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Application No: 20/0467/FH

Location of Site: Land adjoining Coldharbour, Blackhouse Hill, Hythe

Development: Erection of two residential detached dwellings, utilising the existing access, together with the provision of parking and landscaping

Applicant: The executors of Bridget Mary Wight

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Officer Contact: Robert Allan

SUMMARY

This application is for the erection of two, two-storey detached dwellings within the grounds of the existing property known as 'Coldharbour'. The application site is located inside the defined settlement boundary but is also within the designated Kent Downs Area of Outstanding Natural Beauty. The site is immediately adjacent to established residential development and is bordered by dwellings on three sides. Existing boundary planting would remain, with additional landscaping and planting within and to the boundaries of the site. This application represents a low density scheme that reflects the spatial pattern of neighbouring development and the site's edge of settlement location. The site is not readily visible from nearby public vantage points or in longer distance views from the seafront. The impact upon the landscape and AONB is considered minimal due to the existing development, the topography of the site, the design of the buildings and the proposed landscaping, and the scheme would not cause significant harm to the special landscape qualities of the Kent Downs Area of Outstanding Natural Beauty. It is considered that all other material considerations relating to design, layout, highways, amenity of existing or future occupiers, ecology or drainage are satisfactory, and it is considered that the scheme would be acceptable with regard to local and national planning policy. The application is therefore recommended for approval.

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 considers to be necessary.

1. INTRODUCTION

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The application is reported to Planning & Licensing Committee at the request of Cllr Lesley Whybrow.

2. SITE AND SURROUNDINGS

- 2.1. The application site is located to the north east of Hythe, and is accessed from an existing access road from Blackhouse Hill which runs between two dwellings, 3 Bassett Gardens and Hillwood House and serves the property, Cold Harbour. Cold Harbour is located to the south and is within the same ownership. The application site is stated to have been in use until recently as the vegetable garden area, forming part of Cold Harbour's substantial garden. There is a small storage building abutting the wall at the north eastern entrance to the site, constructed of brick, stone and having a pitched, plain tiled roof. At the westernmost extent of the site is a small shed-style structure, of brick and timber frame construction, in a dilapidated state. The site slopes to the south / south west and is becoming overgrown, although the fruit cages, shrubs and other domestic planting can be clearly seen in Figure 1.



Figure 1

- 2.2. Immediately south of the application site, at a lower level, is a field which is also within the same ownership. To the north and west are the properties 1, 2 and 3 Basset Gardens and 36 Blackhouse Hill, while to the south west is 33A Blackhouse Hill. The site can be seen in **Figure 2** below.

