

Application No: 21/1631/FH

Location of Site: Land adjoining 39 Victoria Road West, Littlestone, TN28 8ND.

Development: Reserved matters application relating to the scale, layout, appearance and landscaping for 80 dwellings pursuant to outline planning permission Y18/0768/FH

Applicant: Legal & General Modular Homes Ltd.

Agent: David Storrie, Legal & General Modular Homes Ltd, Unit 1, Hurricane Way South, Sherburn in Elmet.

Officer Contact: Ross McCardle

SUMMARY

Reserved matters approval is sought for scale, layout, appearance, and landscaping in relation to the erection of 80 dwellings as granted outline planning permission under ref. Y18/0768/FH. While local objections are noted they mostly relate to the principle of development, which has already been considered and outline permission granted. The proposed details show a high-quality development with buildings of acceptable scale and design, extensive open space and soft landscaping, ecological enhancements, and integrated SuDS. The details are considered to be acceptable and the application is therefore recommended for approval subject to receipt of drawings addressing minor amendments requested by KCC Highways and amending the flank elevations of corner units.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report, receipt of drawings addressing minor amendments requested by KCC Highways and amending the flank elevations of corner units, 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 due to an objection from the Town Council.

2. SITE AND SURROUNDINGS

2.1 The application site is an irregularly-shaped parcel of agricultural land situated at the north-western end of Victoria Road West (VRW), Littlestone.

2.2 Extending to approximately 4.6 hectares (11.4 acres) the land lies outside but immediately adjacent to the defined built up area boundary, which runs along the garden boundaries of the houses on VRW and Queens Road. The site is largely flat and level, is threaded by a number of drainage ditches, and is currently used as grazing land. The land is bordered by the existing dwellings on VRW to the east and those on Queens Road to the north, by agricultural fields to the west, and New Romney Caravan Park to the south (see figure 1).

