

Application No: Y19/0762/FH

Location of Site: Land Adjoining 12 Southernwood Rise, Folkestone, Kent

Development: Erection of a two storey dwelling with associated vehicle access and landscaping.

Applicant: Mr C Chandler
c/o agent

Agent: Mr David Weir
On Architecture, Second Floor Logan House, St Andrews Close, Canterbury Kent CT1 2RP

Officer Contact: Emma Hawthorne

SUMMARY

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

RECOMMENDATION:

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

1. INTRODUCTION

1.1. The application is reported to Committee because Sandgate Parish Council has objected to the proposal.

2. SITE AND SURROUNDINGS

2.1. The application relates to a parcel of land to the rear of 12 Southernwood Rise, a semi-detached dwelling within the settlement boundary of Folkestone. The land is set within a steep slope (sloping upwards to the east) that forms a green buffer between the

Southernwood Rise highway to the east and a residential estate to the west. Currently, the site is formed of dense shrub, trees and hedgerows.

- 2.2. The wider residential estate to the west of the site comprises semi-detached and terraced dwellings, all of which have a light brickwork façade, plain-tiled pitched roof and tile-hanging detail. There are dedicated driveways, garages and on-street parking spaces available in the wider area.



Figure 1 Aerial image of application site

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

3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of one new dwelling on land to the rear of 12 Southernwood Rise. The plot would be situated directly to the east side elevation of 31 Darnley Close, and to the northern side elevation of 38 Darnley Close. The site would be accessed via a new vehicular access from Southernwood Rise. The layout would comprise the main building, garden areas and a driveway providing three off-street parking spaces. The main building itself would have a two-storey shallow, pitched roof design, finished in black-painted vertical timber cladding, with elements of natural timber cladding, concrete and yellow brick. There would be a concrete

chimney/fireplace feature on the south western (rear) elevation. The fenestration would be grey powder-coated aluminium.

- 3.2 Internally, the proposed layout would comprise an open plan kitchen, living and dining room, two bedrooms and utility room at lower ground floor level with two bedrooms at ground floor level.
- 3.3 Amended drawings were submitted under this application which sought to revise the siting, layout, design, vehicular access and height of the dwelling proposed.



Figure 2 Proposed Block Plan



Figure 3 Proposed Street Scene



Figure 4 Proposed south west elevation

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

Design and Access Statement (Revision D, dated April 2021)

The report discusses the key design principles and concepts that have been applied to the development are discussed in detail. It is also demonstrated how the proposed development's context has influenced the design. The Statement also explains the applicant's approach to access and how relevant Local Plan policies have been taken into account.

Tree Survey and Arboricultural Impact Assessment (by Elite Ecology, dated June 2021)

The survey records all trees within the site and any that may be impacted by the development proposals within or outside of the site boundary. In total the survey recorded eight individual trees and one group of trees. These were non-native broadleaf and coniferous specimens. The age class was semi-mature and the general overall condition was thought to be good. The report details the arboricultural impacts and offers a range of protection measures that should be put in place prior to any works being started as well as construction methodologies that should be adopted. These measures will prevent accidental damage and other adverse effects on retained trees.

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

Preliminary Ecological Appraisal (dated 13 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 report states that the development can proceed with minimal impact to habitats and protected / notable species assuming the mitigation measures outlined within Section 5 are implemented. There is also the opportunity to enhance

the development for local wildlife in the long-term by implementing the enhancement measures.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no relevant planning history for the site, however the following history relates to 12 Southernwood Rise:

Y08/0186/SH	Erection of a two storey side extension to form granny annexe.	Approved.
Y16/0977/SH	Erection of a single storey side/rear wrap around extension, following removal of existing garage.	Approved.

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: Object on the basis of harm to this green corridor in the Golden Valley which significantly outweighs the benefits of a single dwelling where the Council has an identified 5 year housing land supply.

Southern Water: No objection subject to a condition.

KCC Ecology: No objection subject to conditions.

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

Environment Agency: No objection subject to mitigation strategy being submitted prior to determination.

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

Arboricultural Specialist: No objection subject to conditions. .

Local Residents Comments

- 5.2 Four letters of objection received from local residents to the original submission.

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

Objections

- Loss of privacy;
- Proposal and removal of trees will destabilise land;
- Concern about disturbance from construction work;
- Concern about damage to neighbouring properties;
- Access to neighbouring properties will be affected;
- Increased run-off water to neighbouring properties; and
- Loss of wildlife.

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

Sandgate Design Statement (2013)

Kent Design Guide (2006/2007)

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 impact
- 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

7.2 The application site is situated within the defined, built up area of Sandgate. Core Strategy policy SS3 seeks to permit new residential infill development within the established settlement hierarchy subject to material planning considerations, which will

be considered below in this report. The proposed development of additional housing in this location is therefore considered to be acceptable in principle.

