

DCL/21/05

Application No: 20/1356/FH

Location of Site: Hillboro, Sunnyside Road, Sandgate, Folkestone, CT20 3DR

Development: Proposed 4no new dwellings and associated external areas within the curtilage of Hillboro (proposed to be demolished) and accessed from Sunnyside Road via a new private shared drive.

Applicant: Mr S Pack

Agent: Mr M Whitby
Hollaway, The Tramway Stables, Rampart Road, Hythe
CT21 5BG

Officer Contact: Emma Hawthorne

SUMMARY

This report considers whether planning permission for the erection of four dwellings in place of Hillboro, Sandgate should be granted. The report assesses the principle of development and the net gain of three new dwellings in this locality, which lies within defined, built up area of Sandgate. 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 dwellings 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, and matters such as ecology and arboriculture can be dealt with by way of planning conditions. There are no highway safety concerns as the proposal seeks to mitigate these through design. 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 Sandgate Parish Council has objected to the proposal, and Councillor Fuller has 'called in' the application.

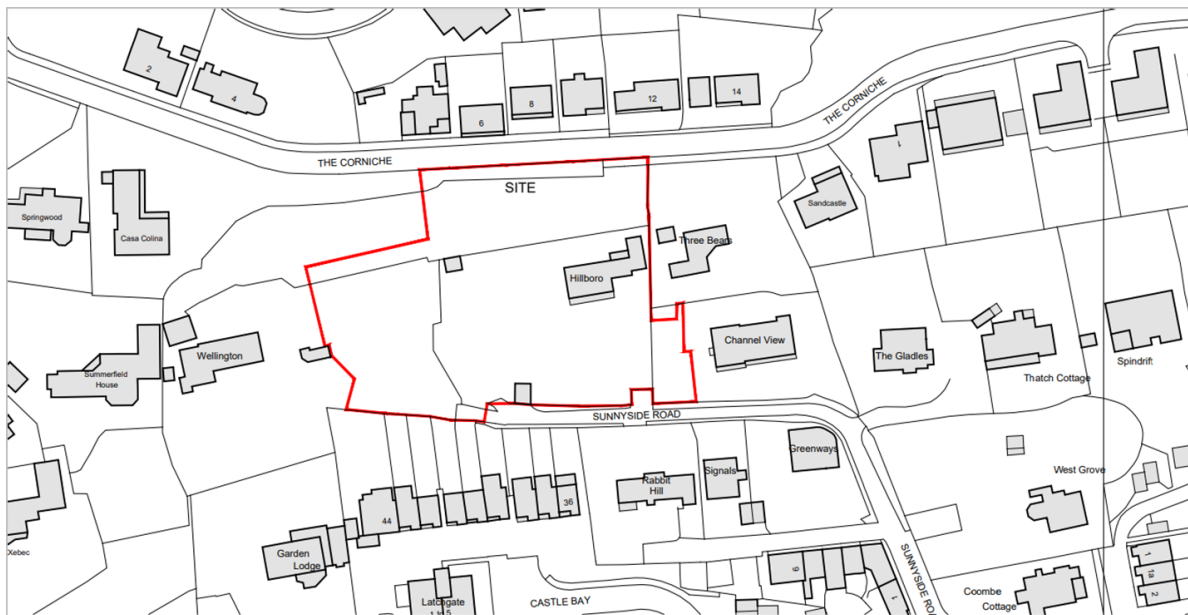
2. SITE AND SURROUNDINGS

2.1. Hillboro is a detached house situated within the defined, built up area of Sandgate. The property sits on a flat terrace on the otherwise very steep escarpment, and vehicle

DCL/21/05

access is via a steep and narrow private road off Sunnyside Road. The front garden is very steep and largely given over to informal planting, while to the rear is a near-vertical rise up to The Corniche. As a result the house is situated towards the rear of an otherwise generous plot, which includes a tennis court towards the western boundary of the site.

- 2.2. The flat terraced area runs east and west to the neighbouring properties, Wellington, Three Bears, and Channel View. Three Bears lies close to the eastern common



boundary while there is a gap of approximately 78m between the flank of Hillboro and that of Wellington, to the west.

Figure 1 Location Plan

- 2.3. The site (and surroundings) are in land stability zone E – the highest risk zone – and it is noted that the property after which the Council's Latchgate land stability condition is named was (before it collapsed) nearby.
- 2.4. The wider area is a Special Character Area.
- 2.5. Hillboro, Wellington, and a large part of the escarpment to the rear are covered by TPO no.04 of 1975.
- 2.6. Part of the hill to the rear (and other similar parcels of land within the local area) are covered by an Article 4 Direction.
- 2.7. The site is not in the Stour Operational Catchment.
- 2.8. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

