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Application No: 22/1990/FH

Location of Site: St Saviours Hospital, 71 - 73 Seabrook Road, Hythe, CT21 5BU

Development: Reserved matters application to consider matters of appearance, landscaping, layout and scale, together with details of conditions 16, 17 and 20, all pursuant to outline permission Y16/0794/SH (Outline consent for the demolition of the main hospital buildings and outbuildings to provide for up to 47 residential units, associated car parking and landscaping) for the erection of 47 residential units with car parking and landscaping)

Applicant: URECO Construction Ltd

Agent: Mrs Emma Hawkes, DHA Planning

Officer Contact: Robert Allan

SUMMARY

The report considers whether the matters relating to appearance, landscaping, layout and scale, together with details of conditions 16, 17 and 20, all pursuant to outline permission Y16/0794/SH should be approved. Following guidance from Officers and independent assessment by Design Review Panel, the proposal has been revised and the reserved matters relating to appearance, landscaping, layout and scale are now considered acceptable, and the scheme considered to align with the site-specific policy, UA16, as well as all other adopted development management policies. The details submitted in respect of conditions 16 and 17 are considered acceptable, and the applicant is preparing additional information to address issues raised in respect of condition 20. Overall, the proposal is considered to be a sustainable proposal that would have no significant detrimental impact upon any of the identified material planning considerations and is therefore recommended for approval.

RECOMMENDATION:

That the reserved matters are approved subject to the conditions set out at the end of the report and any others that the Chief Planning Officer deems to be necessary.

1. INTRODUCTION

1.1. The application is reported to Committee due to the views of Hythe Town Council.

2. SITE AND SURROUNDINGS

2.1. The application site is a 1.16 Ha site within the defined settlement boundary of Hythe containing the Dutch House, a former private house constructed in the period 1909 -

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1938 in the arts and crafts style and the now demolished three-storey former St Saviour's private hospital building. The surrounding development is primarily residential in nature, comprising large residential properties of varying styles and ages set within spacious plots on the northern side of Seabrook Road. On the western boundary is 'Seabrook Heights' at 69 Seabrook Road, a four-storey block of ten flats, whilst to the rear of this, also on the western boundary of the site, 'Aspect' at 69a is a three-storey block of 9 flats. To the eastern boundary, is the Highfield private care home, with Conyer Lea, a detached residential property to the north of this. To the north of the site are properties accessed from Cliff Road. To the southern side on the opposite side of Seabrook Road, properties are arranged predominantly along the frontage with Seabrook Road, but are more modest in size, being detached and semi-detached properties in narrow, largely uniform plots that back onto the Scheduled Monument of the Royal Military Canal.

- 2.2. The site slopes steeply from north to south, with a 23m level change from Seabrook Road up to the northern boundary of the site and is south-facing. There are levelled tiers within the site that previously accommodated the buildings, parking and access roads associated with the former hospital use. Vehicular and pedestrian access to the site is from the A259. The designated AONB is approximately 53 metres to the north of the northernmost boundary of the application site, running along the line of Cliff Road. Tree Preservation Order No. 09 of 2016 covers various trees across the site, but predominantly at the front and western boundaries, as can be seen in Image 1, below. The site is partially covered by an Area of Archaeological Potential and is also in an area identified for land instability, Class D, where slope instability problems are probably present or have occurred in the past.

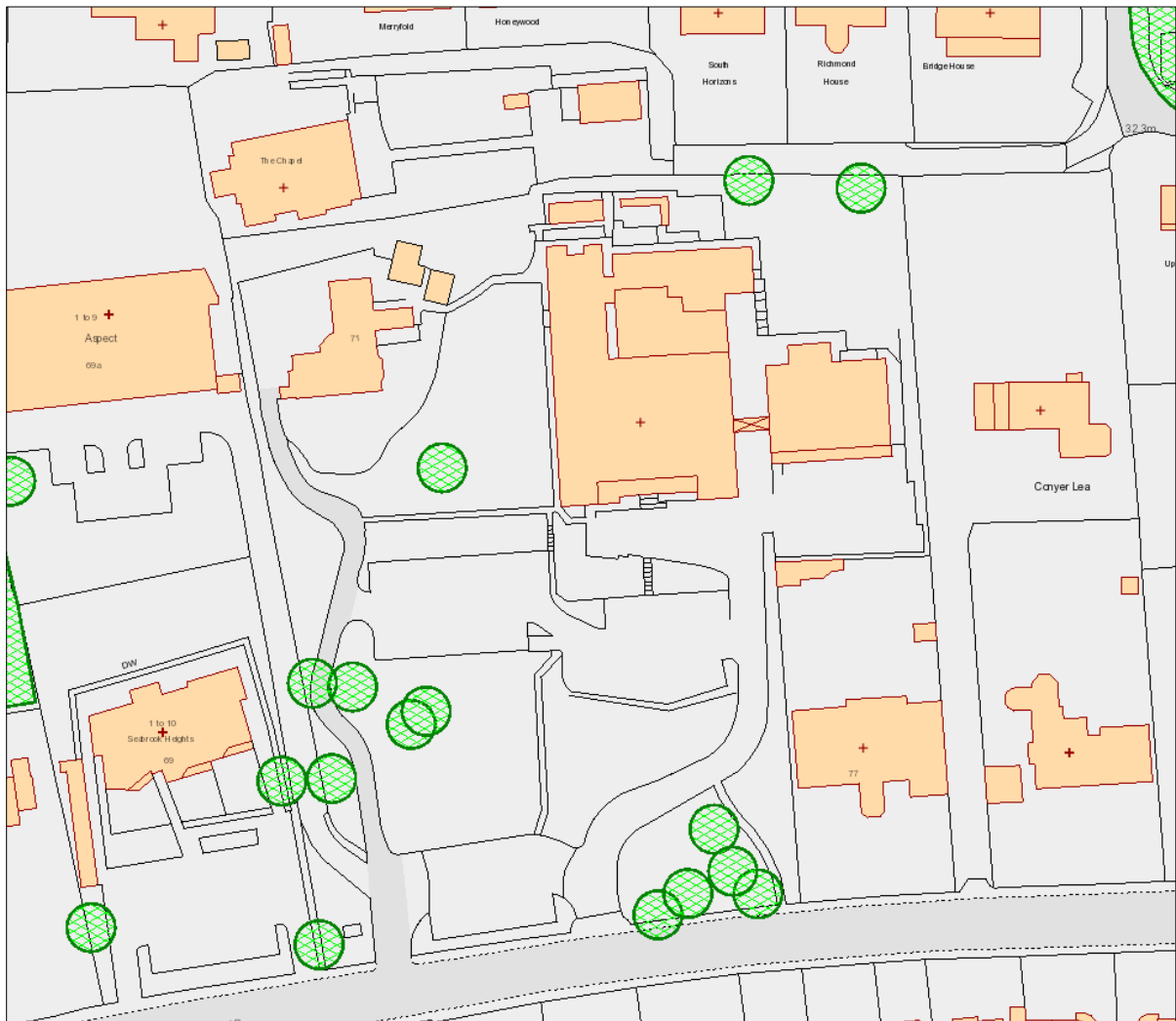


Image 1: Tree Preservation Order location

2.3. The 'Shepway High Level Landscape Appraisal (2017)', places the application site in the Hythe Wooded Hills Character Area. Whilst situated within the urban area of Hythe and contained by development on all sites, it is considered that the site has a 'medium' landscape sensitivity with views from the coast, which requires a careful and considered approach. It states that the impact on landscape character and visual amenity would not necessarily be an obstacle to strategic level development, and where suitability is likely to be determined by other sustainability or strategic environmental considerations.

2.4. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

3.1 This application seeks approval of the reserved matters relating to appearance, landscaping, layout and scale, together with approval of details relating to conditions 16, 17 and 20, from outline permission Y16/0794/SH, which gave permission for the demolition of the main hospital buildings and outbuildings to provide for up to 47 residential units, associated car parking and landscaping.