- 7.3 The site is classified as being within a green corridor , under policy C3 of the PPLP following the work carried out within the evidence base document - Shepway Open Space Strategy (2017). As such, the site is part of a key network link for biodiversity. The NPPF seeks to minimise impacts on and providing net gains for biodiversity by establishing coherent ecological networks, and Policy NE2 of the PPLP seeks to ensure that all new development is required to conserve and enhance the natural environment, including all sites of biodiversity value. KCC Ecology have been consulted on the application and are satisfied that the amended scheme addresses policy requirement by providing habitats on site, and as such the ecological networks and green corridor would be maintained, which policies C3 and NE2 of the PPLP also seek to achieve. This is considered in more detail in section e) below.
- 7.4 Overall, the development of the application site for a residential use is considered acceptable in principle, subject to specific criteria which are considered below.

b) Design/layout/visual impact

- 7.5 The site is in an area characterised by expanses of trees on the hillside with dwellings apparent to the eastern side of Southernwood Rise. The proposed design and layout of the dwelling has been amended in consultation with Officers, and this has resulted in the dwelling being set into the landscape and the sloping site. As such, the bulk and massing of the building envelope is positioned towards the highway adjacent to the application site which maintains a visual break and the openness between the terraced properties to the south and west of the application site. It is proposed that the new dwelling would respect the linear alignment of the detached dwellings opposite the site, to the other side of Southernwood Rise, and is not therefore out of character in terms of the existing grain of development.
- 7.6 There are a variety of house types in this area including detached, semi-detached and terraced dwellings with varying plot sizes and architectural styles. There are also significant level changes within the area, with properties being set at varying heights. In terms of the impact of the proposal on the character of the area, the site is of an appropriate size to accommodate one detached dwelling and is comparable in terms of scale, layout and spacing to existing development in the surrounding area.
- 7.7 The site is classified as a green corridor, under policy C3 of the. In terms of green space and trees within the existing site, it is considered that the detached dwelling has been carefully designed to be set into and blend well with the vegetated slope of the site. Whilst some green space would inevitably be lost through the placement of the dwelling itself, and the green corridor would be disrupted as a result of the proposal, the siting and layout of the dwelling would ensure green views though the development are still visible. A high quality landscaping scheme is also proposed to enhance the existing trees with additional planting, including substantial landscape buffers to the eastern boundary of the site, integrating the dwelling into the surroundings, and this would be secured by a planning condition. Further to this, the road currently runs adjacent to the frontage of the site and therefore acts as a visual break within the corridor with development surrounding it. As such, the provision of one dwelling in the location, which has been carefully designed to minimise the impact on the green corridor and include a detailed landscaping scheme is not considered to be to its detriment.

- 7.8 The amendments to the design referred to in paragraph 7.5 above also include a revision to the roof. The ridge height of the dwelling has been reduced and the roof has been altered to a shallow pitched roof, which provides a significant reduction in overall mass and bulk when viewed from Southernwood Rise, creating a more compact form in the context of the streetscene. It is considered reasonable and necessary through condition, to restrict permitted development rights to the dwelling, and within its curtilage, in order to ensure that any future development is of an appropriate size and scale for the site and streetscene, and to mitigate against further impact on the green corridor.
- 7.9 The dwelling is a contemporary design but has taken cues from existing residential development in the locality. The dwelling combines modern architecture with traditional forms, with a pitched roof brick bungalow visible from the street, and a lower flat roof element built into the slope of the land, which also supports the driveway above. Stained timber and bold glazing is proposed to define and enhance the building features to create a building of high architectural quality.
- 7.10 The timber cladding proposed provides a contrast with stained black timber cladding to help the dwelling blend more with the natural surroundings. The rectangular form is broken by the vertical chimney element with a concrete material, in addition to the more traditional yellow brick element with a pitched roof.
- 7.11 Planters are proposed to the perimeter of the flat roof areas which will further enhance the green character of the area. Therefore it is considered that these elements will help the development blend into its surroundings and it will not appear visually intrusive or dominant from Southernwood Rise or from Enbrook Road or within Darnley Close.
- 7.12 Overall, it is considered that the development can be appropriately accommodated on the site without appearing cramped or causing harm to the character and appearance of the surrounding area, including the green corridor. The surrounding development in the area is characterised by irregular architectural styles and sizes. The design has therefore sought to reflect this through bespoke, high quality architecture. The proposal is considered to accord with policy HB1 of the Local Plan (2020), the Sandgate Design Statement (2013) and section 12 of the NPPF.