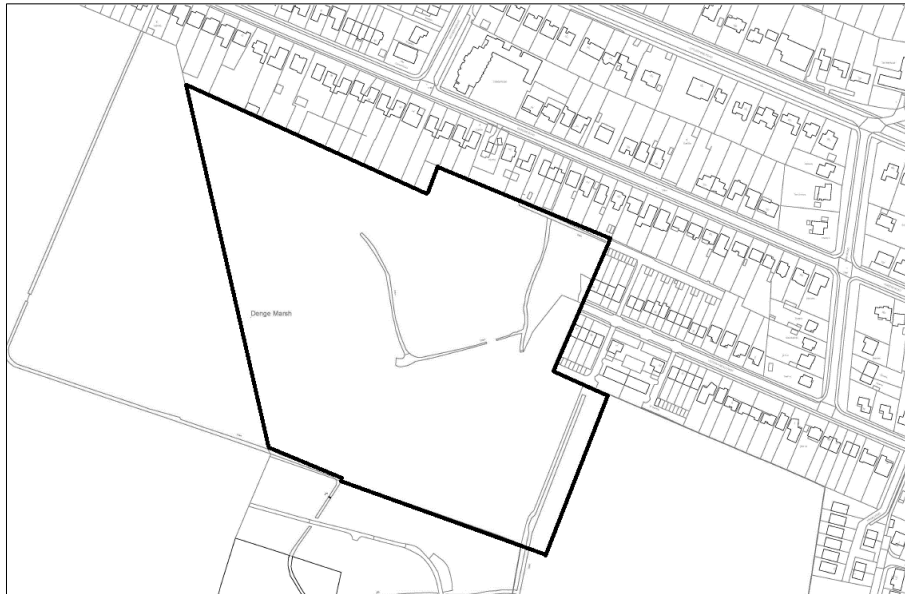


Fig. 1: Site Location

- 2.3 The character of the site is of an open agricultural field bordered by suburban-style residential housing to the north and east, and by flat, open agricultural land to the west and south, across which there are long-range views. VRW is characterised by small terraces of residential houses set back from the road with detached garages to the rear, but on-street parking is common. Much of Littlestone as a wider area comprises residential developments of a similar age and are not particularly reflective of the traditional built character to be found in the centre of neighbouring New Romney; houses are generally set along straight roads running inland from the sea, which creates a distinct linear pattern to the village.
- 2.4 The southern half of the site lies outside of the defined settlement boundary but is wholly allocated for residential development under adopted policy RM2. The site is within Flood Zone 3, but also within an area benefitting from flood defences. It is within an area of archaeological potential, a local landscape area, and the southern ~1/3 of the site is classified as Grade 3 agricultural land (lower quality) while the upper ~2/3 are classified as urban grade land. There are no public footpaths crossing or bordering the site.
- 2.5 The wider area is subject to Community Infrastructure Levy (CIL) at a rate of £58.86 per sqm of residential development.
- 2.6 A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 This application seeks reserved matters approval for details of scale, layout, appearance, and landscaping in relation to the erection of 80 dwellings as granted outline planning permission under ref. Y18/0768/FH. The scheme has gone through a number of significant amendments to reach the scheme presented to members tonight.
- 3.2 The proposed site layout is similar to that approved at outline stage, but not identical; the road layout was amended under 22/0672/FH/NMA (as a non-material amendment to the outline planning permission) to slightly adjust the position of internal estate roads to better accommodate the proposed development. The layout (see fig.2) shows access from Victoria Road West (VRW) on the eastern site boundary with the main

road continuing through the site to the western boundary. Two cul-de-sacs branch off to the north of the main road. Three roads lead southwards off this main route; the one closest to the eastern boundary would be a cu-de-sac providing access to properties fronting onto an area of open space as well as dedicated parking for existing residents of VRW; the other two connect to a road running along the southern site boundary to form a loop within the estate.

- 3.3 Open space is provided towards the eastern end of the site and spans both sides of the main road. Drainage swales through this area connect a drainage ditch along the northern boundary to the drainage area / ecological mitigation land to the south of the development area, with a culvert running beneath the road.
- 3.4 The proposed houses would be of a simple contemporary design with a mixture of brick and render elevations, concrete tile roofs, and full-height glazing at ground and first-floor levels. Small porch canopies are shown above the front doors, which themselves will be different colours to provide variety to the streetscene. Solar panels will be installed on all units; these will be dark grey to sit comfortably on the proposed grey roof tiles. Nine principal house types are shown on the submitted drawings but these are generally a variation on the same elevational themes, but with the introduction of different groupings (detached, semi-detached, and terraces) and roof forms (gables and hips). The proposed dwellings are all of approximately the same scale and would measure approximately 5m to 7.6m wide x 9.5m deep x 8.8m to 9.4m tall to the ridge.
- 3.5 Rear gardens would measure between approximately 9m and 18m deep. Garden sheds and air-source heat pumps are shown within the rear garden to each property.
- 3.6 The proposed layout provides a mix of 2, 3, and 4-bed dwellings; the majority of units will be 3-bed, and the overall unit mix is shown on figure 3 below. The s.106 attached to the outline planning permission (Y18/0768/FH) secures 22% affordable housing across the site and 4 custom/self-build plots.

Two-bed	17
Three-bed	53
Four-bed	6
Self build	4
Total	80

Table 1: Proposed unit mix

- 3.7 Parking provision is through a variety of typologies, including on-plot tandem driveways, parking courts, and frontage parking. A total of 176 spaces are shown, which amounts to 150 allocated spaces (in accordance with adopted Kent Vehicle Parking Standards) and 16 unallocated visitor spaces spread throughout the site.



Table 2: Parking mix

- 3.8 The development will feature land-raising works of between 700mm and 1.2m across the site to resolve potential drainage and flooding issues. The submitted Planning Statement (at para. 4.3) explains:

In order to ensure that the development can work commercially and technically, levels across the site have to be raised. This is due to the fact that the water table is between 750mm BGL to 1200mm BGL and with the water being so close to the surface, this could cause problems for construction and the end users that would not be in the interest of good development. The relationship with neighbouring properties has been carefully considered to ensure there is no adverse impact on living conditions. There will be a significant distance between the proposed and existing properties.

- 3.9 The layout includes substantial soft landscaping throughout. Officers have negotiated with the applicant to secure a principal area of public open space towards the eastern end of the site, stretching across both sides of the VRW continuation. A planting strip runs along the southern side of the main road and street trees are shown along the length of this route, and officers have requested an amended drawing to show an estate rail between frontage hedging and the main road to discourage removal of hedging and provide a more formal edge to the plot boundaries on this primary route. A landscape buffer runs along the southern site boundary and will be planted with dense, defensive species to discourage public access to the ecological mitigation land to the south. SuDS form an intrinsic part of the open space strategy, and open swales will take water from the northern boundary, through the open space, out to the ecological mitigation land to the south. The swale will be graded to avoid steeply-sloped sides, allowing safe access/egress and encouraging wildlife. A “natural play area” is shown in the northern part of the open space (these normally feature boulders, logs, and other natural features for children to climb/play on). Proposed planting includes Maple, Aspen, buckthorn, hawthorn, spindle, and lavender, as well as wildflower planting.



