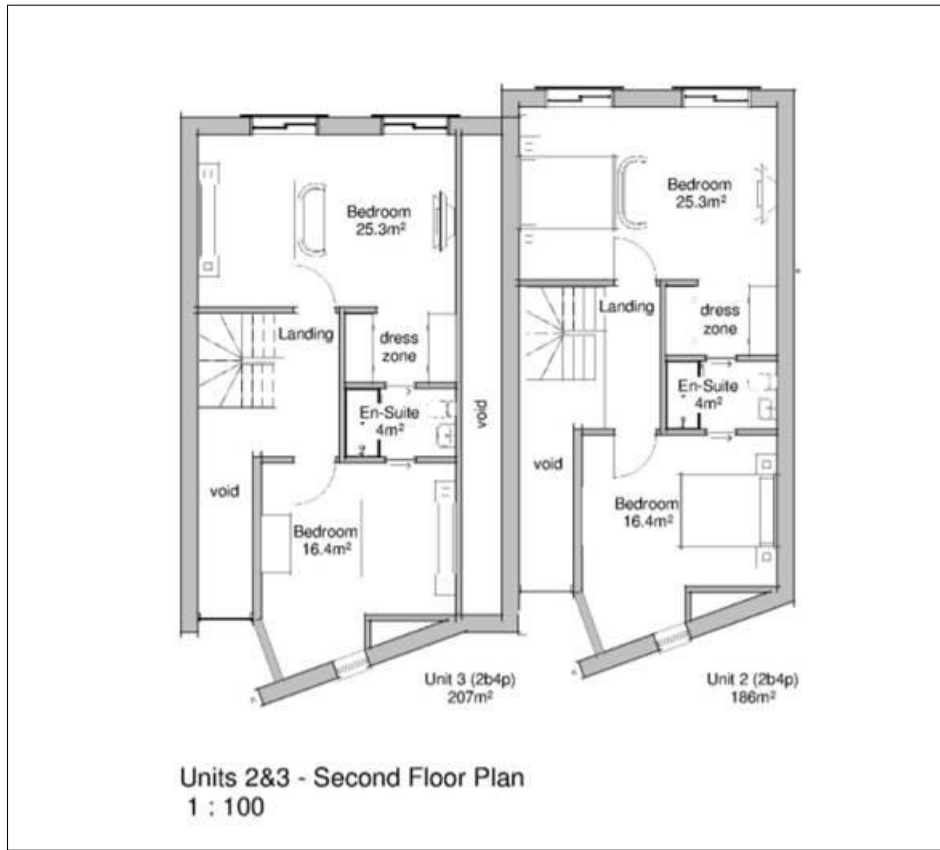


(Figure 9)

3.3 The internal layout of the detached dwelling (Unit 1) would comprise a 'snug' and kitchen/dining room, utility room and WC at ground floor level, a living room, bathroom, en suite and bedroom at first floor level with two bedrooms and two en-suites at second floor level (Figure 10).



(Figure 10)



(Figure 11)

3.4 Each of the 3 dwellings would have two car parking spaces and a garden to the rear (Figure 12).



(Figure 12)

3.5 During the process of this application the scheme has been amended and reduced from 4 dwellings to 3, together with layout changes.

#### 4. RELEVANT PLANNING HISTORY

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

**81/0884/SH**      Change of use to rest home for the elderly.      Approved

#### 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

##### Consultees

**New Romney Town Council:** Recommend refusal, contravenes policy BE4 – does not accord with Madeira Road conservation area guidelines; contravenes policy BE12.

**KCC Archaeology:** No archaeological measures are required in this instance.



**KCC Ecology:** No ecological information has been submitted with this application. As a result of reviewing the data we have available, we advise that further information is sought with regards to the potential for ecological impacts to arise as a result of the proposed development. A preliminary Ecological Appraisal (PEA), including a bat scoping survey, should be undertaken to assess the likely presence of protected species on site.

**Environment Agency:** No objection: This site lies partially within Flood Zone 3a; this is an area considered to be at 'high risk' from tidal flooding. This depicts the area which would be affected by a current-day '1 in 200 year' flood event if there were no defences present. This area does however benefit from the presence of tidal flood defences and is adequately protected from a breach in the defences and overtopping throughout the development's likely lifetime.

