

# DCL/21/02

**Application No:** 20/1282/FH

**Location of Site:** 6 St Denys Road, Hawkinge, CT18 7BU

**Development:** Erection of 3 bedroom house and 2 parking spaces.

**Applicant:** Mrs Sahar Safari

**Agent:** Mr Casey Wilson-Owusu  
253 Holburne Road, Blackheath, SE3 8HF

**Officer Contact:** Emma Hawthorne

## SUMMARY

This report considers whether planning permission for the erection of two dwellings facing onto St Denys Road, Hawkinge should be granted. The report assesses the principle of development and the addition of one new dwelling in this locality, which lies within the settlement boundary of Hawkinge. The report recommends that planning permission be granted subject to conditions as it is considered that the proposal is acceptable in principle, and the design and layout of the dwelling would be appropriate in the context of the surrounding environment. The amenities of existing and future occupants are safeguarded, flood risk would not be a constraint, ecology and arboriculture matters can be dealt with by way of planning conditions and there are no highway safety concerns. Therefore, the proposal is considered to be sustainable development in accordance with the development plan policies.

## RECOMMENDATION:

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

## 1. INTRODUCTION

1.1. The application is reported to Committee because Hawkinge Town Council has objected to the proposal.

## 2. SITE AND SURROUNDINGS

2.1. The site is located within the rural town of Hawkinge, within the settlement boundary as defined on Shepway's Proposals Map. The site also lies within the Kent Downs AONB, a Special Landscape Area (SLA) and an Area of Archaeological Potential. The site is also located within the Environment Agency's Ground Water Source Protection Zone 3.

2.2. The application site comprises a two-storey dwelling with large garden to the side and rear of the dwelling. Access to the site is located along the unmade private road of St

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Denys Road. The host property forms half of one of three pairs of semi-detached dwellings accessed from the private road, which is unmade and slopes downwards from Mill Lane (east) towards the site (west).

- 2.3. Within the site is a protected trees covered by Tree Preservation Order (TPO). The site is open as viewed from St Denys Road with the protected tree providing a dominant feature to the frontage of the site.
- 2.4. A site location plan is attached to this report as **Appendix 1**.



Photo 1: The application site and No.6 St Denys Road



Photo 2: View west along St Denys Road from opposite application site

### **3. PROPOSAL**

- 3.1 Full planning permission is sought for the erection of a two storey, detached dwelling with parking provision and private amenity space to the side of No.6 St Denys Road.
- 3.2 The proposed dwelling would be traditional in external appearance with a hipped roof and external finishes of red brick, with a timber clad porch on the front elevation. Private amenity space is provided at the rear accessed from the rear living area, and car parking is proposed to the forecourt of the proposed dwelling, with two dedicated spaces. A bin store is located to the rear of the dwelling, within the rear garden, adjacent to the western boundary. A distance of 1.45 metres would be retained between the proposed dwelling and existing dwelling at no.6 St Denys Road, with a shared boundary proposed between both dwellings.
- 3.3 Amended drawings have been received during the processing of the application which revised the design of the proposed dwelling, and specifically the front porch, ridge and eaves height. Additional drawings were also sought to provide further information on a TPO tree to the front of the site.