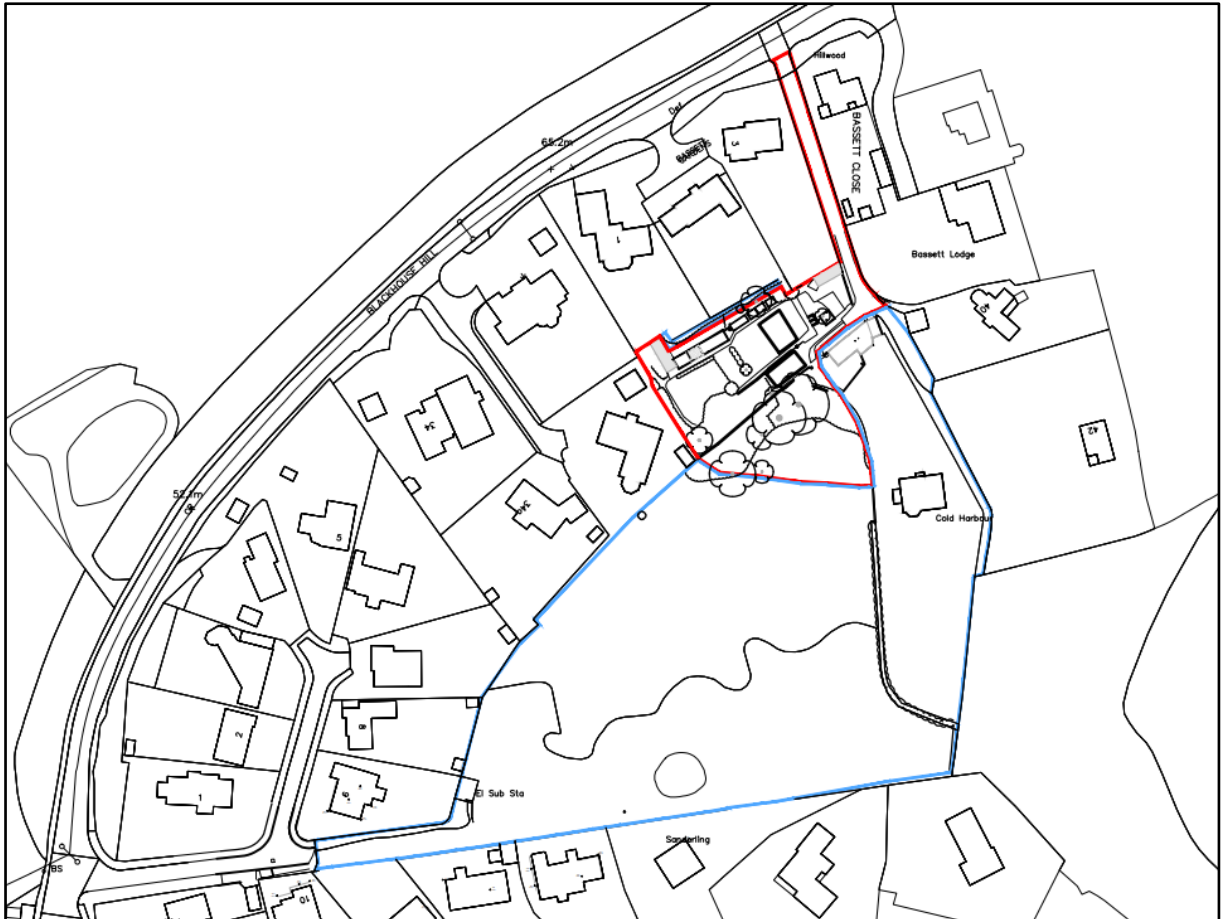


Figure 2: site location plan

- 2.3. The application site is within the defined settlement boundary of Hythe, within the Kent Downs Area of Outstanding Natural Beauty (AONB). The site is also within an Archaeological Notification Area.
- 2.4. The character of development in the area is of predominantly detached dwellings within spacious plots. There is a wide variety of architectural styles, with two storey dwellings, bungalows and chalet bungalows evident, constructed with a broad palette of materials, including brick of varying colours, cladding, natural stone, clay plain tiles, concrete tiles.
- 2.5. The total area of the application site is 0.25 hectares. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of two detached two-storey dwelling houses, together with parking provision (detached car ports) and landscaping. The lower floor of both dwellings would be partially set into the ground (see **Figures 3, 4 and 5** below) and would be smaller in area than the upper floor. The houses would

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have an 'upside down' arrangement, with three of the bedrooms on the lower ground floor and the living / dining / kitchen area, study, and fourth bedroom, on the upper floor.

3.2 In respect of materials, the Design and Access Statement sets out that the properties would use:

- Multi stock red brickwork with natural timber boarding feature panels;
- Plain clay tile roof finish which wraps vertically to form a seamless tile hung façade;
- Kentish ragstone base to lower ground floor;
- Dark framed powder coated aluminium windows and doors;
- Hidden box guttering and downpipes.

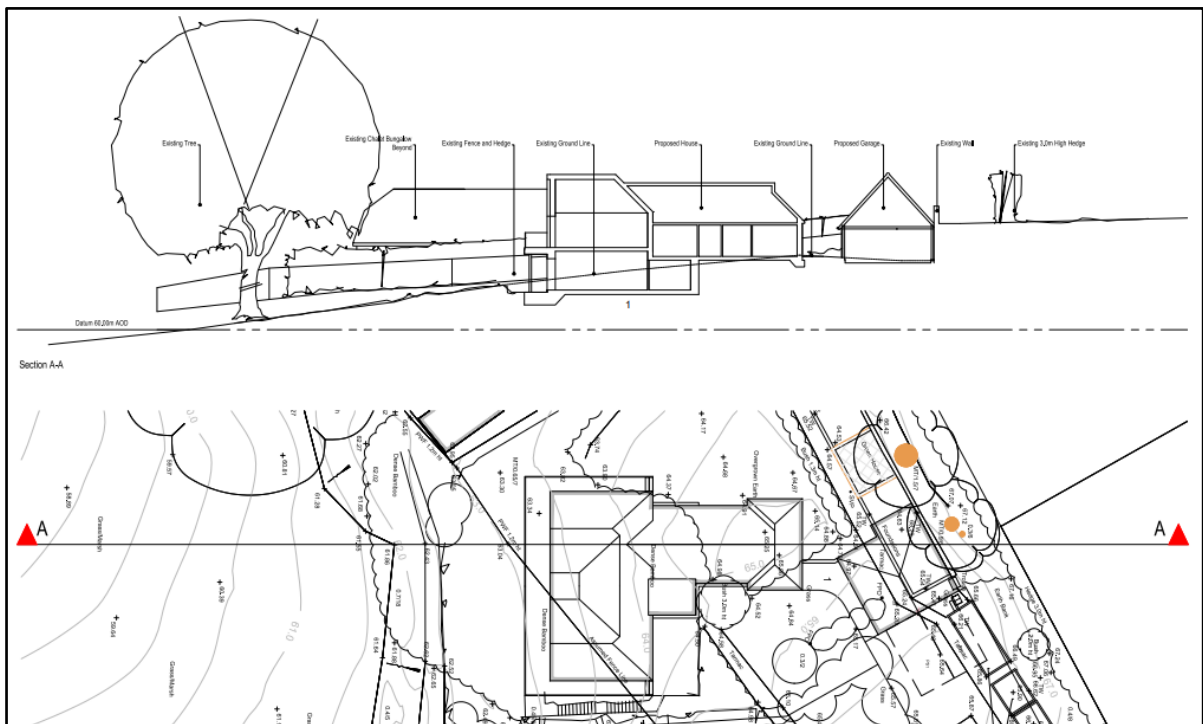


Figure 3: section plot 1 (view from east)

