

Application No: 20/0531/FH

Location of Site: 3 Tanners Hill, Hythe, Kent CT21 5UE

Development: Demolition of existing dwelling and garage. Removal of conifer trees along north eastern site boundary. Proposed construction of three storey block of six apartments with parking, amenity spaces, bin & cycle stores.

Applicant: Tolman Homes

Agent: Clague Architects

Officer Contact: Robert Allan

SUMMARY

This report considers whether planning permission should be granted for the demolition of the existing dwelling and garage and replacement with a three storey block of six apartments. Whilst the objections of Hythe Town Council have been noted, it is considered that the proposal would be in a highly sustainable location, representing good design that will contribute positively toward the character of the street scene and conservation area, with a modest contribution toward the Council's identified five-year supply of housing land being made. Whilst objections from local residents are noted these are not considered to amount to a justifiable reason for refusal and the application is recommended for approval subject to final, positive comments being received from KCC Highways and Transportation and subject to the conditions set out at the end of the report.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and any others that the Chief Planning Officer deems to be necessary.

1. INTRODUCTION

- 1.1. The application is reported to Committee due to the objection raised by Hythe Town Council, which is contrary to Officer Recommendation.

2. SITE AND SURROUNDINGS

- 2.1. The application site is a tapering piece of land on a steeply sloping site within the defined settlement boundary of Hythe, approximately 50 metres from the eastern end of the High Street, with vehicular access from North Road to the north and pedestrian access from Tanners Hill to the east. It contains a two storey detached house from the Victorian/Edwardian era, finished in render and tile with attractive barge board detailing. To the eastern boundary is a ragstone wall, with shrubs and hedging up to the line of the rear of the property, which then is replaced by a substantial bank of

conifer trees. The North Road access is relatively open and is shared with two properties to the west, 5 and 7 North Road.

- 2.2. To the south of the application site, accessed from Dental Street, is 1-8 Springfield, a four storey block of flats; 1-8 Lindens, a three storey block of flats; and 1 Tanners Hill, a three storey Edwardian/Victorian building utilised as a care home. The site is within the Hythe Conservation Area, an area of archaeological potential and an area where slope instability problems are probably present or have occurred in the past and must be considered as part of any proposal.
- 2.3. The existing site layout is shown in Figure 1, the street scene is shown in Figure 2 with the remaining elevations of the property shown in figure 3, as shown below:



Figure 1

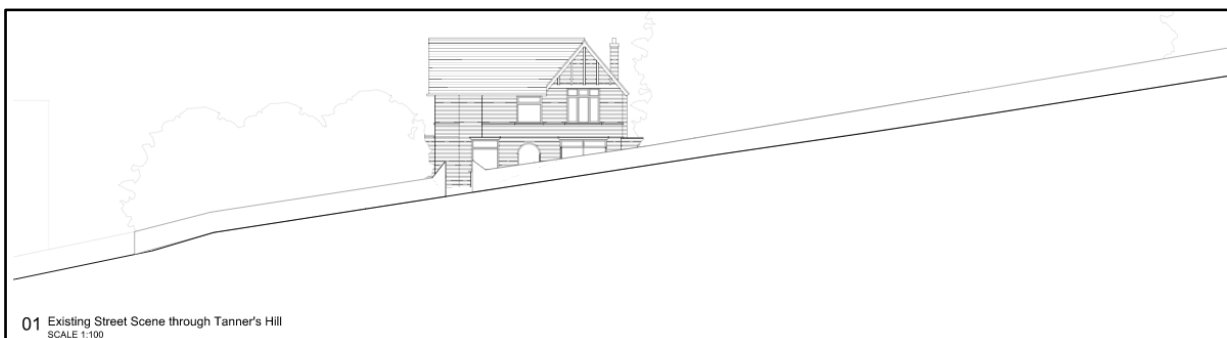


Figure 2



Figure 3

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 dwelling and garage on the site and construction of a three storey block of six two-bedroom apartments together with seven parking spaces (one space per flat and one visitor space), bin & cycle stores. The flats would have gross internal areas as below:

Ground floor:

Unit 1 – 116.2sqm

Unit 2 – 104.3sqm

First floor:

Unit 3 – 110sqm

Unit 4 – 98sqm

Second floor:

Unit 5 – 101.5sqm

Unit 6 – 83.8sqm

3.2 The main entrance into the proposed building is located on the first floor, which is accessed via the car park on the northern elevation. The secondary entrance into the building is located on the ground floor, which can be accessed via the pedestrian entrance along Tanner's Hill. This entrance will primarily be used by those who are using the cycle store.

3.3 The design of each apartment has been mirrored on all three floors, with the only change to each apartment being small changes to the gross internal area reflecting the amenity spaces available. The two ground floor apartments have access to their own garden space, whereas the first and second floors have access to their own private balconies. The size and depth of the balconies vary on the first and second floor, with the second floor apartments having the larger sized balconies. The proposed floor plans are shown below.