Fig.2: Proposed layout



Fig.3: Proposed unit mix



Fig.4: Proposed elevations (selection of units)

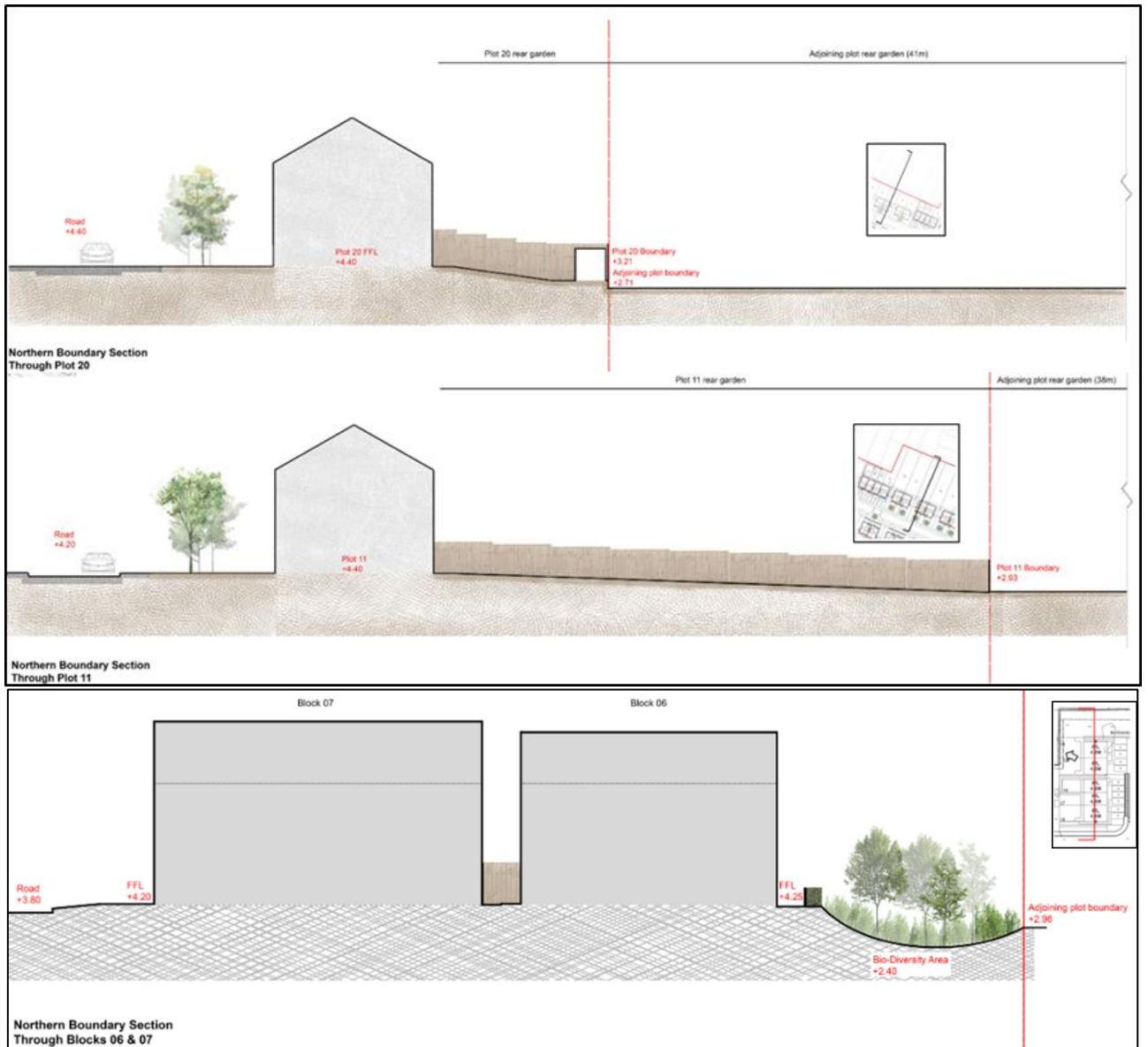


Fig. 5: Illustrative sections of plots 6, 7, 11, and 20 to show land-raising



Fig.6: Illustrative landscape strategy

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

Design & Access Statement

- 3.11 This is a broad document setting out the background to the application, a description of the site, analysis of the wider area, and describes the proposed development. It sets out that the site has potential to accommodate up to 80 dwellings as per the outline planning permission, and shows the evolution of the masterplan layout from outline stage to the current amended drawings. Section 3.5 explains the use of different character areas (VRW frontage, lanes extending southwards, and the southern “green edge”) and considers the need for different scale, design, and materiality in those locations.
- 3.12 The D&A explains that affordable housing is to be provided as per the requirements of the associated s.106 agreement (at a rate of 22%), solar PV panels are to be installed on all of the units, shows allocated parking for all units plus unallocated visitor parking (at section 4.5), and considers strategies for refuse and emergency services access (section 4.9). Section 4.10 examines site levels, and shows sections to demonstrate land raising for properties along the northern side of the continuation of VRW and section 4.11 sets out the approach to site drainage, which includes swales and mitigation ponds. Hard and soft landscaping (including maintenance thereof) and ecological enhancements are considered at section 5.
- 3.13 Section 6 provides information in regards the design of the dwellings including information as to the modular construction method used by the applicant, which (in brief) amounts to construction of the internal elements off-site; these are delivered and connected on site; services connected; and the external skin then built around them. This allows for the dwellings to be constructed very quickly as almost no internal work is required on site. Section 6.8 provides examples of the applicant’s previous developments elsewhere.

Planning Statement

3.14 This largely examines the local and national planning policy context within which the development should be considered. It sets out that all of the proposed dwellings will have an Energy Performance Certificate (EPC) rating of A (the highest grade), and will be constructed using a modular approach which reduces construction time on site and consequently levels of construction traffic and activity in general. The statement then goes on to broadly examine the scheme in line with the policies set out below, and concludes that this would be a sustainable, well-designed development that would make effective use of land and contribute towards housing provision and sustainable development.

4. RELEVANT PLANNING HISTORY

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

22/0672/FH/NMA	Non-material amendment to planning application Y18/0768/FH to allow for an amendment to the approved internal access layout.	Approved