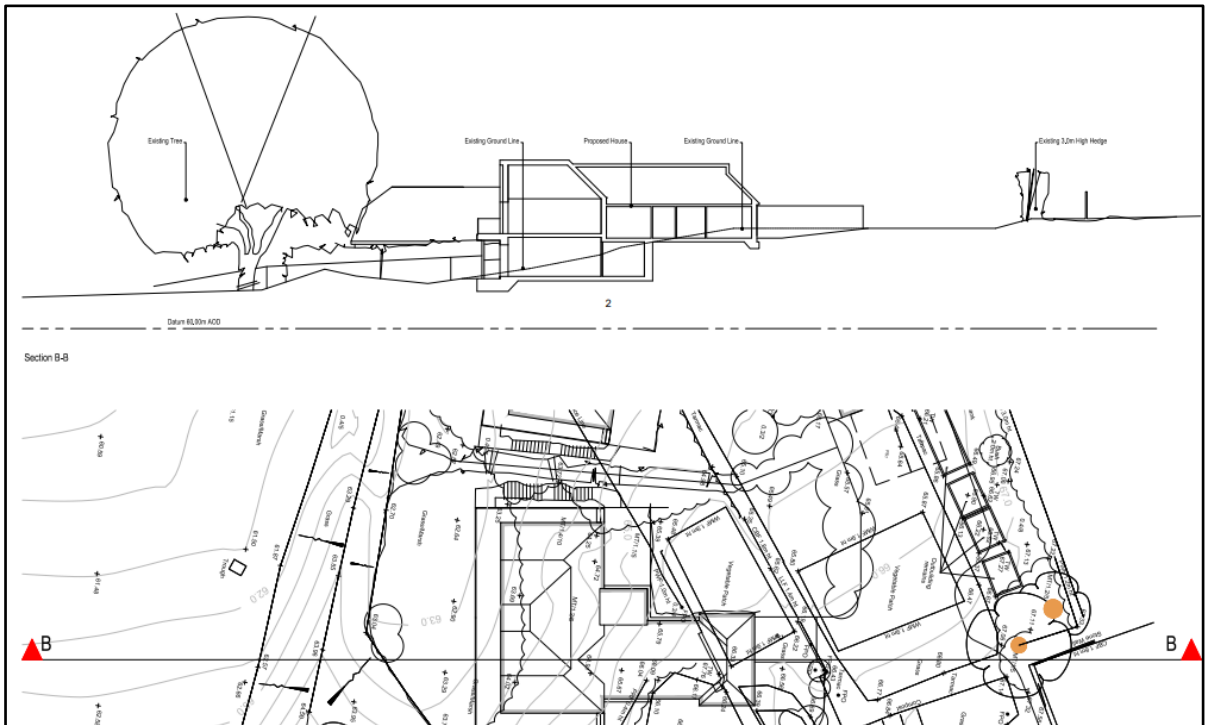


Figure 4: section plot 2 (view from east)

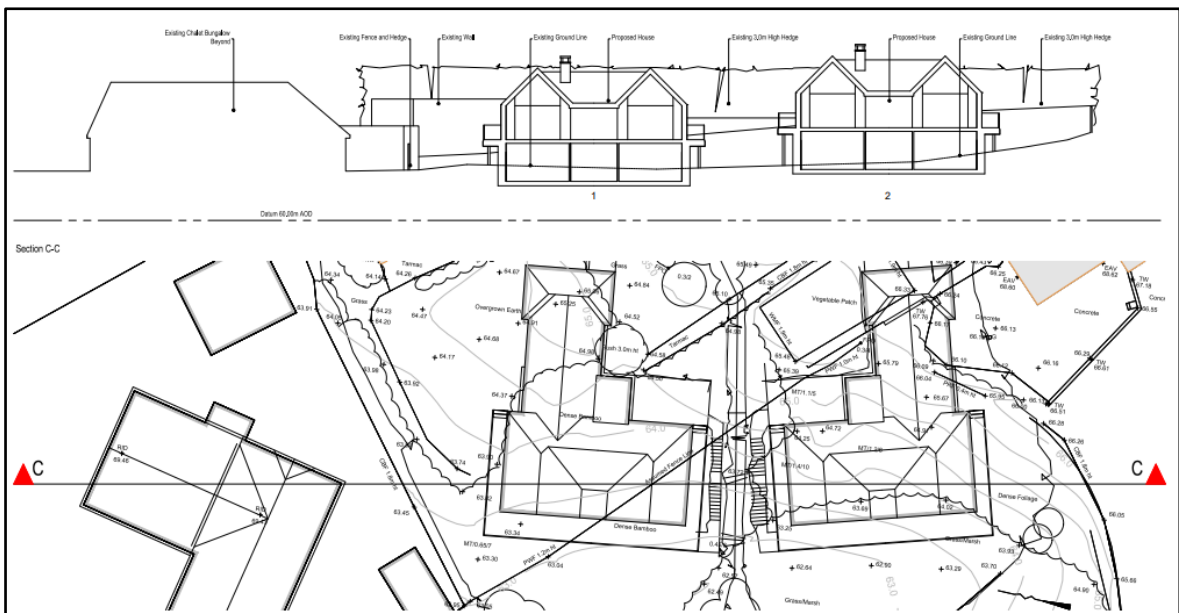


Figure 5: section plots 1 and 2 (view from south)

The key elevations of the proposed properties can be seen in the images at **Figures 6 - 9** below:



Figure 6: proposed front elevation (view from north)



Figure 7: proposed rear elevation (view from south)



Figure 8: side elevation plot 1 (view from west)



Figure 9: side elevation plot 2 (view from east)

3.3 Internally, the properties would comprise two floors of living accommodation at lower ground and ground floor level containing a total of 4 bedrooms. The total internal floor space of each property would be approximately 216m². Both properties would have an external balcony area, as can be seen in figures 9 and 10 below, but during the course of the application, at the request of the Planning Officer, that for plot 1 has been amended so as to remove the western-most element of this, as well as securing the full height windows to the lounge area to have obscure glazing. A garden area would surround both units, with the driveway leading to the turning area and car ports (see **Figures 10 - 12** below).