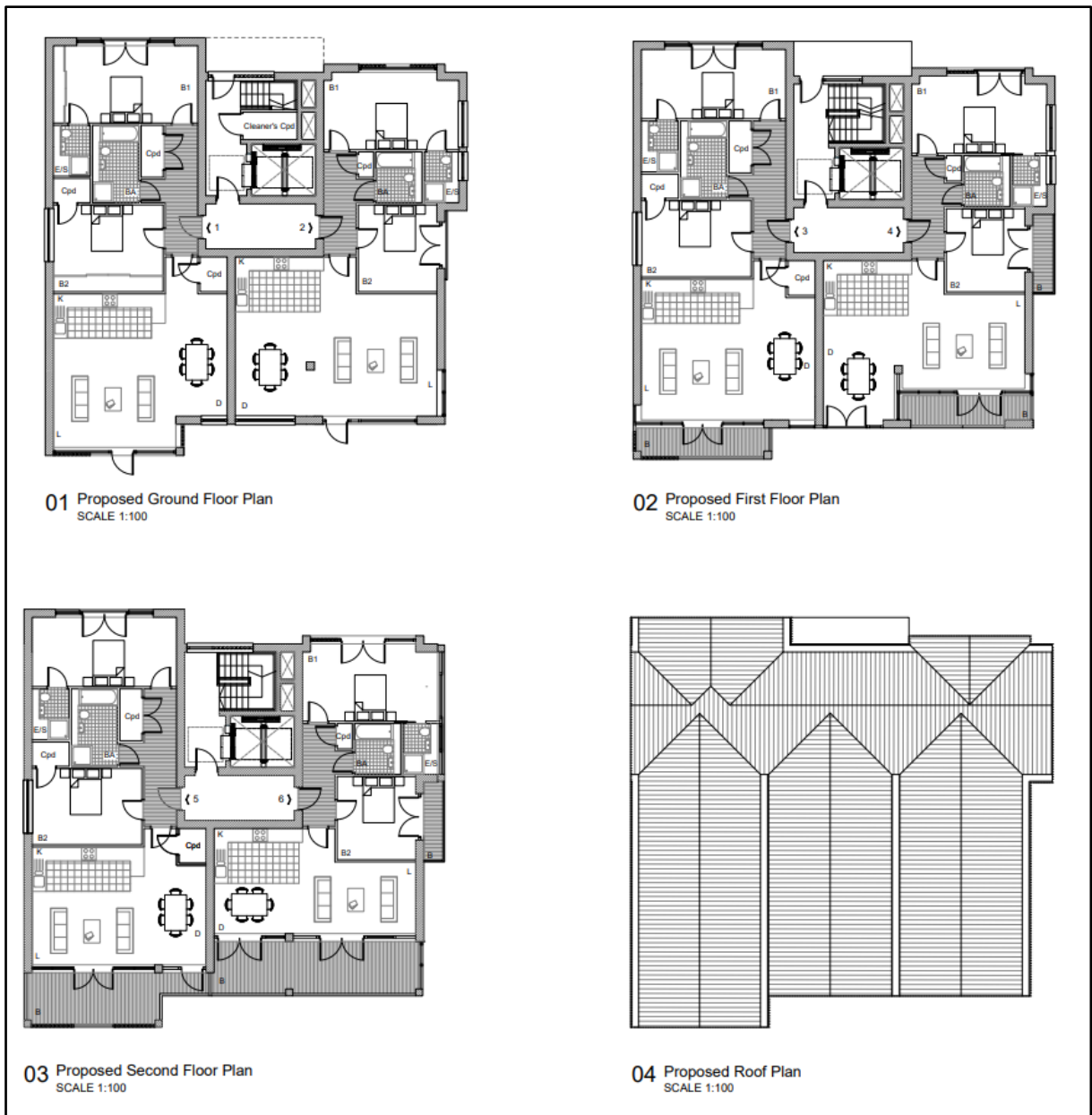


Figure 4: proposed floor plans and roof plan

3.4 The materials proposed are:

- Red brick walls
- Standing Seam Natural Zinc Roof
- Timber Fins/ Cladding in Dark Western Red Cedar
- Dark Grey Aluminium Door and Window Frames
- Dark Rainwater Pipes

3.5 The image below, figure 4, shows the proposed street scene through the slope of Tanners Hill, with figure 5 showing a section through the site as proposed, illustrating how the proposed structure would be set within the hill slope.



Figure 5: proposed street scene from Tanners Hill

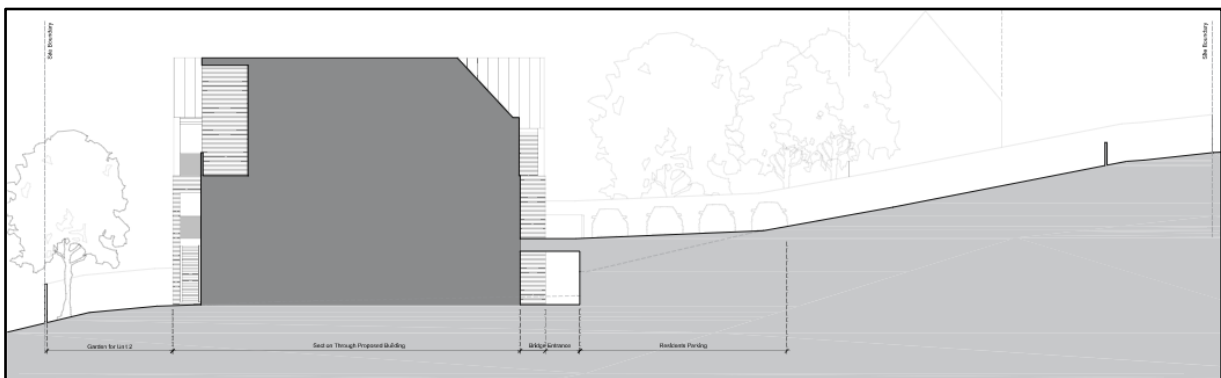


Figure 6: street scene section from Tanners Hill

3.6 The remaining images below show the proposed structure when viewed from the North Road entrance at sections A-A and B-B, as illustrated in figure 7.

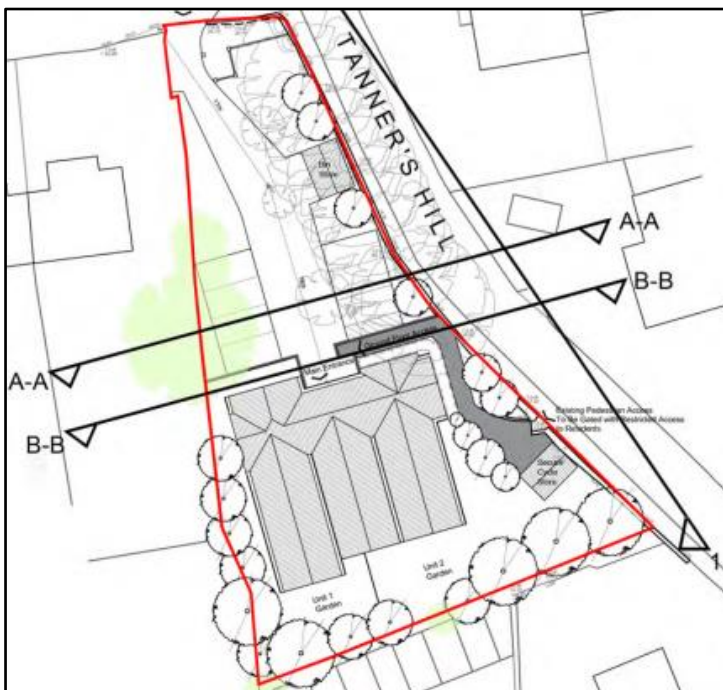


Figure 7: Proposed site location plan and section locations



Figure 7: section A-A



Figure 8: section B-B

- 3.7 The vehicular access on the northern site boundary will be retained and widened to allow for emergency vehicles to enter the site safely and will give direct access to the residents' parking area. The proposed bin store is also located in the residents' car park. It is located half way along the access road to ensure that it meets the maximum distances required for residents (30m) and refuse trucks (25m), as suggested in Part H of the Building Regulations.
- 3.8 With regard to landscaping, it is proposed to remove the line of conifer trees on the north eastern boundary, with replacement tree planting, as well as introduce a

significant tree screen along the southern boundary, as shown on the image below, figure 9.



Figure 9: landscape proposals

- 3.9 In addition to relevant plans and drawings, the applicant has submitted the following documents in support of the application.

Design & Access Statement

The Design and Access Statement explores the design rationale of the development, as well as the evolution of the scheme from pre-application to the point of determination. The Design and Access Statement looks at the context of the building, identifies local amenities, looks at the transport issue at the site, the ecological findings, the local aesthetic / character, the landscaping proposed and provides a summary of the proposed scheme with information on the floor plans and site layout. It concludes that the proposal would retain much of the existing landscaping where possible, utilise existing levels, use appropriate and sympathetic materials for the site and the conservation area, provide good levels of natural light to all units, be well located in terms of accessibility by foot, cycle or public transport, with sufficient parking per resident and would comply with DDA and Building Regulations.

