

Application No: 20/1784/FH

Location of Site: 19 Naildown Road, Hythe, CT21 5TD

Development: Demolition of existing detached dwelling; erection of apartment building providing 8 x 2 bedroom apartments with associated access, parking and landscaping.

Applicant: Mathew Carpenter
c/o agent

Agent: Mr Rob Pollard
RX Architects, The Creative Centre, New Road, Rye TN31 7LS

Officer Contact: Emma Hawthorne

SUMMARY

This report considers whether planning permission for the erection of a new apartment block with associated parking and landscaping on the application site should be granted. The report assesses the principle of development and the introduction of apartments in this locality, which lies within the defined built up area of Hythe. The report recommends that planning permission be granted, subject to conditions, as it is considered that the proposal is acceptable in principle, and the design and layout of the apartments would be appropriate in the context of the surrounding environment. The amenities of existing and future occupants are safeguarded. Flood risk would not be a constraint, and matters such as ecology and arboriculture can be further dealt with by way of planning conditions. There are no highway safety concerns as the proposal seeks to mitigate these through design. Therefore, the proposal is considered to be sustainable development in accordance with the development plan policies.

RECOMMENDATION:

<p>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.</p>
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1. INTRODUCTION

1.1. The application is reported to Committee following an objection received from the Town Council and at the request of Councillor Treloar.

2. SITE AND SURROUNDINGS

2.1. The application site contains a two storey detached dwelling with a driveway, a single storey garage and garden area situated on the south western side of Naildown Road,

within the settlement boundary of Hythe. The dwelling is known as Coastlands and is accessed from Naildown Road to the north western corner of the site.

- 2.2. The existing dwelling is of brick construction finished with white painted render with a hipped roof covered with clay tiles. There is a terrace area at first floor level at the rear elevation, overlooking the rear garden area which slopes down towards the south. The application site lies within the Kent Landscape Character Area – Wealden Greensand and a tree covered by a Tree Preservation Order (TPO) is located to the north eastern corner of the site. The TPO extends onto trees in the neighbouring site.
- 2.3. The residential properties along Naildown Road are of mixed character, with a combination of traditional brick construction and more contemporary designs following more recent redevelopment schemes. The immediate locality is characterised by predominantly large, detached dwelling in single family occupancy.



Figure 1 Site Location Plan



Figure 2 Existing Dwelling

- 2.4. The site is not in the Stour Operational Catchment.
- 2.5. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for the demolition of the existing dwelling house on the site and its replacement with a two storey apartment building with accommodation within the pitched roof space, providing a total of 8 x 2 bedroom apartments.
- 3.2 The apartment building would be centrally located towards the front of the site. The building would measure 24 metres in overall width and would have a depth of 15.4 metres. The design is contemporary in style and includes a symmetrical pitched roof containing four front-to-back gables, with a maximum ridge height of 10.18m. The elevations would be faced with brick masonry at ground floor level and the rear elevation of the first floor, and the remainder of the upper floors (including the roof apexes) would be faced with natural timber cladding. The front (northern) elevation would have a centrally positioned communal front entrance door, with a flat roof canopy above.
- 3.3 The rear (southern) elevation would contain eight recessed balconies serving each apartment, each contained by a glazed balustrade. The ground floor would have glazed sliding doors serving Flats 1 – 3, which would lead onto a private balcony area with steps down to the communal garden area beyond.
- 3.4 The proposed car parking would be located to the northern side of the building and would incorporate a total of 14no. parking spaces. New hedgerow planting is proposed to the north eastern corner of the site to filter views of the parking area from the street. Existing hedgerows on the eastern, southern and western boundaries would be retained and reinforced with additional planting. Refuse, recycling and cycle storage would be provided within a covered and secure store on the eastern side of the building. The refuse, recycling and bicycle store is proposed to be single storey with a flat roof and would be faced with timber cladding.