3.2 Condition 16 of the outline planning permission requires:

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- Full details of the proposed surface water drainage and sewage disposal arrangements shall be submitted to and approved by the Local Planning Authority before the development commences. The approved scheme for each phase shall be carried out prior to the first occupation of each phase and thereafter maintained in a functional condition.

3.3 Condition 17 requires:

- In relation to Sustainable Urban Drainage Systems (SUDS):
 - i. Development shall not begin until a phasing plan for the surface water drainage scheme has been submitted to (and approved in writing by) the local planning authority. The phasing plan shall indicate how all areas of the surface water drainage system will be connected and accommodated to provide for different phases and will also indicate and provide details of any temporary works associated with the construction of the surface water drainage system.
 - ii. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals contained within the Sustainable Drainage Statement (Morgan Tucker, Ref. MT/LDC/EK/P16-147/DS, Issue 2) and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 yr storm) can be accommodated within the site boundary and be disposed of at a rate not exceeding 6.1l/s (unless otherwise agreed with the Lead Local Flood Authority and Southern Water).
 - iii. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a. A timetable for its implementation, and
 - b. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

3.4 Condition 20 requires:

- No development shall take place in any phase or sub phase, with the exception of demolition works, until details of earthworks, finished land levels and building heights have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding and levels to existing vegetation, surrounding landform and existing buildings. Development shall be carried out in accordance with the approved details.

3.5 In relation to the built component of the application, the first iteration of the reserved matter proposals was submitted in November 2022 which, following public

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consultation, was submitted to the Design Review Panel for independent assessment and a number of suggestions made to the applicant and their agents, summarised as follows:

Block 1

- Southern elevation of Block 1 is too long and unvaried and would benefit from being broken up and given greater articulation

Blocks 2 & 3

- Stepping of blocks 2 & 3 could be adjusted to prevent blocks obscuring views of the Dutch House
- As blocks 2 & 3 contain affordable housing there should be no visible difference in quality between tenures, with each block receiving the same quality of detailed design
- Access should not be from undercroft areas
- White frames are too large causing buildings to appear large
- Architecture requires development to make the buildings appear less box-like

Residential Quality

- Glass balustrades may not be the right option for balconies as they lead residents to add their own screens, may look dirty easily without regular cleaning, and will reveal anything stored on balconies

Landscape

- Too many access roads which will result in a large area of hard surfacing. A single site entrance and a single, meandering access road would release more space for landscaping
- A more landscape led strategy is needed for the scheme
- Sustainable water management could set landscape character through features such as swales, and by designing ponds as part of an active system
- Parking should be reconsidered and possibly placed in tighter located groups

Amenity Space

- Amenity and play space should be relocated to parts of the site with better environmental conditions
- Could form a central focus for the development, rather than being placed at the edge
- Communal gardens could also be provided in a central location with good sunlight

Sustainability

- Limited information has been presented.

3.6 Further amended plans and documents for the reserved matters application were submitted in June and August this year, to address consultee responses and the comments of the Design Review Panel.

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- 3.7 The amended plans show three blocks proposed, identified as B2 (the northernmost block) and B3 (eastern) and B4 (western) blocks. The Dutch House, which does not form part of the proposals, is identified as block B1. All are proposed to be constructed in a contemporary modern style, with blocks B3 and B4 extending to three storeys, whilst block B2 has four storeys of accommodation, and a level of lower ground parking.
- 3.8 Block 2 has a staggered appearance in planform, and the width of the building has been reduced from the initial scheme to bring the building further away from the eastern boundary. Deeper units have been created which will be dual aspect, incorporating deeper balconies to include an inbuilt landscape element in the form of balcony planters. Additionally, the block has been located further back in the plot. The height of Block 2 has been reduced and the siting of Blocks 2 and 3 has been pulled forward and away from the Dutch House. The proposed large overhanging stepped terraces on the buildings is intended to provide privacy to neighbouring buildings and also solar shading, passively cooling the building, which is also supported by the incorporation of timber privacy screens, which will provide shading. CGI (computer generated images) of the proposal can be seen in images 3 - 5 below.
- 3.9 The core material approach is a traditional buff brick to the North, East, and West elevations, with the South facing elevation being predominantly glazed, with stone effect and timber clad terraces that are intended to soften the architecture toward the views from the south, where the buildings would be most visible. The top storey would be clad almost entirely in timber, with a timber soffit on all overhangs, and bio-diverse roofs acting as part of the Sustainable Urban Drainage System (SuDs).
- 3.10 The development would provide 47 units in total:

Unit Type	Number
1 bedroom	7
2 bedroom, 4 person	31
3 bedroom, 5 person	5
3 bedroom, 6 person	4
Total	47



Image 3: CGI view of Block 2 from south west



Image 4: CGI view of block 2 from south east

- 3.11 Block 2 would contain 28 apartments, for market sale only. Block B3 would contain 9 apartments and Block B4, 10 apartments. Blocks B3 and B4 are positioned towards the front of the site and are intended for affordable rent and shared ownership/private market. The affordable rent would be in Block B4 and the shared ownership/private market units in Block B3 (3 of the 9 apartments in Block B3 would be private market rather than shared ownership). There would be 16 affordable units, giving a 34% affordable housing provision.



Image 5: CGI of Blocks 4 and 3, with Block 2 in rear, from south east

- 3.12 The scheme proposes to use the two existing access points from the A259, which runs along the south of the site. The vehicular entrance toward the centre of the site would form the access to Blocks B2 and B3, whereas the entrance to the west would serve The Dutch House element and the parking area to Block B4. All refuse collection movements are proposed to utilise the eastern access, with each block housing one store with the refuse storage at ground level to the rear of Block B2, and at first floor level at the rear for Blocks B3 and B4. Block B2 would have extra storage rooms for residents to use. Transfer of refuse from the B2 communal bin store to the eastern collection point would be undertaken by a private management company. Blocks B3 and B4 would be served via a refuse store that has been integrated within the landscape opposite (north) of B3 and would be linked to B4 via a suitably graded footpath, ensuring wheelchair access. Refuse access and storage arrangements are identified in image 6, below. The access roads within the site will not be offered for adoption by the Local Highway Authority.
- 3.13 Parking would be provided predominantly in a mix of parking courts with undercroft parking for Block B2. The scheme will provide 57 car parking spaces in total, including 14 wheelchair accessible parking spaces in line with the minimum standards set out within Kent County Council (KCC)'s Kent Design Guide: Interim Guidance Note 3 (IGN3) standards for sites in Suburban locations. Cycle parking will be provided in accordance with adopted standards, with communal cycle stores provided in each of the blocks to provide a minimum of 1 cycle space per bedroom. Electric Vehicle charging will be provided in line with the standards set out within the Building Regulations Part S, which requires one space per dwelling.
- 3.14 The proposal would include pockets of green space, communal space in south facing parts of the site, and a central green link running between Blocks B3 and B4. The areas of communal landscape space would provide space for people to gather, and an ecological pond has also been designed into the proposal. The Arboricultural Impact Assessment (AIA) identifies that 57 trees and groups were surveyed and that 17 trees and groups have been identified for removal to facilitate the development, of

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which none are category A, five are category B and twelve are category C. A total of 36 trees and groups would be retained and integrated into the development. Additional native tree planting would be provided with the proposed landscape strategy, with a landscape enhancement strategy to provide for the regular upkeep of any landscape.