DCL/21/05

- 3.1 Full planning permission is sought for the development of 4no 4 and 5 bedroomed new dwellings and associated external areas (gardens) within the curtilage of Hillboro (proposed to be demolished) and accessed from Sunnyside Road via a new private shared drive.
- 3.2 'Hillboro' as existing is circa 3.8m closer to Three Bears than the proposed footprint of Plot 4. Three of the proposed buildings are arranged on the footprints of the existing tennis court as well as the existing 'Hillboro' to reduce the impact of construction on the character of the area.
- 3.3 Due to the sloping nature of the application site all four houses are proposed to be three stories in height with the northern end of the lowest storey cut into the sloping ground. Therefore, the majority of the ground floor of each plot is partially underground with the utility and entertainment spaces having been located there (eg storage/gym/cinema). The floor above extends a little more in a northerly direction. The dwellings have been designed with a mix of dual pitched roof forms and flat roof forms with create a contemporary house design. All dwellings include a large amounts of glazing to the principle elevations, and the applicant states that the primary drive for the design of each house is the view out towards the sea. Proposed materials include Kentish ragstone, metal fascia, vertical timber louvres and concrete effect render and sedum flat roofs to enhance biodiversity.
- 3.4 Access to the site is proposed from the highest point of Sunnyside Road to mitigate the impact on existing trees and topography of the site. The access will take the form of a shared tarmacked bellmouth which leads to a new internal access road that provides access for each property. Each property is provided with its own private driveway and car port.
- 3.5 A small number of trees are proposed for removal within the application site. These are all C category trees, being small and easily replaced, or are in poor health. The majority of the existing mature hedgerows are to remain. The dwellings are proposed to be set back within the application site in order to allow for landscaping to the frontage.



Figure 2 Proposed Block Plan

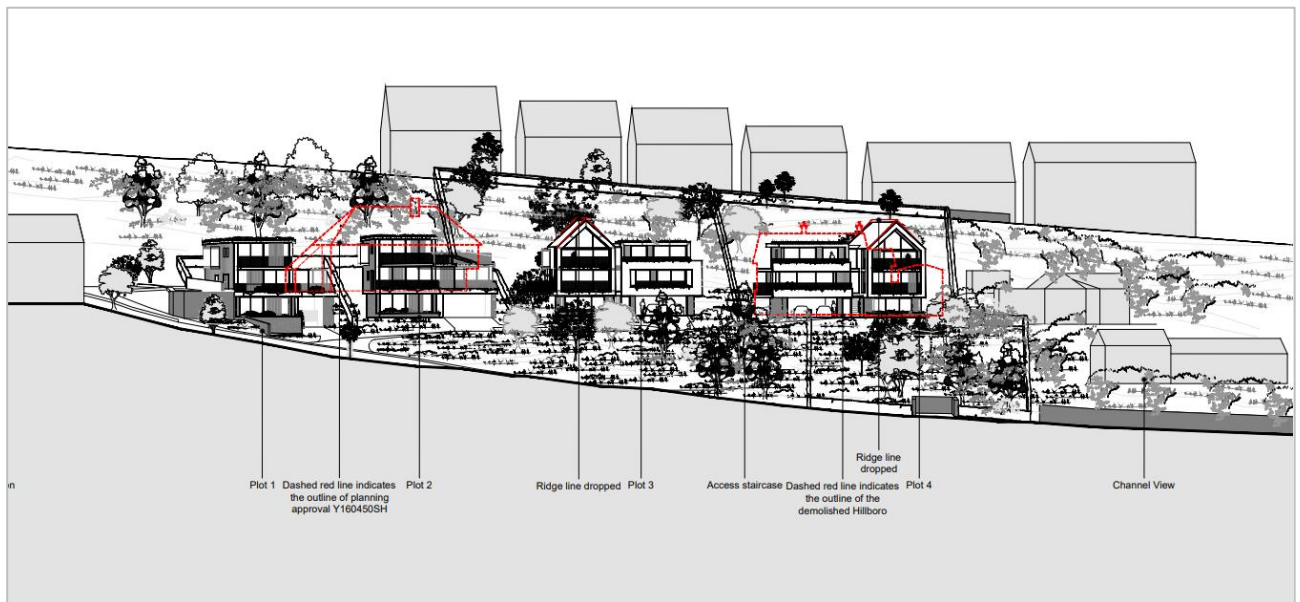


Figure 3 Proposed Street Scene

3.6 The following reports were submitted by the applicant in support of the proposals:

DCL/21/05

Design and Access Statement

The report confirms that the submitted design proposals have been developed with reference to the Sandgate Design Statement (2013), which forms a key document upon which the proposals have been designed. The design principles and concepts that have been applied to the development are discussed in detail. It is also demonstrated how the proposed development's context has influenced the design. The Statement also explains the applicant's approach to access and how relevant Local Plan policies have been taken into account.

Planning Statement

The statement provides an overview of the application site, its context and planning history; and a review of all applicable development plan documents and emerging policies. The merits of the proposed development are discussed having regards to its context and policy framework and subsequently concludes the proposal is acceptable in planning terms.