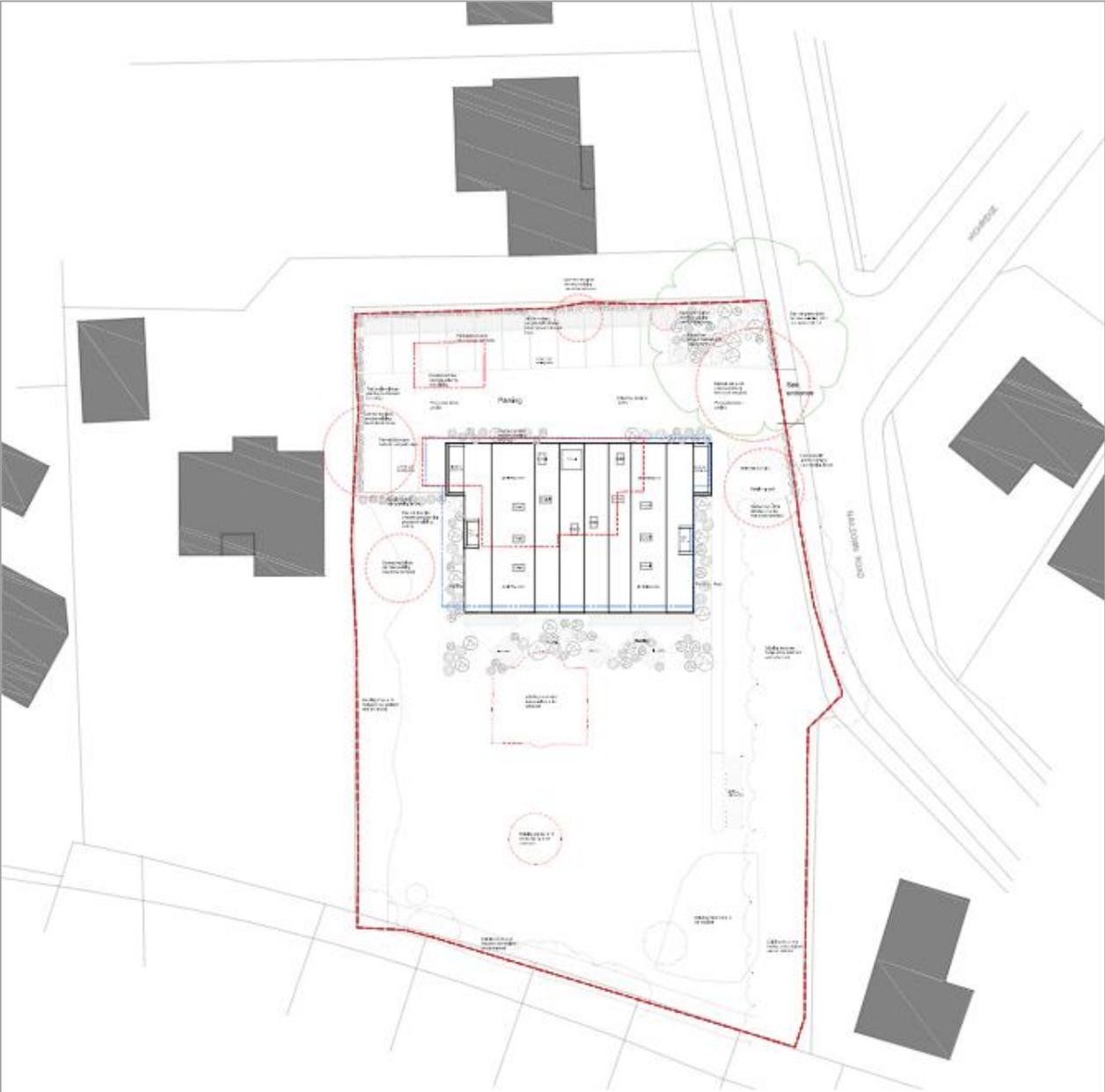


Figure 3 Proposed Block Plan

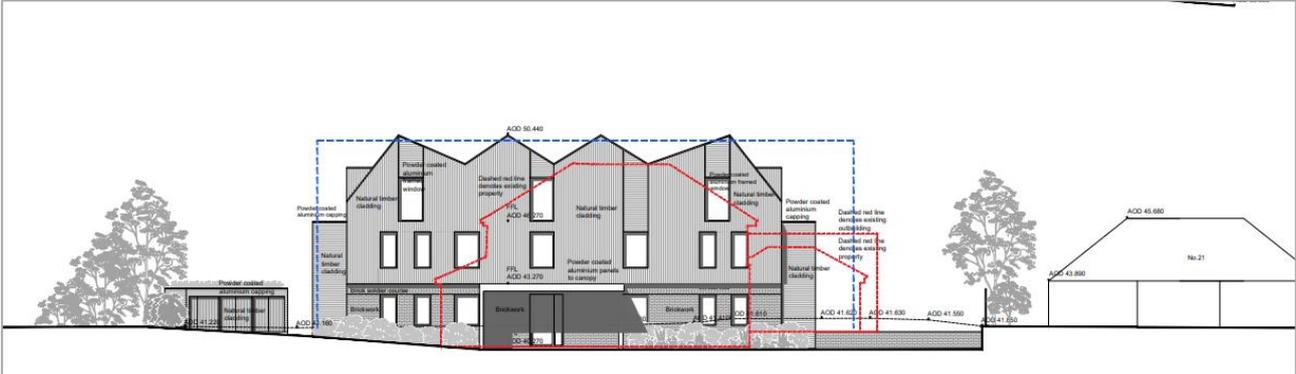


Figure 4 Proposed front (northern) elevation

of the TPO (retained), a pergola to the apartment balconies, shrubs and grassland meadow. A mix of block paving and bound gravel are proposed to the footways.