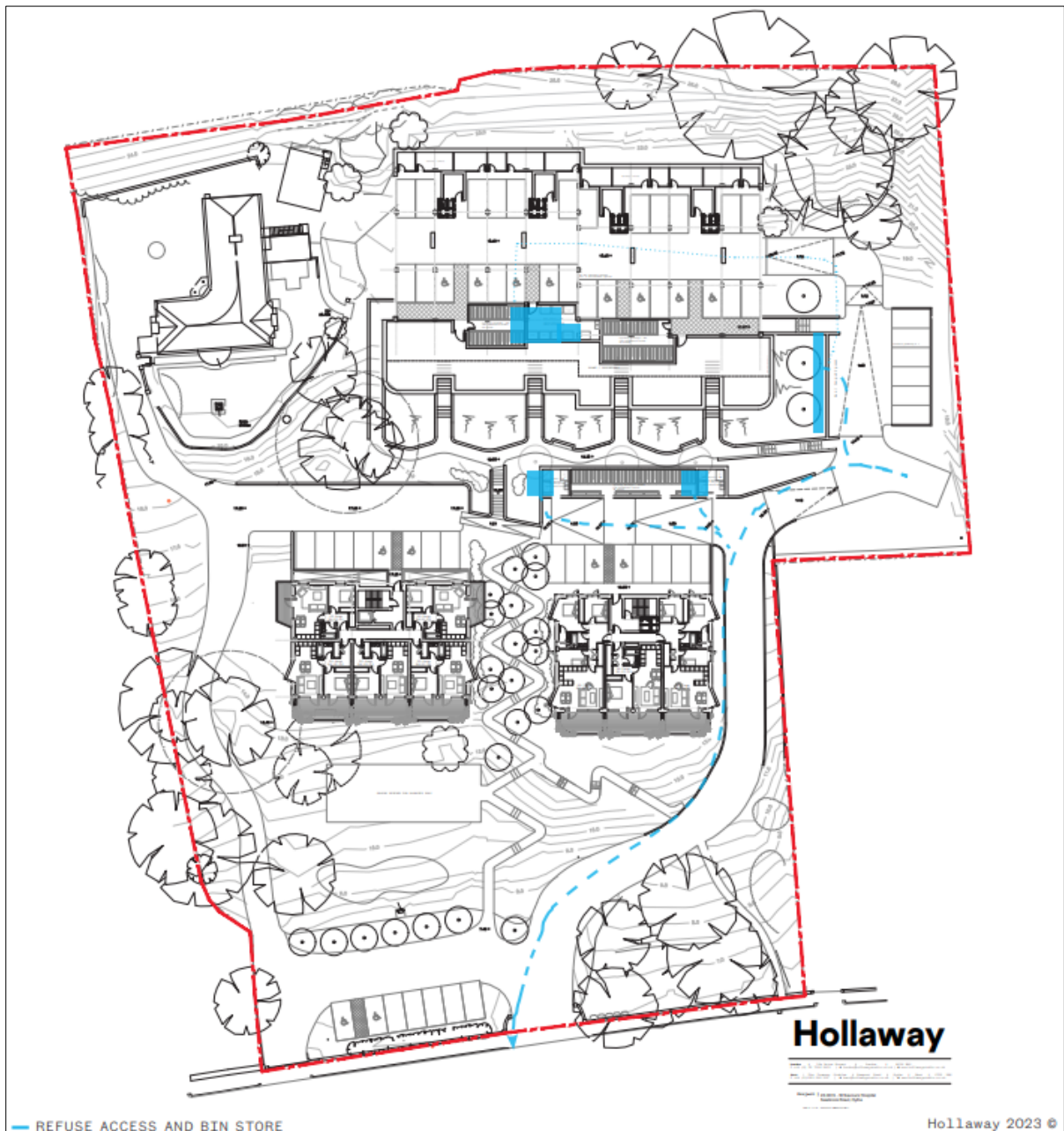


Image 6: Refuse access and storage arrangements

3.15 As well as the relevant drawings, the application is supported by the following documents:

Updated Planning Statement

3.16 This document updates and supersedes the original Planning Statement, setting out the planning history of the site, the issues raised during the processing of the reserved matters planning application to date, and detailing the design evolution of the project to the current point. Reference is made to the consultation responses received from statutory consultees, it sets out the relevant development plan policies and justifies the proposal, concluding that the principle of development is acceptable in the context of

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adopted policy, and in a sustainable location with access to public transport and local services and amenities, with no adverse impacts on residential amenity, highways, trees, biodiversity, flood risk, heritage or landscape and visual amenity, and would deliver a high quality landscape-led development on this allocated site.

Design and Access Statement

- 3.17 This document provides a site analysis and the planning history, before setting out the design development leading to the current scheme, introducing and explaining the most recent design and concluding that the scheme provides a sympathetic and more appropriate landscape led proposal, which is compliant with the previous consent.

Transport Technical Note

- 3.18 This document summarises the existing conditions local to the site, looking at the local highway network, walking and cycling infrastructure, public transport infrastructure, and the accessibility of local services. It details the access, parking and site servicing arrangements, provides an assessment of transport policy, and concludes that the development will provide a level of vehicle parking in accordance with the applicable KCC standards, cycle parking in accordance with the applicable Folkestone and Hythe standards and EV charging in line with the standards set within the Building Regulations Part S, highlighting that existing site accesses have previously been considered safe and suitable for the proposed development by the Local Planning and Highway Authorities, with servicing of the site able to be achieved safely and efficiently.

Slope Stability Report

- 3.19 This report has been prepared in connection with condition 24 of Y16/0794/FH and confirms that part a) of this condition has been discharged under application reference 22/1431/FH/CON and that should the details that have previously been approved require to be changed, then alternative details will be submitted to the Local Planning Authority as required under part b) of the condition.

Commercial Context Statement

- 3.20 This document from the applicant sets out the developer's position regarding their ongoing commitment to engage in an iterative design process and consultations with local stakeholders, despite a background of increasing costs and reduced profitability, to produce a scheme that they consider to be of high architectural quality.

Flood Risk Assessment and Outline Drainage Strategy

- 3.21 This document details the context of the site, identifies the potential flood risk sources and suggests flood mitigation measures in order to mitigate residual flood risk, as well as suggesting a surface water drainage strategy, concluding that the proposed development will be safe from flooding throughout its lifetime, and it will not increase flood risk elsewhere.

Arboricultural Impact Assessment

- 3.22 This report provides an assessment of the impact of the proposal upon both on-site and relevant off-site trees and makes recommendations for mitigating any negative impacts. Fifty-seven trees and groups were surveyed, fourteen trees have been

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identified for removal to facilitate the development, with forty-three trees and groups of the total fifty-seven to be retained and integrated into the development. Of the trees to be removed, five are category B, five are category C and another four trees are category U and require removal regardless of the development proposals. Thirteen trees and groups will be subject to construction within their root protection areas, with special measures recommended to ensure that these trees are not damaged. Five retained trees require remedial tree work to facilitate the development and to reduce the likelihood of their being subject to excessive pressure after the completion of the development.

Landscape Strategy

3.23 This document provides an analysis of the application site and the surrounding area, and subsequently sets out a rationale for the re-designed scheme. It details that the internal road layout has been rationalised and reduced in order to increase the amount of soft landscaping; green spaces have been distributed throughout the site, referred to as pocket gardens; the amenity and play space is now located centrally within the site, and a centralised green way is to be provided that extends up through the site to connect the northern and southern elements; creation of a wildlife pond at the south of the site. The planting scheme identifies native species will be selected alongside plants highlighted for their benefit to pollinators, as well as having year-round interest from flowers and seed heads through to evergreen leaves and branching structures. The proposal would retain and bolster the boundary vegetation so that corridors remain for commuting and foraging for species such as bats, hedgehogs and birds, with further enhancements by incorporating native species throughout the planting scheme, as well as ecological enhancements such as bat boxes, log piles and bird boxes.

4. RELEVANT PLANNING HISTORY

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

Y16/0794SH	Hybrid application comprising a full planning application for the change of use and conversion of the Dutch House to provide 4 residential units and associated parking, together with an outline application for the demolition of the main hospital buildings and outbuildings to provide up to 47 residential units, associated car parking and landscaping, with details of appearance, layout and scale reserved for future consideration.	Approved with conditions
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5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

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Hythe Town Council: Awaiting comments on the amended plans.

KCC Highways & Transportation: No objection.

KCC Ecological Advice Service: No objection subject to conditions

KCC Flood & Water Management: No objection

KCC Archaeology: Awaiting comments on the amended plans.

Arboriculture Manager: No objection.