Arboricultural Impact Assessment and Method Statement

Greenspace Ecological Solutions (GES) was commissioned by Holloway Architects to undertake a tree survey at Sunnyside Road, Sandgate, in accordance with British Standard (BS) 5837:2012 "Trees in Relation to Design, Demolition and Construction - Recommendations". The report explains that works that are likely to affect retained trees include the excavations for retaining structures and the storage of materials.

The results of the survey indicate that the trees within the survey area vary considerably in terms of quality and contribution to the amenity value within the local area. A total of nine individual trees, one group of trees, part of two further groups of trees and one hedge will be removed to enable the proposed development. All trees to be removed fall within the 'C' category as they are small and easily replaced or are in poor health.

Through the specified construction methodologies and tree protection measures, it will be possible to minimise the impact of the proposed development on the retained trees. Overall, there are no known overriding arboricultural constraints which would prevent the proposed development from going ahead, subject to the protection measures and construction methodologies specified within this report being correctly implemented.

A Tree Protection Plan (TPP) has also been produced and accompanies this report.

Preliminary Ecological Appraisal

DCL/21/05

The report states that the small localised scale of the development and the intervening habitats result in no detrimental impact upon designated sites, ancient woodland or BAP priority habitats resulting from the proposed. The proposed works requires the removal of trees. Of those to be removed, the trees denoted T5, T24 and T28 support features suitable for use by bats. Although no evidence if bats was recorded at the time of the survey, as a precautionary measure it is recommended that they be subject to further elevated inspections immediately prior to the start of work. The trees, scrub and bird boxes within the site have potential to support nesting birds and recommendations in regard to timings and methods of best practice have been provided. The site is heavily overgrown and subject to high level of shading. However, as a precautionary measure, phased habitat manipulation to displace reptiles should they be present, has been recommended.

The likelihood of other protected and notable species to occur within the site is considered negligible and no further surveys for other protected species are required. The Appraisal concludes that in accordance with the requirement of the NPPF, recommendations to enhance the site's suitability for wildlife have been provided.

KSI Latchgate Report (plus addendum)

The report concludes that the following works should be undertaken:

- Excavate and form temporary retaining walls in 1.5 metre lengths using suitably designed gabion baskets
- Form piled foundations incorporating permanent concrete retaining walls as required. A piled slab would appear to be the most suitable solution.
- Foul drainage as existing.
- Surface water disposal via positive drainage – no soakaways.

Provided the above are followed, it is considered that the proposed development works will not have an adverse effect on the site, surrounding land or property. Therefore, the report states that the proposed construction of four dwellings will have no significant adverse effect on the general stability of the site and surrounding land, extending down to the beach. The slight cutting into the slope will actually reduce head weighting at the backscar of the 1983 landslide.

Sunnyside Road – Sunlight and Daylight note

The report collates a number of images to demonstrate the location of existing and proposed dwellings in proximity to the neighbouring properties. Specialist advice has been sought from Herrington Consulting who have reviewed the planning information and applied the daylight and sunlight rules of thumb to the neighbouring properties. The report outline the impact of the proposed development on the Three Bears, Channel View and Wellington and confirms that the proposal accords with established principles in terms of daylight and sunlight.

4. RELEVANT PLANNING HISTORY

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

Y16/0450	Erection of a detached house adjacent to Wellington, on the former tennis court area.	Approved. This has not been implemented.
Y18/0308	Erection of two dwellings and a block of seven flats at West Grove, nearby.	Refused. Appeal dismissed with the Inspector considering the bulk and form of the development to be incongruous within the context of the area.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: objects on the following summarised grounds:

- Site access (both during construction and once occupied) due to the narrowness and instability of the unadopted section, and suggestion that access from The Corniche should be considered.

Environment Agency: No comment.

Natural England: No comment.

KCC Ecology: No objection subject to the conditions set out below.

KCC Highways and Transportation: No comments save for their standard “non protocol” response.

KCC LLFA: No comment other than to note this falls below their threshold for consideration.

KCC Fire and Rescue: No objection.

Arboricultural Officer: No objections subject to a condition regarding tree protection.

DCL/21/05

Contamination Consultant: No objection subject to the standard land contamination condition.