Preliminary Ecological Appraisal

The initial appraisal from 2016 assessed the site's potential to support protected and notable species, assessing the suitability of the habitats present on the site to support these species as well as connectivity to the site from other areas of potentially suitable habitat nearby. Additional surveys were recommended in relation to bats. This report

has subsequently been updated in order to determine whether any significant change has taken place within the site and surroundings. The update concludes that the findings of the initial report are still valid and that proposed development is highly unlikely to impact upon designated sites, ancient woodland, UK BAP Habitats or botanically rare habitats. The house has moderate potential to support roosting bats, with additional surveys required, but ample mitigation can be provided within the proposed replacement structure. Opportunities to include a range of biodiversity enhancements are identified within the site.

Arboriculture Impact Assessment & Method Statement

This report encompasses a Tree Survey Schedule (TSS), an Arboricultural Impact Assessment (AIA), an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) and presents the results of this information. The report finds that the trees within the survey area vary considerably in terms of quality and contribution to the amenity value within the local area, with a total of seven trees, one group of trees one hedge and part of another hedge proposed to be removed as part of the proposed scheme. The proposal represents an opportunity to plant new trees as part of a landscape scheme, which will increase the age range and species diversity, with the new trees also able to be planted in more prominent positions on the eastern boundary of the site, increasing benefit to the local area. Through the specified tree protection measures, it will be possible to minimise the impact of the proposed development upon the retained trees.

Transport Statement

The report identifies that the existing access to North Road would be used, with the required visibility splays achieved and that the slight intensification of use not considered a safety concern, with one additional trip in the morning peak hour, up to one in the evening peak hour and a total of ten over a twelve-hour day. A review of road safety showed two incidents in the last three years within the proximity of the site and it is not considered that the development would worsen this record. The on-site parking layout would be workable and there would be sufficient cycle parking space provided to meet standards. In terms of refuse, the site would continue to be served from the roadside, with a refuse store located to the east of the access, which would allow for the relevant carry distances for residents and refuse collectors. All dwellings will be within the 45 metre hose run out required by a fire tender.

4. RELEVANT PLANNING HISTORY

4.1 The most relevant recorded planning history is as follows:

Y16/1218/SH	Erection of a three storey block of eight apartments and associated parking	Withdrawn
Y18/0537/FH	Reduce the height of a row of conifers situated within a conservation area by half their current height	No objection

CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below, with full responses available on the planning file.

Consultees

Hythe Council: Object on the following grounds;

- Over intensive;
- Road junction dangerous;
- Architecture of the east elevation is poor;
- Loss of mature trees;
- Adverse effect upon sewerage system.

KCC Highways & Transportation: No objection

- Additional information has been submitted to support the visibility splays proposed;
- Tracking has been demonstrated for a fire tender, but advice should be sought from Kent Fire & Rescue Services;
- Parking allocation of seven spaces is acceptable;
- Parking space dimensions are required;
- One Ultra Low Emission Vehicle (ULEV) charging point per dwelling is required;
- Further detail on the cycle parking is required.

Kent Fire & Rescue Service: No objection

- Off-site access requirements are met.

F&HDC Waste Management: No objection

KCC Ecological Advice Service: Objection

- The 2016 survey, as updated by the 2020 review, concluded that bat emergence surveys are normally required prior to determination, but in this instance, can be secured via condition.

KCC Archaeology: No objection

- Proposed development may affect remains of archaeological interest, which could be addressed via condition for a programme of archaeological work.

Arboriculture Manager: No objection

- Removal of conifer hedge will open up the site and a replacement screen is important that is more formal in appearance;
- Full landscaping plan required to provide mitigation for all trees to be removed;

- All tree protection measures will need to be installed and checked prior to demolition;
- All ground protection elements will need to be undertaken under a watching brief.

Contaminated Land Consultant: no objection

- Secure a Preliminary Risk assessment (desk study) via the application of the standard land contamination condition.

Southern Water: No objection;

- Diversion of the sewer would require an application under S185 of the Water Industry Act 1991;
- The arrangements and responsibilities for the use of SuDS are set out;
- The requirements for the protection of existing public sewers are set out;
- The provision of foul drainage for the development would be subject to a formal connection application outside of the planning process.

Local Residents Comments

5.2 24 neighbours were directly consulted, five representations were received, with their comments summarised below:

Two comments were in support

- Support for the application on condition the row of conifers are removed;
- The conifers block light and drop needles, blocking drains and making pavements slippery.

Three of the comments raised objections

- Development is too large and footprint is in excess of the existing;
- Loss of light to western boundary;
- Detrimental to nature and character of hillside;
- Increased noise and air pollution from car park next to western boundary;
- Loss of privacy to western boundary;
- Loss of trees and hedge will be detrimental to screening between gardens and will impact a green corridor;
- Substantial increase in vehicle movements impacting upon highway safety;
- Building will overpower nearby buildings;
- Increased hard landscaping and water runoff;
- Number of parking spaces will lead to overspill onto street.

5.3 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 Shepway Core Strategy Local Plan (2013) and the Places and Policies Local Plan (2020) which has now been adopted.
- 6.2 The relevant development plan policies are as follows:-

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
SS4	Priority Centres of Activity Strategy
CSD1	Balanced Neighbourhoods
CSD2	District Residential Needs

Places and Policies Local Plan (2020)

HB1	Quality Places through Design
HB3	Space Standards
HB10	Development of Residential Gardens
T2	Parking Standards
T5	Cycle Parking
NE2	Biodiversity
NE6	Land Stability
HE1	Heritage assets
HE2	Archaeology

Core Strategy Review Submission Draft (2019)

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. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (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. The following draft policies apply:

SS1	District Spatial Strategy
SS2	Housing and the Economy Growth Strategy
SS3	Place-Shaping and Sustainable Settlements Strategy
SS4	Priority Centres of Activity Strategy
CSD1	Balanced Neighbourhoods
CSD2	District Residential Needs

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

Government Advice

National Planning Policy Framework (NPPF) 2019

6.4 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.