Environment Agency: No comment – the Environment Agency are not a statutory consultee for reserved matters applications.

Southern Water: Comments awaited on the amended plans.

Kent Fire & Rescue: No objection - emergency access requirements for the Fire and Rescue Service appear to have been met.

Local Residents Comments

5.2 88 representations received in total. 86 objections and 2 neither supporting nor objecting. The key issues are summarised below:

67 objections (initial scheme & amendments)

- Lack of consultation
- No consideration of local community
- Overlooking of adjacent properties & care home
- Overbearing impact on adjacent properties
- Loss of light and outlook to neighbouring properties
- Noise pollution
- Disruption from construction
- Over-development of site
- Over-intensive
- Too large / out of proportion / incongruous
- Industrial appearance
- Building height / five storeys is excessive
- Height should be reduced by one floor
- Width of building is excessive
- Building should be broken into smaller elements
- Loss of views
- Spoil views of hillside
- Lack of detail for refuse and recycling collection
- Not in keeping with surrounding area

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- Will add to traffic issues / increased vehicle movements
- Highway safety concerns regarding accesses
- No investment in schools, doctors, or roads
- More affordable housing required
- Pre-application advice points not addressed
- Unclear if application has been commenced within timeframes
- Flooding from rainwater
- Parking levels inadequate
- Dutch façade should have been retained
- Negative impact upon views of AONB
- Views from Royal Military Canal dominated
- Impact upon heritage assets
- Impact upon views from Princes Parade
- CGI is not representative and misleading, verified views should be required
- Footprint of outline should be insisted upon
- Footpath is inadequate
- Traffic calming measures should be required
- Construction traffic must not park on A259
- Sections through site required to show impact upon buildings to rear in Cliff Road
- Sets a precedent
- Felling of trees
- Too many apartments in the area
- Fails to comply with policy UA16

2 neither objecting nor supporting

- More affordable housing required for locals
- CGI considered inaccurate with disproportioned detail

19 objections (amended scheme August 2023)

- No site sections provided showing relationship with Cliff Road and properties to either side
- No comparative views of original building
- Impact upon Cliff Road properties not taken into account
- Overlooking from Block B4
- Blocking of light by Block B4
- Far bigger and taller than previous hospital buildings
- Existing building 3 storeys proposed is 5 storeys
- Dutch gable façade should have been retained
- Detrimental impact upon properties in Cliff Road
- Windows in rear overlook Cliff Road
- CGI inaccurate and flattering – “greenwash” of development
- Images inaccurate
- Overdevelopment of site
- Development exceeds parameters of outline permission

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- Design is not in keeping
- East / West emphasis of Block B2 at odds with character
- Too close to Dutch House, impacting upon setting and context
- Scheme does not have an appropriate mix of housing
- Off site commuted sum for play space not good practice
- Proposal deficient with regard to Building for Life 12
- Scheme does not take advantage of topography, placing tallest buildings at highest point
- Noise and pollution impacting upon quality of life
- Loss of privacy
- Proposal should be judged on its own merits
- Scale bars and north points missing from plans
- Departure from outline planning application
- Dominant in AONB landscape and views from seafront

5.3 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

UA16	Urban Area
HB1	Quality Places Through Design
HB3	Internal and External Space Standards
NE2	Biodiversity
NE3	Protecting the District's Landscapes and Countryside
NE5	Light Pollution and External Illumination
T2	Parking Standards
T5	Cycle Parking
CC2	Sustainable Design and Construction

Core Strategy Review 2022

SS1	District Spatial Strategy
SS3	Place-Shaping and Sustainable Settlements Strategy
SS4	Priority Centres of Activity Strategy
CSD1	Balanced Neighbourhoods
CSD4	Green Infrastructure of Natural Networks, Open Spaces and Recreation

6.3 Policy UA16 of the Places and Policies Local Plan Adopted September 2020 reads:

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St. Saviour's Hospital is allocated for a landscape-led residential development with an estimated capacity of approximately 50 dwellings. Development proposals will be supported where:

1. The design is landscape-led to take account of the environmental and topographical features of the site and to ensure important long and short distance views are maintained;
2. The character and setting of the Kent Downs Area of Outstanding Natural Beauty, the Seabrook Road area and the Royal Military Canal Local Wildlife Site are preserved;
3. The scale, design and layout of any new buildings preserve or enhance the character and setting of nearby heritage assets including the Grade II Listed Building, The Black Cottage, and Scheduled Monument, the Royal Military Canal;
4. The Dutch House (71 Seabrook Road) is retained and incorporated into the design;
5. Access is derived from Seabrook Road with no vehicular access from Cliff Road;
6. Appropriate and proportionate contributions, through a Section 106 agreement, are made to the expansion of Oaklands Health Centre;
7. Appropriate and proportionate contributions are made towards the provision of a controlled crossing on Seabrook Road to improve access to Princes Parade and the seafront;
8. The public highway known as College Bridge that links the A259 with the Royal Military Canal is upgraded to the satisfaction of the Local Highways Authority;
9. Appropriate and proportionate contributions, through a Section 106 agreement, are made towards the upkeep and/or improvement of open space and existing play facilities at Princes Parade;
10. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place; and
11. An appropriate mix of housing and/or apartments is provided that respects the constraints of the site

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

Government Advice

National Planning Policy Framework (NPPF) 2023

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 2023 are relevant to this application: -

11	Presumption in favour of sustainable development
47	Applications for planning permission be determined in accordance with the development plan
60	Delivering a sufficient supply of homes
130	Achieving well-designed places

167	Planning and flood risk
176	Conserving and enhancing the natural environment
180	Habitats and biodiversity
197	Proposals affecting heritage assets

7. APPRAISAL

7.1 The report will set out the background for the site with the main issues for consideration following this, considered to be:

- a) Principle of development
- b) Appearance
- c) Landscaping
- d) Scale
- e) Layout
- f) Other matters
- g) Conditions
- h) Policy UA16

a) Principle

7.2 The site is identified within the Places and Policies Local Plan as an allocated site for housing development, with an estimated capacity of 50 dwellings, as well as having an extant outline permission for 47 dwellings. Consequently, the principle of residential development at this location is acceptable and established. However, accordance with the aims of PPLP policy UA16, the site allocation policy, must still be assessed, which will be done at the end of the appraisal section. The other material considerations in determining this application are the acceptability of each of the reserved matters: scale, appearance, layout and landscaping.

Reserved Matters

b) Appearance

7.3 Appearance covers the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

7.4 The site slopes steeply from Seabrook Road in the south, up to Cliff Road in the north, and this slope is characterised by residential development, mainly in the form of large detached and semi-detached houses and apartment blocks, interspersed by

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established vegetation. The buildings in the surrounding area have a mix of materials and styles, with red brick, buff brick, render, pitched roofs, flat roofs, applique framing and a mix of traditional and contemporary styling.

- 7.5 There are three blocks proposed; Block B2, which is the northernmost block, and Blocks B3 (eastern) and B4 (western) blocks. The Dutch House, which does not form part of the proposals, is identified as block B1. Blocks B2 – B4 are proposed to be constructed in a contemporary modern style, with a traditional buff brick to the North, East, and West elevations, and the South facing elevation being predominantly glazed, with stone effect and timber clad terraces that are intended to soften the architecture toward the views from the south, where the buildings would be most visible. The top storey would be clad almost entirely in timber, with a timber soffit on all overhangs, and bio-diverse roofs. The material palette can be seen in image 7.
- 7.6 All the proposed structures share a similar architectural vernacular, which is considered positive in respect of creating a development that is 'tenure blind' and does not differentiate between those properties intended for open market sale and those intended to be affordable housing. The materials are robust, given the coastal location, but the palette has a neutral tone, so as not to draw the eye to the built development but to merge it with the landscape, with the timber elements weathering over time.

