

DCL/22/32

Application No: 21/2189/FH

Location of Site: Land rear of 192 Seabrook Road, Hythe, CT21 5RA

Development: Erection of a three-storey four bedroom dwelling with associated parking on land to the rear of 192 Seabrook Road

Applicant: Mr Liam Oakes O'Connor

Agent: Mr Gary Tidwell

Officer Contact: Katy Claw

SUMMARY

This application is for the erection of a three-storey flat-roofed dwelling, to be situated on an area of rear garden currently pertaining to 192 Seabrook Road. This application follows on from a previously granted planning permission (Y19/0810/FH) which was for a two-storey flat-roofed dwelling, in the same location as the current submission.

The application site is located within the settlement boundary and would be sited next to another previously approved three-storey pitched roof detached dwelling (approved August 2018 under Y18/0321/SH), the latter of which would in turn, be next to an existing flat-roofed dwelling (9 Seabrook Gardens).

Officers consider that the plot of land is of sufficient size to accommodate one single dwelling. The proposed height of the dwelling is acceptable when taking the wider streetscene into consideration. The proposed siting, materials, parking layout and external amenity areas would remain as per the previous permission, Y19/0810/FH. It is considered that the scheme is acceptable with regards to local and national planning policy. The application is therefore recommended for approval.

RECOMMENDATION:

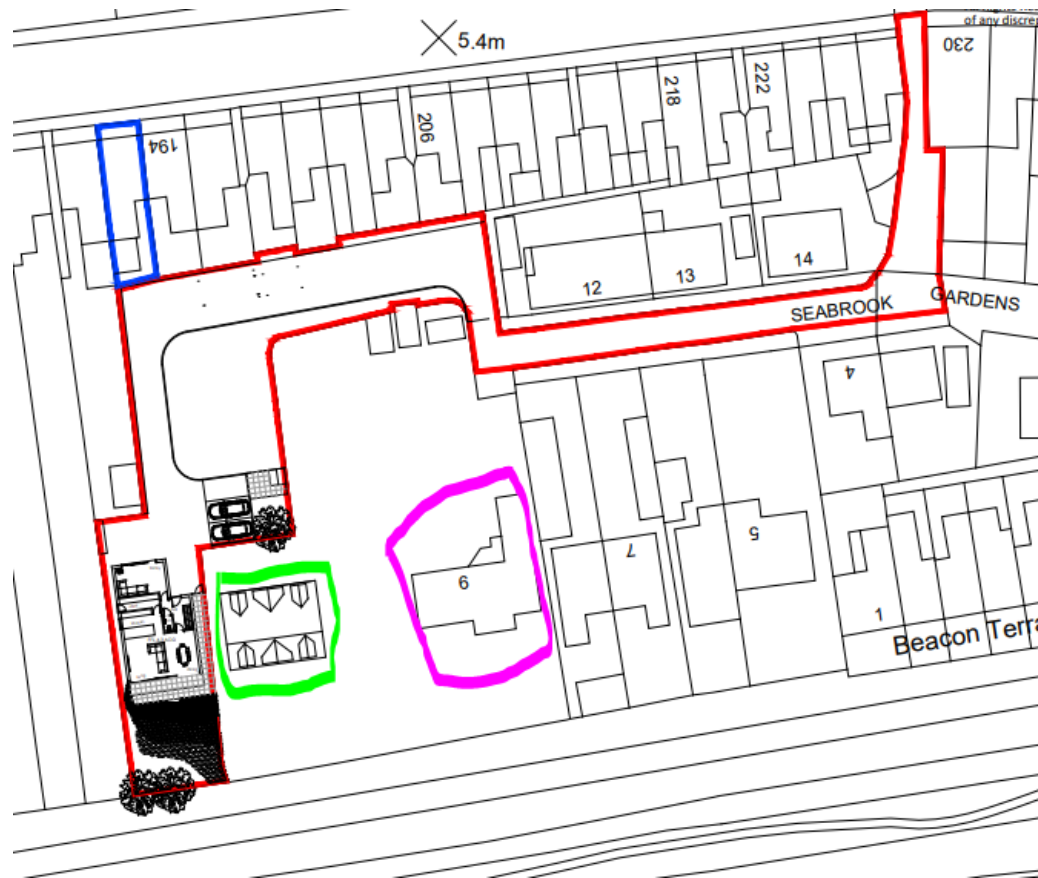
That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

- 1.1. The application is reported to Committee because Hythe Town Council objected to the proposal on the grounds that the proposal represents an over-intensive use of the site and that the development is out of character with the streetscene.