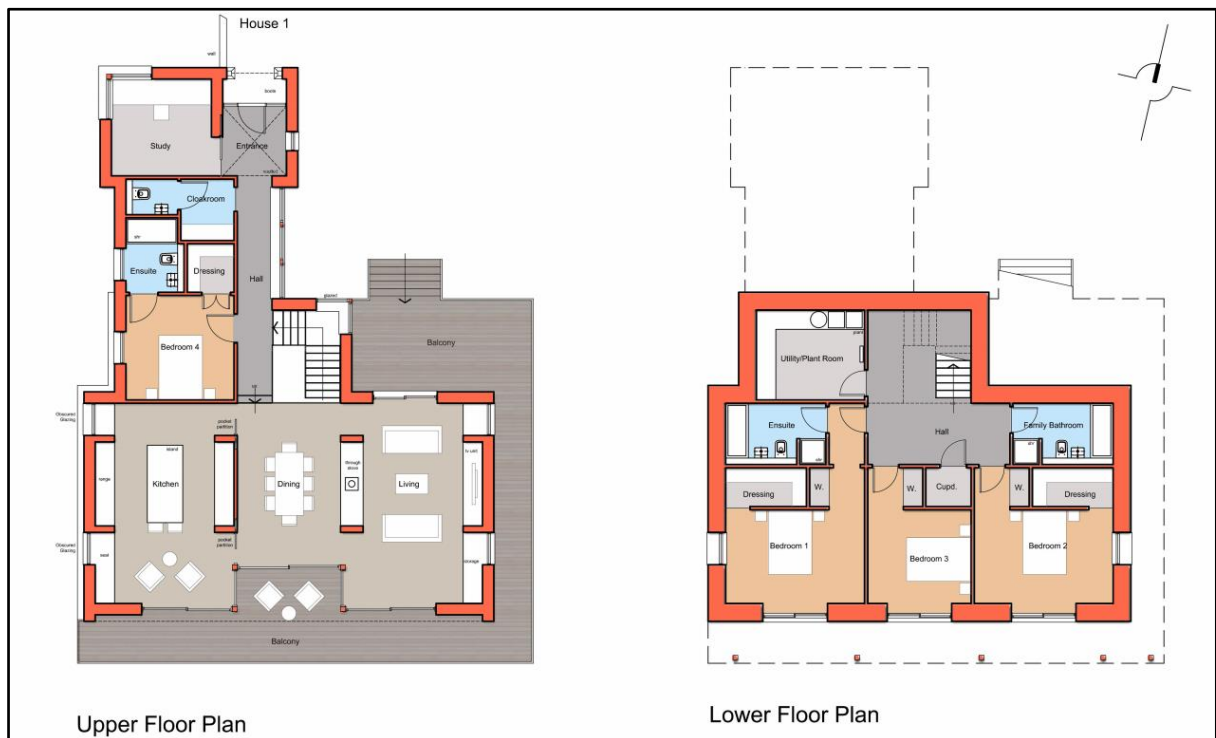


Figure 10: floor plans plot 1



Figure 11: floor plans plot 2

3.4 As well as the submitted drawings, the application is accompanied by several reports:

Design and Access Statement

This document describes the site and surrounding area, planning policy context and the proposed development, as well as the design ethos underpinning the proposals, considering issues of use, amount, layout, appearance, scale, landscape, access and sustainability.



Figure 12: application site area

Planning Statement

This describes the site and surrounding area, planning policy context and the information submitted with the application and concludes that the proposal would be acceptable.

Drainage Assessment

The report concludes that the site can be adequately drained, and is sustainable in terms of flood risk. Foul water can be drained to the combined sewer in Blackhouse Rise by gravity, across land within the ownership of the applicant. Surface water drainage for the proposed development can also be attained via attenuation within the site and discharge to the combined sewer also.

Arboricultural Method Statement

The Arboricultural Method Statement provides details of trees to be removed and pruned as part of the proposed development, and sets out tree protection measures. The trees within the site are in the main located around the site boundaries and are a mix of both B and C category trees. Category B trees are of moderate quality and value and Category C trees are of low quality and value. Four trees, all of category C, are proposed to be removed to facilitate the development; three of these from toward the centre of the site and one from the western edge.

Contaminated Land Report

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A Phase 1 Contamination Risk Assessment has been carried out by Ground and Environmental Services Limited which covers a larger area of land than the application site. The relevant area is referred to as a walled garden with brick outbuildings within the report. The report concludes that the site would **not** be considered to be “Contaminated Land” based on a residential end use.

Preliminary Ecological Appraisal and Phase II Surveys

This report demonstrates that:

Bats	the site is of negligible importance in respect of bats
Reptiles	a low population of common lizards and grass snakes were recorded, with a suitable receptor site identified that can be used to mitigate the loss of reptile habitat
Great Crested Newts	The site holds negligible potential for GCN as no suitable water bodies are present within 500m of the site
Dormice	The site is considered to have low potential for dormice

A range of recommendations are proposed to achieve a meaningful biodiversity gain as part of the development.

4. RELEVANT PLANNING HISTORY

4.1 There is no recorded planning history for this site.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Hythe Town Council: Support subject to planning officer being satisfied with the resolution for the disposal of foul water.

KCC Ecology: No objection.

Whilst the population of reptiles was concluded as ‘low’, based on a peak count of adults, the presence of juvenile reptiles denotes a breeding population within the area. As such, an appropriate translocation methodology and receptor site (subject to confirmation of consent) has been provided for the site’s reptile population.

Due to the presence of a bat roost within a retained building and its proximity to the development footprint, a precautionary mitigation approach has been proposed. This includes an exclusion buffer-zone around the building and a sensitive lighting plan during construction, as well as securing a lighting plan for the finished development.