Y18/0768/FH	Outline application for up to 80 dwellings and access with matters of scale, layout, appearance and landscaping reserved for future consideration.	Approved

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

New Romney Town Council: objects on the following summarised grounds:

- 80 dwellings exceeds the estimated 70 dwellings set out in policy RM2, and would be over-intensive development;
- Lack of visitor parking spaces;
- Flooding and drainage; and
- Ecology.

KCC Highways and Transportation: no objection subject to a number of minor clarification/amendments to the submitted drawings, including:

- Minor amendments to the parking layout and access at plots 1 – 4, 14, 15, 35, 43, 44, 45, and 63;
- The provision of 4 additional visitor parking spaces, particularly towards the western end of the site;
- Details of street lighting; and
- Details of the extent of highway being offered for adoption.

[CPO Comment: The applicant has agreed to these changes and amended drawings are expected. Officers will update Members at the meeting.]

DCL/22/18

KCC Ecology: do not object, but request additional information / amendments in regards the ecological mitigation land to the south; connectivity of the proposed reptile receptor site; inclusion of maintenance arrangements within the ecological mitigation plan; and either removal or fencing/enclosure of the pathway to the east of the site to prevent the public from straying onto sensitive ecological mitigation land to the south.

[CPO comment: Further information has been requested and officers will update Members at the meeting. The committee should note, however, that ecological matters are the subject of conditions attached to the outline planning permission and – while it would be helpful and expedient for the applicant to do so – do not need to be agreed at this stage. The matter can be resolved through the formal conditions discharge process.]

KCC Flood and Water Management: no objection, but recommend amendments to the drainage design to improve capacity and performance. The LLFA is happy for these details to be provided pre-commencement rather than submitted at this stage (as allowed for by condition 20 of the outline planning permission).

[CPO Comment: As above, further information has been requested and officers will update Members at the meeting. The committee should note, however, that drainage details are the subject of conditions attached to the outline planning permission and – while it would be helpful and expedient for the applicant to do so – do not need to be agreed at this stage. The matter can be resolved through the formal conditions discharge process.]

KCC Minerals & Waste: no objection.

Natural England: no objection.

Environment Agency: advise that they are not a statutory consultee for reserved matters applications (their views having already been taken into consideration on the grant of outline planning permission), and will provide comments on applications to discharge relevant conditions attached to the outline permission as/when they are submitted.