Fig.1: proposed streetscene elevation

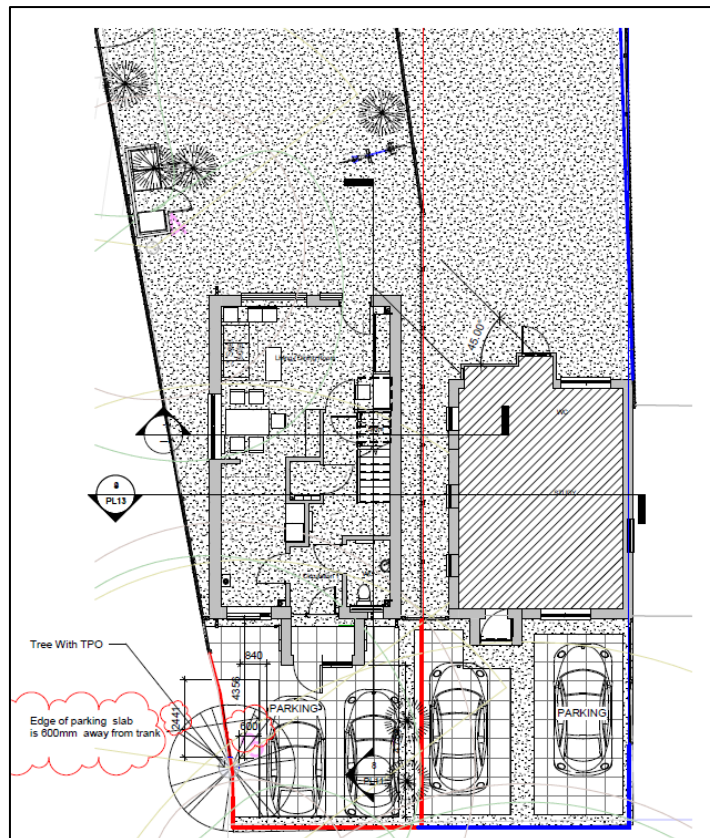


Fig.2: Proposed ground floor plan

3.4 In addition to relevant plans and drawings, the following reports were submitted by the applicant in support of the proposals:

### Design and Access Statement

A brief Design and Access Statement was prepared to accompany the planning application for the erection of a new dwelling with associated parking and landscaping within the curtilage of an existing dwelling. This design and access statement is submitted in accordance with the requirement of the Planning Act 1990, as amended

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by the Planning and Compulsory Purchase Act 2004. It outlines the site location, site context, site history and provides details of the proposed use. The dwelling would have a gross internal area of 110sqm. The Design and Access Statement concludes that the proposal would not significantly impact the neighbourhood's services, the density of built form nor population in the area.

## Archaeological Desk Based Assessment

In September and October 2020, Archaeological Solutions Limited (AS) carried out an archaeological desk-based assessment of land at No. 6 St Denys Road, Hawkinge, Kent, CT18 7BU. The assessment was undertaken to provide information in support of a planning application for a new residential dwelling.

The site lies within an Area of Archaeological Potential and the Hawkinge area, particularly the former Hawkinge Aerodrome 700m to the south-south-west of the site, has revealed a wealth of multi-period prehistoric evidence. The site therefore has a moderate to high potential for prehistoric remains, particularly those dating to the Bronze and Iron Ages. Archaeological investigation record a continuation of settlement into the Romano-British period and the site therefore has a moderate potential for Romano-British remains. In contrast, the site has only a low potential for Anglo-Saxon, medieval and post-medieval evidence. By the early modern period, the site lay within the hamlet of Hawkinge Mill Green or Uphill, which was separate from the original village of Hawkinge situated 1.3km to the south-east. Historical cartographic sources consistently depicted the site as agricultural land, albeit to the immediate south-east of the extent of the hamlet of Uphill and to the immediate rear of properties fronting The Street. St Denys Road, which lies to the immediate south of the site, was laid out according to historic mapping by 1939, and the map is also the first cartographic source to depict the semi-detached dwelling comprising No. 6 St Denys Road. Previous ground disturbance at the site will be limited to its previous agricultural usage and the construction of the existing property.

## Preliminary Ecological Appraisal Survey

The Preliminary Ecological Appraisal discussed the findings and results of an extended Phase 1 Habitat Survey of the survey area (all land that will be impacted by the proposals). It concludes that the site itself is of low ecological value, and no habitats, plants or animals would be harmed. Some mitigation measures are proposed to ensure badgers and vegetation are protected during development works.

## Arboricultural method Statement

This report assesses trees, hedges and major shrub groups growing on and within influencing distance of the site. The report describes the extent and effect of the proposed development at 6 St Denys Road, Hawkinge, Folkstone, CT18 7BU on individual trees and groups of trees within and adjacent to the site. It is the conclusion of the report that the overall quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site will not be adversely affected as a result of the local planning authority

consenting to the proposed development. It is considered that any issues raised in the report can be dealt with by planning conditions

## Energy Strategy Report

The Energy Strategy Report summarises the energy and sustainability planning requirements for the proposed development and the preliminary energy strategy in order to meet the requirements. The report concludes the development would achieve a fabric efficiency of 17.62% and a total carbon reduction of 14.35% carbon reduction beyond the Part L 2013 by fabric first approach and using renewable technology (0.6kWp of PV).