Paragraph 8	Three main strands of sustainable development: economic, social, and environmental
Paragraph 11	Development proposals that accord with an up-to-date development plan should be approved “without delay”
Paragraph 47	Applications for planning permission be determined in accordance with the development plan
Paragraph 48	Giving weight to emerging plans
Paragraph 59	Support the Government’s objective of significantly boosting the supply of homes
Paragraph 109	Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
Paragraph 117	Decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions
Paragraph 127	Achieving well-designed spaces
Paragraph 175	Protect and enhance biodiversity
Paragraphs 170 & 178	Decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability
Paragraphs 189 to 192	Proposals affecting heritage assets

6.5 National Planning Policy Guidance (NPPG)

Design: Process and Tools
 Historic Environment
 Land Stability
 Natural Environment

7. APPRAISAL

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

- a) Principle of development

- b) Visual amenity
- c) Heritage
- d) Residential amenity
- e) Highways
- f) Land instability
- g) Biodiversity
- h) Archaeology
- i) Trees

a) Principle of development

- 7.2 The application site lies within an inherently sustainable urban location within the defined built up area, where residential development is generally acceptable as a matter of principle, subject to detailed considerations as set out below.
- 7.3 The NPPF is clear (para. 59) that local planning authorities should support the Government's objective to significantly boost the supply of homes and that housing applications should be considered in the context of the presumption in favour of sustainable development (para. 11). Likewise, Core Strategy policy SS1 of the Core Strategy seeks to direct development to existing settlements to avoid the need to release fresh sites outside of the defined built up area boundaries.
- 7.4 Furthermore, policy SS2 of the adopted Core Strategy sets the Council's Housing target figures as requiring 350 dwellings per annum. As the adopted Core Strategy is more than five years old, the Planning Practice Guidance (Paragraph: 005 Reference ID: 68-005-20190722 – 'Housing supply and delivery') states that where strategic policies are more than 5 years old, or have been reviewed and found in need of updating, local housing need calculated using the standard method should be used in place of the housing requirement. The re-calculation has resulted in the housing targets increasing to 738 dwellings per annum and how this is delivered up until 2036/37 is under review by the Planning Inspector as part of the Examination in Public of the Core Strategy Review.
- 7.5 Although only for six units, the important contribution that small sites can make to meet the housing requirement for an area is noted in paragraph 68 of the NPPF as they are often built-out relatively quickly. As such, the delivery of six flats would contribute towards the Council's housing target.
- 7.6 Consequently, the principle of development on this site is acceptable, subject to all other material planning considerations being addressed.

b) Visual amenity / character

- 7.7 Policy HB1 of the PPLP requires development to make a positive contribution to its location and surroundings, enhancing integration while also respecting existing

buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density and materials. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local authorities give “*special attention....to the desirability of preserving or enhancing the character or appearance of that area*”. The Kent Design Guide adds that in order to achieve a well-integrated design, the character of an area must be understood and respected. A design that interprets this in a modern way can work if it is designed to a high standard, without detracting from the historic context, with details taken from local buildings retaining the scale of the original.

- 7.8 The surrounding area (a Conservation Area) has a range of architectural styles, with two flat-roofed apartment developments to the south, one utilising render and local stone, the other a yellow brick, whilst higher up Tanners Hill, pitched and hipped roofs predominate, with a mix of render, brick and tile hanging found as external finishes on traditionally styled houses of various architectural epochs, ranging from Georgian, through to Victorian and Edwardian and onto inter-war properties.
- 7.9 The proposed contemporary design sets the new building apart from many of the older detached properties in the area, but is not without precedent, as evidenced by Springfield to the south in Dental Street. In incorporating the use of gables and a relatively steep pitched roof form, it is considered that the proposed structure is complimentary to the surrounding character, picking up on obvious architectural design cues, with the frontage gables considered likely to serve as a reference point that ties the building into the context of the street scene.
- 7.10 The use of brick throughout is considered acceptable within the street scene, with the accents of timber bringing interest to the elevations, without appearing incongruous. The standing seam zinc roof is considered appropriate with regard to the consistency of design when following contemporary vernacular, whilst remaining compatible with surrounding development, as the dark colour would be reminiscent of slate, which although not overly prevalent, can be found on Sunny Bank, at 3 Station Road immediately adjacent to Tanners Hill and also on 4 Tanners Hill, both notable, good-quality buildings in the wider street scene.
- 7.11 The replacement property would be on approximately the same site as the one it would replace, although it would extend further to the south and western boundaries as can be seen in figure 9 above. The property would be larger overall, in all dimensions as shown in figure 10 below, but would maintain the position away from the boundary with Tanners Hill, with the roof pitching away from this boundary, other than the gable feature, and is considered unlikely to appear detrimentally dominant in the street scene, or wider area.

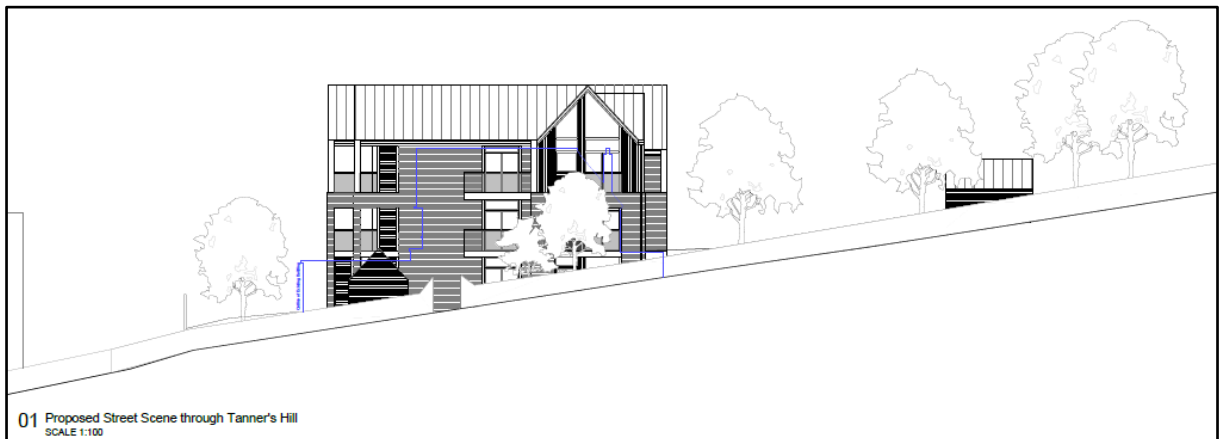


Figure 10: comparative sections

- 7.12 The proposal also includes for the removal of a total of seven trees, one group of trees, one hedge and part of another, predominantly along the eastern boundary, but with replacement trees to be planted as part of a site-wide landscape scheme, to be secured via condition should permission be granted, in order to increase the age range and species diversity across the site, which will contribute toward the biodiversity enhancements and also secure a more aesthetically pleasing tree screen, which will contribute to the character of the conservation area and street scene, where the strong sylvan character of the road edges is maintained.
- 7.13 Overall, it is considered that the proposed building is of good quality and would be sympathetic to the character of the local architectural vernacular and the street scene in respect of scale, massing, proportion and materiality, with a form reminiscent of the building it replaces, albeit on a greater scale, and the works to trees would be capable of being mitigated by subsequent replacement tree planting, with no resultant harm to the conservation area considered likely.

c) Residential amenity

Existing occupiers

- 7.14 There is no adopted guidance for rear-to-rear distances but it is noted that the existing dwelling and 5 North Road have a relatively close relationship, with 5 North Road at a much higher level than the application property with windows in the rear and side elevations that look into the garden area and which are visible from the garden area of, 3 Tanners Hill. Planting and soft landscaping exists along the common boundary and provides some screening, with a Silver Birch within the neighbouring garden being very prominent in this respect and identified within the submitted Arboricultural Impact Assessment as being a category B tree, in good physiological condition and retained, with tree protection measures and no-dig construction measures employed around the roots. However, views of the garden areas and side and rear windows are already clearly possible, as shown in figure 11.
- 7.15 The proposed structure would have an additional storey relative to the building it would replace, with windows in the rear elevation serving bedrooms, as can be seen on the submitted floor plans. There would be an additional number of dwellings at the site, increasing from one to six, resulting in a more intensive use of the site.