The submitted FRA examines the flood risk information presently available, and makes recommendations for managing the identified risk, taking the presence and condition of these existing defences into account. The consequences of the failure of these defences is also examined and it is adequately demonstrated that the development site would be largely safe from inundation during a climate change adjusted extreme tidal event (up to the year 2115).

Notwithstanding the above, this site does lie partially within Flood Zone 3a. This development should therefore be subject to the sequential and exception tests as required under the NPPF.

The analysis carried out within the FRA demonstrates that the site is likely to be safe from both tidal inundation and the consequences of a breach until 2115 (if the recommended mitigation measures are incorporated). If the LPA is to consider that this site has passed the sequential test, the exception test becomes applicable. The second part of this test requires that the development is 'safe'/ The minimum floor level of all living and sleeping accommodation should be in accordance with those outlined within the FRA, although we would recommend that the ground floor level is raised to 150mm above the existing ground floor level.

Mitigation measures set out in the FRA should be secured by condition.

**Southern Water:** No development or new tree planting should be located within 3m either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5m of a public sewer. A formal application for connection to the public sewerage system is required in order to service this development.

### **Local Residents Comments**

5.2 4 neighbours directly consulted. 20 letters of objection, 3 letters of support received.

5.3 All letters received have been read and the key issues are summarised below:

#### Support

- The development will improve the look of the area
- Housing is desperately needed
- The design of the new houses is an improvement on the existing building
- There would be no harm to neighbouring amenity

#### Objections

- The existing building is in keeping with the predominant style in the area, its demolition is contrary to policy BE4 of the Local Plan Review
- The development represents overdevelopment of the plot
- No evidence has been submitted to justify demolition of the existing building
- The development would result in visual harm to the street scene and Littlestone Conservation Area
- Residents have not been notified about the development
- Additional traffic
- Parking arrangement represents highway safety issue
- The development will set a negative precedent

5.4 Responses are available in full on the planning file on the Council's website:

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

## **6. RELEVANT PLANNING POLICY**

- 6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)
- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:-

#### Shepway District Local Plan Review (2013)

SD1 – Sustainable Development

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

BE4 - Criteria for considering development within conservation areas

BE12 - Areas of Special Character

BE16 - Requirement for comprehensive landscaping schemes

BE17 - Tree Preservation Orders and criteria for allowing protected trees to be removed

HO1 – New residential development  
TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes  
TR12 - Vehicle parking standards  
CO5 - Protection of Local Landscape Areas  
CO11 - Protection of protected species and their habitat  
U1 – Drainage for 5 houses or less

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development  
SS1 - District Spatial Strategy  
SS2 - Housing and the Economy Growth Strategy  
SS3 - Place-Shaping and Sustainable Settlements Strategy  
CSD1 - Balanced Neighbourhoods for Shepway  
CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation  
CSD5 – Water and coastal management

Places and Policies Local Plan Submission Draft (2019)

HB1 – Quality Places through Design  
HB3 - Internal and External Space Standards  
HB11 - Loss of Residential Care Homes and Institutions  
T2 - Parking Standards  
T5 - Cycle Parking  
NE2 - Biodiversity  
NE3 - Protecting the District's Landscapes and Countryside  
HE1 - Heritage Assets  
HE2 – Archaeology

Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy  
SS2 - Housing and the Economy Growth Strategy  
SS3 - Place-Shaping and Sustainable Settlements Strategy  
CSD1 - Balanced Neighbourhoods for Shepway  
CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation  
CSD5 – Water and coastal management

6.5 The following are also material considerations to the determination of this application.

National Planning Policy Framework (NPPF) 2019

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

Paragraphs 11, 12, 124, 127, 155, 158, 160, 175, 176, 189, 197

National Planning Policy Guidance (NPPG)

006 Reference ID: 21b-006-20190315, Paragraph: 001 Reference ID: 26-001-20140306, Paragraph: 001 Reference ID: 8-001-20140306

## National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive  
Paragraph 53 '*Well designed places are visually attractive and aim to delight their occupants and passers-by*'.
- N3 - Support rich and varied biodiversity

## **7. APPRAISAL**

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

- a) Principle of development
- b) Design/layout/visual amenity and impact on the Conservation Area
- c) Residential amenity
- d) Standard of accommodation
- e) Ecology and biodiversity
- f) Flood risk
- g) Highway safety
- h) Drainage
- i) Archaeology

### **a) Principle of development**

7.2 The application seeks to demolish an existing care home for the elderly (use class C2) to facilitate the erection of three residential dwellings (use class C3). Appeal decisions have confirmed that a care home is not to be considered as a '*community facility*' for the purposes of planning policy protecting such facilities. As such, adopted local policies protecting against the loss of community facilities are not applicable in this instance. Similarly, there are paragraphs within the NPPF which protect against the loss of community facilities but none that seek to protect care homes.