2. SITE AND SURROUNDINGS

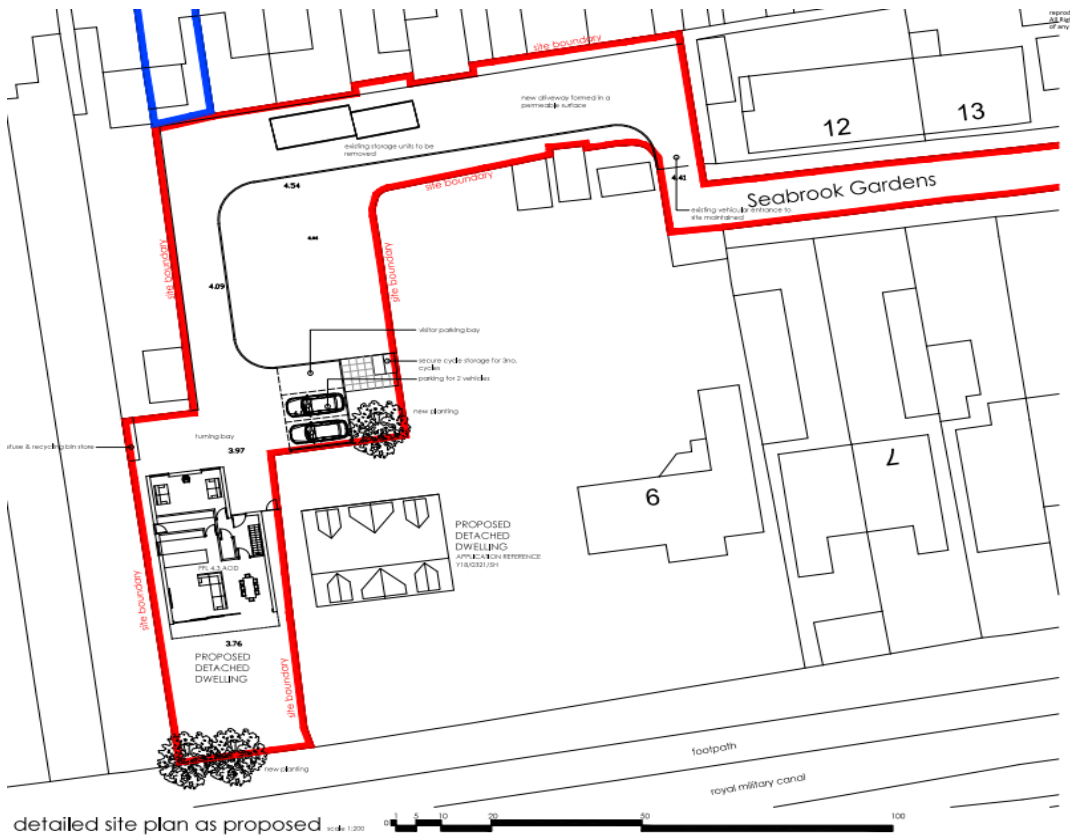
- 2.1. The application site comprises part of the large, landscaped garden serving the existing terraced house at no.192 Seabrook Road. The application site is relatively flat and is mainly laid to lawn interspersed with trees, shrubs and raised beds. The application site is located to the south side of the existing dwelling. The site lies to the end of Seabrook Gardens cul-de-sac and is bounded to the south by a path running parallel with the Royal Military Canal.
- 2.2. The existing dwelling to which this land relates (No. 192 Seabrook Road) forms part of a row of terraced properties fronting Seabrook Road. The garden of the application site and of those further west run all the way to the canal path and are long and narrow but properties to the east of No.192 appear to have smaller gardens due to an unmade access track leading from Seabrook Gardens. The vehicular access is located directly off the western end of Seabrook Gardens.
- 2.3. A site location plan is attached to this report as **Appendix 1**.
- 2.4. The surrounding area is predominantly residential in character and to the east of the application site lies No.9 Seabrook Gardens (indicated pink) which is the last house in an established building line fronting onto the canal, which consists of a mix of terraced and semi-detached properties. This site has planning permission for the erection of a large, detached town house, proposed to be located adjacent to the site the subject of the application under consideration here (planning reference Y18/0321/SH – approved August 2018 – indicated green).
- 2.5. The site falls within flood zones 2 &3, an Area of Archaeological Potential and the Royal Military Canal Scheduled Ancient Monument lies to the immediate south of the site.



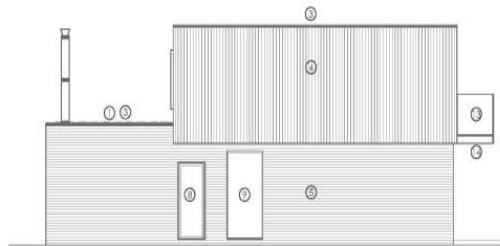
3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of a three-storey, four-bedroom dwelling with associated parking and amenity area.
- 3.2 The proposed dwelling would have vertical timber boarding in natural colour and facing brickwork in grey, with living sedum flats roofs, incorporating first floor and second floor balconies overlooking the Royal Military Canal.
- 3.3 The dwelling has proposed external amenity spaces to the front and rear. The front area would be formed mainly of hardstanding which would accommodate the parking/turning area, the rear (south) amenity area would form the private garden, the latter measuring around 12.6m in length. Car parking is proposed adjoining the dwelling, with two dedicated spaces and a single visitor parking space. Enclosed cycle storage is provided with capacity for 3 cycles and a refuse and recyclable bin storage area is also provided within the site.
- 3.4 The proposal is essentially the same as the previously approved development in terms of finished materials, siting, design and layout. The main difference between the two schemes is the addition of the second-floor level which gives the property an additional bedroom space, taking the dwelling from a 3-bed to a 4-bed single family home.