- 7.16 However, although there would be additional glazing in the northern elevation of the proposed building, the glazing serving the rear bedrooms on the north western corner of the property would be covered in both horizontal and vertical timber slats (see figures 12 and 13) with the exception of one opening, which is in excess of 16.5 metres away from the rear elevation of 5 North Road and at an angle of approximately 53 degrees to the rear window and 45 degrees to the side, with a distance of 16.7 metres between windows, as can be seen below in figure 14. The glazing either side of the opening would also be opaque.
- 7.17 It is also noted that the proposed structure would sit, as with the existing building, at a lower level than the property fronting North Road, so any views would be upward as can be seen in the section below, figure 15, which shows the proposed structure and the properties in North Road, with figure 16 an illustrative render of the proposed building submitted by the applicant, showing the proposed relative levels of the two buildings.



Figure 11: view from application site toward 5 North Road

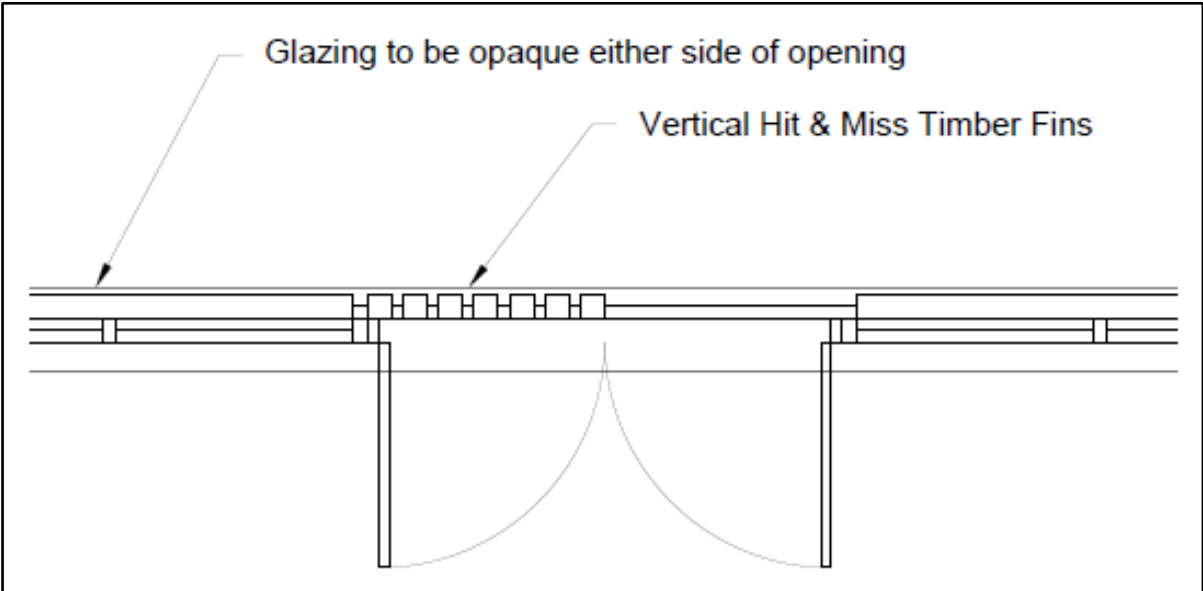


Figure 12: timber fin detail section



Figure 13: timber fins/slat detail

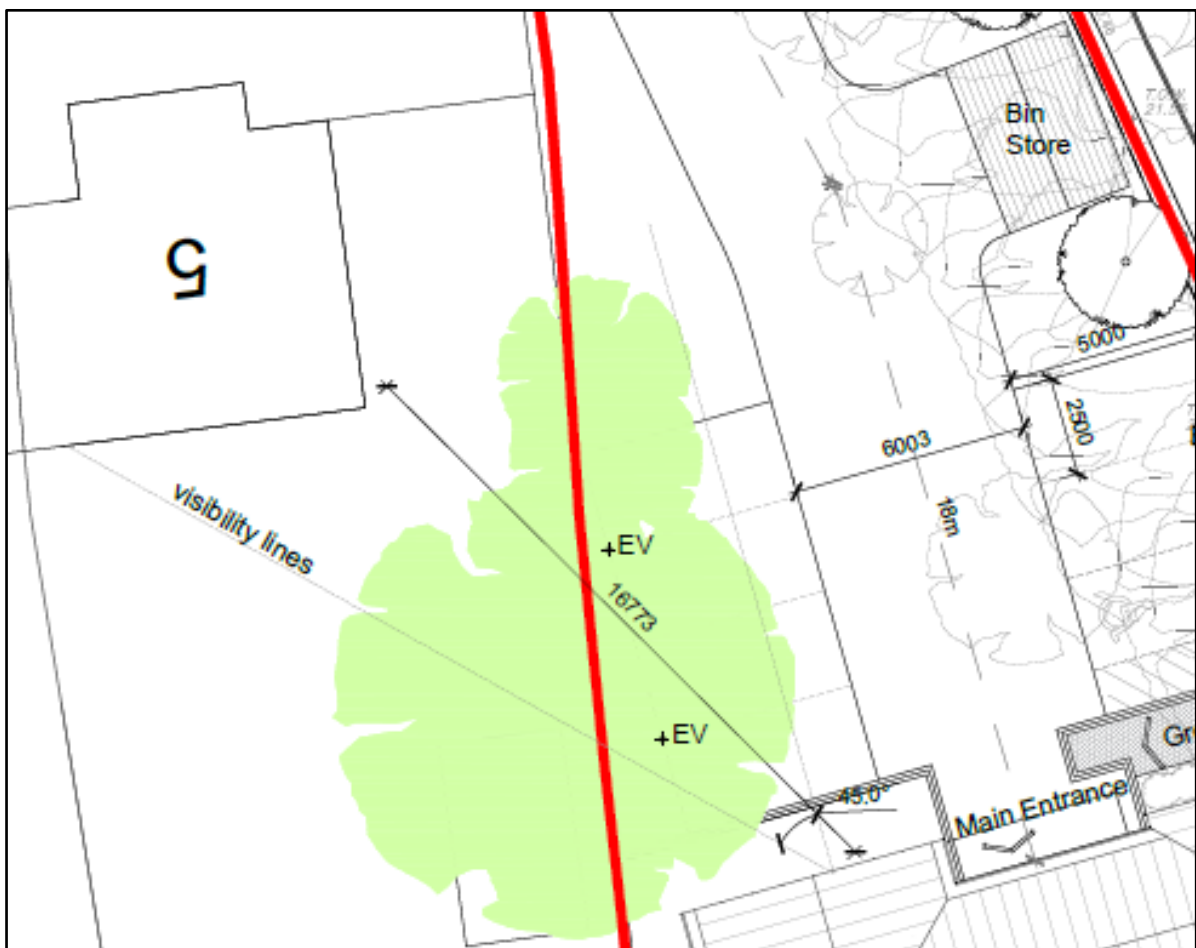


Figure 14: distance and angles

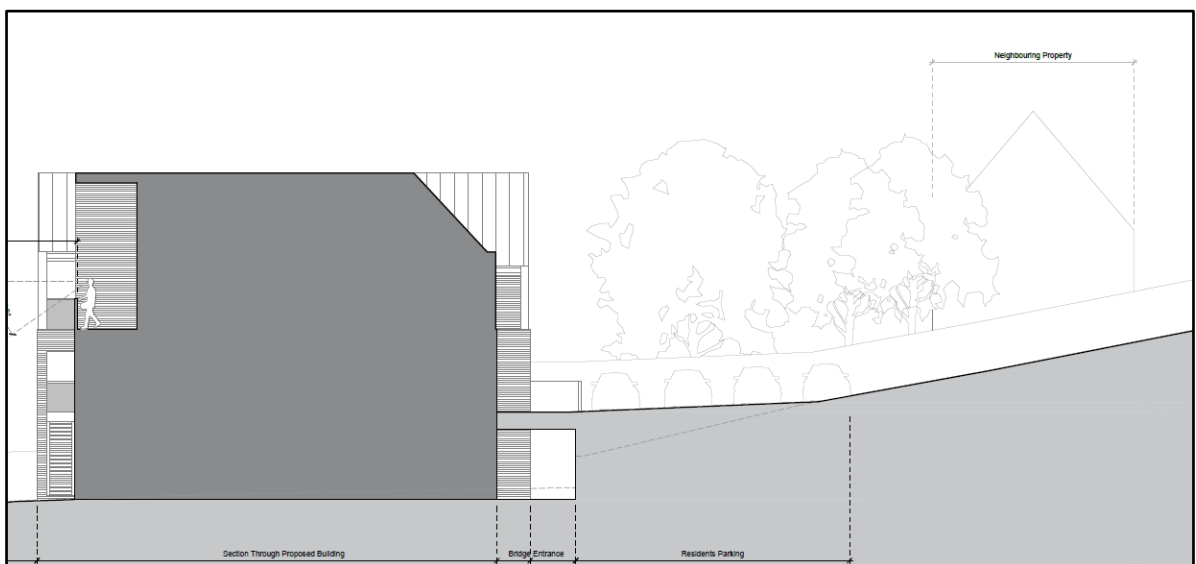


Figure 15: proposed site section

7.18 Whilst there would be greater intensity of use at the site, it is considered that the timber fin detail designed to obscure vision from and into the windows, in combination with the distances involved, the angle of viewing to the side and from a lower level giving restricted views, and the existing relationship between the sites, would mean that although there would be an increased incidence of overlooking as a consequence of the greater number of units at the site, there would be no additional loss of privacy above that already experienced.



Figure 16: submitted illustration demonstrating finished levels

- 7.19 Therefore, whilst the local concern in this regard is noted, it is not considered that sufficient harm would be caused to warrant refusal of the application on these grounds, for the reasons set out above.
- 7.20 For the properties to the south, there are already clear views of the rear areas of the buildings from the existing property and grounds. It is noted that for the care home at 1 Tanners Hill, a blank gable faces the application site and the rear elevations of the apartments at 1-8 Lindens are well in excess of 25 metres from the proposed rear elevation, which is accepted as being highly unlikely to result in any loss of privacy for the existing occupants.
- 7.21 For the properties to the east of the site at 2 and 4 Tanners Hill, the flank elevation of the proposed property is no closer to the edge of the site and any views would be over predominantly hardstanding and parking/access areas fronting Tanners Hill, with significant tree screens noted in existence, within the control of these properties, along the road boundary. It is considered that there would be no loss of privacy for these properties.