7.3 The Places and Policies Local Plan (PPLP) is at an advanced stage of adoption and paragraph 48 of the NPPF states that the more advanced its preparation, the greater the weight that may be given to emerging plans. Emerging policy HB11 of the PPLP relates to the conversion of care homes. Emerging policy HB11 states:

*Planning permission will be granted for the conversion of a residential care home or institution (C2) to residential (C3), hotel or bed and breakfast (C1) or non-residential institution (D1) use, or the demolition of the building or buildings and new build development for these uses, if the following are satisfied:*

1. *The applicant has provided a viability report demonstrating that:*

- *A residential care or institutional use in the current building is not economically sustainable;*
  - *Extension or adaption is not viable; and*
  - *The property has been actively marketed at a reasonable rate for a period of at least 12 months and no reasonable offers have been made;*
2. *Design and layout take account of the design and sustainable construction policies within this plan, as far as is reasonably practical;*
3. *It can be demonstrated that levels of traffic movements can be successfully accommodated on the local road network and that parking can be provided in accordance with the requirements of Policy T2;*
4. *Development does not result in increased noise or disturbance which impacts on neighbouring residential amenity; and*
5. *In the case of redevelopment for residential (C3) use, the development provides affordable housing in accordance with Core Strategy Policy CSD1: Balanced Neighbourhoods for Shepway.*

7.4 The applicant has submitted information regarding the marketing of the property which is as follows: The care home was closed in 2016 following a Care Quality Commission report, which rated the property as 'inadequate', forcing its closure. In terms of marketing, the applicant (who was not the owner at the time of marketing) has confirmed that the property was marketed for commercial purposes by Christie & Co commercial agents from December 2016. The property was put to auction in March 2017 and failed to sell on the auction day after their marketing period. The applicant then purchased the property in December 2017.

7.5 In addition, evidence has been submitted in the form of an email from KCC Strategic and Corporate Services, stating that the building is no longer required to deliver care and support within the district.

7.6 Although the applicant has not submitted a full viability report demonstrating that the existing residential care use is not economically sustainable, or that extension or adaption of the existing building is not viable, KCC does not require the building as a care home and therefore its retention is no longer required. The loss of this care home would therefore not have a detrimental impact upon the overall district provision of care facilities.

7.7 This supporting marketing information confirms that the property has been actively marketed at a reasonable rate for a period of at least 12 months with no success.

7.8 Therefore, it is considered that Part 1 of Policy HB11 has been addressed and the principle in terms of loss of the care home is acceptable. Parts 2-5 of Policy HB11 would be addressed in the following sections.

## **b) Design/layout/visual amenity**

7.9 Part 2 of policy HB11 requires the design and layout of the proposal to take account of the design and sustainable construction policies within the local plan. The design policies relevant to this application are saved policies BE1 and BE4 of the Local Plan in addition to policies HB1 and HB8 of the PPLP.

7.10 Saved policies BE1 and HB1 require a high standard of layout, design and choice of materials will be expected for all new development. Materials should be sympathetic to those predominating locally in type, colour and texture. 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. Proposals should also incorporate high quality hard and soft landscaping and boundary treatments.

7.11 Saved Policy BE4 of the local plan relates to Conservation Areas specifically and states that the Local Planning Authority will:

- a) *refuse Conservation Area Consent for the demolition of buildings which contribute to the character or appearance of a Conservation Area;*
- b) *refuse proposals for infill or backland development which would adversely affect the character of a Conservation Area;*
- c) *require the height, scale, form and materials of new development, including alterations or extensions to existing buildings, to respect the character of Conservation Areas;*
- d) *seek to retain materials, features and details of unlisted buildings or structures which preserve or enhance the character or appearance of Conservation Areas;*
- e) *seek to retain the historic patterns, plot boundaries, building lines, open spaces, footways, footpaths and kerblines which are essential to the character or appearance of Conservation areas;*
- f) *protect trees, verges and hedgerows which enhance both the setting and character of Conservation Areas.*

7.12 The application seeks to demolish the existing building which is positioned within the Littlestone Conservation Area. The building is neither considered to be of special architectural merit worthy of retaining nor is the building listed as being a building of any special character, therefore it is not considered that the demolition of this building would have a detrimental impact upon the character and appearance of the Littlestone Conservation Area.