Preliminary Ecological Assessment (dated 24 November 2020)

This report has been submitted to inform of the key ecological constraints and opportunities associated with the project, possible mitigation measures and to detail any further survey requirements considered necessary to inform an Ecological Impact Assessment (EclA). The site walkover survey revealed the presence of features within the existing buildings with potential to support European Protected Species i.e. bats. Given the proposed development seeks to raise the existing buildings to the ground it is recommend that further survey work is undertaken to ascertain the presence and/or likely absence of bats and how they may be using the buildings and habitat features within the project site. Surveys should be carried out in advance of any works and in order to ensure the proposed works do not contravene current legislation that protects bats and their roosts. Surveys should be carried out by licensed and experienced bat ecologists and at the appropriate time of year.

Bat Survey (dated 2 June 2021)

Following a 'Preliminary Ecological Appraisal'¹ which identified the risk of bats being present in a dwelling and garage (assessed as having low to moderate suitability for roosting bats), KB Ecology Ltd was commissioned to undertake night-time bat surveys. No bats were seen emerging from the buildings during any of the surveys. Only a low number of common pipistrelle and soprano pipistrelle bats were seen and heard commuting and foraging. The survey states that the buildings are thus not considered as being used as bat roost and no mitigation or licence is expected to be needed prior to their demolition.

Daylight and Sunlight Report (dated 29 October 2020)

This report has been submitted to determine the impact upon the daylight and sunlight amenity of the existing surrounding buildings which may arise from the proposed development. The report confirms that the proposed development will have no adverse effect on the daylight and sunlight amenity enjoyed by the surrounding residential properties.

Drainage Strategy (dated 19 October 2020)

This report outlines the strategy for the surface water and foul water drainage for the proposed development. The surface water from the existing buildings and drive discharges at an unrestricted rate into the combined public sewer in Naildown Road.

The proposed development includes a block of apartments with a roof area of 360m² and a porous paved carpark with an area of 400m². Surface water discharge to the

combined public sewer will be restricted and attenuated in cellular storage tanks. The porous paved carpark will mimic Greenfield conditions and allow water to permeate into the desiccated subsoils and surrounding soft landscaping.

The calculations for the worst case 1 in 100 year storm event with 40% climate change allowance show that no flooding occurs. Therefore no risk to life or property will occur. Further, the site is in Flood zone 1 and not affected by surface water flooding. Foul drainage will discharge to the combined public sewer in Naildown Road.

4. RELEVANT PLANNING HISTORY

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

99/1008/SH	Erection of a single storey side extension.	Approved with conditions
Y19/0247/PREAPP	Erection of a three-storey building to provide 9 flats.	Response given.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: Object on the basis of over intensive development, concerns with sight lines, it is not in keeping with the streetscene and does not comply with PPLP policy HB1.

Southern Water: No objection.

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

KCC Highways and Transportation: No objection subject to conditions.

Lead Local Flood Authority: Application falls outside of KCC's remit as statutory consultee.

Arboricultural Specialist: No objection subject to condition.

Contamination Consultant: No objection subject to condition.

Local Residents Comments

5.2 Five letters of objection received from local residents to the original submission. I have read all of the letters received. The key issues/areas of concern are summarised below:

Objections

- Visibility is limited from either direction from junction between Naildown Road and High Ridge, on a very sharp bend – proposal will add to the problem;
- Overflow of vehicles from the development on to the streets;
- Pedestrian hazard during construction phase;
- Apartments would be out of keeping;
- Detrimental to the landscape;
- Overpowering visual impact;
- Additional sewerage/waste water;
- Where will east and recycling bins be kept?
- TPO on the site;
- Newts present in the pond to the rear garden of the site;
- Loss of sea views for residents given the height of the building;
- Would set precedent.

Hythe Civic Society comments:

The Society has no objection to the principle of the demolition of the existing house and its replacement by 8 x2 bed apartments so long as this does not create a precedent for similar schemes in the vicinity as this proposed development is situated in a larger plot than other houses in the vicinity. However the Society does question the adequacy of car parking spaces provided. It is unusual these days for the occupiers of 2 bed units to own just one vehicle. On this basis the Society believes that there should be a greater number of car parking spaces provided plus an allowance for visitors.

5.4 **Ward Member**

No response.

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

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

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2013.

6.2 The Folkestone & Hythe District Core Strategy Review Submission Draft was submitted to the Secretary of State on 10 March 2020. Inspectors were appointed to examine the plan on 19th March 2020 and public hearings were held from 15th to 18th December 2020, from 5th to 12th January 2021 and from 29th June to 1st July 2021. The Inspectors wrote to the council on 1st July 2021 to state that the Core Strategy Review complies with the duty to cooperate and can be made 'sound' by amendment through main modifications. The Inspectors followed up their initial assessment by letter on 16th July 2021, stating that, subject to main modifications concerning detailed policy wording, they consider that the plan's spatial strategy and overall approach to the district's character areas and settlements is sound. The Inspectors find that the housing requirement is justified and that the Core Strategy Review will provide an adequate supply of housing over the plan period and at least a five year supply of housing land at the point of adoption. In accordance with National Planning Policy Framework (2021) paragraph 48, the policies in the Core Strategy Review should therefore be afforded significant weight, having regard to the Inspectors' outline of main modifications required.