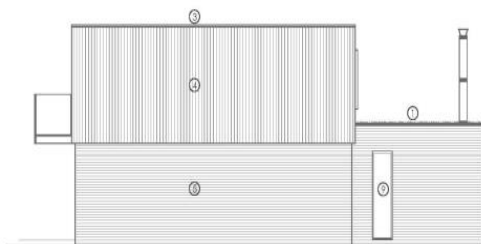
Previously approved – Y19/0810/FH



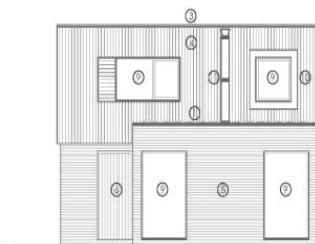
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west elevation scale 1:100



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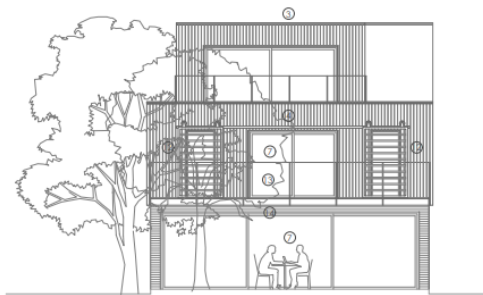
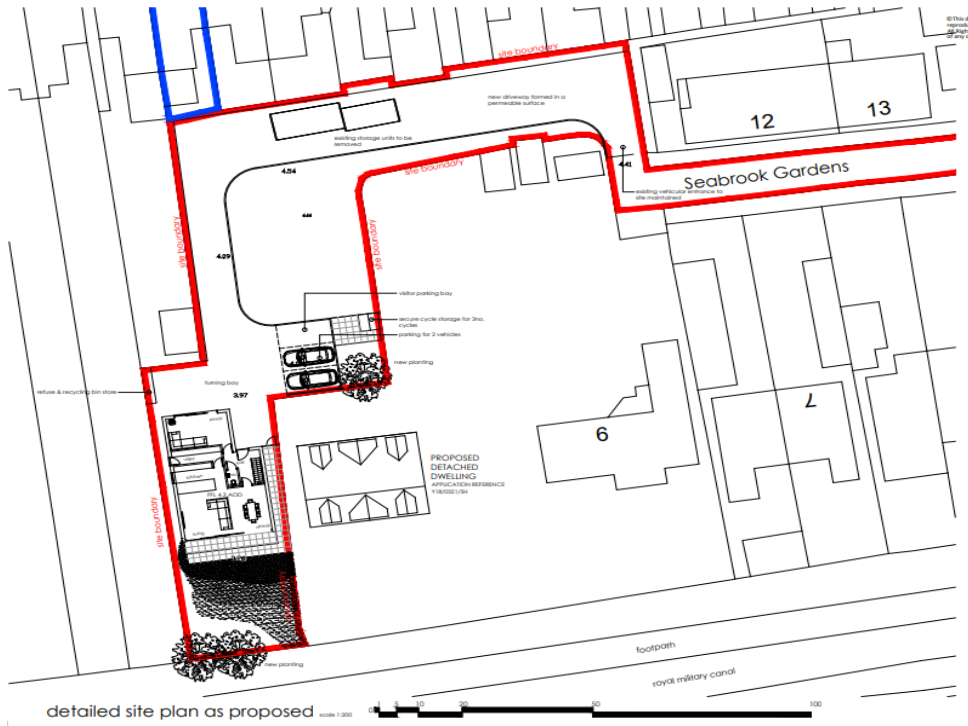


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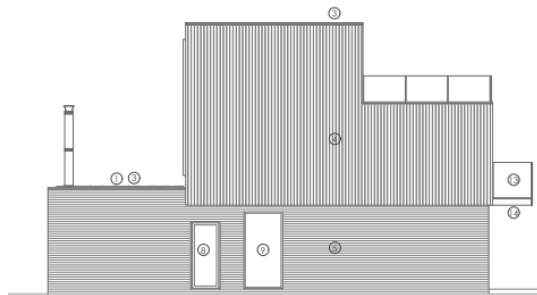
Revision Description

GARY **fidwell** ASSOCIATES LIMITED
139 Grove Road, Tisbury, Wiltshire, GU14 0JL, 01252 629849
Client:

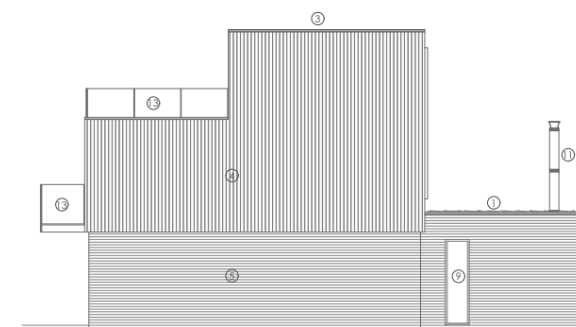
New proposed – 21/2189/FH



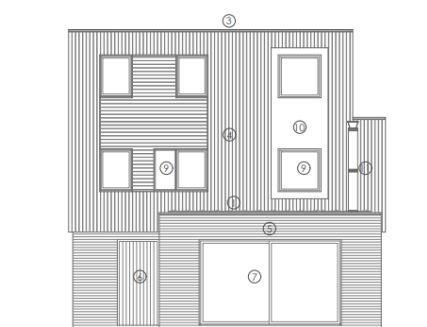
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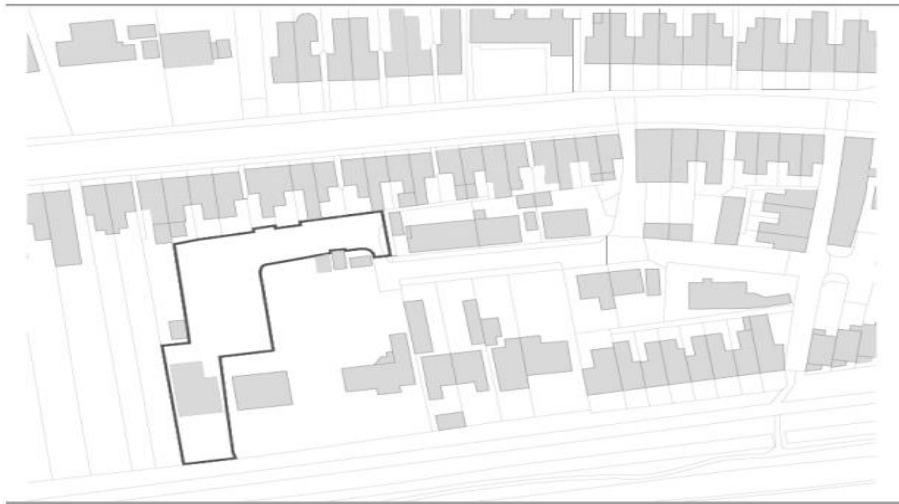


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3.5 The following reports were submitted by the applicant in support of the proposals:

Design and Access Statement (DAS)

3.6 This statement provides a Street Pattern Analysis of the proposed development which demonstrates that the proposal would respect the existing linear alignment of development fronting the Military Canal.



In addition, the DAS sets out that the gross internal floor area would be 212.4sqm – exceeding the Nationally Described Space Standards minimum requirement of 121.0sqm for a four-bedroom 7-person three-storey dwelling.

The DAS also covers other aspects relating to use, amount, design, layout, scale & appeared, landscaping, access, climate mitigation and archaeology mitigation.

Flood Risk Assessment (FRA) - dated 29 November 2019

- 3.7 The FRA is site-specific and concludes that the development is protected by tidal defences and is at very low risk from the Seabrook Stream north of the site. There is, however, a potential flood risk from the Royal Military Canal and this source of flooding has not been modelled. Due to the lack of modelling, the FRA sets out that the finished floor level is to be set at 4.0mAOD.
- 3.8 It is further recommended that the surface water is discharged to the public sewerage system and that appropriate SuDS features and measures will be incorporated within the development to minimise surface water discharges. As such, the proposed development would not increase the risk of flooding elsewhere from surface water sources.
- 3.9 Based on the likely flooding risk, it is considered that the proposed development can be operated safely in flood risk terms, without increasing flood risk elsewhere and is therefore appropriate development in accordance with the NPPF.

Ecological Scoping Survey – dated 7 October 2019

- 3.10 The ecological survey concludes that there were no unusual or uncommon or protected plant species at the site. No notable species of birds were recorded at the site. There was no suitable habitat on the site for reptiles. There are no ponds that may be used by Great Crested Newts. There were no badger setts on site but badgers could be expected to occasionally occur in the site from time to time. There are no trees and therefore no habitat for roosting bats.
- 3.11 The survey seeks wildlife conservation measures to include bird and bat boxes, log piles, bumble bee nest boxes and a scheme for native species landscaping.

4. RELEVANT PLANNING HISTORY

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

Y19/0810/FH	Erection of a two-storey, three-bedroom dwelling with associated parking on land to the rear of 192 Seabrook Road.	Approved with conditions
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5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Hythe Town Council:

Object on the grounds of mass and impact on the street scene (BE12 and BE1) and it was noted that this development is very near to an Ancient Monument.

Environment Agency:

No objection subject to the condition that the ground floor finished floor level shall be located an absolute minimum of 300mm above the existing local site ground level, or 4.0mAOD, whichever is highest.

KCC Ecology:

No objection subject to 2 conditions –

1. prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing, by the LPA. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not adversely impact biodiversity.
2. Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the LPA.
3. And one informative with regards to breeding birds.