c) Residential amenity of Future Occupants and Space Standards

- 7.13 With regard to future occupants of the proposed development, policies HB1 and HB3 of the PPLP (2020), the Kent Design Standards and paragraph 127 of the NPPF, require that consideration be given to their residential amenity and space standards.
- 7.14 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 dwelling exceeds the minimum required by the national standard and all habitable rooms are served by full-size windows and would receive a good level of natural daylight.
- 7.15 The proposed dwelling would also benefit from a reasonable level of private outdoor amenity space for a family sized dwelling. Therefore it is considered that future occupants of the dwelling will have good access to outdoor space. Further to this, the seafront and Sandgate beach is roughly 0.6 miles to the south, and can be accessed on foot (15 minute walk approx.).

d) Residential amenity

- 7.16 PPLP policy HB1 seeks to ensure that development does not lead to an adverse impact on the residential amenity of 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.
- 7.17 The proposed dwelling would be located adjacent to the rear boundaries of 12 Southernwood Rise, and 31 and 38 Darnley Close. As a result of amended drawings, the dwelling has been re-positioned further away from these neighbouring properties and fenestration details have been amended to ensure that windows do not overlook neighbouring gardens. In addition, proposed landscaping and boundary treatments would also reinforce separation between the properties, which would be secured by a planning condition.
- 7.18 The internal layout of the building has been carefully designed so there are no upper ground floor windows from living or bedroom spaces to the south west elevation, which ensures that no. 38 Darnley Close is not overlooked. Additionally, the majority of glazing is on the lower ground floor reducing overlooking to the gardens and rear of all adjacent properties. The only window at first floor level on the rear elevation is a double height space over the staircase. It is suggested that a condition is attached to any permission granted to remove permitted development rights for new windows on the side elevations. Further to this, the flat roof area on the southern elevation of the proposed dwelling is not accessible from internally within the dwelling, and this would be secured via a planning condition in the event of planning permission being granted.
- 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.
- 7.20 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

- 7.21 As stated at the beginning of the report the site is located within a green corridor. Therefore, two ecological surveys have been submitted as part of this application and they have detailed the following:
- Site is a mixture of scrub, woodland and grassland
 - Potential for reptiles to be present within the site
 - Suitable habitat for nesting birds
 - Evidence of foraging badgers
 - Suitable habitat for foraging bats
 - Potential for hedgehogs within the site
 - Trees proposed for removal did not have suitable bat roosting features
 - Trees within the wider area had potential to be used by roosting bats.
- 7.22 The updated ecology survey has detailed that due to the amended location of the proposed dwelling there was a need for a reptile survey to be carried out. The report

details the following on this point; *“The scrub-grassland interface, and poor semi-improved grassland on site provide suitable habitat to support low numbers of common reptiles such as slow worm.”* As a result of comparing the site plan with the habitat map within the ecological report it appears that there is capacity within the wider site to support the reptile population. Due to the small area of suitable habitat to be impacted KCC Ecology are satisfied that there is no requirement for a survey to be submitted prior to determination however there will be a need for a detailed mitigation strategy to be produced. KCC Ecology has confirmed that this point can be addressed within the ecological mitigation strategy.

- 7.23 The ecological appraisal has confirmed that there is suitable habitat within the site for breeding birds. All breeding birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and therefore appropriate mitigation shall be implemented if the works are to be carried out during the breeding bird season. Again, this point can be addressed within the ecological mitigation strategy.
- 7.24 The reports have confirmed that nocturnal animals are likely to be present within the surrounding area, and if planning permission is granted, there will be a need for a sensitive lighting scheme to minimise impacts on nocturnal animals. This could be controlled by way of a planning condition.
- 7.25 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”*. The submitted plan does highlight that a green buffer is proposed within the western boundary and notwithstanding KCC Ecology’s satisfaction with respect to habitat creation (as discussed within the Principle section above), they have requested that the buffer must contain native species. In addition other measures can be included within the site and building to enhance biodiversity. Therefore, if planning permission is granted, details of ecological enhancements shall be included within the ecological mitigation strategy.
- 7.26 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

- 7.27 The application site is currently populated by trees and shrubs which diminish as the site levels out towards the west. Section 197 of the Town and Country Planning Act 1990 (as amended) imposes a duty on the decision-maker to ensure that adequate provision is made for the preservation of trees. The trees within the site also contribute to the site being designated as a green corridor under policy C3 of the PPLP.
- 7.28 An Arboricultural Impact Assessment and Method Statement have been submitted to support the proposal the results of which indicate that the trees within the survey area vary considerably in terms of quality and contribution to the amenity value within the local area.
- 7.29 The Council’s Arboricultural Officer has no objection to the proposal 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.