6.3 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1 – Quality Places through Design
HB3 – Internal and External Space Standards
HB8 – Alterations and Extensions to buildings
T2 - Parking Standards
T5 – Cycle Parking
NE2 – Biodiversity
NE3 – Protecting the District's Landscape and Countryside
NE7 – Contaminated Land
CC2 – Sustainable design and construction
CC3 – Sustainable Drainage Systems
HE2 – Archaeology

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development
SS1 – District Spatial Strategy
SS2 – Housing and economy
SS3 – Sustainable settlements
CSD2 – District Residential Needs

Core Strategy Review Submission draft (2019)

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

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

Supplementary Planning Guidance/Documents

Kent Design Guide (2006/2007)

Sandgate Design Statement (2019 Review)

Government Advice

National Planning Policy Framework (NPPF) 2021

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

Paragraph 11 - Presumption in favour of sustainable development.

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

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

National Design Guide October 2019

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

I2 - Well-designed, high quality and attractive

Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'*.

N3 - Support rich and varied biodiversity

7. APPRAISAL

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

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity of future occupants, including space standards

- d) Residential amenity
- e) Ecology and biodiversity
- f) Protected trees
- g) Contamination
- h) Drainage
- i) Highway safety
- j) Other matters

a) Principle of development and sustainability

- 7.1 The application site is situated within the defined, built up area of Hythe. Core Strategy policy SS3 seeks to permit new residential infill development within the established settlement hierarchy subject to material planning considerations, which will be considered below in this report. The existing dwelling is not considered to be of any special architectural merit which could warrant retention. The immediate area is characterised by detached buildings in large plots which are predominantly in current use as single family dwellings. Although the proposal seeks the introduction of an apartment block in the area, the proposed development of a replacement building in residential use, in this location is considered to be acceptable.
- 7.2 The application site comprises a substantial residential plot that is significantly larger than any other plots within the immediate vicinity. As noted above, the area is characterised by detached dwellings in large plots, and as such it is considered that the application site has scope to allow for a larger building footprint than currently exists given the plot area in comparison with the neighbouring plots. The existing plot density is equal to just 4 dwellings per hectare which is substantially below other plots in the vicinity. The footprint of the principal building within the site would increase from 180sqm (as currently existing) to 360sqm proposed here, but given the size of the plot this is not considered to be to the detriment of the character of the site or the wider locality.
- 7.3 The development of the application site for a residential use is therefore considered acceptable in principle, subject to specific criteria which are considered below.

b) Design/layout/visual amenity

- 7.4 The proposed design and layout of the site is a result of discussions with Officers and as such, the apartment building has been reduced in width, height and massing. The proposal is now for a two and a half storey apartment building with a reduced footprint and accommodation within the roof space. The roof has been designed to incorporate four symmetrical pitched roofs, with reference being made to the development at Seabrook Mount immediately to the east of the application site (where permission was granted for the erection of four detached, two storey dwellings in January 2007). The proposed roofscape design on the application site together with the inclusion of recessed balconies within the apex makes a clear reference to other interesting

architectural features within the immediate vicinity, helping to ensure that the scheme would be in keeping with the character and appearance of the surrounding area.