In alignment with paragraph 175 of the National Planning Policy Framework, the implementation of enhancements for biodiversity should be encouraged. The ecology report recommends suitable enhancements such as native hedgerow planting and provision of bird boxes

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Conditions are recommended to be attached to any permission granted, as well as an informative relating to breeding birds.

KCC Highways & Transportation: Folkestone & Hythe District Council Refuse Services team have confirmed that a 3.5T vehicle currently services this site, and this size vehicle will continue to do so should the above application be granted planning permission. In addition, Kent Fire & Rescue Services have commented confirming they are satisfied with the above proposals. This access currently serves a small number of dwellings and as such has an established use. Therefore, with regards to access for service vehicles, this proposal would not warrant a recommendation of refusal from KCC in its capacity as the local highway authority.

Waste Management: Veolia have confirmed that a 3.5T narrow access vehicle will service these properties.

Southern Water: No comment made

Environmental Health: No objection subject to imposition of the Councils standard contamination condition.

Arboricultural Manager: No objection subject to recommendations within the pre-development tree report being secured via condition.

Kent Fire & Rescue Service: The off-site access requirements of the Fire & Rescue Service have been met. On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

Local Residents Comments

5.2 15 neighbours directly consulted. 10 representations received.

5.3 I have read all the letters received. The key issues summarised below:

- Sympathetic approach to existing arboriculture and vegetation
- Welcome limiting rooflines to effectively one-storey
- Design approach emphasises quality and sustainability
- Welcome approach to privacy
- Garages are overbearing with excessive roof heights
- Query as to whether a small-scale archaeology survey is needed
- Concerns regarding access with regard to visibility splays, lack of pedestrian footpath, constrained by ragstone walls
- Access should be for the proposed properties only and Coldharbour, no other future properties

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- Increased traffic from future residents and deliveries leading to conflicts of use
- Blackhouse Hill is a hazardous road
- A Construction and Environment Management Plan should be required
- Suggestion of naming to reflect former ownership by Lord Wakefield
- Height of buildings should be limited due to location within the AONB
- Impact of noise and vibration during construction
- Possible loss of privacy for properties fronting Blackhouse Hill
- Remaining parcel of land will be developed in the future and the site should be considered as a whole
- Archaeological connections with Lord Wakefield and a nearby 12th Century Monastery
- Loss of habitat for a range of wildlife
- Light pollution

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 Places and Policies Local Plan (2020) and the Core Strategy Local Plan 2013.

6.2 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 and has been subject to an Examination in Public in January 2021. As such its policies should be afforded weight where there are not significant unresolved objections.

6.3 The relevant development plan policies are as follows:-

Places and Policies Local Plan (2020)

Policy HB1 - Quality Places through Design

Policy HB3 - Internal and External Space Standards

Policy HB10 - Development of Residential Gardens

Policy T2 - Parking Standards

Policy T5 - Cycle Parking

Policy NE2 – Biodiversity

Policy NE3 - Protecting the District's Landscapes and Countryside

Policy NE6 - Land Stability

Policy NE7 - Contaminated Land

Policy HE2 - Archaeology

Shepway Local Plan Core Strategy (2013)

Policy DSD - Delivering Sustainable Development

Policy SS1 - District Spatial Strategy

Policy SS3 - Place-Shaping and Sustainable Settlements Strategy

Policy CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

Core Strategy Review Submission draft (2019)

Policy SS1 - District Spatial Strategy

Policy SS3 - Place-Shaping and Sustainable Settlements Strategy

Policy CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

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

Supplementary Planning Guidance/Documents

KCC: Kent Design Guide

Kent Downs AONB Management Plan

SD1 – Conserve and enhance the natural beauty of the Kent Downs AONB

SD2 – Design, scale, setting and materials will preserve local character, qualities and distinctiveness of the Kent Downs AONB

SD3 – New development or changes to land use will be opposed when contrary to need to conserve and enhance the natural beauty of the Kent Downs AONB

SD7 – Retain and improve tranquillity, including dark skies at night.

SD8 – Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.

Government Advice

National Planning Policy Framework (NPPF) 2019

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:-

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Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 48 - Weight to be applied to emerging policies

Paragraphs 108-110 - Transport and access

Paragraphs 124, 127- Design

Paragraphs 170-173 - Conserving and enhancing the natural environment

Paragraph 175 – Habitats and biodiversity

Paragraph 178 – Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

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 The main issues for consideration are:

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Highways
- e) Ecology and biodiversity
- f) Trees and landscaping
- g) Drainage
- h) Other issues

a) Principle of development and sustainability

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- 7.2 Core Strategy policy SS3 directs development toward existing sustainable settlements to protect the open countryside and the coastline, with the principle of development likely to be acceptable on previously developed land, within defined settlements, provided it is not of high environmental value. Focusing attention on existing centres underpins not only the protection of the District's open countryside, but also seeks the achievement of sustainable places.
- 7.3 The application site is located within the Kent Downs AONB. Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB, which have the highest status of protection in relation to these issues, with policy NE3 of the Places and Policies Local Plan echoing this position.
- 7.4 The site was part of the garden of Coldharbour and as such is not previously developed land under the definition within the National Planning Policy Framework glossary. Policy HB10 sets out that development proposals involving the complete or partial redevelopment of residential garden land within settlement boundaries will be permitted, subject to fulfilling certain criteria. Proposals must respond to the character and appearance of the area, as well as the layout and pattern of the existing environment, taking into account views from streets, footpaths and the wider residential and public environment and the plot to be developed should be of an appropriate size and shape to accommodate the proposal, taking into account the scale, layout and spacing of nearby buildings, the amenity of adjoining residents and the requirements for living conditions. Access and parking must meet adopted standards and established trees must also be incorporated, wherever possible. The compatibility with these requirements is assessed within the following sections b) – f).
- 7.5 The general thrust of national and local planning policy is to secure sustainable patterns of development through the efficient re-use of land, concentrating development at accessible locations. In being located within the defined settlement boundary, the proposal is considered likely to facilitate the achievements of these objectives and be sustainable development in terms of its location. It would also contribute toward the Council's housing target. In conclusion the principle of development at this site is considered acceptable subject to the material considerations below, which shall be assessed in the remaining sections of this report.

