

Application No: Y19/0558/FH

Location of Site: Land Adjoining Sir John Moore Barracks, Military Road,
Sandgate Kent

Development: Reserved Matters application for the erection of 5 detached houses, together with the change of use and conversion of Martello Tower 6 to a residential holiday let and Martello Tower 7 and adjacent underground water tank to a dwelling, together with associated access road and engineering works, parking, landscaping and ancillary outbuilding to serve Martello Tower 6 being details pursuant to outline planning application Y11/0137/SH in relation to appearance and landscaping.

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Officer Contact: Emma Hawthorne

SUMMARY

This application considers the reserved matters (appearance and landscaping) pursuant to outline planning permission Y11/0137/SH. The report assesses whether this application carries through the development principles agreed at outline stage. It concludes that the reserved matters submission has satisfied the requirements of both Condition 1 and Condition 16 of the outline planning permission Y11/0137/SH, which sets out that the submission of reserved matters applications shall demonstrate compliance with the approved detailed plans and the accompanying text set out on those plans to fix the development principles. Furthermore, it is considered that the application represents a high quality scheme which complies with all relevant national and local planning policy.

RECOMMENDATION:

That the reserved matters be approved subject to the conditions set out at the end of the report and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

1. INTRODUCTION

- 1.1. The application is reported to Committee because it is recommended for approval contrary to the Parish Council's objection and as it has been called in at the request of Councillor Prater.

2. SITE AND SURROUNDINGS

- 2.1. The application site comprises a parcel of land east of Sir John Moore Barracks, and incorporates the access road, Martello Towers 6 and 7 (and their surrounds), the water tank and the adjacent area.
- 2.2. The application site measures approximately 1.4 ha set within a wider woodland (blue line area) which extends to 6.23 ha in size. The wider area is outside the application site and scope however its management to enhance its ecological and biological value was secured under the outline application and s106 agreement.
- 2.3. Within the application site are the Public Rights of Way (PROW) HF8 and HF56.