- 7.5 The proposed parking area, containing 14no. parking spaces, would be located to the northern boundary of the site, to the front of the apartment block. This would be adjacent to the access road to the house to the west of the application site, no.21 and the residential dwelling beyond this access road, to the north; no.23 known as Anchorage. This boundary to the north of the site, and adjacent to the parking area is proposed to be screened with landscaping (discussed in greater detail in paragraph 7.7 below). Provision of the parking area to this area of the site is considered to be the most suitable position for the parking of vehicles, given it is to the rear of the site (a corner plot) and would not be overly visible from Naildown Road when the planting scheme is carried out. The parking area is also adjacent to the access lane for no.19 and therefore in terms of its position within the site, it is considered acceptable.
- 7.6 References have also been made to the local vernacular and palette of materials in the external appearance of the building. The external elevations are proposed to comprise stock brickwork at ground floor level and a combination of vertical and horizontal timber panelling which is considered to create visual interest.
- 7.7 A hard and soft landscaping scheme has been submitted with the application, with particular attention to the proposed parking area at the north eastern corner and northern and eastern boundaries, so as to ensure that the car parking layout is sufficiently screened in views from Naildown Road. A native hedgerow would be planted along the width of the northern boundary, with a timber pergola installed above the parking spaces along this boundary, with a mixture of climbing plants being planted in order to soften views from Naildown Road to the north. The existing raised planting bed within the parameters of the root protection area of the TPO tree would be retained and enhanced with additional native planting. A native hedgerow is also proposed on the eastern side of the refuse and cycle store in order to soften views towards the apartment building from Naildown Road to the east.
- 7.8 To the rear of the building, steps are proposed from the ground floor apartments to the communal garden area would be angled and infilled with native planting. The rear lawn area would be retained, with a wild meadow being created at the bottom of the garden.
- 7.9 The property is of a contemporary design, and notwithstanding concerns raised by the Parish Council and representations received in response to neighbour notifications, it is considered that it has taken cues from existing residential development in the locality. The dwelling combines modern architecture with traditional forms, with pitched roof forms, appropriate fenestration details to the elevations and a suitable material palette to create a building of high architectural quality. The proposed building has been designed in such a way that it would read as a large, detached dwelling within the streetscene and as such would not be perceived as being out of character when viewed from the surrounding highway. Whilst flatted development is not characteristic of this locality, this is not considered to be a refusal for refusal on its own grounds given the matters discussed above in relation to design, layout and visual amenity.
- 7.10 Overall, it is considered that the development can therefore be appropriately accommodated on the site without appearing cramped or causing harm to the character and appearance of the surrounding area. The proposal is considered to accord with policy HB1 of the Local Plan (2020) and section 12 of the NPPF.

c) Residential amenity of Future Occupants and Space Standards

- 7.11 With regard to future occupants of the proposed development, policies HB1 and HB3 of the Local Plan (2020), the Kent Design Standards and paragraph 127 of the NPPF, require that consideration be given to their residential amenity and space standards.
- 7.12 The proposed layout would provide suitably sized rooms with adequate light as well as outlook to all habitable spaces. The internal floorspace of the proposed apartments exceeds the minimum required by the national standard and they would be square or rectangular proportioned and thus properly usable, as outlined in the table below. All habitable rooms are served by full-size windows and would receive a good level of natural daylight.

Room	GIA proposed (sq m)	GIA required (sq m)
Flat 1 (2b / 4p)	90.4	70
Flat 2 (2b / 4p)	89.7	70
Flat 3 (2b / 4p)	86.4	70
Flat 4 (2b / 4p)	90.4	70
Flat 5 (2b / 4p)	89.7	70
Flat 6 (2b / 4p)	86.4	70
Flat 7 (2b / 4p)	104	70
Flat 8 (2b / 4p)	102	70

- 7.13 The proposed apartments would also benefit from a reasonable level of private outdoor amenity space via a balcony (minimum depth of 1.5m) or within the communal gardens. Therefore it is considered that future occupants of the dwelling will have good access to outdoor space. Further to this, the seafront and beach is roughly 0.6 miles to the south, and can be accessed on foot (15 minute walk approx.).

d) Residential amenity

- 7.14 PPLP policy HB1 seeks to ensure that development does not lead to an adverse impact on the residential amenities of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook. In assessing the potential impacts of new build residential development on neighbouring dwellings, the Council will apply the same guidelines as for alterations and extensions set out in Policy HB8.
- 7.15 The application site is situated within a residential location, surrounded by detached dwellings to the north, west and east. There are detached dwellings adjacent to the site to the west (21 Naildown Road) and north (23 Naildown Road). The proposed apartment building would provide satisfactory separation distance to these nearest dwellings, with 17 metres retained to 23 Naildown Road and 9 – 10 metres with 21 Naildown Road to the west. The proposed replacement building would be located in a similar position to both these nearest neighbours when compared with the existing building, for the most part, however a section of the western elevation would be in closer proximity to no. 21 (western boundary) but would not extend beyond the building line of the closest part of the existing dwelling to this property.
- 7.16 The western elevation would contain only high-level windows at ground and first floor levels and a dormer window at second floor level which would not allow for direct overlooking into neighbouring private amenity space. Any new fenestration details to

the side elevations of the new dwellings at first floor level or above would require planning consent and as such could be controlled by the Council.