## 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows (history relating to changes to the Listed Building and outbuildings/walls are not included):

20/1534/FH	Proposed double rear and single-storey Extension.	Approved.
20/0198/FH	Erection of two storey double side and rear extension. Erection of single storey extension to rear.	Approved.
Y17/1502/SH	Erection of a pair of semi-detached two-storey dwellings	Refused. Appeal dismissed due to the effect on the character and appearance of the area.
Y10/0044/SH	Erection of a two storey side extension and single storey rear extension, following removal of existing conservatory	Approved.

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**Hawkinge Town Council:** Objection due to over intensive use of the site.

**Highways and Transportation:** No comments made.

**KCC Archaeology:** No objection subject to a condition.

**IDOM:** No objection, subject to condition.

**KCC Ecology:** No objection, subject to conditions.

**Environmental Protection Officer:** No objection and supports comments made by its Contaminated land consultants.

**Arboricultural Manager:** No objection, subject to conditions.

## **Local Residents Comments**

5.2 Six neighbours directly consulted. Eight letters of objection, no letters of support received and no letters neither supporting nor objecting to the application.

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

### **Objections**

- Site is within an AONB;
- Too close to boundaries, especially No.10;
- Difference in site levels with The Street;
- Overlooking;
- Loss of light/sunlight;
- Noise pollution;
- Lack of parking provision provided and space shown are too small;
- Damage to TPO tree within the site;
- Eaves height higher than host property and not in keeping with existing properties;
- Steps into the proposed dwelling not shown and site is not level;
- Side access into the garden is too narrow;
- Roof fitting would overhand No.10s property;
- Surface run-off into neighbouring sites;
- Manoeuvring difficult on a sharp bend if parking bay is approved;
- Heavy construction vehicles would damage road;
- Too many houses in Hawkinge;

### **General Comments**

- Seek assurances that no financial costs will be attributed to neighbours for the proposed crown reduction of the Field Maple.

5.4 **Ward Member**

No response.

5.5 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).
- 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 between January and March 2019, 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) (PPLP)

HB1: Quality Places through Design  
HB3: Internal and External Space Standards  
HB10: Development of Residential Gardens  
T2: Parking Standards  
T5: Cycle parking  
NE2: Biodiversity  
NE3: Protecting the District's Landscapes and Countryside  
NE7: Contaminated Land  
HE2: Archaeology  
CC2: Sustainable Design and Construction  
CC3: Sustainable Drainage Systems (SuDS)

### Shepway District Local Plan Review (2013)

DSD: Delivering Sustainable Development  
SS1: District Spatial Strategy  
SS2: Housing and the Economic Growth Strategy  
SS3: Place Shaping and Sustainable Settlements Strategy  
CSD1: Balanced Neighbourhoods for Shepway  
CSD2: District Residential Needs  
CSD5: Water efficiency

### Core Strategy Review Submission draft (February 2019)

SS1: District Spatial Strategy  
SS2: Housing and the Economy Growth Strategy



SS3: Place Shaping and Sustainable Settlements Strategy  
CSD2: District Residential Needs

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

## **Supplementary Planning Guidance/Documents**

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

6.5 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:-

Paragraph 8 – Three main strands of sustainable development: economic, social, and environmental

Paragraph 11 - Presumption in favour of sustainable development.

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

Paragraph 48 – Giving weight to emerging plans

Paragraph 108 – Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if residual cumulative impacts on the road networked would be severe.

Paragraph 117 – Making effective use of land

Paragraph 127 -130 – Achieving well designed places

### National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

National Design Guide October 2019

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

## 7. APPRAISAL

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

- a) Background
- b) Principle of development and sustainability
- c) Design/layout/visual amenity
- d) Residential amenity
- e) Ecology and biodiversity
- f) Protected trees
- g) Contamination
- h) Drainage
- i) Archaeology
- j) Highway safety

### a) Background

7.2 The site has been the subject of a previous planning refusal, and a subsequent dismissed appeal for the 'Erection of a pair of semi-detached two-storey dwellings' to the rear of the site. This recent application, ref Y17/1502/SH, was refused planning permission and dismissed on appeal on 15th March 2019.

7.3 The main area of concern related to the unacceptable harm to the character and appearance of the built-up area immediately surrounding the site. In this regard the proposal conflicted with saved policies SD1 and BE1 of the Local Plan which sought to, amongst other things, ensure a high standard of design in new development.