Local Residents Comments

- 5.2 18 letters of objection and 1 letter of general comments received from local residents to the original submission. 1 letter of objection was withdrawn as a result of the amended scheme.
- 5.3 I have read all of the letters received. The key issues/areas of concern are summarised below:

Objections

- Inadequate public consultation;
- Land instability concerns;
- Land stability reports / building regs should be overseen by the Council rather than a third-party;
- The submitted land stability report makes little mention of groundwater;
- Over-development of the site;
- Scale and massing is too great;
- Impact on character and appearance of the area, and on the skyline;
- Height of plot 4 may impinge views of residents on The Corniche, and impact on views in general;
- The proposed post and rail fence on The Corniche will harm the character of the space, impact on historic use by local residents, and serve no real purpose;
- Overlooking and loss of privacy;
- There is a natural spring on the site which has historically caused water ingress problems for houses down the hill;
- Disturbance of the water table;
- Increased water run-off and potential for flooding of neighbouring properties;
- Inadequate drainage and sewerage facilities locally;
- Access should be via The Corniche rather than the narrow unadopted part of Sunnyside Road;
- Sunnyside Road is not suitable for construction vehicle access;
- Construction access will impact local parking pressures and inconvenience residents;
- Increased traffic as a result of development;
- The road should be formally adopted;
- The road to the front of Hillboro should be widened by cutting into the bank;
- Does not meet the Building Regulations as there is no access for fire engines, ambulances, refuse vehicles, etc.;

DCL/21/05

- Tracking drawings show vehicles can turn once they access the site, but they will not be able to get to this point due to the tight bend and incline at the top of Sunnyside Road;
- Potential for vehicles to slip down the hill into neighbouring properties;
- Potential for property damage during construction;
- Loss of trees;
- Impact on neighbouring privacy;
- The proposed annex doesn't appear to be connected to any property;
- "The public footpath also seems to be have been deleted" [NB: I haven't found any record of an adopted public footpath within the site];
- Noise and disturbance during construction;
- There is badger activity on the site, local residents have been feeding badgers since the late '90s, and the ecological report needs to be reconsidered;
- What is the proposed annexe to be used for, and will it be converted into a separate dwelling in future?;
- Why demolish a usable existing dwelling, and how will it be recycled?.

A letter of objection has been submitted by the Sandgate Society, raising the following summarised issues:

- Inadequate consideration of relevant policies within the submitted supporting statements;
- The site is within an Area of Special Character;
- Question the validity of the approval at Wellington (ref. Y16/0450);
- Local authorities ignore resident's complaints about drainage, run-off and landslip;
- Does the Council have the resources to monitor/prevent removal of trees following occupation;
- The site is unsuitable for development;
- Nearby developments have resulted in debris and rubbish on the public highway; and
- Reference to the Council's adopted policies and guidance.

General Comments

- Plans not available to view on the website. (CPO comment: This has been checked and the plans are available to view on the website);
- Privacy concerns about drone photographs in the application; and
- Query land ownership / Title and whether the applicant owns the site.

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 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

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 Landscape and Countryside
NE7 – Contaminated Land
CC2 – Sustainable design and construction
CC3 – Sustainable Drainage Systems
HE2 – Archaeology

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development
SS1 – District Spatial Strategy
SS2 – Housing and economy
SS3 – Sustainable settlements
CSD2 – District Residential Needs
CSD5 – Water and Coastal Environmental Management in Shepway

Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy
SS2 – Housing and the Economy Growth Strategy
SS3 – Place-Shaping and Sustainable Settlements Strategy
CSD1 – Balanced Neighbourhoods for Shepway
CSD2 – District Residential Needs
CSD5 – Water and Coastal Environmental Management in Shepway

DCL/21/05

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

Supplementary Planning Guidance/Documents

Sandgate Design Statement (2013)

Kent Design Guide (2006/2007)

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 11 - Presumption in favour of sustainable development.

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

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

a) Principle of development and sustainability

b) Design/layout/visual amenity

- c) Amenity of future occupants, including space standards
- d) Residential amenity
- e) Ecology and biodiversity
- f) Protected trees
- g) Contamination
- h) Land Stability and Drainage
- i) Archaeology
- j) Highway safety
- k) Other matters

a) Principle of development and sustainability

- 7.1 By way of background, the site was granted planning permission on 04.05.2017 for a detached dwelling (to be located on the footprint of the existing tennis court), as well as a new internal access road, garden and associated parking (Planning Reference: Y16/0450/SH). This permission has not been implemented.
- 7.2 The application site is situated within the defined, built up area of Sandgate. Core Strategy policy SS3 seeks to permit new residential infill development within the established settlement hierarchy subject to material planning considerations, which will be considered below in this report. Whilst it is acknowledged that the National Planning Policy Framework (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. The proposed development of additional housing in this location is therefore considered to be acceptable in principle.
- 7.3 Part of the site is residential garden land, the redevelopment of which is also supported by PPLP Policy HB10, subject to specific criteria which is considered below.

b) Design/layout/visual amenity

- 7.4 In order to facilitate the development, it is proposed to demolish the existing dwelling and outbuildings, which currently benefits from a large residential garden area. The site lies within a Special Character Area, and in this locality, the area is characterised by expanses of trees on the hillside falling down to the sea with dwellings apparent to a greater or lesser extent bedded against the trees on the wooded hillside.