7.13 The streetscene of Madeira Road is characterised by residential development of range of styles, with a mix of external finishes. There is no uniform style, and several contemporary buildings are now interspersed with the more conventional designs and have become an established element in the coastal townscape. Therefore it is considered that this site could accommodate a modern development, such as the one proposed here, whilst still acknowledging the character of the traditional dwellings either side.

7.14 The 3 proposed dwellings, although of a modern design, have been designed with pitched roofs and gable frontages, drawing on common design themes within the street scene which would integrate well between the neighbouring properties. 'Stoney Hoe' to the north and 'Redworth Cottage' to the south both have pitched roof designs, albeit these are hipped. It is considered that the proposal represents an innovative design with a modern appearance, which would contribute and complement the eclectic mix of dwelling designs found in the immediate area whilst acknowledging the traditional houses on either side.

7.15 The built form has been moved away from the north boundary during the processing of the application to reduce the impact on the neighbouring dwelling and to provide a visual separation between the two. In addition, the detached dwelling, to the north,

has been set back within the site to allow for landscaping to the frontage to soften the impact of the dwelling on the street scene. The detached dwelling has been designed to be subservient to the semi-detached dwellings, with a lower ridge height and shallower pitched roof. This would further reduce the dominance of the development as a whole and lessen the severity of the impact upon the street scene. The detached dwelling is also slightly different in appearance to add interest and to 'break-up' the proposal, whilst still maintaining a character and design which is carried across all 3 dwellings.

7.16 Concern has been raised by neighbours that the proposal is overdevelopment of the site, however, given the separation areas within the site, this is not considered to be the case. The subdivision of the plot into 3 is considered to be acceptable in the wider character of the wider area given that some properties have smaller plots than others along Madeira Road and that the application site is particularly wide.

7.17 In terms of layout, the application site has a wide frontage with the existing building positioned to the south of the site. The proposed layout would position the dwellings more evenly through the site, with the semi-detached pair to the south and the detached dwelling to the north of the site. During the process of the application the scheme has been amended to reduce the number of dwellings from 4 to 3 and in doing so the layout is less cramped with space now available around the dwellings. The lack of boundary treatments on the western side of Madeira Road contributes to the open nature of the area, as do the spacious grounds of the properties to the east. The grass verges and attractive landscaping add visual interest to the street scene. The proposed scheme has been designed to set the dwellings back from the road to allow for landscaping to ensure the scheme retains the open frontage with only 1m high post and rail fencing between the properties, maintaining the open nature of the frontage, and therefore appropriate in the character of the area.

7.18 The application seeks to remove a total of five trees from the site to facilitate the development. Whilst the loss of these trees is not ideal, the application was accompanied by a tree survey which identified them all as being low quality specimens. Taking this into consideration, the loss of the trees from the street scene can be mitigated by replacement tree replanting and a wider site landscaping scheme which would be secured by planning condition, should planning permission be forthcoming, in accordance with Saved policy BE16 of the local plan review.

7.19 Overall in terms of the design and visual appearance of the scheme, it is considered that the proposal would be in accordance with saved policies BE1, BE4 and BE16 of the Local Plan Review and emerging policies HB1 and part 2 of HB11 of the PPLP.

### **c) Residential amenity**

7.20 The application site is bordered by two residential properties on either side; 'Stoney Hoe' to the north, and 'Redworth Cottage' to the south. These two properties are the most likely to be impacted by the proposed development and the potential impacts on each property are assessed respectively below.

7.21 The proposed development would result in a separation distance between the side elevation of Stoney Hoe and Unit 1 of the proposed development measuring approximately 3.02m. The footprint of Unit 1 would extend beyond the existing rear building line of Stoney Hoe by approximately 2.2m, however the 45 degree line when measured from the rear of Stoney Hoe would not be compromised by the proposal. It is considered that whilst the proposed building would be 3 storeys in height and would

increase the visual bulk of development on the application site, due to the separation distance and the fact that Unit 1 would not contravene the 45 degree line, the proposal would not result in significant loss of light and overshadowing, and any loss would not be significant enough to warrant refusal of the application.