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7.4 In preparation of this current submission, the applicants and their agents have reviewed the Inspectors report and have amended the proposal with a view to overcoming the concerns raised. Since the above dismissed appeal, the proposal has been amended in the following ways:

- The proposed development has been reduced to one dwelling; and
- The dwelling have been repositioned within the site, adjacent to St Denys Road.

## **b) Principle of development and sustainability**

7.5 Core Strategy policy SS3 seeks to permit new residential development within the established settlement hierarchy subject to material planning considerations, which will be considered below in this report. The proposal is therefore considered to be acceptable in principle. Whilst it is acknowledged that the NPPF (2019) states that windfall housing sites should not include residential gardens, in the context of the support of sustainable development in existing settlements, garden development cannot be resisted in principle, unless significant harm is identified.

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

7.6 The site forms part of a large side and back garden of a semi-detached property, located at the end of a small line of properties in St Denys Road. It is located within a built up area, with recently approved development on the land to the north of the site. The application site falls within the Kent Downs Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA), and therefore any development should accord with the aims of PPLP policy NE3 and the Kent Downs AONB Management Plan. The proposed dwelling would be located between existing built form along St Denys Road and The Street. The immediate locality is comprised of predominantly residential properties, and due to the mature hedgerows and trees surrounding the site, there would be no harm to the character of AONB and SLA. As such, it is considered that any further residential development of one dwelling on this site would primarily be seen within a built up, semi urban setting and therefore there would be no harm to the AONB and SLA.

7.7 Houses along St Denys Road and those that surround it are generally arranged in a linear pattern, located a similar distance away from the road with gardens to their rear. Whilst this is a wide plot, with garden to the side of the existing dwelling, its existing layout conforms to this arrangement. The depth of the large rear garden provides an open setting for No.6, and the length of the garden is similar to the other residential properties facing St Denys Road. Consequently, there is a degree of consistency in the built environment, which helps shape its character.

7.8 It is proposed that the new dwelling would respect the linear alignment of the row of dwellings along St Denys Road, adhering to the building line of the established dwellings south east of the application site. As a result of negotiations with Officers, the proposal is considered to correspond positively with No.6 and other neighbouring properties, as the step down in building height along St Denys Road is maintained with the proposed dwelling.

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- 7.9 Officers have negotiated a revised submission in respect of the proposed design and layout of the site. The bulk and massing of the building has been reduced within the site such that there is a gap between the proposed dwelling and the neighbouring property, and the property is appropriate in terms of scale with the other properties in St Denys Road, The tree covered by a TPO to the frontage of the site will also be protected. Overall it is considered that the dwelling results in an appropriately scaled development for the site and when considered against neighbouring development.
- 7.10 As mentioned above, the dwelling is of a traditional design which would be in-keeping with the character of the existing dwellings in the immediate locality in terms of materiality and design elements from which the proposal takes its design cues. In this context the proposal is considered to sit comfortably in this location to provide a suitable addition to the row of dwellings fronting St Denys Road.
- 7.11 No.6 St Denys Road has an uncharacteristically wide garden to the north west of the host property, and the proposed sub-division of the application site, as proposed, would create two reasonably sized plots, which would appear characteristic of the area as the other neighbouring properties in the immediate locality have notably smaller plot widths. The remaining external amenity space proposed for the new dwelling would appear generous in this location with space provided for private outdoor use and vehicular parking within the curtilage.
- 7.12 For the reasons set out above, the proposed development, as amended, would not be considered to cause harm to the site, streetscene or local area, including AONB and SLA, and therefore is considered to be appropriate development in terms of design, layout and visual amenity. The proposal is considered to accord with policy HB1, HB10 and NE3 of the Local Plan (2020) and section 12 of the NPPF.

## **d) Residential amenity**

- 7.13 The proposed residential use would be compatible with the surrounding residential area. The access would remain in the same location as currently is and whilst there will be increased use of the access road, the increase in use as a result of one dwelling would not be significant or detrimental to local occupiers.
- 7.14 With regard to the adjacent properties, it is considered that owing to the separation distances, boundary treatment including existing and proposed, along with landscaping the dwelling can be sited without being overbearing or causing loss of privacy to neighbouring occupiers. The proposed dwelling is positioned adjacent to, and would not project beyond the principle elevation of No.6 St Denys Road. It is further noted that No.6 has been granted planning permission for a rear extension (which has not yet been implemented). One first floor window is proposed to the north east elevation, however this would serve the hall way, which is not a habitable room, and therefore would not give rise to harmful overlooking. The neighbouring flank wall of No.6 contains openings to primary amenity spaces adjacent to the proposed dwelling, however these are secondary openings and as such the proposal would not amount to harmful impacts in terms of loss of light or overshadowing. As such, it is not considered to result in an adverse impact upon the residential amenities of occupiers adjacent on St Denys Road.
- 7.15 The proposed dwelling has been designed with direct outlook from the front and rear elevations. The proposed front east elevation would have an outlook across the