b) Design/layout/visual amenity

- 7.6 Policy HB1 of the PPLP and NPPF Paragraph 127 require 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. The proposed buildings are of a contemporary design but would utilise traditional materials found in the locality in the form of stock bricks, clay tiles and timber cladding, as well as proposing to use locally distinctive ragstone for the lower ground floor. They would be partially set into the ground, as a response to the sloping nature of the site and in order to reduce the visual impact of the development, with the buildings appearing to be single storey when viewed from the north. The stated intention is to appear similar in general form to the existing outbuildings within the site.
- 7.7 In this respect, it is considered that the proposed dwellings represent good design that would be sympathetic to the range of architectural styles that can be seen in the surrounding development. The surrounding development has a range of heights and

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building forms – two storey dwellings, bungalows, and chalet bungalows – with a variety of materials employed in the external finishes. The proposed dwellings would have a two storey structure but with the ground floor partially set into the site to reduce the overall visible massing, which would compare favourably in respect of the surrounding development, some of which has similar form in order to accommodate the sloping nature of the topography.

- 7.8 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection, with policy NE3 of the PPLP identifying that the natural beauty and locally distinctive features of the AONB and its setting should be conserved and enhanced. The introduction of two new dwellings into the AONB, where new development is specifically restricted to protect the visual amenity of the landscape, could potentially harm the character and visual amenity of the area.
- 7.9 However, in this respect the proposed development would be well-related to the existing settlement pattern and would infill a site that is immediately to the south of development fronting Blackhouse Hill; development which precludes ready views of the application site from the highway. Longer distance views are not readily possible because of the existing development that surrounds the site, the topography of the surrounding land and the existing vegetation. Cumulatively, these factors mean that the site is not readily visible from the surrounding public road network or in long distance views, such as from Princes Parade to the south, which the most prominent elevation of the proposed development would face toward. Materials would accord with those used in the surrounding development and if the properties were readily visible from public vantage points, they would not appear incongruous.
- 7.10 The layout of the proposal would consolidate the existing strip of low-density edge-of-settlement development, in accordance with the character of the area of detached dwellings within spacious plots, with no significant visual intrusion into the views of the site from additional built form as a consequence of the proposed dwellings being comparable in size to existing dwellings and also the partial setting into the ground of the ground floor. The pattern of development is considered acceptable, with examples of 'backland' style development to be seen in 34a, 36a, 40 and 42 Blackhouse Hill in the immediate vicinity. Consequently, there would be no significant impact upon the character and distinctiveness of the AONB designation or the surrounding pattern of development.
- 7.11 In light of the above it is considered that the proposal would not cause significant harm to the local character and distinctiveness of the AONB, with no visual presence within the street scene due to the existing built development, topography and vegetation screening ready views of the site, and would accord with the existing low-density character of development in the area in accordance with the aims and objectives of policies HB1 and NE3 of the Places and Policies Local Plan and the NPPF.

c) Residential amenity

- 7.12 The proposed dwellings are set away from the common boundaries of the properties edging the site and in conjunction with being partially set into the ground, would have no adverse impact upon residential amenity through an overbearing presence, overshadowing, or an increased sense of enclosure. The closest neighbour would be 36a Blackhouse Hill, which would be 11 metres away to the west, from building to building.

- 7.13 In relation to overlooking, both properties would have an external balcony area, but during the course of the application, at the request of the Planning Officer, the balcony for plot 1 has been amended so as to remove the western-most element of this, as well as securing the full height windows to the western wall of the kitchen area to have obscure glazing, in order to protect the privacy of the property to the west, 36a Blackhouse Hill. The other windows in this elevation, which serve a bedroom and bathroom are, respectively, approximately 11.5 and 14m away from the common boundary with 36a Blackhouse Hill and face a hedge that is to be retained. In light of this and the amendments to the scheme that have been secured, it is considered that the privacy of the occupants of this dwelling would be safeguarded.
- 7.14 The existing boundary vegetation provides a generally strong visual screen for all adjacent properties. Four trees are proposed to be removed to facilitate the development; three of these from toward the centre of the site and one from the western edge, with additional planting proposed to the edges of the site and running through the middle of the site as part of the ecological enhancement measures and general landscaping that can be secured via condition, with species and final placement forming part of submitted details in order to ensure integration with existing vegetation, so as to further ensure that no perceived or actual overlooking would occur to neighbouring properties. It is considered that this would provide an acceptable screen for neighbouring uses.
- 7.15 Finally, the additional activity associated with two dwellings is also considered unlikely to result in any significant noise and disturbance as to impact detrimentally upon residential amenity given the domestic nature of the proposed development - where residential development would be considered compatible with other residential development – and also the low number of additional dwellings, with vehicle movements from an additional two units considered unlikely to result in significant additional noise and disturbance over and above that generated by the coming and going of vehicles associated with the three other properties that utilise the access way.
- 7.16 In relation to internal and external space standards, the proposal exceeds the adopted requirement for each and as such Officers are satisfied that the development would provide an acceptable standard of accommodation and level of amenity for future occupants and as such complies with policy HB3 of the Places and Policies Local Plan.