DCL/21/05

- 7.5 It is recognised that this part of Sandgate has been significantly redeveloped over time. Indeed, in terms of the established character of the surrounding area, it is noted that there is no common pattern of development and there has been substantial loss of green space and the infilling of larger plots. There are a variety of house types in this area including detached, semi-detached and terraced dwellings and flats with varying plot sizes and architectural styles. There are also significant level changes within the area, with properties being set at varying heights. In terms of the impact of the proposal on the character of the area, the site is of an appropriate size to accommodate 4no. detached dwellings and is comparable in terms of scale, layout and spacing to existing development in the surrounding area .
- 7.6 In terms of green space, it is considered that the 4 detached dwellings have been carefully designed to be set into and blend well with the vegetated slopes of the site. Whilst some green space has inevitably been lost through the placement of the dwellings themselves, significant openings between the buildings have been retained to ensure green views though the development towards the wooded escarpment are still visible. A high quality landscaping scheme is also proposed to enhance the existing trees with additional planting, including substantial landscape buffers to the north and south of the site, integrating the dwellings into the surroundings, and this would be secured by a planning condition. The incorporation of sedum roofs further greens the proposal scheme when viewed from public vantage points and retains the green character of the area in line with the requirements of the Sandgate Village Design SPD.
- 7.7 It is proposed that the new dwellings would respect the linear alignment to the east west of the site adhering to the building line of the established dwellings and maintaining a suitable set back from the highway to the rear of the site, The Corniche.
- 7.8 The proposed design and layout of the site is a result of negotiations with Officers, which has led to a revised design submission. The ridge heights of units 3 and 4 have been reduced by approximately 300mm as demonstrated in drawings 18.070 13A and 15A. This provides a significant reduction in overall mass and bulk of the units, creating a more compact form in the context of the escarpment. The proposed dwellings now sit below the height of the chimney stack on Hillboro (the existing dwelling on the site to be demolished) and in light of the height reduction it is considered that the proposed units would be comparable to existing development within the area and nestle into the hillside in a manner similar to existing development. Whilst the dwellings are proposed to be three storeys in height, the whole of the ground floor is sunk into the ground and they are therefore comparable with the heights of neighbouring dwellings and reflect the scale of built form within the area. The mass of the development is broken up by virtue of the large separation distances between the dwellings, allowing views through to the vegetated banks they are set into.
- 7.9 Although the dwellings are of a contemporary design, with expanses of glazing to the principle elevation, it is considered that they have taken cues from existing residential development in the locality. The use of Kentish stone on the ground floor of the proposed dwellings makes use of a local traditional material coupled with vertical timber. The vertical timber, a natural material, ensures that the buildings will blend more with the natural surroundings. Planters are proposed to be inset into balconies which will further enhance the green character of the area. Therefore it is considered

DCL/21/05

that the development will blend into its surroundings and will not be appear visually intrusive or dominant from Sunnyside Road, Castle Bay or Sandgate Esplanade.

7.10 Overall, it is considered that the development can therefore be appropriately accommodated on the site without appearing cramped or causing harm to the character and appearance of the surrounding area, including the Special Character Area. The surrounding development in the area is characterised by irregular architectural styles and sizes. The design has therefore sought to reflect this through bespoke, high quality architecture. The proposal is considered to accord with policy HB1 and HB10 of the Local Plan (2020), the Sandgate Design Statement (2013) and section 12 of the NPPF.

c) Amenity of Future Occupants and Space Standards

7.11 With regard to future occupants of the proposed development, policies HB1 and HB3 of the Local Plan (2020), the Kent Design Standards and paragraph 127 of the NPPF, require that consideration be given to their residential amenity and space standards.

7.12 The proposed layout would provide suitably sized rooms with adequate light as well as outlook to all habitable spaces. The internal floorspace of all dwellings exceeds the minimum required by the national standard, and all dwellings would be square or rectangular proportioned and thus properly usable. All habitable rooms are served by full-size windows and would receive a good level of natural daylight.

7.13 The proposed dwellings would also benefit from a reasonable level of private outdoor amenity space for a family sized dwellings and the units have been generously spaced with similar distances to those found in the surrounding area. Therefore it is considered that residents will have good access to outdoor space. Further to this, the seafront and beach is roughly 0.1 miles to the south, and can be accessed on foot (4-5 minute walk).

d) Residential amenity

7.11 PPLP policy HB1 seeks to ensure that development does not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook. In assessing the potential impacts of new build residential development on neighbouring dwellings, the Council will apply the same guidelines as for alterations and extensions set out in Policy HB8.

7.12 The proposed dwellings would be located approximately 17m from 'Wellington' to the west and 10m from 'Three Bears' to the east. Furthermore all proposed dwellings have been positioned and orientated with substantial separation distances (5- 9m) between them to ensure there would be no direct overlooking. In addition, landscaping and proposed boundary treatments would also reinforce separation between the properties, which would be secured by a planning condition.