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forecourt and parking area to the application site, as well as St Denys Road which is the same as the other properties in the road.

- 7.16 One ground floor window is proposed to the north western elevation facing the rear boundary of no. 10 The Street, and the properties in The Street are set at a lower level to the application site. The garden of no. 10 The Street is however 28m long, and boundary fencing is proposed along this boundary, which can be retained through condition, should permission be granted. The comments and concerns of adjoining residents are noted, but given it is a ground floor window with a fence adjacent to it, it is not considered that there will be any impact on the neighbours amenity in terms of overlooking.
- 7.17 No first floor windows are proposed on this elevation, but given the sloping nature of the site, it is recommended that a condition is imposed to ensure that no windows can be installed without the prior approval of the Local Planning Authority.
- 7.18 With regard to future occupants of the proposed development, policies HB1 and HB3 of the Local Plan (2020) and paragraph 127 of the NPPF require that consideration be given to their residential amenity and space standards. The proposed layout would provide a suitable sized rooms with adequate light as well as outlook to all habitable spaces. The proposed dwelling would also benefit from a reasonable level of private outdoor amenity space for a family sized dwelling.
- 7.19 Dwellings are required to provide area of private garden for the exclusive use of an individual dwelling house of at least 10m in depth and the width of the dwelling. Both dwellings would provide a sufficient level of garden space, which would exceed the width of the proposed dwellings. The depth of the garden space to the rear of the dwellings would be in excess of 10 metres. This area would be sufficiently screened by the existing and proposed boundary treatments and therefore would receive reasonable levels of privacy. The proposal also seeks to provide the bin storage within the rear garden area, along the western boundary of the site. A screened storage area is illustrated on the proposed drawings which provides a suitable area for bins, while ensure the useable garden area is not negatively impacted.

## **e) Ecology and biodiversity**

- 7.20 In accordance with the EIA regulations, the site does not fall within a sensitive area and the development is below the thresholds for Schedule 2 10(b) urban development projects and therefore does not need to be screened under these regulations.
- 7.21 The site has a mixture of hardstanding and landscaping, with little potential for protected species to be present. As such, it is unlikely that the proposal would have a significant ecological impact. Subject to the inclusion of suitable planning conditions, the proposal is considered to be acceptable in terms of ecology and biodiversity.
- 7.22 Any work to vegetation that may provide suitable nesting habitats for birds should be carried out outside of the bird breeding season and this is covered by separate legislation. In the event of an approval, a condition securing the implementation of ecological enhancements would be attached.

## **f) Protected trees**



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- 7.23 As noted above, a tree covered by a TPO is located within the frontage of the site and Section 197 of the Town and Country Planning Act 1990 (as amended) imposes a duty on the decision-maker to ensure that adequate provision is made for the preservation of trees.
- 7.24 The Arboricultural Impact Assessment (AIA) identifies the tree to be mature and generally healthy. The tree is prominent and appropriate to the locality as it is of considerable size and has a wide canopy and large trunk. It is clearly noticeable in public views and to residential occupiers in the area. Therefore the tree makes a significant visual contribution to the location.
- 7.25 Amendments have been made during the processing of the application and the proposal has been reviewed by the Arboricultural Officer. The submitted information is considered sufficient to demonstrate that the proposed development would not cause harm to, or loss of, the protected tree within the site, subject to conditions. There is concern that there may be an impact on the tree if traditional construction techniques are used, therefore conditions are suggested which will ensure the protection of the tree during construction.

## **g) Contamination**

- 7.26 The development is considered to be at low risk of being affected by significant land contamination. Therefore it is not considered that the development would lead to the introduction of new classes of receptor and it is not considered necessary to require formal contamination assessment. However, given that the land is previously used, it is recommended that the final part of the Council's standard land contamination planning condition is applied to any consent granted. This requires a discovery and reporting strategy for any contamination encountered during the works. This would include reporting of the presence of any significant made ground, with a requirement for testing if it is found to be present.