Romney Marshes Area Internal Drainage Board: advise that they have previously granted Board consent for associated works to IDB-controlled drainage ditches within/adjacent to the site, but further information will be required following submission of the amended drawings

Southern Water: request that the layout be amended to resolve conflicts between building layout and stand-off distances surrounding pipelines **[CPO comment:** the applicant has confirmed they will be repositioning the pipelines within the site to ensure compliance with Southern Water's requirements].

Contamination Consultant: request further information in regards land contamination

[CPO comment: this is secured by conditions attached to the outline permission which require submission of details prior to commencement on site, and details are therefore not required at this stage].

Arboricultural Manager: no objection.

Local Residents Comments

5.2 76 neighbours directly consulted, site notices posted, and an advert posted in the local newspaper. 97 letters of objection and 1 letter of general comments/questions (from 65 separate addresses) have been received in response.

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

Objections

- Object to the principle of residential development on the site;
- No need for additional dwellings;
- Overdevelopment / over-intensive development of the site;
- Impact of land-raising works on existing dwellings;
- Drainage and flood risk;
- Loss of on-street parking on Victoria Road West;
- Highway safety and amenity;
- Impact upon local services / amenities;
- Impact on wildlife / ecology;
- Noise, disturbance, and potential for anti-social behaviour from new dwellings;
- Noise, disturbance, traffic, and dust during construction;
- Light pollution; and
- Pollution.

General Comments

- Fewer dwellings would be preferable;
- Installation of drainage ditches to protect existing properties from flooding.

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

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

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022.

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

Policy RM2 (Land of Victoria Road West) allocates the site for residential development:

Policy RM2

Land off Victoria Road West, Littlestone

Land off Victoria Road West, Littlestone is allocated for residential development with an estimated capacity of 70 dwellings.

Development proposals will be supported where:

1. Vehicular access to the site is from Victoria Road West, and a suitable layout is provided to enable an emergency access along the southern boundary of the site to the satisfaction of the local highway authority. Adequate parking to serve the new development should be provided;
2. At least 4 self-build or custom build plots are provided on site in accordance with Policy HB4: Self-build and Custom Housebuilding Development;
3. Extra flood resistant and resilient construction measures are incorporated into the design of the development to reduce the risk of life to occupants in an extreme flood event and improve flood risk management;
4. A surface water drainage strategy forms a fundamental constituent of the design concept for the site, and is submitted to the satisfaction of the statutory authority;
5. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place;
6. Provision is made for open and play space on site or at an appropriate locality within walking distance, and reinforces the integration and connectivity of green infrastructure in accordance with Core Strategy Policy CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation;
7. Mitigation measures are employed to prevent adverse effects on the nearby Ramsar, Special Area of Conservation and Site of Special Scientific Interest, and where possible provide biodiversity enhancements;
8. Appropriate and proportionate contributions are made to healthcare facilities in New Romney through a site-specific Section 106 agreement; and
9. The masterplanning of the site takes account of the nearby pumping station to allow for odour dispersal and prevent unacceptable impact from vibration.

HB1 (quality places through design)

HB2 (cohesive design)

HB3 (space standards)

C1 (creating a sense of place)

C3 (provision of open space)

C4 (children's play space)

T1 (street hierarchy and site layout)

T2 (parking standards)

T3 (residential garages)

T5 (cycle parking)

NE2 (biodiversity)

NE9 (development around the coast)

CC2 (sustainable design and construction)

CC3 (SUDS)

HE2 (archaeology)

Core Strategy (2022)

SS1 (district spatial strategy)

SS2 (housing and economy growth)

SS3 (place-shaping and sustainable settlements)

SS5 (district infrastructure planning)
CSD1 (balanced neighbourhoods)
CSD8 (New Romney strategy)

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

Supplementary Planning Guidance/Documents

Kent Vehicle Parking Standards
Kent Design Guide

Government Advice

National Planning Policy Framework (NPPF) 2019

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

Paragraph 11 - Presumption in favour of sustainable development.

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

Paragraph 81 - Support economic growth and productivity

Paragraph 92 - Promoting healthy & safe communities

Paragraph 130 - Achieving well-designed spaces

Paragraph 160 - Planning and Flood Risk

Paragraph 174 - Conserving and Enhancing the Natural Environment

Paragraph 180 - Habitats and Biodiversity

National Planning Policy Guidance (NPPG)

National Design Guide October 2019

7. APPRAISAL

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

- a) Principle of development
- b) Scale
- c) Layout
- d) Appearance
- e) Landscaping
- f) Space standards
- g) Residential amenity

- h) Highways and parking
- i) Flooding and drainage
- j) Ecology
- k) Contamination
- l) Other matters

a) Principle of development

- 7.2 Outline planning permission has been granted for residential development of the site – for up to 80 dwellings – under reference Y18/0768/FH. The site is allocated for residential development in the Local Plan.