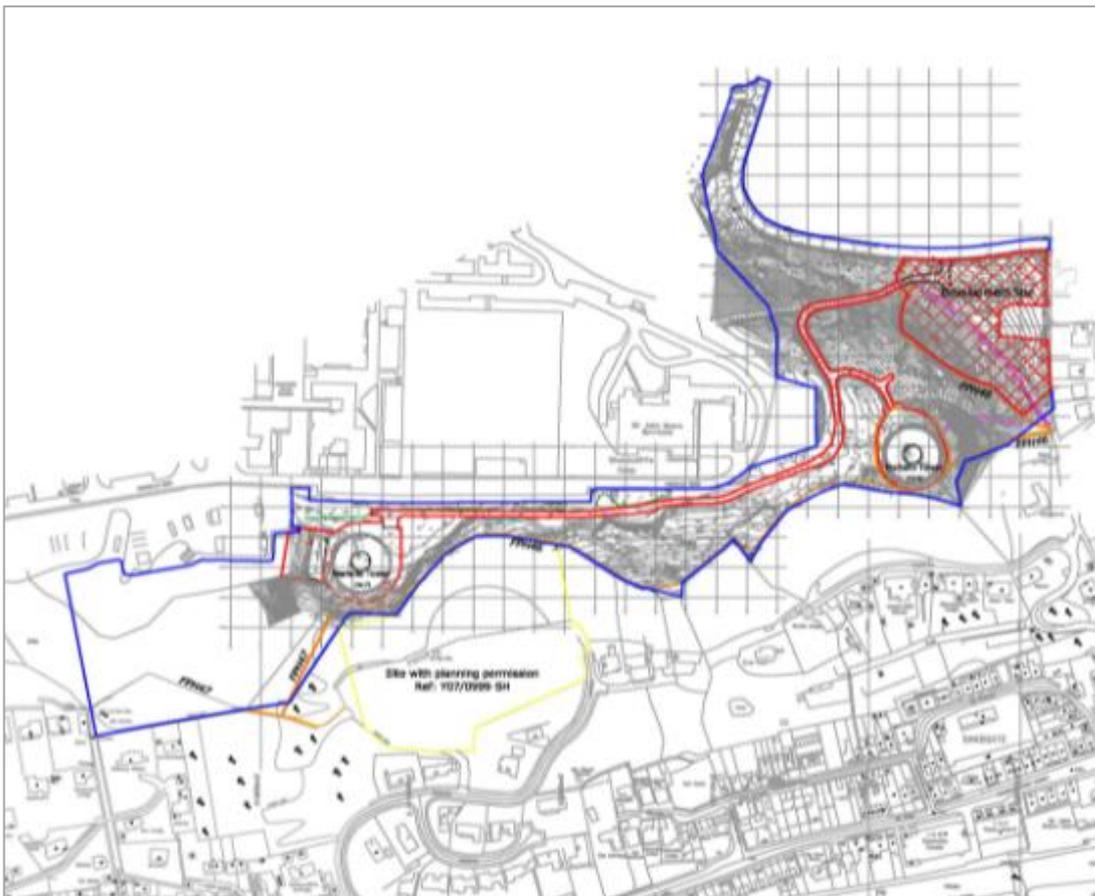


Fig.1 Site location plan

- 2.4. The part of the site that would contain the five houses is located to the south of Military Road and to the west of the properties 55 and 53 Military Road and 28 and 29 Bybrook Field. It is located on a steep escarpment, increasing in height from 37m ADN in the south to over 50m ADN in the north, with the majority of the site laying between 40.5m ADN and 44.8m ADN. The site rises gradually from east to west, with the access point from Military Road located at 40.2m ADN in the east and the western edge of the site approximately 1m higher.
- 2.5. Units 3, 4 and 5 would be located within the 'plateau' of the site, to the south of the proposed access way with proposed ground levels of 41m ADN, whilst units 1 and 2, to the north of the access way are proposed to be cut in to the steep bank, at a level of 42m ADN. As such the development includes considerable engineering works and retaining wall features, with the top of the wall to unit 3, three metres above the garden level. There is a complex arrangement of split retaining walls for units 1 and 2 allowing

for a level change from 42m ADN to 44.7m and, forming a raised garden, with a further 5 metre retaining wall to the boundary and ground level of over 50m ADN. Beyond this is the proposed relocated PROW.

- 2.6. The Martello Towers are both located upon the top of the steep, wooded escarpment above the historical core of the village of Sandgate. Directly to the north of the escarpment is the Sir John Moore MOD camp, whilst to the south a number of properties are located upon the hillside, including those within the Undercliffe (from which footpath access is provided) below Tower 6 and Encombe to the south and below Tower 7. Beyond tower 7 and Brewers Hill, the footpath connects to the west to The Corniche to the southwest, beyond which are Martello Tower 8, the Shorncliffe Redoubt, Martello Tower 9 and the Military Canal providing a continuous series of Napoleonic military fortifications. Both towers are located at approximately 60m AOD.
- 2.7. With regard to land designations, the application site, including the enabling housing development, is located outside of the settlement boundary of the Folkestone/Sandgate Urban area, which tightly follows the curtilages of residential properties. Martello Tower 6, and the area to the south is located within the Sandgate High Street Conservation Area, however this designation does not extend to the proposed housing site. Tree Preservation Order number 21 of 2011 covers the application site and wider woodland. The majority of the site is identified as an Area of Archaeological Potential (AAP), whilst the entire application site is located within the Building Control 'Latchgate Area' within which detailed foundation design and land stability measures require approval.
- 2.8. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 The application seeks only reserved matters approval for the appearance and the landscaping of the 5 detached houses, approved as part of outline planning permission Y11/0137/SH.
- 3.2 The layout of the site was approved at the outline stage, as was the scale of the dwellings and floor heights. The approved layout includes a cul de sac access road, inclusive of turning area serving the development, with footways provided to the north and south of the access.
- 3.3 Each dwelling proposes parking to the ground floor, living accommodation to the first floor and bedrooms to the second floor, with a substantial retaining wall structure proposed to the north, running east to west along the boundary of the site. _In terms of the design and location of each unit.
- 3.4 Unit 1 is located at the entrance to the site and would be the only three storey dwelling proposed within this development. Units 2, 3, 4 and 5, which are all of a similar design, would be two storeys in height. The design of the proposed units is illustrated on the example elevational drawings shown below:



AD(0)53.01
UNIT 1 (PLOT 2)
NORTH-EAST ELEVATION
AS PROPOSED
SCALE 1:100



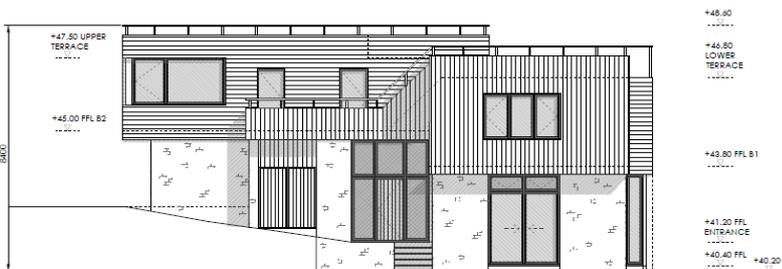
AD(0)53
UNIT 1 (PLOT 2)
NORTH-EAST & SOUTH-EAST ELEVATIONS
AS PROPOSED
SCALE 1:100