d) Parking, access and transport

- 7.17 The site would be accessed from Blackhouse Hill to the north, via an existing single-track residential access with an established use, with off-street parking and car ports provided within the site. Although concern has been expressed with regard to the use of the access for the additional units, the applicant has included pre-application advice from KCC Highways & Transportation which concludes that the additional traffic movements would not impact upon highway safety, with the visibility when exiting the site considered more than adequate. Further comments from KCC Highways & Transportation in conjunction with Folkestone & Hythe District Council Refuse Services and Kent Fire & Rescue have confirmed that the existing access is acceptable and as such there is no planning justification for refusing permission on those grounds.
- 7.18 Kent Design Guide Review: Interim Guidance Note 3 Residential Parking states that a minimum of 2 independently accessible car parking spaces should be allocated for a 4 bedroom house in a suburban edge / rural location. This would be met under this

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proposal. As such, the parking provision meets the Council's adopted standards as set out in policy T2 of the Places and Policies Local Plan and Officers are satisfied that the development would not result in harm to highway safety or convenience.

- 7.19 With regard to cycle parking, this is shown to be provided within the proposed garage structures at a ratio of 1 space per bedroom in accordance with PPLP policy T5 and it is considered reasonable to impose a condition requiring that this secure, covered storage is provided prior to first occupation of the dwellings.

e) Ecology and biodiversity

- 7.20 The applicant has submitted a preliminary ecological appraisal and phase II surveys in support of the application that conclude there would be minimal impact to habitats and protected/notable species from the proposed development, if mitigation measures are implemented.
- 7.21 The population of reptiles was concluded as 'low', based on a peak count of adults, but the presence of juvenile reptiles denotes a breeding population within the area. As such, an appropriate translocation methodology and a suitable receptor site will be provided for the site's reptile population.
- 7.22 For bats, due to the presence of a bat roost within a retained building, the garage and archway that forms an entrance to the property known as Coldharbour, and its proximity to the development footprint, as it is immediately adjacent to the red line of the application site, but under the control of the applicant, a precautionary mitigation approach has been proposed, including an exclusion buffer-zone around the building and a sensitive lighting plan during construction, with details of external lighting for the properties post-construction to be secured by condition.
- 7.23 In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged and the ecology report recommends suitable enhancements such as native hedgerow planting and provision of bird boxes, which can be secured via condition. The suggested conditions are considered appropriate and would ensure that the development would not result in harm to the biodiversity of the site.

f) Trees and landscaping

- 7.24 The site has well-established and mature existing boundary vegetation, comprised of hedgerow to the south western boundary and trees and shrubs along the north western boundary, with sections of brick wall. Four trees are proposed to be removed to facilitate the development; three of these from toward the centre of the site and one from the western edge, with additional planting proposed to the edges of the site and running through the middle, as part of the ecological enhancement measures and general landscaping. This is considered acceptable and can be secured by condition. The retained trees are not covered by a Tree Protection Order and are of grade B and C, although their presence forms part of the rural-edge character of the area. Consequently, it is considered reasonable to protect them via condition.
- 7.25 The Council's Arboricultural Manager considers that the recommendations within the arboriculture method statement relating to protective fencing, protection of ground within the root protection areas (RPA), supervised excavations for foundations etc. and

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provision of underground services, are suitable to protect the retained vegetation and should be secured via condition.

7.26 Overall, although there would be some loss of vegetation from the centre of the site as a consequence of the siting of the proposed dwellings, the protection of the retained trees, alongside the securing of additional landscaping would mitigate that loss and the development proposal and maintain the rural-edge character of the site. Furthermore, it is considered that the proposed planting, through the need to complement the existing vegetation and also provide appropriate ecological enhancement, would be likely to enhance the overall quality of vegetation within the site and the AONB.

g) Drainage

7.27 The application submission includes a drainage strategy for the site. The site is not in an area with identified issues in this respect – flood zone 1 and at low risk of flooding from any other sources – and the report concludes that the properties would not be at risk. Foul water can be drained to the combined sewer in Blackhouse Rise by gravity, across land within the ownership of the applicant. Surface water drainage for the proposed development can also be attained via attenuation within the site and discharge to the combined sewer, limiting discharge rates to 2 l/s for all rainfall events up to and including the 1 in 100 year event with an allowance of 40% for climate change. As such, it is considered that there are no negative impacts in this respect. Details of foul and surface water drainage will be secured via condition.

h) Other issues

7.28 The application site is on sloping ground, but the British Geographical Survey landslip data identifies it to be in Zone B – which means that instability problems are not likely to occur but potential problems of adjacent areas impacting on the site should always be considered. The site is not within an area identified as being at risk of land instability and as such a soil stability report was not considered necessary as part of the application. Consequently, it is considered that the proposal is acceptable in this regard, within planning terms.

7.29 A Phase 1 Contamination Risk Assessment has been submitted concluding that the site would not be considered to be “Contaminated Land” based on a residential end use. The Environmental Health Team have reviewed this report and requested the Council’s standard contaminated land condition is imposed, should permission be granted. It is considered that this would satisfactorily address any issues regarding contamination that may arise and the requirements of PPLP policy NE7.

7.30 In respect of bin storage, during the course of the application the plans have been amended to show how the site could be accessed by a refuse lorry, with bin stores shown for each proposed unit on these plans. However, it has been confirmed that the existing properties are currently serviced by a smaller waste collection vehicle and will continue to be so. As such, it is considered that there would be suitable arrangements and facilities for the collection and storage of waste and recycling so as to safeguard residential amenity and the visual amenity of the area.