The only matters for consideration are in relation to the scale, layout, appearance, and landscaping of the development as set out within the application description.

- 7.3 The s.106 legal agreement attached to the outline permission, approved by the planning committee, secures highways improvements, ecological mitigation, drainage, and flood mitigation works in relation to development of the site. These are explored further below for clarity.
- 7.4 The principle of the proposed development is therefore acceptable. However it is worth noting that at outline stage the ‘illustrative’ layout did not include open space provision. The proposals subject of this application maintain the approved 80 units while also providing open space for the new residents and those existing.

b) Scale

- 7.5 The proposed dwellings would all be two-storey, with ridge heights ranging between 8.8m and 9.4m tall. This would sit comfortably within the context of Victoria Road West where existing dwellings are predominantly two-storey, but also within the wider context of Littlestone which features a wide variety of house types and sizes.
- 7.6 Land raising works are required to raise the dwellings between 700mm and 1500mm above existing ground levels. The submitted drawings (see fig. 5 above) show land levels remaining approximately as existing in the NE part of the site where a new drainage ditch is to be installed between existing (fronting Queens Road) and proposed plots 1 – 14, then rising by approximately 1500mm over a span of approximately 13m to the flank of the new dwellings. In the NW part of the site, to the rear of plots 19 to 34, land levels will rise by 1200mm across a span of between 12m and 15m. Land level drawings were received at a late stage and have been put out for public consultation; officers will update Members of any additional comments at the meeting.
- 7.7 Officers therefore consider the scale of the proposed houses to be appropriate for the locality. The scale of the dwellings would be appropriate for the street width. As a

result the new streets would have an appropriate sense of enclosure in line with good practice, positively contributing to a high-quality sense of place.

c) Layout

7.8 Officers have worked with the applicant to secure substantial revisions to the proposed layout compared to that as originally submitted. The drawings originally submitted showed a relatively linear development that did not allow sufficient space for suitable landscaping, open space, or integrated SuDS, and the layout of the estate roads was substantially different from the access details approved at outline stage.

7.9 The current layout shows a road layout slightly different to that shown at outline stage; a southern spur road has been removed, the remaining southern spurs have moved westwards, and a cul-de-sac at the NW corner of the site has been removed. These changes are minor, however, and have been regularised through a non-material amendment agreed under application ref. 22/0672/FH/NMA.

7.10 Officers now consider the layout to be acceptable for the following reasons:

- Proposed dwellings will be sited away from existing to minimise potential for adverse amenity impacts;
- The proposed houses will be well-spaced and served by gardens of suitable size;
- Houses are sited at varying distances from the highways and one another, which will add variety, depth, and interest to the street scenes;
- There will be a variety of road typologies (main continuation of VRW, cul-de-sacs, "lanes" leading southwards, and non-linear southern road) which connect to provide walkable and easily navigable zones or within the development;
- Useable open space is provided in a location that will be able to serve both the development and existing properties on VRW, and includes integrated drainage features that will contribute to landscape character and ecological value as well as provide drainage – this was a key feature that officers negotiated to secure;
- Space is provided for SuDS, soft landscaping, and ecological enhancements to be integrated throughout the layout; and
- Parking is integrated throughout the layout.

7.11 The proposed street layout would be legible and well-connected, which should ensure that the new streets are easy to navigate while encouraging walking and cycling.

7.12 The proposed layout ensures that all new dwellings front onto the proposed streets providing active frontage and natural surveillance of the street. This would both ensure that the streets feel active and vibrant at the same time as helping to ensure a safe environment for residents and visitors.

d) Appearance

7.13 The proposed dwellings would be of a simple contemporary design, with little variation across the house type elevations other than the use of render and the size/position of windows and doors. Officers were initially concerned about this approach and sought amendments to avoid the street scenes being identical in each part of the estate. However, having studied examples of the applicant's previous developments elsewhere (see figs. 7 and 8 below) officers consider the architectural approach to be acceptable.