Southern Water:

Initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from the development are required. This should not involve disposal to a public combined sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways. Should the application receive planning approval, the following condition should be attached – construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved in writing, by the LPA.

Affinity Water:

Reviewed the application and do not have any comments to make.

Environmental Health:

Recommends a contamination condition be attached to any decision.

Historic England:

Do not wish to offer any comments.

Local Residents Comments

5.2 24 neighbours directly consulted. 8 letters of objection, 0 letters of support received and 0 letters neither supporting nor objecting to the application.

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

Objections

- Not all the land shown outlined in red belongs to the applicant
- Three storey house out of keeping with the streetscene
- Adversely affect views and privacy of neighbours [**CPO comment: Members will be aware that loss of views is not a material planning consideration**]
- Increased traffic and construction work will damage the track
- Concerns over utility connections
- Intrusive to the Royal Military Canal
- Light pollution
- Flood risk
- Impact upon biodiversity
- Reduction in value of property [**CPO comment: Members will be aware that loss of value to property is not a material planning consideration**]

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

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

6. RELEVANT PLANNING POLICY

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

6.2 The relevant development plan policies are as follows:-

Folkestone and Hythe Core Strategy Review (2022)

- | | |
|------------|--|
| Policy SS1 | District Spatial Strategy |
| Policy SS2 | Housing and the Economy Growth Strategy |
| Policy SS3 | Place Shaping and Sustainable Settlements Strategy |
| Policy SS4 | Priority Centres |
| Policy SS5 | Infrastructure |

Policy CSD1 New Housing
Policy CSD2 Development & New Accommodation
Policy CSD7 Hythe Strategy

Places and Policies Local Plan (PPLP) 2020

Policy HB1 Quality Places through Design
Policy HB2 Cohesive Design
Policy HB3 Internal and External Space Standards
Policy HB10 Development of Residential Gardens
Policy T2 Parking Standards
Policy T5 Cycle Parking
Policy NE2 Biodiversity
Policy NE5 Light Pollution and External Illumination
Policy NE7 Contaminated Land
Policy CC1 Reducing Carbon Emissions
Policy CC2 Sustainable Design and Construction
Policy HW4 Promoting Active Travel
Policy HE1 Heritage Assets
Policy HE2 Archaeology

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

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 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.

Paragraphs 104-108 - Transport and access

Paragraphs 126–132 - Design

Paragraph 162–165 – Flood Risk

Paragraph 179 - Habitats and biodiversity

Paragraph 183 - Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

National Design Guide October 2019

C1 - Understand and relate well to the site, its local and wider context.

I2 - Well-designed, high-quality and attractive (paragraph 53)

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 occupiers
- d) Residential amenity
- e) Parking and highways
- f) Ecology and biodiversity
- g) Contamination
- h) Flooding and Drainage
- i) Archaeology
- j) Scheduled Ancient Monument
- k) Other matters

a) Principle of development and sustainability

7.2 The application site lies within the urban confines of Hythe and CS Policy SS3 directs development towards existing sustainable settlements to protect the countryside and coastline.

7.3 Further to the above, a single detached dwelling in this location has recently been accepted by the granting of Y19/0810/FH – a permission which is extant and can be implemented.

7.4 The development proposed is considered to be acceptable as a matter of principle in this location.

b) Design/layout/visual amenity

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- 7.5 Paragraph 126 of the NPPF and Policy HB1 of the PPLP requires for development to make a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regards to layout, scale, proportions, massing form, density, and materials.
- 7.6 The proposed flat-roofed design, finished materials and general layout of the dwelling / parking / private amenity areas within the plot remain unchanged from those approved under Y19/0810/FH with the main alteration being the proposed 2nd floor.
- 7.7 Hythe Town Council objected to the application on the grounds that the development is out of character with the streetscene. With regards to design, it is considered that the contemporary design approach would be in keeping with the contemporary aesthetic of the existing dwellings in the surrounding area. The existing dwellings fronting the canal path are a mix of ages and designs, including a terrace of three contemporary dwellings to the east. Whilst a flat-roofed dwelling is not a prevalent design feature in this location, No.9 Seabrook Gardens is of flat-roofed design and, as set out above, the previously approved dwelling on this site is of a similar design. As such, contemporary, well designed, flat-roofed dwellings such as the current proposal are not unacceptable in this location. It is considered that the proposed dwelling would sit comfortably in the streetscene.
- 7.8 The overall height of the proposed three-storey dwelling would be approximately 8.35m and would be no higher than the approved detached neighbouring dwelling (as approved under Y18/0321/SH) which would measure 9.15m in height. No.9 Seabrook Gardens is approximately 9.6m in height. It is therefore considered that the proposed development would adhere to the general pattern of development with regards to overall height.
- 7.9 The proposed dwelling would be sited to ensure an acceptable degree of separation from the existing, and the approved, dwellings to the east. The proposed footprint of the dwelling is such that a space separation of just over 1m would be retained to both side boundaries and this layout/siting is consistent with the existing development on the southern side of Seabrook Gardens where the dwellings also retain a degree of space separation from their boundaries with the neighbours.
- 7.10 In addition to the above, the private amenity space and parking provision both exceed the minimum requirements required by local planning policy and so officers are of the opinion that overall the development would not result in a form of cramped development in relation to the plot size.
- 7.11 With regards to the wider streetscene setting, the dwelling is proposed to be sited towards the rear of the garden plot of No. 192 Seabrook Road, and the overall bulk and massing would be positioned towards the very rear end of the plot, away from the terraced houses along Seabrook Road, thereby retaining the existing openness between the tight-knit properties fronting Seabrook Road. The proposed dwelling would also respect the building line of the existing dwellings along the southern side of Seabrook Gardens.