DCL/21/05

- 7.13 Fenestration and balconies have also been carefully considered in order to maximise south seeking views, whilst reducing the impact of overlooking into neighbouring properties. This has been done through the use of angled window bays, timber vent windows concealed in a timber facade, smaller windows set in stone and balconies contained within protruding gables and side frames to prevent overlooking further. Any new fenestration details to the side elevations of the new dwellings at first floor level or above would require planning consent and as such could be controlled by the Council.
- 7.14 There would be no significant overbearing impacts due to the space separation between the proposed dwellings and nearest surrounding properties. Further, there would be no significant loss of light due to the orientation and positioning of the dwelling within the application site.
- 7.15 Overall, considering the position, orientation and distance to neighbouring dwellings, the proposal would not harm the amenity of these occupiers and therefore the proposal accords with policy HB1 of the Local Plan (2020) and paragraph 127 of the NPPF.

e) Ecology and biodiversity

- 7.16 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.
- 7.17 A Preliminary Ecology Appraisal was undertaken by Greenspace Ecological Solutions in August 2020. In summary, the survey found that the development resulted in no detrimental impact upon designated sites, ancient woodland, or Biodiversity Action Plan (BAP) priority habitats.
- 7.18 Whilst no evidence of bats was recorded, of the trees to be removed, three of these support features suitable for use by bats. Further elevated inspections prior to the first start of work are therefore recommended as a precautionary measure, and would be secured by a planning condition.
- 7.19 The trees, scrub and bird boxes within the site have potential to support nesting birds, and any works to these areas should be conducted outside of the core breeding period. To offset the loss of suitable breeding habitat, replacement nesting opportunities should be included within the design, either incorporated into the buildings or in suitable locations within retained trees.
- 7.20 The site was considered unsuitable for reptiles, however as a precautionary measure, it is recommended that vegetation within the site be cleared in a phased manner as set out in the Appraisal, which would be conditioned in the event of an approval.
- 7.21 KCC Ecology has confirmed that no further surveys for other protected species are required, and in accordance with the NPPF ecological enhancement

DCL/21/05

recommendations are provided to enhance the site's suitability for wildlife. Again, this would be secured by a planning condition.

- 7.22 It is noted that two residents have referred to badgers living in the area, with one saying they watch them cross the site to be fed by locals. The ecological survey says no evidence of badgers was found on the site and although no ecology survey can express 100% confidence in the results, reasonable effort to determine the presence/ likely absence of badgers within and around the site was applied by the ecologist and no field signs or evidence of use by badgers or their setts were recorded. As a result of geological and topographical occurrences within and around the site's geographic location, the area is known to support a healthy badger population, and consequently it is not unexpected that visual observation of badgers passing through the site has been identified. It is, however, noted that current legislation protects badger setts from obstruction, destruction and obstruction, and the badgers themselves from injury, cruelty and disturbance.
- 7.23 Although evidence of use by badger was confirmed, as no evidence of badger presence was recorded it was considered disproportionate to include precautionary mitigation measures to ensure the welfare of badgers is maintained throughout the development. Furthermore, as development of the site would result in no direct impact to badgers or their setts, no sett closure licence from Natural England is required in this instance. As stated within the ecology reports, to account for the dynamic nature of ecological receptors, survey data should be reconsidered after a period of 12 months from the time of writing, and consequently it suggested that the applicant conducts an update walkover survey prior to commencement of any development.
- 7.24 Subject to the above mentioned planning conditions, no objection is raised on ecological or biodiversity grounds in accordance with PPLP policy NE2.

f) Protected trees

- 7.25 As noted above, trees covered by a TPO (no.04 of 1975) are located within the site at Hillboro, Wellington, and a large part of the escarpment to the rear. 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.
- 7.26 An Arboricultural Impact Assessment and Method Statement have been submitted to support the proposal and the results of which indicate that the trees within the survey area vary considerably in terms of quality and contribution to the amenity value within the local area. A total of nine individual trees, one group of trees, part of two further groups of trees and one hedge will be removed to enable the proposed development. All trees to be removed fall within the 'C' category as they are small and easily replaced or are in poor health.
- 7.27 Through the specified construction methodologies and tree protection measures, it will be possible to minimise the impact of the proposed development on the retained trees. Additional drawings have been submitted to illustrate that the proposed

DCL/21/05

service runs (gas, water, etc.) wont have any impact on existing trees within the site.