- 7.14 While the proposed dwellings are not of a typically Kentish design they are of a good standard of design in themselves, and are not unacceptable in that regard. The use of good-quality bricks and the addition of render to some of the units (to be in a selection of colours) will help them blend with existing properties in Littlestone. The key element of variation within the development will be in the roof forms, where a selection of gables, hips, and rows of “sawtooth ridge” properties will break up the roofscape and add visual interest. The character of Littlestone is not of traditionally Kentish (or pastiche) architecture, instead being comprised of a variety of relatively simple (mostly post-war) housing types and designs. The principal character of the area, in officer’s opinion, is of open and spacious street scenes defined by buildings set back from the highway and with space for frontage trees/soft landscaping – this is achieved through the layout, as set out above.
- 7.15 Amended drawings have been requested to add additional detail to the flank elevation of corner units. Due to the prefabricated nature of the internals it is not possible to insert bay windows and other significant features that officers would normally expect on such prominent elevations and the applicant has instead shown decorative projecting brickwork, but the design is nonetheless considered to be acceptable in terms of the overall appearance of the streetscape.
- 7.16 The modular method also allows the units to be highly insulated and achieve an EPC rating of A, the highest current rating, and enables the units to be constructed on site much quicker than traditional house-building methods.
- 7.17 Overall officers consider that the scheme would have a high standard of appearance.



Fig.7: Applicant’s development in Selby, North Yorkshire



Fig.8: Applicant's development in Crowthorne, Berkshire

e) Landscaping

- 7.18 The site layout includes appropriate soft landscaping throughout the site, including more ornamental planting within the public open space, dense native hedgerows along site boundaries, and meadow planting along verges. Street trees are shown the length of continuation of VRW, which accords with the requirements of the 2021 NPPF. When established these elements will combine to provide an attractive and ecologically beneficial landscape.
- 7.19 In terms of hard landscaping the submitted drawings propose a mixture of tarmac and block paving for the road surfaces, bonded gravel pathways through the public open space, and flagstones to front and rear pathways within the curtilage of dwellings.
- 7.20 Officers are satisfied that the submitted details show a high standard of landscaping will be achieved. Conditions set out within the original outline permission will ensure this is carried out and maintained in the usual manner officers would expect.

f) Space standards

- 7.21 The proposed dwellings would all have internal floor spaces in excess of the national minimum standard (as required by policy HB3) and rooms would be suitably proportioned and well-served with natural light. They would also have appropriately-sized gardens (each with rear access for bins, cycles, etc.) and ready access to wider open space both on site and at the seafront. The development would therefore provide a good standard of amenity for future occupants.

g) Residential amenity

- 7.22 As set out above, the proposed dwellings would be set away from existing dwellings (see fig. 9 below) to minimise the potential for adverse amenity impacts such as overlooking or overshadowing. The flank of plot 1 would be approximately 5.8m from the flank of no.36 VRW, and the dwellings along the northern side of the main road would be a minimum of 32m from existing properties on Queens Road. The additional height arising from the land raising works would therefore not have an unacceptable impact on existing properties in terms of the development being out-of-scale – the separation distances (see fig. 9 below) would ensure that the new dwellings would not

be of an overbearing or unacceptable scale in a manner to harm the amenity of existing neighbouring residents. Rear-to-rear separation distances will be well in excess of the minimum 21m required (by the Kent Design Guide) to prevent overlooking and protect privacy, and new intervening soft landscaping and planting will further interrupt views and screen properties from one another.

7.23 The proposed air-source heat pumps would operate at approximately 62dba, which is roughly the volume of a typical conversation or household air-conditioning unit. These are not likely to cause any unacceptable degree of disturbance to residents of either the existing or proposed dwellings.



Fig.9: Separation distances to existing properties

h) Highways and parking

7.24 Further to paras. 7.2 and 7.3 above it should be reiterated that highway safety and amenity was considered at outline stage and found to be acceptable. Therefore, while local objections in terms of local traffic movements, parking on VRW, etc. are noted they do not carry weight in the determination of this reserved matters application.

7.25 The layout includes residential parking in accordance with the requirements of the adopted Kent Vehicle Parking Standards and KCC Highways have no objection subject to minor revisions to the layout of driveways (principally to adjust their lengths and remove temptation for additional cars to be squeezed on and overhang the pavement). KCC Highways have highlighted that visitor parking is under-provided for by a total of four spaces, and also largely clustered towards the eastern and central parts of the site. The provision of four visitor bays towards the western end, along with minor reconfiguration of the visitor parking layout, would resolve these concerns and an amended drawing is being prepared by the applicant, who has agreed to the necessary changes. Members will be updated in this regard at the meeting.