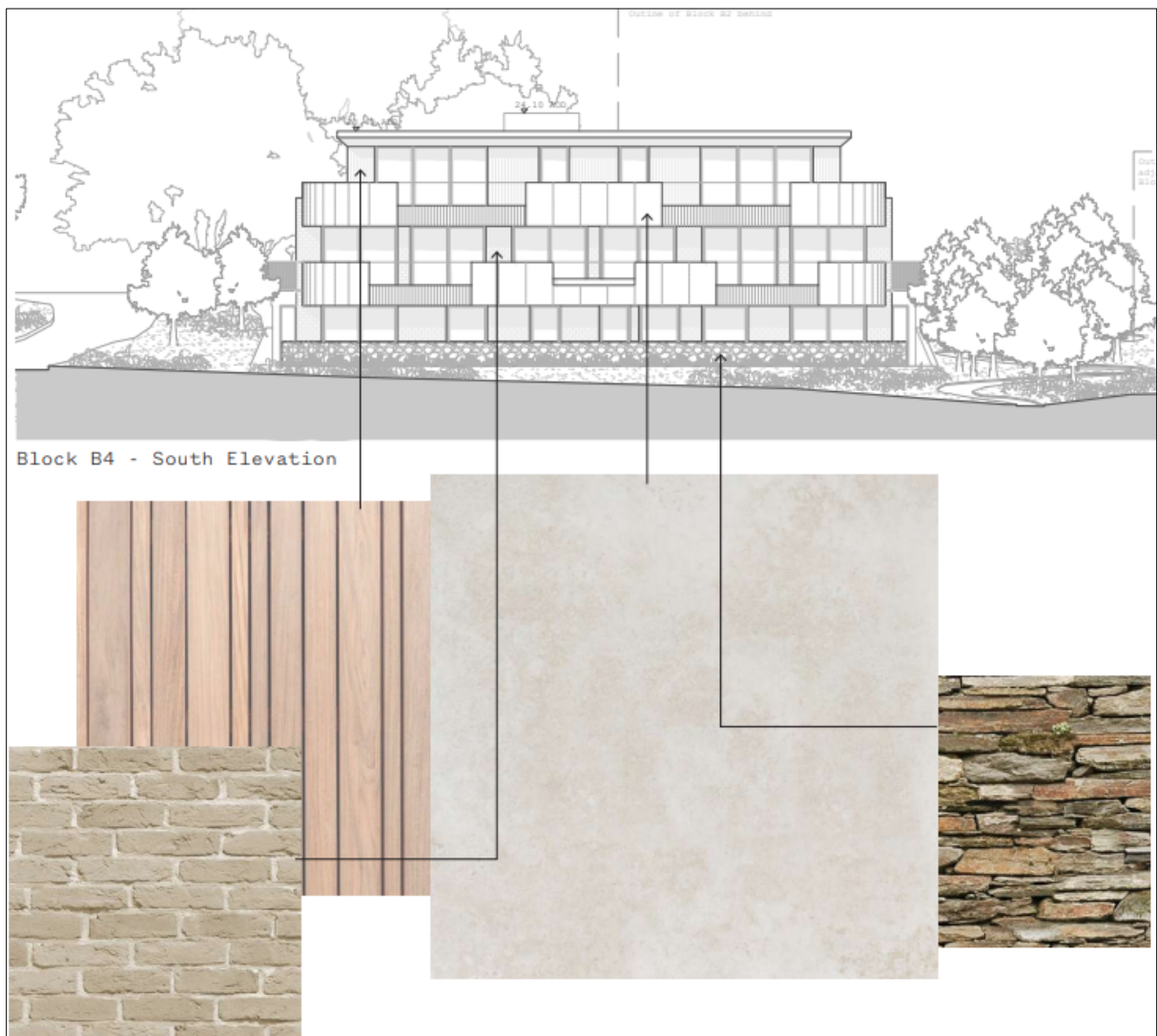


Image 7: Material palette

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- 7.7 As part of the design evolution, Block B2 has had a 2-metre step in plan, introduced half way along its length, in order to break up the elevation and introduce more verticality into the proposal, which previously created a very horizontally aligned structure. This change is also considered to reduce the perceived length of this building, alongside the reduction in actual length, which is considered in the section on Scale. Large terraces and overhanging canopies characterise Block B2, with the glazed windows set back. The floor plans tier as the building rises, which is intended to reflect the topography of the site and character of the landscape.
- 7.8 The proposed development would have an impact on the appearance of the area, in both shorter views from Seabrook Road, but also in terms of mid to longer distance views from the Royal Military Canal and Princes Parade. However, it is considered that the position of the buildings together with the recessive nature of the design and materials will soften the impact of the development, making it blend in with the surrounding development in both short and long-distance views.
- 7.9 Overall, the proposal would have be acceptable in terms of the visual character of the street scene and the wider landscape.

c) Landscaping

- 7.10 Landscaping covers the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.
- 7.11 The landscaping element of the proposal is intended to create a landscape-led setting for the development, with the internal road rationalised and reduced in area to increase the amount of soft landscaping, and new pathways within the landscape intended to form an open and accessible parkland style landscape with informal garden spaces and seating areas.
- 7.12 At the front of the site, the existing wall along Seabrook Road will be retained and restored and the two smaller blocks (B3 and B4) have been moved forward toward the south of the site, allowing parking to be moved to the rear of each block. This places all vehicles and parking areas behind these structures, which creates more landscape area between the blocks and reduces the obvious areas of built development and the overall visual impact of the proposal in key views from the Seabrook Road. Grasscrete surfacing is proposed for the visitor parking at the front of the site, to soften the appearance of this area, and existing landscaping will be retained where appropriate, such as the group of trees to the east of the central access adjacent to Seabrook Road that includes a Weeping Willow, which will be under-planted with understorey shrub species to create a buffer, whilst the existing conifer hedge would be replaced with new native trees and planting. This can be seen in image 8 below.



Image 8: Landscaping at site entrance

7.13 There would be landscaped frontage to Blocks B3 and B4 with a green corridor extending up the western side of the site and a central green spine running between the two blocks. Across the central area of the site would be pocket wildlife gardens and hedge and tree planting to provide green boundaries to the parking areas. A central garden accessible by all residents will be the focal green space of the site, with open lawns and play features integrated into the space, whilst between the Dutch House and Block B2, a courtyard and gardens will be created. The existing walled gardens of the Dutch House will be landscaped to create a formal communal garden and lawns for the residents. To the upper area behind Block B2 there would be a secured area for ecological mitigation, which would not be accessible by residents. This can be seen in image 9.



Image 9: Landscaping to remainder of site

7.14 Overall, green spaces have been distributed throughout the site, including a green corridor on the western edge of the site and a central green spine which also contains the main pedestrian access route and centralised garden and green way, connecting the northern and southern parts of the site, with augmentation and replacement of existing vegetated areas. Ecological enhancements include a wildlife meadow with wildlife pond and the bolstering of the boundary vegetation to retain corridors for

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commuting and foraging for species such as bats, hedgehogs, and birds, with further enhancements through the incorporation of native species throughout the planting scheme, and bat boxes, log piles and bird boxes throughout the development.

- 7.15 With the final mix of species, together with and hard and soft landscape works including an implementation programme and maintenance schedule, to be secured via condition, it is considered that the landscaping element of the proposal would be of a high-quality that would make the proposal truly landscape led.

d) Scale

- 7.16 Scale covers the height, width and length of each building proposed within the development in relation to its surroundings. Blocks B3 and B4 are proposed to extend to three storeys, whilst block B2 has four storeys of accommodation, and a level of lower ground parking.
- 7.17 In the initial scheme, Block B2, was approximately 62m in length, whereas it has been reduced to 50m which, by way of comparison, is shorter than the former hospital building. All units are dual aspect and deeper than the previous scheme, with large, but diminishing terrace areas, reducing the depth of the units toward the upper levels. This and the reduction in the number of units at the upper level of Block B2 reduces the massing of the upper level, creating a significant step back at the top of the building, which significantly reduces the scale and visual presence of the building when viewed from Seabrook Road and from more distant views such as Princes Parade and the Royal Military Canal.
- 7.18 In the context of the wider area, it is considered that the proposed blocks are not out of keeping with the adjacent developments and are of a similar scale to other flatted developments along this stretch of road. The spacing between the properties reflects the rhythm of the built form and they are considered unlikely to be dominant in views of the site.
- 7.19 The design and access statement contains a CGI of the proposed scheme overlaid with the indicative scheme, which is included as image 10, below, that was presented within the outline planning permission. This demonstrates a comparable scale of structures, although the scheme under consideration is considered likely to be less visually obtrusive because of better placement within the site and the architectural adjustments to the buildings, as well as reducing the number of buildings, overall.