- 7.28 Overall, there are no known overriding arboricultural constraints which would prevent the proposed development from going ahead, subject to the protection measures and construction methodologies specified within this report being correctly implemented, which has been confirmed by the Councils Arboricultural Officer.
- 7.29 Further to this, an appropriate and sensitive, high-quality landscaping scheme is proposed, in order to help the dwellings assimilate on site, and remain in-keeping with the character of the surrounding area. This would be secured by way of a planning condition.

g) Contamination

- 7.30 The application submission does not include any documents relevant to land contamination. Whilst the current land use is residential, and therefore the recent history of the site is unlikely to be significantly contaminative, it is considered prudent for some assessment of land contamination to be undertaken, given the history of adjacent land as the Shorncliffe Camp and hospital. As such the Councils Land Contamination consultant has no objection to the granting of planning permission, subject to the council's standard land contamination being applied to any consent.

h) Land Stability and Drainage

- 7.31 A Land Stability Report has been prepared by KSI Ltd. and accompanies this application. The report reviews the proposed development on site and assesses any potential impact the development may have on the surrounding stability of the area.
- 7.32 Overall, the report finds that the proposed construction of four dwellings will have no significant adverse effect on the general stability of the site and surrounding land, extending down to the beach. The report suggests that the proposed cutting into the slope will reduce the head weighting at the backscar of the 1983 landslip.
- 7.33 The report suggests that the development uses piled foundations incorporating permanent concrete retaining walls, and that surface water disposal should be through positive drainage rather than soakaways. If these recommendations are followed, the proposed works are not considered to have an adverse effect on the site, surrounding land or property. This can be secured by way of a planning condition.
- 7.34 Comments and objections made regarding land stability are noted, however the above submitted report is prepared by a suitably-qualified engineer and comes to the conclusion that the scheme is acceptable.

DCL/21/05

- 7.35 KSI Consulting have prepared an Addendum to the Land Stability report submitted, in relation to the comments raised by neighbouring residents regarding the impacts of local ground water. To summarise, the report states that the proposed use of shallow piled slab foundations means that no barrier to ground water running down the slope is introduced. It is therefore considered that the proposed work will have a negligible effect on the ground water within the slope and therefore will not cause any concentrations of ground water within the slope which could have an adverse effect on slope stability. Surface water is proposed to be drained to the main sewer.
- 7.36 Further to this, 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

- 7.37 The site lies within an Archaeological Notification Area, however, as the works are limited and located on the site of existing development, it is unlikely that the works will have a significant archaeological impact. However, it is considered reasonable and necessary to add a condition to any permission granted to secure the implementation of a watching brief to be undertaken by an archaeologist, so that the excavation is observed and items of interest and finds are recorded.

j) Highway Safety

- 7.38 The proposed dwellings would be accessed from the highest point of Sunnyside Road to mitigate the impact on existing trees and topography of the site. The access will take the form of a shared tarmacked bellmouth which leads to a new internal access road that provides access for each property. The new access has suitable visibility splays on either side.
- 7.39 The number of additional vehicle movements generated as a result of the proposed dwelling would not be significant to intensify the use of the access, to the extent it would be considered harmful to highway safety. The proposed ground floor site plan (drawing 18.070 06B) has been amended to include proposed localised road widening that enables the provision of passing spaces on Sunnyside Road with a new turning head, which will help alleviate residents' concerns about access.
- 7.40 Whilst outside the remit of the planning application, the applicant has also stated they will repair and upgrade Sunnyside Road after completion of construction.
- 7.41 The proposed layouts illustrates three formal, vehicular parking spaces per dwelling, however some of these spaces are proposed within a garage and KCC Highways and Transportation no longer recognise garages as car parking spaces. However, the dwellings would also benefit from a generous forecourt area within their curtilage, which would allow for additional parking provision. As such, the required parking provision of 3 off street spaces for a dwelling of this size can be

DCL/21/05

suitably accommodated, and it is considered that this provision would be adequate to serve the proposed dwellings.

- 7.42 A separate pedestrian staircase access is proposed from Sunnyside Road to link to the new internal road for ease of movement.
- 7.43 Cycle storage will be incorporated on plot and would be secured by way of a planning condition.
- 7.44 A refuse collection point is located close to the entrance of the site and tracking drawings have been submitted that demonstrate the safe access and egress of refuse and fire vehicles. Any deliveries on a regular basis would be undertaken by delivery van, with the refuse collection taking place as per present arrangements to serve the existing dwellings in the vicinity.
- 7.45 Access by fire appliance has been shown on drawing 45456/5501/004 (included as page 32 of the submitted DAS) that demonstrates that a fire appliance can access the site and turn to leave Sunnyside Road in forward gear. Provision is therefore made to meet the requirements of Building Regulations, and further details regarding this would be sought following the grant of any planning permission at Building Control stage.
- 7.46 Temporary construction access for materials deliveries will be managed by the site contractor, taking account of existing access constraints. The bend in the road, approximately halfway along Sunnyside Road, has a centre line radii of c.10m which accords with design guidance for residential estate roads set out in Kent Design Guide (Step 3, page 143), therefore this is not judged to be a constraint.
- 7.47 It is further noted that, planning permission has previously been granted for an additional dwelling on the site on the footprint of the existing tennis court (ref. Y16/1450/SH). Therefore matters relating to highways access and construction traffic have already been considered and found to be acceptable in the context of the development of the site.
- 7.48 Overall, it is concluded that the proposal would not give rise to unacceptable impacts in highway safety terms as the level of trips generated by two additional dwellings above and beyond the existing permission would be minimal.

k) Other Matters

- 7.49 The original submission under this application included an annexe and associated staircase to plot 4, however this has since been removed from the scheme under amended drawings and as such alleviates any resident concerns that this could become plot 5 in the future.