- 7.22 In relation to overbearing presence and overshadowing, it is considered that the topography of the site and the position of the proposed structure relative to the amenity areas of surrounding dwellings would mean that there would be no likely impact in this respect.
- 7.23 In relation to noise and disturbance, it is considered that the presence of four of the proposed parking spaces adjacent to the common boundary with 5 North Road could result in increased noise and disturbance from vehicle movements, although this area is where the cars for the site can currently be parked. The light nature of the boundary treatment at this point is noted, as can be seen in figure 11 and the agent has confirmed the intention to provide new boundary treatment along this boundary in order to mitigate for the increased intensity of use. Full details of the boundary treatment can be secured via condition, should permission be granted.

7.24 Overall, it is considered that there would be no significant detrimental impact upon the residential amenities of neighbouring occupiers as to warrant withholding planning permission.

Proposed Occupiers

7.25 Policy HB3 in the Places and Policies Local Plan sets out space standards internally and externally. In respect of the internal space standards, internal floor spaces exceed the minimum required by the Nationally Described Standard, with good natural daylight provided to each room.

7.26 In respect of the external amenity areas, a private usable balcony area has been provided for each unit with a depth of at least 1.5 metres and consequently, it is considered that all units would provide an acceptable level of amenity for future occupants.

d) Highway Safety / Cycle Parking

7.27 The access to the site is very close to the Tanners Hill / North Road junction and concern was raised that due to limited visibility of the access, drivers entering North Road from Tanners Hill would have insufficient reaction time to prevent a collision should a vehicle be exiting the site.

7.28 However, the applicant has demonstrated a revised layout for the entrance, whereby the existing wall fronting North Road has been removed and set back to provide improved visibility for vehicles approaching from Tanners Hill and turning left into North Road, together with the removal of some trees on the north eastern boundary. This achieves the required 14 metre visibility splay along the driven line, which together with additional speed survey data, demonstrates that the access is considered to be safe.

7.29 Tracking has been demonstrated for a fire tender which is acceptable, although it will not be able to access the full length of the drive. Kent Fire and Rescue Services have reviewed the scheme and noted that this relationship is acceptable and off-site access requirements have been met.

7.30 In relation to the parking provision, the seven car spaces proposed (one per flat, plus one visitor) meets adopted standards, but the initial plans did not demonstrate any dimensions for the parking spaces and reversing space and KCC Highways & Transportation had not been unable to assess these fully. Further, one Ultra Low Emission Vehicle (ULEV) charging point was required per dwelling but had not been demonstrated on the plans, with an area indicated for bicycle storage, but no details on dimensions and the type of storage system to be used included.