Image 10: CGI comparison of indicative outline scheme and current proposal

7.20 Overall, it is considered that the scale of the proposed development is acceptable.

e) Layout

7.21 Layout covers the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

7.22 Within the site there are terraced areas where the former hospital buildings and parking areas sat, connected by a sinuous access road and the layout makes use of the existing level changes to create a terraced effect, positioning the buildings into the slope and embedding them into the landscape and the hillside. Two layers or terraces of development are proposed in the main part of the site, including the detached Dutch House at the northwestern part of the site.

7.23 Block B2 has been deepened, which has provided all flats with a dual aspect and allowed the width of the proposed building to be significantly reduced, moving it away from the properties on the eastern boundary and back into line with the footprint of the former hospital building. This readjustment also places some of the parking adjacent to the common boundary where it had existed previously in association with the hospital use.

7.24 As discussed within the Landscaping section, both Blocks B3 and B4 have been moved towards Seabrook Road, with their associated parking relocated to the north side of each block. This is shown in image 11 below. This means that the architecture of the buildings is read from the street level and the blocks are brought toward the established building line of the existing development that fronts onto the Seabrook Road. The location of the parking also allows an entrance at first floor level, keeps the building

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low in its overall height, and ensures the visual presence of vehicles and hard landscaping is kept minimal when viewed from Seabrook Road.

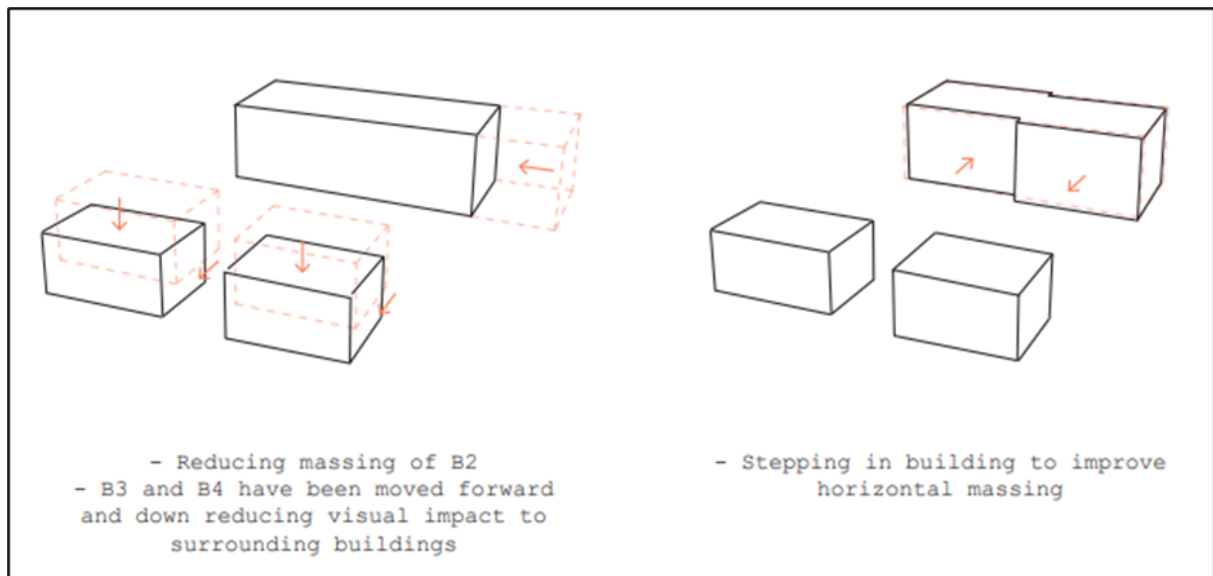


Image 11: Block positioning

7.25 The movement of Block B4 has also improved views of the Dutch House from the southern perspective when looking toward the site. The overall layout of the scheme is now considered acceptable and utilises the site effectively and in such a way as to protect visual and residential amenity.

f) Other matters

Area of Outstanding Natural Beauty

7.26 The AONB is situated approximately 53 metres to the north of the application site boundary. The likely impact upon the AONB was considered under the outline planning application (albeit with different national and local guidance) and was found to be acceptable. Paragraph 176 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues, with development within their setting sensitively located and designed to avoid or minimise adverse impacts. PPLP policy NE3 considers the impact of individual proposals and their cumulative effects on the District's protected landscape and countryside.

7.27 The rising landform, the existing vegetation and the built development all serve to form a landscape and visual separation between the site and the AONB. Conversely in views south from within the AONB the application site is hidden to view as a result of falling topography, built development and vegetation. Consequently, it is considered that the site contributes very little to the landscape or visual setting of the AONB or its key characteristics which would remain unaffected by the proposed development.

Heritage

7.28 Heritage assets near to the site include the Grade II listed building, The Black Cottage (approximately 200 metres to the west) and Scheduled Monument, the Royal Military Canal (approximately 85 metres to the south). The Black Cottage is located a

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significant distance away, set amongst residential development on both sides of the A259. The application site is not readily visible from the property and given the separation distance, the existing development which lies between the heritage asset and the application site, and the proposed landscape augmentation within the site, it is considered there will be no impact upon the setting or significance of this heritage asset.

- 7.29 The Royal Military Canal is a Scheduled Monument located to the south of the site, behind existing residential development adjacent to the A259. It is acknowledged that the existing building is visible from the Royal Military Canal and from the footpath network adjacent to the canal, but it is considered that the proposed development will have no detrimental impact upon the character or setting of the Royal Military Canal, as the proposed buildings will be set within the landscape and be seen in the context of existing developments within Seabrook Road and the established and proposed vegetative planting, which is part of the backdrop to the Royal Military Canal.
- 7.30 Consequently, there is considered to be no harm arising to the significance of either designated heritage asset, with no requirement to weigh this harm against the public benefits of the proposal.

Amenity

Proposed occupiers

- 7.31 All the units will meet or exceed the space standards set out in the Places and Policies Local Plan Policy HB3, with all units having access to external amenity space in terms of a generous balcony or garden area, exceeding the policy requirements. Outlook for all units will be acceptable, with natural light available to the apartments. Overall, it is considered that all the proposed units will enjoy an acceptable standard of amenity regarding internal and external space and outlook.

Existing

- 7.32 The proposed buildings are arranged on the existing plateaus within the site and in response to concerns about the size of the block and its impact upon neighbouring uses, Block B2 has been reduced in width and now sits within a similar footprint to that of the former hospital building, with the associated visitor parking to the east, in a location where parking had previously been located. By virtue of the location of this block and Blocks B3 and B4 away from the surrounding properties there would be no detrimental impact with regard to any overshadowing or overbearing presence upon neighbouring occupiers.
- 7.33 Previous concerns in relation to privacy and overlooking from Block B2 have been addressed by reducing the width of the block, pulling the building away from the eastern boundary, creating a gap in excess of 23 metres from the balconies to the common boundary, with side windows angled to reduce oblique visibility (image 12) whilst balconies are provided with solid side balustrades and louvred screens which is considered to address concerns in relation to loss of neighbouring privacy from overlooking.