Environmental Impact Assessment

DCL/21/05

7.2 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

7.3 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

7.4 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 £115.71 per square metre (zone C) for new residential floor space.

Human Rights

7.5 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

7.6 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

DCL/21/05

7.7 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 proposal seeks planning permission for 4no new dwellings and associated external areas within the curtilage of Hillboro (proposed to be demolished) and access from Sunnyside Road via a new private shared drive. The site is considered to be a sustainable location within the defined built up area boundary, where the principle of residential development is generally acceptable. While local objections to the proposals are noted the scheme is considered to be acceptable in terms of scale, design, amenity impacts, highway safety and convenience and site drainage on either surface water, ground water, or flood risk either on or off-site. Further, there have been no objections from any statutory consultees.

8.2 In light of the above, it is considered that the proposal accords with the adopted Development Plan subject to appropriate conditions. As such it is recommended that planning permission be granted, subject to the conditions set out below (subject to the Chief Planning Officer's delegated authority to agree and finalise the wording of the conditions and add any other conditions that he considers necessary).

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

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

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Drawing no. 14 – Plot 4 Floor plans and roof plan
- Drawing no. 04 Rev B – Proposed block plan
- Drawing no. 08 – Plot 1 elevations
- Drawing no. 09 – Plot 2 floor plans and roof plan
- Drawing no. 01 – Site Location Plan

DCL/21/05

- Drawing no. 02 – plot 2 elevations
- Drawing no. 05 Rev B – Proposed roof plan, site plan and landscape plan
- Drawing no. 13 Rev A – Plot 3 elevations
- Drawing no. 12 – plot 3 floor plans and roof plan
- Drawing no. 11 – Plots 1 and 2 site and building sections
- Drawing no. 03 Rev A – Existing block plan
- Drawing no. 16 Rev A – Site and building sections
- Drawing no. 15 Rev A – Plot 4 elevations
- Drawing no. 02 – Existing Site Plan
- Drawing no. 06 Rev D – Proposed ground floor plan, site plan and landscape plan
- Drawing no. 07 – Plot 1 floor plans and roof plan
- Drawing no. 19 Rev C – Existing and proposed street scene
- Drawing no. 45456/5501/005 – Vehicle tracking fire vehicle

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.

4. 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 trees within the site.

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the District Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities

DCL/21/05

- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

6. From commencement of works (including site clearance) precautionary mitigation measures for reptiles shall be carried out in accordance with the details in section 5.2.2.3 of Preliminary Ecological Appraisal (Greenspace Ecological Solutions September 2020).

Reason: In the interest of minimising potential for harm to protected species.

7. 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.

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

8. The development hereby approved shall use piled foundations incorporating permanent concrete retaining walls, and surface water disposal should be through positive drainage rather than soakaways as set out within the hereby approved Land Stability report by KSI Consulting.

Reason: In the interest of land stability.

9. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

10. Within six months of development commencing on site details of how the development will enhance biodiversity will be submitted to the local planning authority. This will include recommendations in section 7 of the Preliminary Ecological Appraisal (Greenspace Ecological Solutions September 2020). On written approval the agreed details shall be implemented on site and thereafter retained in perpetuity.

Reason: In the interest of minimising potential for harm to protected species.

DCL/21/05

11. Construction shall not commence until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the new dwellinghouses 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 dwellinghouses 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-waterefficiency-calculator-for-new-dwellings>.

12. No construction work above slab level shall take place until full details of both hard and soft landscape works, including sedum roofs, 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.

13. No construction work above slab level shall take place until full details of the screening provided to the terraces of each dwelling have been submitted to the local planning authority. No building shall be occupied until the approved screening has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The approved screening shall be thereafter maintained in accordance with the agreed details.

Reason: In order to protect the amenities of neighbouring occupiers.

14. Three domestic parking spaces per dwelling hereby approved shall be kept available for domestic parking purposes in connection with each dwelling hereby permitted at all times, with no obstruction thereto.

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

DCL/21/05

safeguard the amenities of adjacent properties in accordance with the Development Plan.

15. Prior to the first occupation of the development hereby approved, space shall have been laid out within each site for 4no bicycles to be parked, and shall be retained as such thereafter.

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.

16. The bin stores and refuse collection point as shown on the hereby approved plans shall be fully implemented prior to the first occupation of each dwelling 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.

17. 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.

Reason: 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.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority on Plot 1 nor Plot 2.

Reason: To enable the Local Planning Authority to retain control over future development.

Informatives:

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

DCL/21/05

development does not provide a defence against prosecution under this act. Trees and scrub are present on the application site and are to be 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. 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.

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.

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>.