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

g) Contamination

7.31 The application submission does not include any documents relevant to land contamination. Given the current land use as open space 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 condition is recommended to be imposed.

h) Drainage

7.32 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.

7.33 It is proposed that surface water is dealt with via SuDS and that foul sewage would be dealt with via a connection to the mains sewer. Southern Water has no objection to the proposed surface water and foul sewerage, subject to conditions listed below.

i) Highway Safety

7.34 The proposed dwelling would be accessed from Southernwood Rise, on the north eastern edge of the site boundary due to the existing topography of the site and the need to provide an adequate visibility splay. The driveway has been amended to be set at a suitable distance away from the road bend, which ensures that sufficient visibility for access and egress can be achieved.

7.35 The number of additional vehicle movements generated as a result of the proposed dwelling would not be significant to the extent it would be considered harmful to highway safety.

7.36 The proposed layouts illustrates two formal, vehicular parking spaces, however the dwelling would benefit from a generous forecourt area within the curtilage which would allow for additional parking provision. As such, the required parking provision of 3 off-street spaces for a dwelling of this size can be suitably accommodated.

7.37 Cycle storage will be incorporated on plot and would be secured by way of a planning condition.

7.38 Bins for the dwelling have been proposed on the driveway to allow for a shorter travel distance to the roadside. The bin storage area would be located behind landscaping and a retaining wall to ensure they are screened from the streetscene and do not appear as a dominant feature within the site.

7.39 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 one additional dwelling in this location would be minimal.

Environmental Impact Assessment

7.40 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

7.41 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.

7.42 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 applicant has submitted a CIL exemption form as they proposed dwelling will be a self-build.

Human Rights

7.43 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

7.44 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

7.45 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 one new dwelling, new access and associated external works on land adjacent to 12 Southernwood Rise. 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, green corridor impacts, 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. 19.021 007 Rev E
- Drawing no. 19.021 004 Rev D
- Drawing no. 19.021 020 Rev A

- Drawing no. 19.021 002 Rev D
- Drawing no. 19.021 006 Rev D
- Drawing no. 19.021 001
- Drawing no. 19.021 008 Rev E
- Drawing no. 19.021 005 Rev D
- Drawing no. 19.021 003 Rev E
- Drawing no. 19.021 009 Rev B
- Tree Constraints Drawing (by Elite Ecology dated 21/06/2021)
- Tree Protection Drawing (by Elite Ecology dated 21/06/2021)
- Tree Survey and Arboricultural Impact Assessment (by Elite Ecology dated June 2021)
- Design and Access Statement Rev D
- Preliminary Ecological Appraisal (by agb Environmental dated 13 November 2020)

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

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

4. All ground protection measures including all protective fencing measures shall be installed in accordance with the tree protection plan prior to the construction contractor's site occupation. All protective measures must be installed under the supervision of 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction

- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

6. 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.

7. Prior to any development commencing, details of how the development will enhance biodiversity will be submitted to the local planning authority. This will include recommendations in the Preliminary Ecological Appraisal (by agb Environmental dated 13 November 2020). On written approval the agreed details shall be implemented on site and thereafter retained in perpetuity.

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

8. 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.

9. No construction work above slab level shall take place until full details of both hard and soft landscape works, have been submitted to the local planning authority including planting, an implementation programme and a maintenance schedule. The dwelling shall be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason: In order to protect and enhance the appearance of the site, streetscene and wider area.

10. 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.

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

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

12. The bin stores and refuse collection point as shown on the 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.

13. a) Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

b) If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include - A survey of the extent, scale and nature of contamination - An assessment of the potential risks to - Human health - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, - Adjoining land, - Ground waters and surface waters, - Ecological systems, - Archaeological sites and ancient monuments and - An appraisal of remedial options and identification of the preferred option(s). All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

c) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the

intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

d) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

e) 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).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A, B, C, D, E and F of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

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

15. A detailed Ecological Mitigation and Enhancement Strategy shall be submitted to the Local Planning Authority for written approval prior to the commencement of any works commencing on site. 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.

16. Prior to first occupation of the dwelling hereby approved, a site wide lighting plan shall be submitted to the Local Planning authority for written approval. The lighting plan shall follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lightingcompressed.pdf?mtime=20181113114229>.

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

17. Prior to the first occupation of the dwelling hereby permitted one electric vehicle charging point 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.

18. The flat roof area on the southern elevation of the proposed dwelling (adjacent to bedroom 3 and the en-suite) shall only be accessed for maintenance purposes and shall at no time be used for amenity purposes.

Reason: In the interests of neighbouring amenity.

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. With regards to condition 8 above, water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>.

Appendix 1 – Site Location Plan