7.31 However, this detail has subsequently been submitted although final comments are awaited from KCC Highways & Transportation, which will be reported to Members on the Supplementary Sheets. From initial appraisal by the case Officer, the site seems able to accommodate the dimensions required and at this point, the car and cycle parking provision meets the requirements of adopted policies T2 and T5, with the access to the development considered to be safe.

e) Land Instability

- 7.32 The planning system has a role to play in ensuring a site is suitable for its proposed use by taking account of ground conditions and any risks arising from land instability (NPPF paragraphs 170 & 178). The site is within an area where slope instability problems are probably present or have occurred in the past and therefore this must be considered as part of any proposal.
- 7.33 In order to account for this, additional procedures or information, such as a land stability or slope stability risk assessment report, are required to ensure that adequate and environmentally acceptable mitigation measures can be put in place. A statement to this effect, from a suitably qualified engineer, has been sought from the applicant. Members will be updated at the Meeting on any progress.
- 7.34 Should this preliminary assessment be considered acceptable, it is proposed that the standard condition relating to landslip should be applied, if permission is granted.

f) Biodiversity

- 7.35 An initial ecological appraisal of the site from 2016 assessed the site's potential to support protected and notable species, assessing the suitability of the habitats present on the site to support these species as well as connectivity to the site from other areas of potentially suitable habitat nearby, with additional surveys recommended in relation to bats.
- 7.36 This report has subsequently been updated in order to determine whether any significant change has taken place within the site and surroundings at the time the current application was submitted, concluding that the findings of the initial report are still valid and that proposed development is highly unlikely to impact upon designated sites, ancient woodland, UK BAP Habitats or botanically rare habitats.
- 7.37 The house has moderate potential to support roosting bats, but KCC Ecological Advice Service has reviewed the ecology report and noted that it states that the roof void of the main building was 'heavily cob-webbed with no signs of bat use (droppings)', no suitable roost features were identified in the garage and the trees were judged as having no bat roost potential.
- 7.38 Consequently, based on the conclusion of the Preliminary Ecological Appraisal, it is considered that in this instance, a bat survey/mitigation plan can be conditioned, along with details of opportunities to include a range of biodiversity enhancements within the site.

g) Archaeology

- 7.39 Regarding archaeology at the site, it is in an area that is of broad archaeological interest close to the supposed route of the Roman road between Folkestone and Lympne, whilst to the west the discovery of a number of burials close to the road suggests the presence of an Anglo-Saxon cemetery, and to the north a number of chance finds of metalwork of medieval and post-medieval date have been made, including seals, buckles and other objects. A suitably worded condition would secure the implementation of a programme of archaeological work in accordance with a written specification and timetable.

h) Trees

- 7.40 There are no Tree Preservation Orders covering trees within or immediately adjacent to the site, but all trees are protected by virtue of the conservation area that the site is within. The large, middle-aged conifers along the eastern boundary with Tanners Hill are identified as a significant screen, but also as a nuisance for properties on the eastern side of Tanners Hill, as they block a significant amount of light. These are proposed to be removed and replaced with alternative species as part of a landscape scheme to be sought by condition. The medium-sized middle-aged trees along the eastern boundary are identified as in good condition and important for the character of the area. These are to be retained along and the Arboricultural Impact Assessment suggests tree protection measures and 'no-dig' solutions for ground works around the root areas of these trees. Finally, the smaller sized young trees toward the centre of the site are identified as contributing little to the local amenity and it is proposed to remove these. The vegetation along the southern boundary, which is predominantly hedge and small trees, is to be augmented with a more substantial tree screen. The broad landscaping plan can be seen in figure 9, above.
- 7.41 Overall, a total of seven trees, one group of trees, one hedge and part of another are proposed to be removed, with replacement trees to be planted as part of a site-wide landscape scheme, to be secured via condition should permission be granted, in order to increase the age range and species diversity across the site, which will contribute toward the biodiversity enhancements to be secured as part of the development, as discussed in section f) previously. Through the specified tree protection measures, it will also be possible to minimise the impact of the proposed development upon the retained trees. The tree protection plan can be seen in figure 16.
- 7.42 Overall, it is considered that the

Environmental Impact Assessment

- 7.43 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is considered to fall within Schedule 2, Part 10b, being an urban development project. The site does not exceed any of the thresholds. Consequently, a screening opinion has been carried out by the Council and has concluded that the development is not EIA development and as such an Environmental Statement was not required.

Local Finance Considerations

- 7.44 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.
- 7.45 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. This application is liable for the CIL charge, which is £115.71 per square metre in this location.

Human Rights

7.46 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

7.47 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

7.48 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.