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- 7.12 Seabrook Gardens itself is a small residential cul-de-sac to the rear of the continuous building line of the properties fronting Seabrook Road. As a result, the proposal would be screened from the streetscene here. However, the footpath which runs the course of the canal to the immediate south of the application site is a well-used public right of way. The application site and any subsequent development would be highly visible from this location.
- 7.13 The proposed dwelling is considered to be a logical extension to the existing development on the southern side of Seabrook Gardens and it would have an active frontage overlooking the canal, maximising views towards the sea whilst also offering natural surveillance of the public footpath.
- 7.14 The proposed ground and first floor footprints/layout remain as per the dwelling approved under Y19/0810/FH. The second floor proposed under this submission has been designed in a way so as to be stepped back 4m from the southern edge elevation, introducing a glass balustrade and open terrace area. Officers consider that as a result of the smaller footprint of the second floor and the use of a clear glass balustrade, the completed development would not appear as an incongruous form of development when read in the context of the wider streetscene.

c) Amenity of future occupiers

- 7.15 Policy HB3 of the PPLP refers to internal and external space standards and says that planning permission will be granted for new build residential development where the proposed scheme meets the nationally described technical housing space standard and provides internal storage areas.
- 7.16 The proposed development would provide a 4-bed 7-person three storey dwelling and is therefore required to provide a minimum of 121sqm with 3.0sqm of built-in storage. A 10m garden should also be provided.
- 7.17 The DAS sets out that the internal floor area would amount to 212.4sqm, exceeding the minimum requirement by 91.4sqm. There would also be ample internal storage and the garden would be around 20m in length, significantly exceeding the minimum requirement.

d) Residential Amenity

- 7.18 The dwelling has been sited and designed to have the main southern elevation windows overlooking the canal and as such the internal layout of the ground and first floor remain as per Y19/0810/FH. In this regard overlooking from the first-floor windows on the northern elevation have already been considered acceptable and granted planning permission.
- 7.19 At second floor there are proposed to be large south facing sliding doors from the bedroom that would lead onto the south facing balcony area. At the northern elevation on this level the windows would serve a bathroom, dressing room and stairwell.
- 7.20 The second-floor rear facing windows would not serve habitable rooms but notwithstanding that, the rear elevation would have an outlook across the forecourt and

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parking area of the application site, as well as a small section of the long rear garden to No.190 Seabrook Road which has an outbuilding/shed to the rear boundary adjoining the application site which would help to prohibit any meaningful views.

- 7.21 No first or second floor flank windows are proposed and as such the residential amenity of No.9 Seabrook Gardens, as well as the approved dwelling adjacent to the application site would be overlooked. Any new fenestration on the flank elevation at first floor and above would require planning permission.
- 7.22 There is concern that the proposed first and second floor balconies would give rise to overlooking of the private amenity space of No.9 Seabrook Gardens and that of the approved dwelling. A condition is recommended which would secure the installation of 1.8m high privacy screens to the flank of the proposed balconies prior to the first use of those balconies.
- 7.23 There would be no significant overbearing impacts due to the space separation between the proposed dwelling and the nearest surrounding properties.

e) Parking and Highways

- 7.24 The site would be accessed via an existing unmade and un-adopted track which runs between 228 & 230 Seabrook Road and into Seabrook Gardens.
- 7.25 The number of additional vehicle movements that would be generated by the development would not be so significant as to pose a risk to highway safety or amenity.
- 7.26 Parking provision for the development remains as previously approved under Y19/0810/FH – consisting of 2 individually accessible off-street parking spaces plus 1 visitor space – the amount of proposed parking provision would meet the requirements of local plan policy T2 and KCC IGN3.
- 7.27 Three (3) cycle spaces are proposed to be provided as per the amount originally proposed under Y19/0810/FH (a 3-bed dwelling).
- 7.28 Policy T5 PPLP says that ‘1 space per bedroom’ should be provided for individual residential developments and so this development should be providing 4 secure cycle spaces as a minimum. Given the urban location and the provision of nearby cycle routes it is considered that cycles could easily be used as an alternative form of transport here. As such, should members be minded approving this development then a condition can be added which requires the provision of 4 cycle spaces.
- 7.29 Comments have been received with regards to damage to the private access track. These are private legal matters between the relevant parties and not material planning considerations.