AD(0)53.02
UNIT 1 (PLOT 2)
SOUTH-EAST ELEVATION
AS PROPOSED
SCALE 1:100

Fig 2. Elevation plans proposed for plot 1



AD(0)74.01
UNIT 5 (PLOT 3)
SOUTH-WEST ELEVATION
AS PROPOSED
SCALE 1:100



AD(0)74
UNIT 5 (PLOT 3)
SOUTH-WEST & SOUTH-EAST ELEVATIONS
AS PROPOSED
SCALE 1:100

AD(0)74.02
UNIT 5 (PLOT 3)
SOUTH-EAST ELEVATION
AS PROPOSED
SCALE 1:100

Fig.3 Elevations proposed unit 5

- 3.5 The dwellings are proposed to be contemporary in design with flat roof terrace and balcony areas incorporated into the design. The external materials would mainly consist of brickwork to the lower sections of the dwellings and dark stained timber cladding to the upper sections. Large areas of glazing are proposed to the principle elevations with wooden entrance doors and garage door. Proposed elevations are included at figure 3 below.
- 3.6 With regards to landscaping, the proposal seeks to retain as much of the woodland/trees as possible and the vast majority of open space within the site is to be retained or replanted as woodland. Roof gardens are proposed to the dwellings, rather than formalised grass gardens and this is supplemented by small private open spaces cut into the landscape for each dwelling, laid in Tobermore Tegula Cedarblock paving. This approach has been taken to avoid over domestication of the area and enhance biodiversity of the area while retaining usable open space. It was also the intent to ensure the woodland character of the site is retained as much as possible following development of the site. This is illustrated in figure 4 and 5 below.