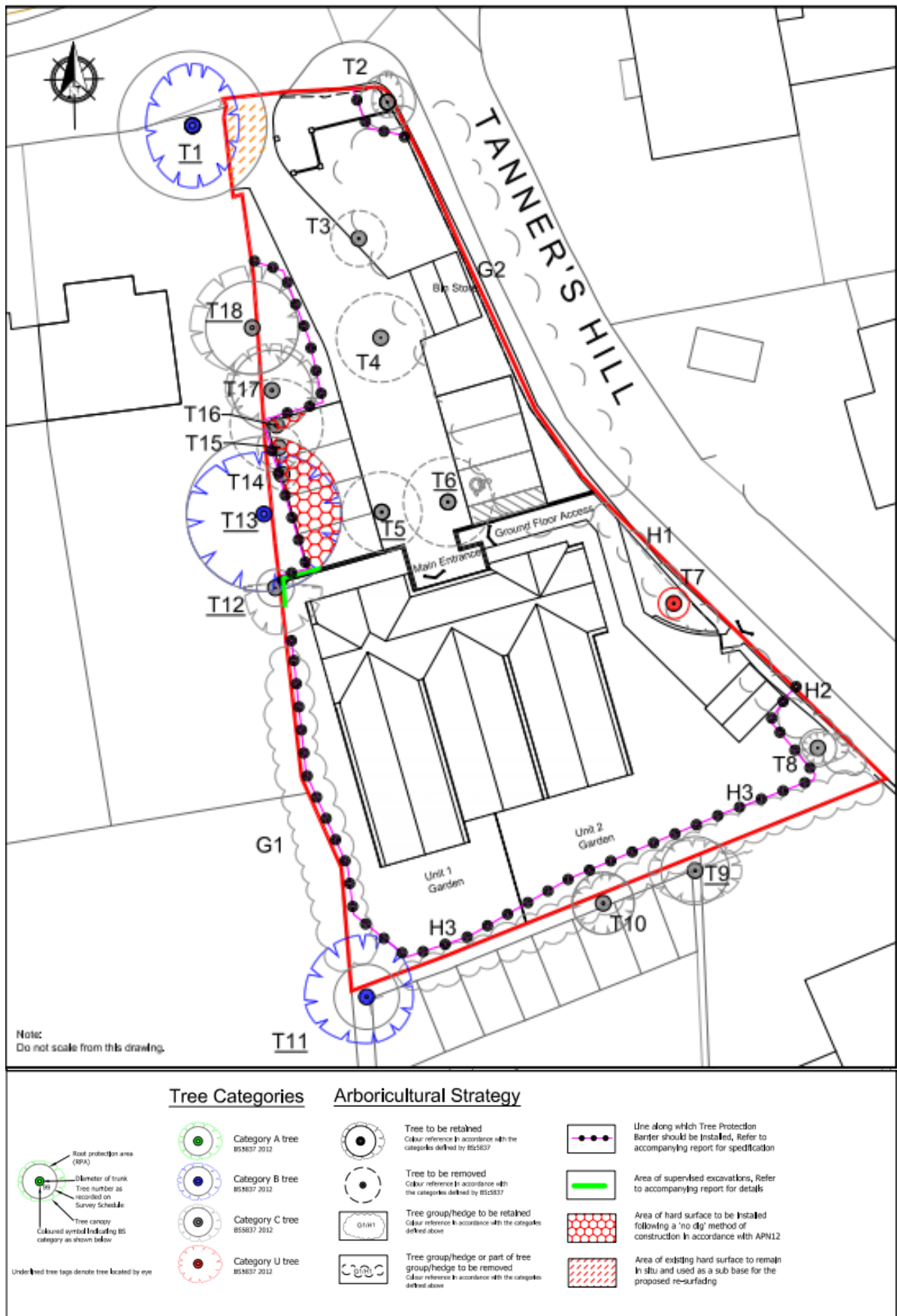


Figure 16: Tree protection plan

8. CONCLUSION

- 8.1 This this report considers whether planning permission should be granted for the demolition of the existing dwelling and garage and replacement with a three storey block of six apartments. Whilst the objections of Hythe Town Council have been noted, it is considered that the proposal would be in a highly sustainable location, representing good design that will contribute positively toward the character of the street scene and conservation area, with a modest contribution toward the Council's identified five-year supply of housing land being made. Whilst objections from local residents are noted these are not considered to amount to a justifiable reason for refusal and the application is recommended for approval subject to final, positive comments being received from KCC Highways and Transportation and subject to the conditions set out below.

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).

1. RECOMMENDATION

That planning permission be granted subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans (to be confirmed)

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

3. No construction above foundation level of any property or properties shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, inclusive of (windows, doors, bricks, tiles, cladding, brick bond pattern, mortar joints, rainwater goods and their routing/position, and depth of window reveals), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

4. No construction work above the foundation level of any building on site shall take place until a hard and soft landscaping scheme for the site, including an implementation programme and maintenance schedule, shall be submitted to the Local Planning Authority for approval in writing. The landscaping scheme shall be carried out in accordance with the approved details and implementation programme unless an alternative timescale has first been agreed in writing with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason:

In order to protect and enhance the appearance of the area.

5. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason

In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Folkestone and Hythe District as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that features of archaeological interest are properly examined and recorded.

7. The visibility splays as shown on the approved plans, with no obstructions over 0.6m above carriageway level within the splays, shall be provided prior to first occupation of the development, and shall thereafter be retained.

Reason:

In the interests of highway safety.

8. Prior to commencement of development, details of:
- i. construction vehicle loading / unloading and turning facilities;
 - ii. parking facilities for site personnel and visitors;
 - iii. wheel washing facilities.

Shall be submitted to the Local Planning Authority for approval, in writing, with such details as approved, implemented in full and retained for the duration of the construction phase of the development.

Reason:

In the interests of highway safety and public amenity.

9. The parking and turning areas shown on the approved plans shall be provided in full prior to the first occupation of any dwelling or dwellings hereby approved and shall thereafter be kept available for parking purposes in connection with the development at all times.

Reason:

It is necessary to make provision for adequate off street parking to prevent obstruction of the highway and to safeguard the amenities of adjoining areas.

10. Prior to first occupation of the dwellings hereby permitted the secure cycle storage for the approved dwellings shown on the approved plans, shall be provided in full for all properties and retained in perpetuity

Reason:

In the interest of amenity and encouraging use of alternative methods of transport.

11. No construction work above the foundation level of any building on site shall take place until details have been submitted to and approved in writing by the Local Planning Authority of the boundary treatment to be erected, with such details as approved, implemented in accordance with the approved plans.

Reason:

In the interests of visual amenity.

12. (a) Prior to commencement of the development the applicant shall obtain, from a suitably qualified engineer, a written slope stability report advising on the effect the development will have on the stability of the site and all adjoining land and properties. The report is to include, but need not be limited to, the types of proposed foundations, the effect that any excavations into sloping ground will have, types of retaining structures necessary, surface and foul drainage, the effect of any increase/decrease of site loadings, the possible effect to the stability of any adjoining properties, and any other factors needed to ensure the stability of the site and all adjoining land, properties and associated services.

The report should also include a method statement which indicates measures to be adopted during the construction phase to ensure that development does not cause instability to adjoining retaining walls, land and buildings. No development shall take

place until this report has been submitted to and approved in writing by the Local Planning Authority.

(b) No works other than those approved shall be carried out unless details of these have first been submitted to and approved by the Local Planning Authority.

(c) All works recommended in the approved slope stability report and method statement (and any alternative works approved) shall be carried out as set out in the approved documents and upon completion confirmation from a suitably qualified engineer that the approved works have been carried out in full shall be submitted to the Local Planning Authority prior to the building being occupied.

Reason:

The site lies within, or within the influence of an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey and it is necessary to ensure that appropriate works are carried out in order to ensure the stability of the site and the development and the adjoining land and buildings

13. Prior to the commencement of works (including site clearance), a bat mitigation plan will be submitted to, and approved by, the local planning authority. The bat mitigation strategy will be informed by the recommended number of bat emergence surveys, between the period of May and September. The agreed mitigation measures will be strictly adhered to thereafter unless varied by a European Protected Species licence subsequently issued by Natural England.

Reason:

In order to safeguard any protected species that may be present at the site.

14. Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include provision of bat boxes and native species planting. The approved details will be implemented and thereafter retained.

Reason:

In the interests of safeguarding and enhancing biodiversity.

15. Details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority and the approved boundary treatment shall be completed before the first occupation of any unit or units, or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and the amenity of residents.

16. In accordance with the detail within the Greenspace ecological Solutions Arboricultural Impact assessment and Method Statement April 2020, before the development, including any site clearance works, is begun, tree protection measures

in accordance with BS5837 : 2012 Trees in Relation to Construction – Recommendations, shall be erected for each tree or group of trees to be retained on this site, or such measures as may be agreed with the Local Planning Authority shall be provided and 7 (seven) working days' notice given to the Council's Arboriculture Manager in order that they may inspect these measures for compliance. The protection measures, as approved on site, shall be retained in position at all times until the completion of the development, and the land so enclosed shall be kept clear of all contractors' materials and machinery. The existing soil levels around the boles of the trees shall not be altered.

Reason:

To ensure that the trees are not damaged during the period of construction.

17. All ground protection (no-dig) elements identified within the Greenspace ecological Solutions Arboricultural Impact assessment and Method Statement April 2020, shall be carried out, with the works carried out under a watching brief from the applicants' arboricultural consultant and the local authority's senior arboricultural specialist. The applicant shall notify the Council of their intention to commence 7 (seven) working days before commencing the works.

Reason:

In order to prevent future pressure to remove the trees in the interests of visual amenity.

Informative

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Appendix 1 – Site Location Plan