f) Ecology and Biodiversity

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- 7.30 In accordance with 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.
- 7.31 The site is currently a mixture of hardstanding and maintained grass, with little potential for protected species to be present. As such it is unlikely that the proposal would have any significant ecological impact.
- 7.32 The application is supported by an 'Ecological Scoping Survey', dated 7 October 2019. In response to this report KCC Biodiversity department has confirmed that sufficient ecological information has been provided and that they have no objections subject to two (2) conditions and one (1) informative, all as set out at Section 5 of this report.
- 7.33 The site currently forms part of a larger back garden and there are no protected trees or trees with high amenity value subject to be removed as part of this scheme.
- 7.34 Existing boundary treatments are to be retained and replaced if necessary and hard & soft landscaping is proposed – soft areas being mainly grass but with some tree planting along the southern and western boundaries.
- 7.35 Details of hard and soft landscaping, including details of materials and species of tree/plant, can be secured by condition.
- 7.36 Taking the above into consideration, and subject to the recommended conditions, including the securing ecological enhancements, the proposal is deemed to be acceptable in terms of ecology and biodiversity.

g) Contamination

- 7.37 The application site forms part of a residential garden and as such ground contamination risks are likely to be low. Notwithstanding this, a condition is recommended requiring the developer to submit a remediation strategy to the LPA should contaminated soil be found at the site during the ground/construction works.

h) Flooding and Drainage

- 7.38 The site lies within flood zone 3 & 3a, an area considered to be at high risk from flooding according to the Environment Agency (EA) Flood Map. However, the site is at no risk should flooding occur, according to the Council's Strategic Flood Risk Assessment, when accounting for climate change
- 7.39 Policy SS3 of the Core Strategy Review 2022 says that for development located within zones identified by the EA as being at risk from flooding, site-specific evidence will be required in the form of a detailed flood risk assessment. This will need to demonstrate that the proposal is safe and meets with the sequential approach within the applicable character area.

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- 7.40 The sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding, and other potential sites need to be considered before progressing to develop those of lesser preference / greater risk (in flood terms). When considering other potential development sites, the geographic range is limited to those within the same character area, which in this case is the Urban Area. In addition, the NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with lower probability of flooding.
- 7.41 In this case the plot is protected from flooding by the sea defences that defend the wider area (as identified in the Council's SFRA up to year 2115) and the EA flood maps do not take these defences into account. Therefore, in reality the risk associated with the breaching of flood defences is minimal. As such, there are no other sites at lower risk of flooding within the character area as the flood risk here is low and the site is deemed to be sequentially acceptable.
- 7.42 Paragraph 164 NPPF sets out the requirements of the exception test. The proposal needs to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.
- 7.43 This development is classified as 'more vulnerable' and as such section 9.2 of the site-specific FRA sets out that surface water is to be disposed of via a watercourse and that appropriate SuDS features and measures will be incorporated within the development to minimise surface water discharges. As such, the FRA concludes that the proposed development will not increase the risk of flooding elsewhere from surface water discharges. The FRA also recommends flood resistance and resilience measures be put in place.
- 7.44 The Environment Agency has been consulted and has no objection to the proposal but this is subject to condition that the finished ground floor level of the development is to be set to be no lower than the recommended ground level within the DAS, an absolute minimum of 300mm above the existing local site ground level, or 4.0mAOD, whichever is highest.
- 7.45 The finished floor levels of the development are shown to be compliant with the details as set out in the DAS and as required by the EA.
- 7.46 Should members be minded to approve the application then the flood risk mitigation measures can be secured by planning condition and further conditions can be used to ensure that the use of flood resilient design measures, as outlined in the FRA, are implemented to help reduce the impact of flooding should it occur.
- 7.47 Southern Water has established that alternative means of draining surface water from the development would be required and that this should not involve disposal to a public combined sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

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7.48 Should members be minded granting planning approval, a condition can be attached which seeks details of the proposed means of foul and surface water sewerage disposal, to be submitted and approved prior to ground works commencing at the site.

i) Archaeology

7.49 The application site lies within an Area of Archaeological Potential. KCC standing advice here sets out that consultation is only for 'major' developments and no further measures are required with regards to potential archaeology.

j) Scheduled Ancient Monument

7.50 The site backs on to the Royal Military Canal and tow paths which fall within the designation of a Scheduled Ancient Monument (SAM).

7.51 In terms of impact upon the SAM, the application site itself would not impinge upon the designated area which falls outside, but immediately adjacent to the red line boundary at the south. The designated area includes the footpath which would have facilitated movements of troops and supplies as part of its historic fortification role. Given that the proposal would conform with the established pattern of built development which fronts (but which is physically set back from) the canal path, the proposed development would not interrupt the sight lines down the canal, and as such there would be no significant exacerbated impact on the setting of the SAM. Consequently, there would be no impact on the reading of this important heritage feature. Therefore, it is considered that the proposal would not give rise to the harm to the setting of the SAM.