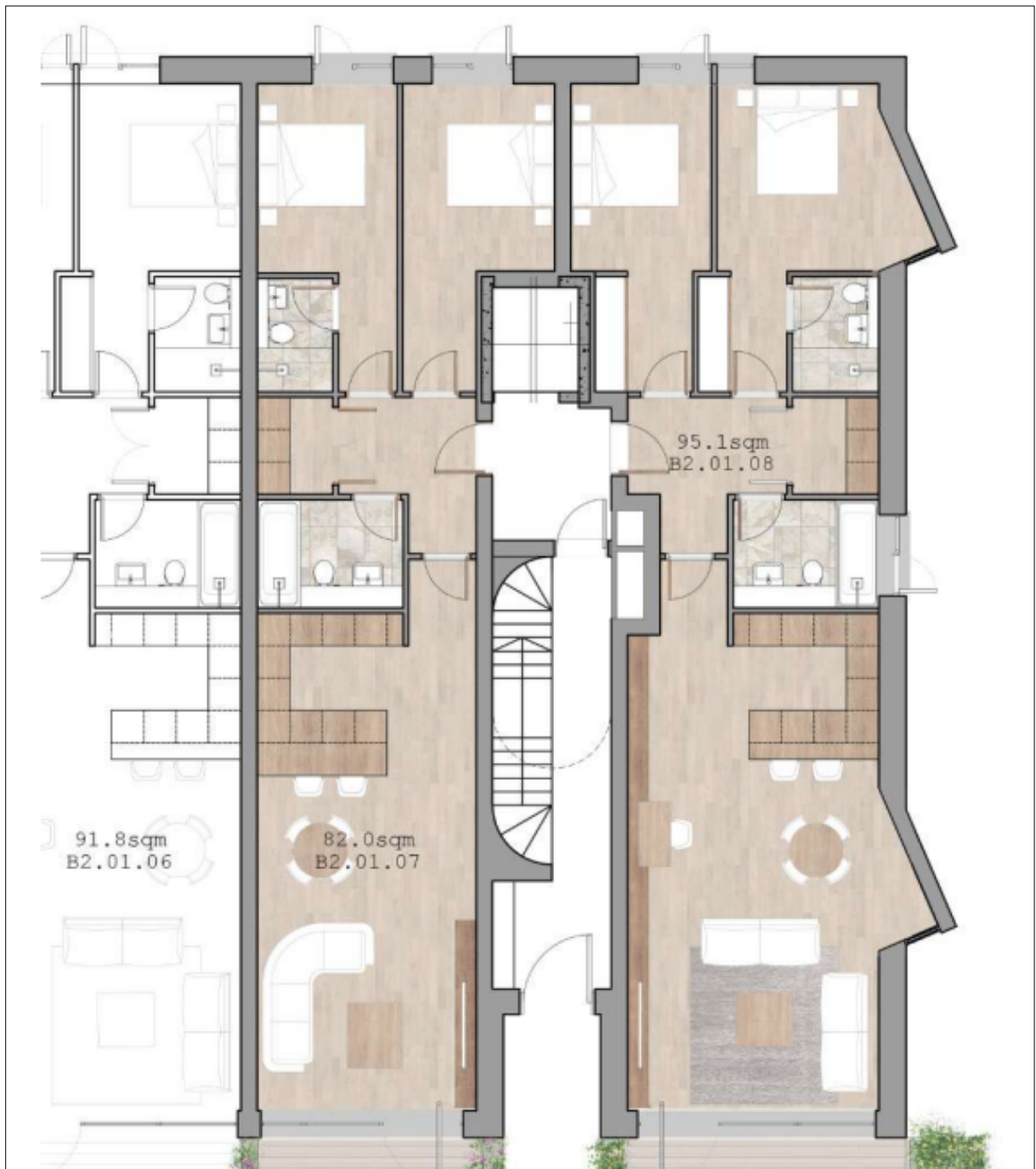


Image 12: Floorplan illustrating angled side windows

- 7.34 For the properties to either side of Blocks B3 and B4, it is considered that the separation distance between these and the proposed development would mitigate any potential for an overbearing or enclosing presence, overshadowing or loss of light, or any loss of privacy.
- 7.35 To the rear of the proposed development are residential dwellings accessed from Cliff Road, with concerns raised by the residents of those properties regarding potential overlooking from the bedroom windows of the upper floors in the proposed apartments. It is noted however, that there is a vegetated boundary, which would be augmented with additional planting and there would be a separation distance of approximately 19 metres, property to property. Further, louvres are proposed to the windows, which would preclude views directly to the rear and safeguard the amenity of neighbours. This relationship is shown in image 13.

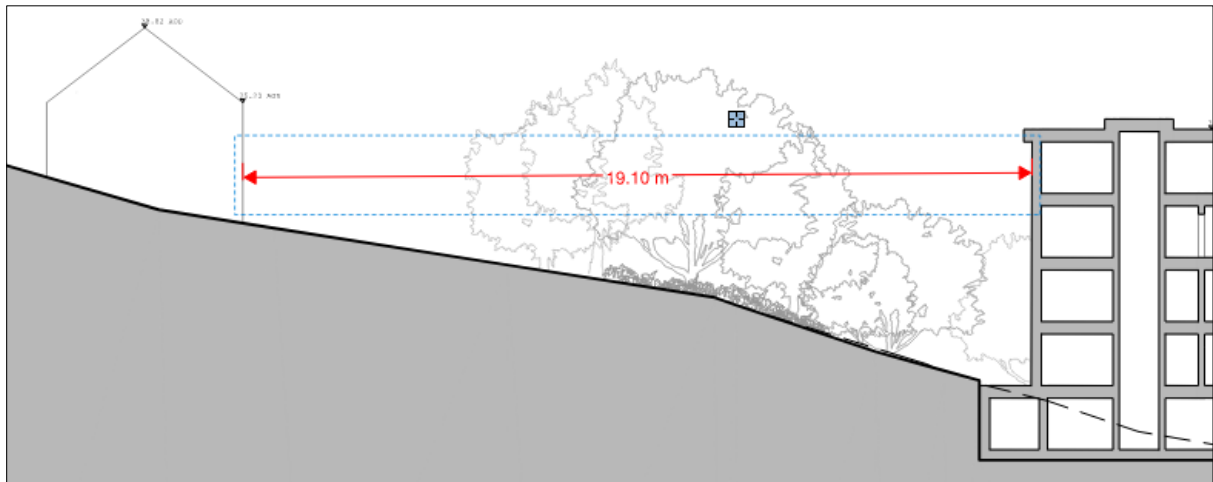


Image 13: Relationship to properties in Cliff Road

7.36 In respect of noise and disturbance, it is considered that the proposed residential use would be compatible with the surrounding residential uses, with the comings and goings focussed around the existing access roads and parking areas, which would have been utilised as part of the former hospital use. Additional activity within the site will be focussed around the gardens and communal areas, or within balcony areas, which is not atypical of any residential setting and which would be unlikely to be of any significant detriment to established residential amenity. Overall, it is considered that the proposal would result in an acceptable standard of amenity for existing and future occupiers.

Ecology

7.37 The principle of development at this site was established via the outline permission, where conditions 9 and 19 were imposed to safeguard the identified bat and reptile presence within the site. It is considered reasonable to secure final details of additional ecological enhancements to be incorporated into the development, via condition, to secure items such as log piles and bird boxes. The request by KCC Ecological Advice Service for a site management plan is noted, but this would already be secured via condition 25 of the outline planning permission and they have been contacted to confirm this.

Highways

7.38 Access was considered as part of the outline planning permission and found to be acceptable, with details of visibility splays to be secured via condition 23. The parking and cycle storage provision is also secured via conditions 14 and 15, respectively, and the proposed level of provision shown on the submitted plans would meet adopted guidance within policies T2 and T5.

Housing Mix

7.39 Core Strategy Policy CSD2 does not detail a specific mix of unit size and tenure for new developments but seeks to manage housing supply with an objective that a range of sizes of new dwellings should be provided, with approximately 65 – 70 % of dwellings being 2 to 3 bedroom units. The development proposes that 40 of the proposed new dwellings are 2 or 3 bedroom units, which would exceed this

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percentage, but is considered to be acceptable, within the context of the proposal. The mix is therefore compliant with policy CSD2.