- 7.17 The proposed balconies at first and second floor levels on the rear (southern) elevation would be entirely recessed so as to minimise any oblique views towards the rear part of the garden of 21 Naildown Road. In order to reduce oblique views towards the garden of 21 Naildown Road, vertical timber slats would be installed at the western side of the balcony serving Flat 4 in order to act as a privacy screen, given that it is in closest proximity to the neighbour to the west. Given that the balcony serving Flat 7 would be within the central part of the roof apex, any view would be at an acute, oblique angle and would not therefore give rise to any harmful overlooking.
- 7.18 In addition, landscaping and retained/proposed boundary treatments would also reinforce separation between the properties, which would be secured by a planning condition.
- 7.19 There would be no significant overbearing impacts due to the space separation between the proposed dwelling and nearest surrounding properties. Further, there would be no significant loss of light due to the orientation and positioning of the dwelling within the application site. This is confirmed by the submitted Daylight and sunlight report.
- 7.20 There is some potential for noise and disturbance to neighbouring dwellings from the proposed increased use of the site and additional comings and goings from occupants, visitors and vehicular activity within the site. The parking area is proposed adjacent to the northern boundary of the site, which is adjacent to the access/ driveway for no.21 (to the west of the application site), which is itself adjacent to the southern (side) boundary of 23 Naildown Road. So 23 Naildown Road is already separated from the site by an access drive to a separate property. The car parking area within the proposed development is a direct replacement for the driveway, garage and parking area for the existing dwelling. Although the proposal would result in increased activity within the site, including additional vehicular activity and comings and goings, it is unlikely to generate levels of movement to the detriment of residential amenity, given its location within the site. It is likely that vehicle movements from a development such as this would primarily be at peak morning and evening rush hours, with fewer vehicles accessing the site during the remainder of the day.
- 7.21 Overall, considering the position, orientation and distance to neighbouring dwellings, the proposal would not harm the amenity of these occupiers and therefore the proposal accords with policy HB1 of the Local Plan (2020) and paragraph 127 of the NPPF.

e) Ecology and biodiversity

- 7.22 A Preliminary Ecological Assessment (PEA) has been submitted by the applicant. The potential for ecological impacts to arise has been identified and there was a need for further information to be submitted regarding impacts to bats prior to determination of the application. This was submitted as additional information to support the proposal.
- 7.23 In accordance with Natural England's standing advice, there is no need for NE to be consulted directly in this case as the application type and scale does not fall into any of the SSSI IRZ categories that require a specific response from Natural England. KCC Ecology has reviewed the SSSI Impact Risk Zone (IRZ) information and agrees with

the conclusion in the PEA that *“there will likely be no significant direct or indirect ecological impacts to the SSSI, its features, species or habitats therein.”*

- 7.24 Although it is stated in the report that there are no Local Wildlife Sites (LWS) within 1km of the site, KCC Ecology has advised that Paraker Wood and Seabrook Stream, Shornccliffe LWS is less than 500m to the north of the site. Ancient woodland is also present less than 500m to the north of the site, much of which is also within the LWS. KCC Ecology have confirmed that they do not expect any impacts to this LWS or the ancient woodland as a result of the proposed development and as such no further consideration is necessary.
- 7.25 It is confirmed in the submitted PEA report that the trees and shrubs provide opportunities for nesting birds. As recommended in the report, clearance of the vegetation must be carried out outside of the bird nesting season (which is March – August) and this could be secured by way of a planning condition.
- 7.26 Similarly, it is reported that hedgehogs could use the site. Measures to ensure that hedgehogs are not impacted during construction works must be implemented. This could be secured by way of a planning condition.
- 7.27 One of the principles of the National Planning Policy Framework is that *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”*. Enhancement recommendations are provided in the Preliminary Ecological Assessment and KCC Ecology advises that a detailed ecological enhancement strategy (with measures in addition to any necessary mitigation/ compensation measures) can be secured by condition, if planning permission is granted.
- 7.28 Subject to the above mentioned planning conditions, no objection is raised on ecological or biodiversity grounds in accordance with PPLP policy NE2.

f) Protected trees

- 7.29 An Arboricultural Report has been submitted with the application which confirms that a total of 13 individual trees and eight groups of trees have been inspected, ranging from young Rowan and Spruce of less than ten years of age through to two Holm Oaks and Hawthorns of circa 80 years of age. The majority of the trees and shrubs present are of less than 40 years of age and have been planted to form dense evergreen boundary screening. As part of the proposed redevelopment scheme, nine trees would need to be removed. All trees proposed for removal are BS category C trees apart from one BS category B tree (T4 – Holm Oak).
- 7.30 With regards to the TPO tree within the site (T3 – Holm Oak), in order to protect the roots of tree T3 from compaction during the demolition and construction works, the existing drive surfacing is to be retained as a load bearing surface. This will act as ground protection for the underlying roots. The report confirms that retained trees would be appropriately protected during the demolition and construction works, so as to ensure no adverse impacts on tree health. The Tree Protection Plan indicates the proposed location of protective fencing based on the calculated tree protection areas and space available.
- 7.31 Overall, there are no known overriding arboricultural constraints which would prevent the proposed development from going ahead, subject to the protection measures and

construction methodologies specified within this report being correctly implemented and the Tree Officer being informed when it is put in place.