7.52 Historic England has been consulted and has no comments to make.

k) Other Matters

7.53 During the life of the application attention was drawn to the fact that the applicant was not the sole owner of all the land outlined in red. The applicant subsequently served written notice on other landowners and a public notice was also posted in the local newspaper. The applicant has therefore carried out all the necessary steps as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the application is a valid submission.

7.54 Concerns over the laying of utilities and services to the proposed property are not a material planning consideration. These works would be undertaken by the necessary statutory undertakers, in conjunction with their own legislation and working practices.

7.55 Concerns surrounding the potential for reduction in value of neighbouring properties is also not a material planning consideration. All material planning considerations have addressed within the body of the report.

Environmental Impact Assessment

7.56 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

7.57 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.

7.58 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 £117.73 per square metre for new residential floor space.

Human Rights

7.58 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

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

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

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

Working with the applicant

7.60 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 design and layout of the scheme is considered by officers to be acceptable. The design would preserve the character of the surrounding area in accordance with local and national planning policies. The proposed dwelling is not considered to result in harm to neighbouring amenity (subject to condition) and would provide a high level of accommodation for future occupants. Details regarding landscaping, vehicle and cycle parking, ecological enhancements and drainage have all been provided and demonstrate that the site can be safely and satisfactorily developed. As such it is recommended that planning permission be granted.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

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 accordance with the details on the submitted plans / documents:

Location Plan – 01.521.01 P1 – 29.10.2021

Site Plan as Proposed – 01.521.03 P2 – 29.10.2021

Detailed Site Plan as Proposed – 01.521.05 P3 – 29.10.2021

Floor Plans as Proposed sheet 01 – 01.521.100 P1 – 29.10.2021

Floor Plans as Proposed sheet 02 – 01.521.101 P0 – 29.10.2021

Elevations as Proposed sheet 01 – 01.521.110 P0 – 29.10.2021

Elevations as Proposed sheet 02 – 01.521.111 P1 – 29.10.2021

Contextual Elevation as Proposed – 01.521.112 P0 – 29.10.2021

Design and Access Statement dated 28 October 2021 – 29.10.2021

Flood Risk Assessment dated 29 November 2019 – 29.10.2021

Ecological Scoping Survey dated 7 October 2019 – 29.10.2021

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of policy HB1 of the Places and Policies Local Plan.

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3. The development hereby permitted shall be carried out in accordance with the details of materials as specified in the application, 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. The ground floor finished floor level of the three-storey dwelling shall be located a minimum of 300mm above the existing local site ground level, or 4.0mAOD, whichever is highest.

Reason:

To protect the residents and property from the risk of flooding.

5. 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.

6. Construction of the development shall not commence until details of the proposed means of foul and surface water drainage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

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.

7. Within six (6) months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. This will include recommendations within 4.8 of the Ecological Scoping Survey (Martin Newcombe, October 2019). The approved details will be implemented and thereafter retained.

Reason:

To ensure enhancements for biodiversity are implemented in line with paragraph 175 of the NPPF.

8. No construction work above slab level shall take place until full details of both hard and soft landscape works have been submitted to the local planning authority including tree planting in mitigation of those to be lost, an implementation programme and a maintenance schedule. No building shall be occupied until an approved

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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 area.

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

Reason:

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

10. The parking spaces shown on approved drawing number 01.521.05 P3 shall be kept available for domestic parking purposes in connection with the 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 safeguard the Amenities of adjacent properties in accordance with policy T2 PPLP.

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

Reason:

To ensure adequate means of refuse collection in the interests of the amenities of Residents in accordance with policy HB1 PPLP.

12. Prior to the first occupation of the development, a secure space shall have been provided within the site for 4 bicycles to be parked.

Reason:

In the interests of providing sustainable alternatives to the private car

13. Notwithstanding the approved plans, prior to the first use of the first and second floor south facing balconies, a 1.8m high privacy screen shall be installed on the eastern side elevation of both balconies and those privacy screens shall thereafter be retained at all times.

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Reason:

To minimise overlooking onto adjoining properties and maintain privacy.

14. The flat roof in the single storey north elevation must not be converted or used as a terrace, balcony, or other open amenity space.

Reason:

Such a use would be detrimental to the privacy of the neighbouring properties.

15. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason:

In the interest of promoting energy efficiency and sustainable development.

16. 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 Local Planning Authority.

Reason:

In the interests of residential amenity.

Informatives:

1. 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.

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2. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used onsite providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK.

possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

3. Please note that a Flood Risk Activity Permit will be required for all work within 8m of the Royal Military Canal before work can commence on site. Please contact:

PSO.EastKent@environment-agency.gov.uk for further advice.

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We recommend the use of flood resilient design measures, as outlined in the applicants FRA, throughout the ground floor of the development to reduce the impact of flooding if it were to occur.

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>.
5. Any surface or fly-tipped waste materials should be removed to suitable permitted sites as part of any site clearance/preparation works.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting bird 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.