7.22 The proposed development would result in a separation distance between the side elevation of Redworth Cottage and proposed Unit 1 measuring approximately 1.79m. This relationship is much closer than that of Stoney Hoe, however Redworth Cottage is positioned to the south of the application site and therefore would not have any loss of direct sunlight as a result of the proposal. In addition, the rear of Unit 1 would be positioned in line with the rear of Redworth Cottage, therefore minimising the impact of this dwelling given the closer position proposed.

7.23 Rear Juliet balconies are proposed to all 3 dwellings and no side facing windows are proposed. As such, the proposals are not considered to result in an unacceptable loss of privacy to either neighbouring property.

7.24 The site is bordered by Littlestone golf course to the rear, therefore there are no properties to the rear of the site that would be affected in terms of amenity. The site is separated from the rear elevations of properties along Coast Road by a highway and the spacious garden areas, therefore significant harm to amenity is unlikely to occur to these properties.

7.25 In terms of noise and disturbance, the existing care home would have had a number of comings and goings with relatives visiting the site and also from members of staff. Therefore, it is not considered that the change to 3 residential dwellings would have a greater impact in terms of increased noise or disturbance in comparison to the lawful care home use.

7.26 Overall, in terms of the impact upon neighbouring amenity, whilst it is acknowledged that the development would have some impact upon the two neighbouring dwellings, through the introduction of additional bulk on site and additional windows to the rear elevations of the new properties, this arrangement is fairly typical of residential streets and the impacts are not considered to amount to significant harm to neighbouring amenity which would warrant refusal of the application. As such, the application is considered to be in accordance with saved policy SD1 of the Local Plan which seeks to safeguard the amenity of residents and policy HB8 of the PPLP which seeks to protect neighbouring residential amenity and ensure avoidance of unacceptable overlooking and inter-looking in addition to part 4 of HB11 of the PPLP which seeks to ensure that development does not result in increased noise or disturbance which impacts on neighbouring residential amenity.

#### **d) Standard of accommodation**

7.27 Emerging policy HB3 of the PPLP states that proposals for new residential units should comply with the current nationally described space standard and each of the three dwellings would comply with these standards (Unit 1 = 173 meters squared, Unit 2 = 186 meters squared, Unit 3 = 207 meters squared). Each habitable room would feature a window providing adequate levels of daylight and outlook. There would be a good sized private garden area to the rear of each property. Therefore, overall the scheme is considered to represent a good standard of accommodation for future residents in accordance with emerging policy HB3 of the PPLP.

#### **e) Ecology and biodiversity**



- 7.28 Policy NE2 of the PPLP requires development to avoid a net loss of biodiversity, and a high level of protection will be given to nationally designated sites (SSSI) where development will avoid any significant impact. Paragraph 170 of the National Planning Policy Framework (NPPF) states that development should minimise impacts on and provide net gains for biodiversity and 175(b) of the National Planning Policy Framework states that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.
- 7.29 The County Ecologist has provided comments on the application, indicating that the site has potential habitation of protected species on site and pre-commencement conditions could be applied to an approval to ensure that protected biodiversity is safeguarded and that a net loss of biodiversity would not occur in accordance with policy NE2 of the Places and Policies Local Plan and the NPPF.

#### **f) Flood risk**

- 7.30 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere (paragraph 155).
- 7.31 Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 7.32 When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (paragraph 163).
- 7.33 Where development needs to be in locations where there is a risk of flooding as alternative sites are not available, local planning authorities and developers ensure development is appropriately flood resilient and resistant, safe for its users for the development's lifetime, and will not increase flood risk overall.
- 7.34 A site-specific flood risk assessment is carried out by (or on behalf of) a developer to assess the flood risk to and from a development site. Where necessary the assessment should accompany a planning application submitted to the local planning authority. The assessment should demonstrate to the decision-maker how flood risk will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its users.
- 7.35 Policy SS3 Place-Shaping and Sustainable Settlements Strategy states that for development located within zones identified by the Environment Agency as being at risk from flooding, or at risk of wave over-topping in immediate proximity to the coastline (within 30 metres of the crest of the sea wall or equivalent), site-specific evidence will be required in the form of a detailed flood risk assessment.
- 7.36 Part of the site is within flood zones 2 and 3 with the middle of the site, where the dwellings would be located, not designated as being within these flood zones. The Council's SFRA does not show the site as being within any flood risk in 2115.
- 7.37 A site flood risk assessment (site FRA) has been submitted with the application and concludes that the development will not increase the risk of flooding at the site, or elsewhere. There are a number of mitigation measures and recommendations that

could further reduce the risk to the development and other areas within the floodplain which are set out within Section 10 of the report and which can be conditioned.