- 7.32 Further to this, an appropriate and sensitive, high-quality landscaping scheme is proposed in order to help the apartment building assimilate on site, and remain in-keeping with the character of the surrounding area. This would be secured by way of a planning condition.

g) Contamination

- 7.33 The application submission does not include any documents relevant to land contamination. It is not considered that the development will lead to the introduction of new classes of receptor and it is not considered necessary to require formal contamination assessment. Given the current land use as a domestic garden the recent history of the site is unlikely to be significantly contaminative, and it is considered prudent for some assessment of land contamination to be undertaken. As such the council's standard land contamination would be applied to any consent granted. This requires a discovery and reporting strategy for any contamination encountered during the works.

h) Drainage

- 7.34 The site lies within Flood Zone 1, and therefore has a low probability of flooding. Therefore flood risk would not be considered a constraint to the proposed development.
- 7.35 Surface water from the existing buildings and drive discharges at an unrestricted rate into the combined public sewer in Naildown Road. The proposed development includes a porous paved carpark with an area of 400 sqm, and surface water to the combined public sewer will be restricted and attenuated in cellular storage tanks. The porous paved carpark will mimic greenfield conditions and allow water to permeate into the desiccated subsoils and surrounding soft landscaping. The existing and proposed site runoff flows are demonstrated in the following table and include the 20% climate change allowance for the worst case 1 in 100 year storm event.

Return Period	Pre-development l/s	Post-development l/s
1 in 1 year	6.2	1.0
1 in 30 years	15.1	1.5
1 in 100 years	18.1	1.7
1 in 100 years + 20% CC	-	1.9

This is considered to be an improvement over the current situation and is therefore acceptable.

- 7.36 Foul drainage from the 8 apartments is proposed to be discharged to the existing public combined sewer in Naildown Road.

i) Highway Safety

- 7.37 The existing vehicular access to the site would be retained in its existing position, however it would be widened to 5.0 metres at its junction with Naildown Road. KCC Highways and Transportation has confirmed that this is a worthwhile improvement for the number of units proposed. The proposal represents an intensification in use and as such suitable visibility splays have been provided to demonstrate a safe access. Given this, the number of additional vehicle movements generated as a result of the proposed development would not be significant to the extent it would be considered harmful to highway safety along the residential street.
- 7.38 With regard to vehicle parking, the standards as adopted within the Folkestone and Hythe Places and Policies document require 1 and 2 bedroom flats to have 1 space per unit in a suburban setting. 14 parking spaces are proposed, with 10 allocated for the 8 units and 4 allocated for visitor parking. Therefore, the proposal has sufficient parking provision onsite.
- 7.39 Cycle storage will be incorporated on plot and would be secured by way of a planning condition.
- 7.40 Bins for the dwelling have been proposed within the site, and is proposed to be located behind landscaping to ensure they are screened from the streetscene and do not appear as a dominant feature within the site. With regards to weekly refuse / recycling collection, this (as existing) would take place on street, with bin store locations provided adjacent to the site entrance to reduce the operative carry distance to no greater than 25 metres.
- 7.41 It is further noted that the sliding gate as originally proposed has now been removed from the submission.
- 7.42 Overall, it is concluded that the proposal would not give rise to unacceptable impacts in highway safety terms as the level of trips generated by the additional apartments in this location would not be so significant to justify refusal. The application site is located within a residential area with comings and goings in the area generally associated with a residential use. Therefore the use and traffic movements from an additional 7 units as proposed would be unlikely to cause any real change in traffic safety.

Other Matters

- 7.40 All material considerations raised through the public consultation process are considered to have been addressed in the sections above. Concerns regarding the loss of sea views for residents given the height of the building and the proposal setting a precedent are not material considerations under the planning process and therefore are given very limited weight in the assessment of the proposal.

Environmental Impact Assessment

- 7.43 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

- 7.44 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.
- 7.45 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 development site is located within charging zone C.

Human Rights

- 7.46 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

- 7.47 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

- 7.48 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION

- 8.1 The proposal seeks planning permission for the demolition of the existing dwelling and its replacement with eight apartments and associated external works. The site is considered to be a sustainable location within the defined built up area boundary, where the principle of residential development is generally acceptable. While local objections to the proposals are noted the scheme is considered to be acceptable in terms of scale, design, amenity impacts, highway safety and convenience, ecology and site drainage. Further, there have been no objections from any statutory consultees.
- 8.2 In light of the above, it is considered that the proposal accords with the adopted Development Plan subject to appropriate conditions. As such it is recommended that planning permission be granted, subject to the conditions set out below (subject to the Chief Planning Officer's delegated authority to agree and finalise the wording of the conditions and add any other conditions that he considers necessary).