7.40 Policy HP4 relates to self-build and custom housebuilding, requiring 5% of dwelling plots for sale to self-build or custom housebuilders on the Council's register. However, it does allow the Council to consider proposals below these thresholds positively, subject to other policies in the plan. Indeed, where provision of a self-build or custom build element would not be deliverable, as set out in supporting para 9.42 to Policy HP4, exceptions may be allowed. For this particular case, to address the site constraints such as level issues and minimising landscape impacts, whilst at the same time delivering the site-specific policy requirement in terms of unit numbers and maximising the delivery of affordable dwellings on the site, a flatted development is the only deliverable option.

Affordable Housing

7.41 Affordable housing provision was considered as part of the outline planning permission and a 30% level secured via planning obligation. The applicant has shown Blocks B3 and B4 are intended for affordable rent and shared ownership/private market housing. The affordable rent would be in Block B4 and the shared ownership/private market units in Block B3 (3 of the 9 apartments in Block B3 would be private market rather than shared ownership). There would be 16 affordable units, giving a 34% affordable housing provision.

7.42 The scheme therefore exceeds the terms of the planning obligation in respect of the affordable housing.

S.106 Contributions

7.43 Financial contributions toward an extension to Oakland Health Centre in Hythe were secured via planning obligation associated with the outline planning permission, as well as a contribution to be paid in lieu of the provision of a formal public play area within the site to support the provision or improvement of play space within the local vicinity.

Sustainability

7.44 The original outline permission was granted before the current Places and Policies Local Plan and therefore did not have conditions covering sustainable construction techniques. However, the proposed structures incorporate vegetated terraces, which are stated to act as a buffer between internal and external temperatures due to heat absorption, whilst the glazing will facilitate solar gains in the cooler months, but the deep overhangs will reduce overheating during the summer months and together with the dual aspect providing cross ventilation, passively cool the building.

7.45 The proposed sedum roofs will act as part of the Sustainable Urban Drainage System (SuDs) by working as a rainwater buffer, slowing infiltration, and reducing the risk of surface runoff. They would also provide insulation for the proposal due to their high thermal mass, whilst the quality of materials proposed will provide the building structure with a high thermal mass, enabling the building to passively regulate its temperature, resulting in a reduced need for energy consumption.

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7.46 The blocks will have combined green roof and solar PV provision, with air source heat pumps for heating and hot water to contribute to the reduction of the proposal's carbon footprint. The proposal also includes provisions for EV car charging and cycle storage facilitating a more carbon neutral lifestyle for future occupants.

g) Conditions

7.47 As part of the submission of reserved matters, the applicant may choose to submit details in connection with conditions imposed at outline planning permission stage at this point, as opposed to making a separate application for approval of details reserved by a condition subsequent to the approval of the reserved matters. In this instance, the application has sought to approve details for conditions 16, 17 and 20. Details relating to condition 20 have not previously been submitted.

Conditions 16 & 17

This covered details of the proposed surface water drainage and sewage disposal arrangements. Details pertaining to conditions 16 and 17 have been approved previously under application reference 22/1431/FH/CON but were tailored to the scheme as it was originally submitted. KCC Flood and Water Management had commented to highlight that the layout of the site had changed relative to previously approved details and requested that Drainage Layout Sheets and supporting drainage documentation is updated to reflect the latest layout to ensure that the approved scheme is followed through to construction. This information has been provided and the objection has been removed.

Condition 20

7.48 This condition requires details of earthworks, finished land levels and building heights to be submitted to and approved in writing by the local planning authority. Following the submission of the amended plans, further information is required and the applicant has been contacted to address this point. Members will be updated on this at the Committee meeting.

h) Policy UA16

7.49 The application site is allocated within the adopted development plan for a landscape-led residential development with an estimated capacity of approximately 50 dwellings. In relation to the criteria within this policy, it is considered that the proposed scheme would truly be landscape-led and reflect the environmental and topographical constraints of the site in order to ensure that the quality of important long and short distance views are maintained, with the character and setting of the Kent Downs Area of Outstanding Natural Beauty, the Seabrook Road area and the Royal Military Canal preserved.

7.50 The scale is considered appropriate, with the design and layout also considered sympathetic to the established character of the street scene and existing built development, with no detrimental impact upon the significance of designated heritage assets. Access is retained as per the existing arrangements, with the Dutch House retained and incorporated into the wider development. All appropriate contributions were secured as part of the outline planning application, with archaeological mitigation put in place as part of that permission. Finally, the mix of housing proposed is considered to be acceptable.

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7.51 Overall, the proposal is considered to comply with the requirements of Policy UA16 within the Places and Policies Local Plan.

Environmental Impact Assessment

7.52 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

7.53 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.

7.54 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. This proposal is CIL liable. This development is CIL liable being for residential use and the applicant has included a CIL additional information form stating that they intend to submit an exemption for the affordable housing within the site. The applicant will be required to submit the requisite form confirming this, at the appropriate time, in order to meet the terms of the exemption.

Human Rights

7.55 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

7.56 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

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- 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

7.57 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. As part of this scheme, there were extensive negotiations to review the proposal, which has resulted in a high-quality development that will contribute positively to the aims of the District.

8. CONCLUSION

8.1 The reserved matters relating to appearance, layout, scale and landscaping, submitted following the approval of the outline planning permission Y16/0974/SH, are considered to be acceptable, with the development as a whole meeting the requirements of the site-specific local plan policy, as well as all other guidance within the local development plan and national guidance, resulting in a high quality, sustainable development that is recommended for approval.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

That reserved matters are approved subject to the following conditions:

1. No development shall take place other than in complete accordance with drawings:

- 100.01 Site Location Plan
- 100.1 Block Plan (Existing)
- 200.00 Site masterplan basement
- 200.01 Site masterplan ground floor
- 200.02 Site roof plan
- 200.03 Proposed block plan
- 200.05 Proposed block plan
- 200.10 B2 Level 00
- 200.11 B2 Level 01
- 200.12 B2 Level 02
- 200.13 B2 Level 03
- 200.14 B2 Level 04

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200.15 B2 Level 05
200.20 B3 Level 00
200.21 B3 Level 01
200.22 B3 Level 02
200.23 B3 Level 03
200.30 B4 Level 00
200.31 B4 Level 01
200.32 B4 Level 02
200.33 B4 Level 03
300.10 B2 Elevations A+B
300.11 B2 Elevations C+D
300.20 B3 Elevations A+C
300.21 B3 Elevations B+D
300.30 B4 Elevations A+B
300.31 B4 Elevations C+D
400.00 Site section AA+BB
200.06 Roof Plan with Context Plan

Documents:

Design and Access Statement
Update Planning Statement
CGIs and Strategic Views
Landscape Graphic Masterplan (Drawing No. 1041-DLA-ZZ-DR-L-001-P05)
Landscape General Arrangement Plan (Drawing No. 1041-DLA-ZZ-DR-L-0100-P12)
Landscape Strategy (Drawing No. 1041-DLA-ZZ-RP-L-0800-P05)
Tree Protection Plan (Drawing No. 230811-2.0-SSH-TPP-SH)
Arboricultural Impact Assessment (Report Ref. 230821-2.0-SSH-AIA-AN)
Commercial Context Statement (23_08_2023)
Transport Technical Note
Flood Risk Assessment and Outline Drainage Strategy
Slope Stability Letter (PBA/FHDC/001)
Reptile Mitigation Statement (August 2023)
Landscape Plan V2 (Elite Ecology 11 August 2023)
Lighting Plan V2 (Elite Ecology 11 August 2023)

Reason: For the avoidance of doubt.

2. No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

3. Prior to first occupation of any of the units hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and

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biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation and maintenance programme.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

5. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

6. No development beyond the construction of foundations shall take place until details of how the development will enhance biodiversity have been submitted to, and approved in writing by, the local planning authority. The approved details will be implemented and thereafter retained.

Reason: In the interest of enhancing ecology and biodiversity.

7. Prior to first occupation of any unit or units within Block B2, the louvres shown shall be fitted in accordance with the approved plans and thereafter retained and maintained at all times.

Reason: In the interests of residential and visual amenity.