7.26 The highways layout includes appropriate road widths to service utility and emergency vehicles.

i) Flooding and drainage

7.27 Condition 20 of the outline permission requires (at part 1) the reserved matters details to demonstrate that surface water drainage can be accommodated within the layout of the development. This has been done, as set out above, and KCC LLFA have no objections to the proposed surface water drainage details subject to a minor amendment to the form of the proposed drainage ditches. Part 2 of condition 20 requires a detailed surface water drainage strategy to be agreed prior to commencement of development on site, and in that regard the amendments sought by KCC can be agreed as part of the wider conditions details (inc. materials, etc.) to be submitted and agreed prior to commencement of development. Officers are therefore satisfied this requirement has been / will be met and have no objections.

7.28 Flooding was considered at outline application stage, and it is noted that the EA has no objection to this reserved matters application as their requirements were met and secured through conditions attached to the outline permission. Therefore, and as with other in-principle matters set out above, local objections in regards flooding are noted but are not material to this current application, and officers are satisfied that the development would not increase flood risk either on or off site.

7.29 Southern Water have raised concern about the layout of the development possibly affecting public sewers crossing the site, but the applicant has confirmed they will be formally applying (to Southern Water) to reposition the affected pipes. This matter can be dealt with outside the planning process.

j) Ecology

7.30 Conditions 8 and 9 of the outline permission require submission of ecological enhancements and a related management plan within 3 months of commencement of development. Therefore, while KCC Ecology's request for additional information is understood (and has been relayed to the applicant) and it is helpful that some information has been provided at this stage, the matter does not fall to be considered as part of the reserved matters.

k) Contamination

7.31 Similar to ecology, above, the Council's standard contamination condition set out at item 10 of the outline planning permission requires submission of details prior to commencement. While it is helpful to have information at this stage, and the Council's contamination consultant's request for additional information is noted, the lack of such details at this stage is not a reason for refusal.

l) Other matters

7.32 Noise, disturbance, and dust during construction would be short-lived and for the duration of development only. While local concerns in this regard are noted this does not amount to a reason for refusal. Similarly the potential for anti-social behaviour arising from residents of the new dwellings would not be a reason for refusal either; residential use is not intrinsically harmful to amenity in itself, and there is no suggestion

that this development, which already benefits from outline planning permission, would be particularly vulnerable to such behaviour.

- 7.33 The loss of parking on VRW was raised at outline stage, where KCC Highways set out that while existing residents have benefitted from convenience parking to the front of their houses there is no *right* to park here, parking is available on front driveways or in parking courts to the rear of existing properties, and many residents currently bump onto the kerb to park on VRW. Additional compensatory parking for existing residents is provided on the easternmost edge of the site layout.

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. There is no CIL requirement for this development.
- 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 £58.86 per square metre for new residential floor space with the exception of the affordable and self-build housing units which are exempt.

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;

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- 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 instance, amendments were discussed at length and agreed between officers and the applicant.

8. CONCLUSION

8.1 This application seeks approval of reserved matters relating to the scale, layout, appearance and landscaping for 80 dwellings pursuant to outline planning permission Y18/0768/FH. The submitted details show that the proposed development would be acceptable in all regards and would not give rise to any unacceptable amenity impacts. A number of minor alterations are required to the submitted drawings but these do not amount to reasons for refusal and can be addressed through submission of details in respect of conditions attached to the outline permission.

8.2 The application is therefore recommended for approval subject to receipt of amended drawings to secure the amendments requested by KCC Highways and alterations to the corner units, and the conditions set out below.

9. BACKGROUND DOCUMENTS

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

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. No development shall take place other than in accordance with the approved drawings listed on the submitted Drawing Register received 06.01.22, document ref. 0058-LGMH-ZZ-ZZ-SH-A-6210.

Reason: For the avoidance of doubt.

2. Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as

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amended) no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway.

Reason: In the interests of visual amenity and maintaining the open character and appearance of the development hereby approved.

3. The areas shown on the approved drawings as “public open space” and “natural play” shall be reserved for use as such by all residents of and visitors to the development. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenity of the area.

4. Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

5. Full manufacturer’s details (including operating noise output) of the proposed air-source heat pumps to be installed as part of the development hereby permitted shall be submitted and agreed in writing by the Local Planning Authority prior to their installation on site.

Reason: In the interest of residential amenity.