## **h) Drainage**

- 7.27 The site lies within Flood Zone 1, and therefore has a low probability of flooding. Therefore flood risk would not be considered a constraint to the proposed development.

## **i) Archaeology**

- 7.28 The site is identified to be within an area of archaeological interest associated with the former Hawkinge Aerodrome 700m to the south-south-west of the site, which has revealed a wealth of multi-period prehistoric evidence. Archaeological investigation record a continuation of settlement into the Romano-British period and the site therefore has a moderate potential for Romano-British remains. In contrast, the site has only a low potential for Anglo-Saxon, medieval and post-medieval evidence. By the early modern period, the site lay within the hamlet of Hawkinge Mill Green or Uphill, which was separate from the original village of Hawkinge situated 1.3km to the south-east. Historical cartographic sources consistently depicted the site as agricultural land, albeit to the immediate south-east of the extent of the hamlet of Uphill and to the immediate rear of properties fronting The Street. St Denys Road, which lies to the immediate south of the site, was laid out according to historic mapping by 1939, and the map is also the first cartographic source to depict the semi-detached dwelling

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comprising No. 6 St Denys Road. Previous ground disturbance at the site would be limited to its previous agricultural usage and the construction of the existing property.

7.29 In light of this, the application has been accompanied by an Archaeological Desk based survey. This concludes that there is a moderate to high potential for prehistoric remains, particularly those dating to the Bronze and Iron Ages. KCC archaeology team were consulted on the proposal, and considered this to be acceptable and raised no objection subject to conditions that cover mitigation measures set out within the submitted survey. It is reasonable to impose these conditions in the event that planning permission is granted.

## **i) Highway safety**

7.30 The site is located in a sustainable location where occupiers would benefit from the local services of Hawkinge including shops, schools, surgeries and public transport. The site also has good connectivity with a good road and footpath network in close proximity to the site, leading off the private access road.

7.31 For vehicular and pedestrian access, this is proposed off St Denys Road utilising the existing access which is considered acceptable. Two off street parking spaces are provided to the front of the dwelling, with space for two spaces in front of 6 St Denys Road. This is acceptable and in accordance with parking standards set out in policy T2 of PPLP.

7.32 The residential curtilage for each of the proposed dwellings would also be sufficient to allow for cycle parking facilities. This could be secured via a planning condition in the event of an approval.

7.33 Overall, the proposal is considered to be acceptable and in accordance with Local Plan policies T2 and T5.

## **Environmental Impact Assessment**

7.34 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**

7.35 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. New Homes Bonus payment are not considered to be a material consideration in the determination of this application.

7.36 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 £57.86 per square metre for new residential floor space.

## Human Rights

7.37 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

## Public Sector Equality Duty

7.38 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

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

## Working with the applicant

7.39 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, and in this case, negotiations with the applicant resulted in an acceptable scheme.

## 8. CONCLUSION

8.1 The In light of the above, it is considered that the proposal has satisfactorily addressed and overcome the previous grounds for refusal. The principle of the development is accepted and the AONB and SLA are considered to be protected. The protected tree would not be harmed as a result of the proposal, subject to appropriate conditions. The proposal would not result in harm to neighbouring amenity and provides a high level of accommodation for future occupants. As such it is recommended that planning permission be granted.

## 9. BACKGROUND DOCUMENTS

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

## 10. RECOMMENDATIONS

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

Conditions:

1. 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;

PL11 Rev D – Proposed Plan, Elevation and Sections  
PL12 – Block Plan and Location Plan  
PL13 Rev C – Street Elevation and Rear Elevation and 3D View  
PL14 Rev A – Existing and Proposed Site Plan  
PL15 Rev C - Existing and Proposed Views  
PL16 – Bin and Bike Store  
Arboricultural Method Statement, dated 12 February 2021  
Arbtech AIA 01 – Arboricultural Impact Assessment, dated Feb 2021  
Arbtech TPP 01 - Tree Protection Plan, dated Feb 2021  
Energy Strategy Report, prepared by Mustab Ahmed  
Preliminary Ecological Appraisal Survey, prepared by Arbtech  
Archaeological Desk-based Assessment, dated 2 October 2020

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of the Local Plan.