7.31 As regards means of access to the site by the Fire and Rescue Service, their comments have been sought and they raise no objection, with their off-site access requirements being met.

Environmental Impact Assessment

7.32 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

7.33 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 £118.08 per square metre for new residential floor space.

Human Rights

7.34 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

7.35 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

7.36 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 application site is within a sustainable location and the proposed development would not be readily visible from nearby public vantage points or in long distance views of the scheme from the seafront. Also the proposal would have a negligible impact

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upon the designated AONB as a consequence of its location within the existing built up area, the topography of the site, the design of the buildings and the proposed landscaping. It is considered that there are no other material considerations relating to design, layout, highways, amenity of existing or future occupiers, ecology or drainage that would warrant refusing planning permission, and it is considered that the scheme would be acceptable with regard to local and national planning policy. The application is therefore recommended for approval.

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. RECOMMENDATION

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 they consider necessary.

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 accordance with the details shown on the submitted plans: Proposed floor plans - House 1 19_81_20A; Site layout plan 19_81_05G; Proposed rear elevation 19_81_27A; Proposed side elevation - House 1 19_81_23A; Site layout plan - 19_81_05 Rev D; Section A-A - 19_81_30; Section B-B - 19_81_31; Section C-C - 19_81_32; Proposed front elevation - houses 1 and 2 19_81_22; Proposed side elevation - house 2 19_81_26; Proposed side elevation - house 2 19_81_25; Proposed side elevation - house 1 19_81_24; Proposed floor plans - house 2 19_81_21; Proposed garage - house 1 - 19_81_28 Rev A; Proposed garage - house 2 - 19_81_29 Rev A; Section A-A - 19_81_30; Section B-B - 19_81_31.

Reason:

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

3. No work on the construction of the external surfaces of the buildings hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted 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. 1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might

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

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include - A survey of the extent, scale and nature of contamination - An assessment of the potential risks to - Human health - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, - Adjoining land, - Ground waters and surface waters, - Ecological systems, - Archaeological sites and ancient monuments and - An appraisal of remedial options and identification of the preferred option(s). All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

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

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

Reason:

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To protect the environment and human health against contamination and pollution, in accordance with Places and Policies Local Plan policy NE7 and the NPPF: 2019.

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 Shepway 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/thewater-efficiency-calculator-for-new-dwellings>

6. Prior to commencement of works (including site clearance), all mitigation measures for reptiles shall be carried out in accordance with the details contained in section 5.2 of the Ecological Impact Assessment (David Archer Associates October 2020).

Reason:

In the interests of protecting protected species and habitats in accordance with NPPF paragraph 175 and Places and Policies Local Plan policy NE3.

7. During all work on the site in connection with the implementation of the planning permission (including site clearance), all precautionary mitigation measures for bats during construction shall be carried out in accordance with the details contained in section 5.4.2 of the Ecological Impact Assessment (David Archer Associates October 2020).

Reason:

In the interests of protecting protected species and habitats in accordance with NPPF paragraph 175 and Places and Policies Local Plan policy NE3.

8. Prior to first occupation of the dwellings hereby approved, a lighting scheme for biodiversity shall be submitted to, and approved in writing by the local planning authority. The lighting scheme shall be designed by a qualified lighting designer and shall include the type, level of illumination and locations of all external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting shall be installed in accordance with the specifications of the lighting scheme, the lighting shall be retained as approved and no additional lighting shall be installed thereafter.

Reason:

In the interests of protecting protected species and habitats in accordance with NPPF paragraph 175 and Places and Policies Local Plan policy NE3.

9. Within six months of the commencement of development, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section 6 of the

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Ecological Impact Assessment (David Archer Associates October 2020) as well as an implementation and maintenance schedule. The approved details will be implemented and thereafter retained.

Reason:

In the interests of protecting protected species and habitats in accordance with NPPF paragraph 175 and Places and Policies Local Plan policy NE3.

10. 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.

11. The parking and cycle parking 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 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, with secure, covered cycle parking required in order to encourage means of travel other than the private motor vehicle.

12. 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 treatments to be erected, with such details as approved, implemented in accordance with the approved plans, prior to the first occupation of the dwellings.

Reason:

In the interests of visual amenity.

13. Upon commencement of the development hereby permitted, all recommendations and measures contained within David Archer Associates Arboricultural Method Statement March 2020 shall be carried out in full and in accordance with the details within the approved document, until the completion of the development.

Reason:

In the interests of good arboricultural practice.

14. Prior to the first occupation of Plot 1, the first floor windows in the western elevation serving the kitchen area as shown on approved drawing 19_81_20 Revision A and as shown on approved drawing 19_81_23 Revision A, shall be fitted with obscured glass

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of a type that is impenetrable to sight and shall be non-opening up to a minimum of 1.8 metres above the internal finished floor level and shall be so retained at all times.

Reason:

To minimise overlooking onto adjoining properties and maintain privacy.

15. 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 foul and surface water drainage to serve the development, with such details as approved, implemented in accordance with the approved plans, prior to the first occupation of the dwellings.

Reason:

In the interests of safeguarding the amenities of adjoining areas and sustainable water resource management.

16. No trees, shrubs or hedges within the site which are shown as being retained within the David Archer Associates Arboricultural Method Statement date: March 2020, shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of the amenity and environmental quality of the locality.

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.
2. Your attention is drawn to the need to contact the Council's Street Naming and Numbering Officer on 01303 853418 in order to have the new properties formally addressed.

Appendix 1 – Site Location Plan