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

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

Conditions:

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

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

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

- Drawing no. 228A_Proposed roof plan
- Drawing no. 225A_Proposed ground floor plan
- Drawing no. 226A_Proposed first floor plan
- Drawing no. 227A_Proposed second floor plan
- Drawing no. 351A_Proposed elevations
- Drawing no. 450_Existing and proposed sections
- Drawing no. 150A_Proposed block plan
- Arboricultural Implications Assessment, dated 02.11.2020
- Drainage Strategy, ref 11711005A
- Landscape Strategy Issue 5, ref 0381
- Daylight and Sunlight Report, dated 29.10.2020

- Preliminary Ecological Assessment, dated 24.11.2020
- BAT Survey Report, dated 02.06.2021

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

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

Reason: To ensure the appropriate appearance of the completed development and in the interests of visual amenity.

4. All ground protection measures including all protective fencing measures shall be installed in accordance with the tree protection plan prior to the construction contractor's site occupation. All protective measures must be installed under the supervision of an arboriculturalist appointed to the project and confirmation of the protective measures shall be sent to the LPA's arboricultural manager and planning case officer for written approval, prior to the commencement of any onsite works. All protective measures shall be retained intact and in place until completion of the project and will not be removed until a post-development site meeting is held with the LPA's Arboricultural Manager and the project arboriculturalist.

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

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the District Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel washing facilities
 - v. measures to control the emission of dust and dirt during construction
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

6. Prior to the commencement of any development on the site, provision of measures to prevent the discharge of surface water onto the highway shall be provided and thereafter maintained for the lifetime of the development.

Reason: In the interests of highway safety.

7. The car parking spaces shown on the approved drawings shall be kept available for such use at all times and no permanent development, whether permitted by

the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

8. Prior to the first occupation of any dwelling hereby permitted one electric vehicle charging point per dwelling shall be provided, in accordance with specifications and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

Following installation the charging points shall thereafter be retained available in a working order by the respective owners / individual or company responsible for long term governance.

Reason: In the interest of sustainable development and reducing carbon emissions.

9. Prior to the first use of any apartment within the development, the cycle parking facilities shown on the approved plans shall be provided. They shall thereafter be retained.

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

10. Prior to the commencement of development above slab level, drawing(s) detailing visibility splays from the site access shall be provided to the Local Planning Authority for written approval.

Reason: In the interests of highway safety.

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

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

Reason: In the interests of residential amenity.

12. Prior to development commencing, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These will include some or all of the recommendations in section 4.0 of the Preliminary Ecological Assessment prepared by Lewis Ecology and dated November 2020. The approved details will be implemented and thereafter retained.

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

13. Construction shall not commence until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the new dwellinghouse will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

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

Reason: To require all new dwellings to incorporate water efficiency measures as Shepway is identified as a water scarcity area.

14. All hard and soft landscape works shall be carried out in accordance with the details hereby approved. 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 District Planning Authority.

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

15. 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 District Planning Authority, and within whatever planting season is agreed.

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

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

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

17. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To protect the environment and human health against contamination and pollution, in accordance with Places and Policies Local Plan policy NE7 and the NPPF (2019).

18. Prior to the commencement of any works hereby approved onsite, a detailed Ecological Mitigation and Enhancement Strategy shall be submitted to the Local Planning Authority for written approval. It must include the following:
- Updated PEA – if report submitted with planning application no longer valid
 - Detailed species surveys - if required
 - Overview of mitigation required
 - Detailed methodology to implement mitigation
 - Timing of works
 - Plans showing the areas where mitigation works are required.
 - Details of ecological enhancements to be incorporated into the buildings and wider site
 - Map showing the locations of the ecological enhancements.

The development must thereafter be implemented in full accordance with the details as approved under this condition.

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

19. Prior to completion of the development hereby permitted, a “lighting design strategy for biodiversity” for the site will be submitted to and approved in writing by the local planning authority. The lighting strategy will:
- a) Identify those areas/features on site that are particularly sensitive
 - b) Show how and where external lighting will be installed in accordance with section 4.0 of the Preliminary Ecological Assessment prepared by Lewis Ecology and dated November 2020 and in accordance with ‘Guidance Note 8 Bats and Artificial Lighting’ (Bat Conservation Trust and Institute of Lighting Professionals)

All external lighting will be installed in accordance with the specifications and locations set out in the strategy and will be maintained thereafter in accordance with the strategy.

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

Informatives:

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly

established in order to avoid any enforcement action being taken by the Highway Authority.

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

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

3. Your attention is drawn to the requirements of the Building Regulations 2000 and the possibility of the need to obtain consent under such regulations.

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

4. Please view the Considerate Constructors Scheme at <http://www.ccscheme.org.uk/index.php/company-registration/how-to-be-veryconsiderate/company-code-of-considerate-practice>.
5. There is some potential for hedgehogs to be present on site. Any areas in which mammals could be sheltering must be hand searched prior to disturbance. Excavations must not be left open for animals to fall into, or planks of wood should be placed to enable any animals which may fall into such a hole to escape.
6. With regards to condition 13 above, water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-waterefficiency-calculator-for-new-dwellings>.

Appendix 1 – Site Location Plan