3. Prior to the commencement of the development hereby approved, details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the details of materials as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate appearance of the completed development and in the interests of visual amenity, the character and special qualities of the AONB and SLA.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.

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Reason: To ensure that features of archaeological interest are properly examined and recorded. I would be happy to discuss any of the above further.

5. The proposed dwelling shall be constructed and designed using a piled foundation and constructed above existing ground levels using ground beams. All works must be undertaken under the supervision of the project arboriculturalist and photos taken and submitted to the LPA's arboricultural manager and planning case officer as proof of compliance with the condition. There shall be no excavation of the site within the RPA of the retained trees.

Reason: To ensure the long term health and retention of the TPO tree within the site.

6. A pre-commencement site meeting shall take place with the Local Planning Authority's (LPA) Arboricultural Manager, the project arboriculturalist and project manager (builder) to ensure a thorough understanding of what is required by all parties. The applicant shall give the LPA Arboricultural Manager five working days' notice of the date of the site meeting.

Reason: To ensure the long term health and retention of the TPO tree within the site.

7. All ground protection measures including all protective fencing measures shall be installed in accordance with the tree protection plan prior to the construction contractor's site occupation. All protective measures must be installed under the supervision of the project arboriculturalist with photos taken and sent to the LPA's arboricultural manager and planning case officer as proof of compliance with the condition. All protective measures shall be retained intact and in place until completion of the project and will not be removed until a post-development site meeting is held with the LPA's Arboricultural Manager and the project arboriculturalist.

Reason: To ensure the long term health and retention of the TPO tree within the site.

8. From commencement of works (including site clearance), all precautionary mitigation measures for badgers will be carried out in accordance with the details contained in table 7 of the Preliminary Ecological Appraisal Survey (Arbtech November 2020).

Reason: To secure the implementation of precautionary measures for badgers (and hedgehogs) during construction

9. 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 enhancement recommendations in table 7 of the Preliminary Ecological Appraisal Survey (Arbtech November 2020) and any closeboard fencing features shall include suitably sized gaps for hedgehog mobility. The approved details will be implemented and thereafter retained.



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Reason: To secure the implementation of enhancements.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

NOTE: any surface or fly-tipped waste materials should be removed to suitable permitted sites as part of any site clearance/preparation works.

11. No construction work above slab level shall take place until full details of both hard and soft landscape works have been submitted to the local planning authority including planting, an implementation programme and a maintenance schedule. No building shall be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason: In order to protect and enhance the appearance of the site, streetscene and wider area.

12. Prior to the first occupation of the development hereby approved, space shall have been laid out within the site of the new dwelling for 2 bicycles to be parked.

Reason: To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car in accordance with policy T5 of the Local Plan.

13. The bin store as shown on the hereby approved plans shall be fully implemented prior to the first occupation of the development hereby permitted and shall thereafter be retained and maintained.

Reason: To ensure adequate means of refuse collection in the interests of the amenities of residents in accordance with the Development Plan.

14. The four domestic parking spaces (labelled parking) shown on the hereby approved plan no.s 'PL11 Rev D shall be kept available for domestic parking purposes in connection with the dwellings hereby permitted at all times, with no obstruction thereto.

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Reason: To ensure the permanent retention of the space for parking purposes within the curtilage of the site in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties in accordance with the Development Plan.

15. Notwithstanding the provisions of the Town and Country Planning (general Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no development relating to Class A, B, C or D of Schedule 2, Part 1 shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring occupiers and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

16. Construction shall not commence until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the new dwellinghouse will achieve 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 design stage water efficiency calculator.

The new dwellinghouse 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/the-water-efficiency-calculator-for-new-dwellings>.

## Informatives:

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2. 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. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1<sup>st</sup> March and 31<sup>st</sup> August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
3. Your attention is drawn to the requirements of the Building Regulations 2000 and the possibility of the need to obtain consent under such regulations.

Prior to implementing this permission, you should seek advice from Building Control as to whether or not to make an application. Advice and application forms are available from the Civic Centre, Folkestone (telephone numbers 01303 853538). Alternatively another building control body may be able to assist.

4. Please view the Considerate Constructors Scheme at <http://www.ccscheme.org.uk/index.php/company-registration/how-to-be-veryconsiderate/company-code-of-considerate-practice>.