- 7.38 The Environment Agency raise no objection to the application stating that the site is likely to be safe from both tidal inundation and the consequences of a breach until 2115 (if the recommended mitigation measures are incorporated). The Environment Agency state that if the LPA consider the site has passed the sequential test, the exception test becomes applicable and if the LPA consider the sequential test is passed then a condition should be applied requiring the raising of the ground finished floor level by 150mm above the existing ground floor level.
- 7.39 In terms of the sequential test, the HIA of the Romney Marsh area was inspected and considered for 'available' sites of a similar size and or nature to this one that could provide the 3 houses and which would be at a lower risk of flooding. There were no other alternative sites available either in terms of sites with planning permission or that are allocated at a lower risk of flooding.
- 7.40 In respect of the exceptions test, the site FRA has demonstrated that the development will not increase flood risk elsewhere and that the site will be safe from tidal inundation for its lifetime (subject to conditions being implemented). The development would also provide very small sustainable benefits through the provision of three additional dwellings. As such, despite the location in flood zones 2 and 3, the development is considered acceptable (subject to conditions) in respect of flooding.

#### **g) Highway safety**

- 7.41 The application proposes the provision of 2no. off-street car parking spaces per unit, totalling 8 spaces. The spaces would be accessed directly from the highway along Madeira Road along which there are no kerbs or pavements. The proposed car parking provision would be in line with current parking standards set out in policy T2 of the PPLP.
- 7.42 The proposed use of the site would undoubtedly alter the traffic movements associated with a residential use compared to the existing care home use. The impact of additional movements associated with three new dwellings on the wider highways network is considered to be less than severe in this instance, and would not warrant refusal on transport grounds.
- 7.43 If the application were otherwise acceptable, the provision of secure cycle storage facilities could be secured by condition to promote more sustainable methods of transport in accordance with Saved policy TR5 of the LPR.
- 7.44 As such, the proposal is considered to be in accordance with Part 3 of policy HB11 of the PPLP which requires the levels of traffic movements to be accommodated on the local road network and that parking can be provided in accordance with the requirements of Policy T2 within the PPLP.

#### **h) Drainage**

- 7.45 The application form states that the dwellings would be connected to the mains drainage and a full drainage scheme could be secured by condition. This is considered to be appropriate and acceptable.

## **i) Archaeology**

7.46 The County Archaeologist has been consulted on the application and has suggested that no archaeological measures are required in this location.

### **Environmental Impact Assessment**

7.47 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

### **Local Finance Considerations**

7.48 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.

7.49 In accordance with policy SS5 of the 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 £55.58 per square metre for new residential floor space with the exception of the affordable/self-build housing units which are exempt.

### **Human Rights**

7.50 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**

7.51 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.

### **Working with the applicant**

7.52 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## **8. CONCLUSION**

8.1 The loss of the care home is considered to be acceptable in principle as the facility does not meet modern standards and therefore its loss would not have a detrimental impact upon the districts care provision. The proposed dwellings would be acceptable and appropriate within the street scene and character of Madeira Road and would not be detrimental to the character and appearance of the conservation area. The proposed dwellings would not have a detrimental impact upon existing neighbouring amenity and would have acceptable in terms of the level of amenity provided for future occupants. The impact upon biodiversity would be mitigated against by appropriate conditions and the proposed dwellings are not considered to cause increased flood risk or increased risk to life. Parking is proposed on site and would be in accordance with adopted parking standards, therefore the development would not cause harm to the highway network. Overall the proposal would be acceptable in accordance with national and local policies, particularly policy HB11 of the PPLP which refers to the loss of care homes specifically.

## **9. BACKGROUND DOCUMENTS**

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

## **10. RECOMMENDATIONS**

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

### Conditions:

- 1) Three year time condition
- 2) Submitted plans
- 3) Materials to be submitted
- 4) Cycle parking
- 5) Finished floor levels and FRA recommendations
- 6) Ecology conditions
- 7) Landscaping
- 8) Parking spaces
- 9) Boundary treatment
- 10) Drainage details

# Appendix 1 – Site Location Plan

Y19/0362/FH  
Romney Cottage  
Madeira Road  
Littlestone