Fig.2 Block plan - approved at outline stage



Fig 3. Proposed elevations

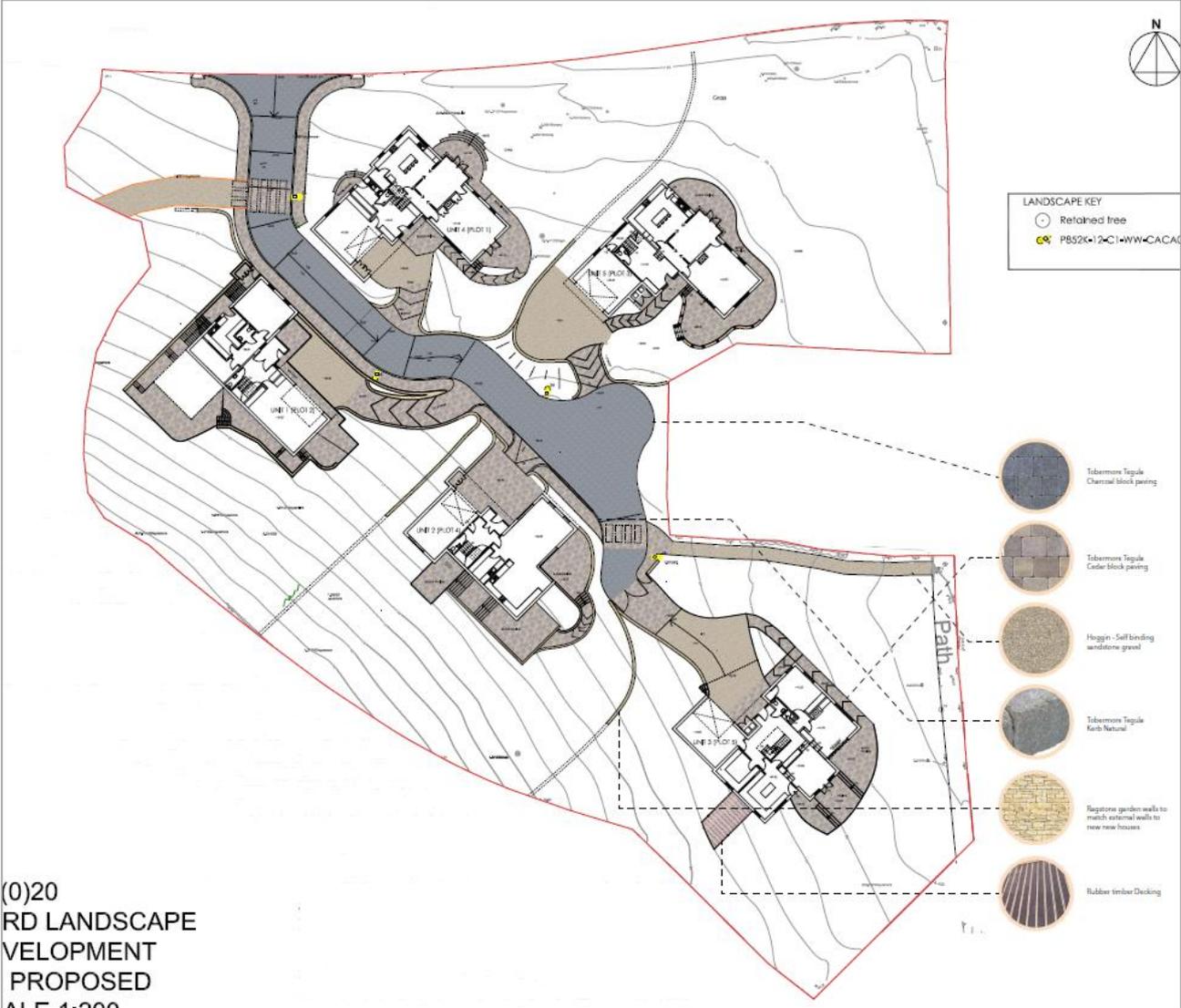


Fig 4. Proposed hard landscaping



Fig 5. Proposed soft landscaping

3.7 Since initial submission of the application, revised drawings have been submitted to make the following amendments;

- reduced the extent of excavation to the rear of Plot 1 (Unit 2);
- amended the Material List;
- remove the pavement to the left of the access road and replace with further planting/landscaping; and
- update the landscape plan with additional information.

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

Verification of Current Ecological Value (4th March 2021)

This report has been commissioned as confirmation that the findings of the 2010 report regarding the potential, or lack thereof for protected or notable species to be present within the footprint of the enabling development area, was still valid. The report concludes that there has been no significant change to the site, other than the growth of some of the trees over the last eleven years, and the development of a thicker cover of bramble. Nesting birds will, as a result of the increased bramble cover, be of concern, and no vegetation removal should take place without the benefit of an ornithological survey immediately prior to clearance and / or ensuring that no clearance takes place between mid – March and early August when breeding bird presence is most likely. Similarly, there should be an overall ecological watching brief when the site is being cleared for development, and particularly whilst any trees are being felled. In the latter case this would be to ensure that trees were checked for the presence of hitherto – unknown cavities or other features likely to be used by bats; if any evidence of bats was found during tree felling, work would immediately cease, and further advice would be sought from Natural England. The report further states that the site is too shaded for it to be likely that common reptiles would be present, and great crested newts have not been recorded from Sandgate. The area is outside the range of dormouse in Kent, so that too can be discounted. Hedgehogs occur locally and could be found on site from time to time, and so there should be careful phased clearance of brambles with ecological supervision.

Desk Study Report (April 2019)

The desk study report has assessed the site for impacts regarding contamination, ground gas, ground water, buried services, and geo-technical (phase 1 and phase 2). The report concludes that given the limited history of development on the site it is considered that the risk of underlying silt being impacted by a range of contaminants is generally low. However, a site investigation to confirm the expected low levels of contamination is recommended. There is limited potential for the generation of ground gases to occur and it is recommended that gas monitoring wells are installed in the vicinity of the proposed buildings to assess the ground gas regime beneath the site. Ground water is expected to be deep, but perched groundwater may be present within the near surface soils and therefore the geotechnical investigation will seek to confirm details, where encountered. The report concludes that the greatest single risk to this site related to unstable slopes and excavations associated with historical landslips. Therefore investigations ought to penetrate to sufficient depth to allow the designer to have a full understanding of the geology and geotechnical conditions which may affect the development.

Outdoor Lighting Report (28th January 2020)

The lighting report confirms that columns are proposed at 5 metres in height and confirm that the light spill is very tightly contained and will not impact locations used by bats. The report provided detailed data on the proposed lighting strategy for the site and includes images of the lighting columns to be used, and a site layout plan details lighting positions.

4. RELEVANT PLANNING HISTORY

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

Y11/0137/SH	Outline application for the erection of 5 detached houses, including details of layout, scale and access, together with the change of use and conversion of Martello Tower 6 to a residential holiday let and Martello Tower 7 and adjacent underground water tank to a dwelling, together with associated access road and engineering works, parking, landscaping and ancillary outbuilding to serve Martello Tower 6.	Approved with conditions
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It should also be noted that a number of applications have been made, with some currently under consideration, for the discharge of details pursuant to the conditional requirements of the outline planning permission.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: Object on the following grounds:

- 1) that the extensive hard landscaping including the road and pavements remains, increasing the (s)urbanisation of the wooded escarpment site in what is identified in the Sandgate Design Statement (2020) SDS9 as a distinctive green feature of the village. The original report by Anthony Swaine (22/11/19), conservation consultant, commissioned by FHDC, specifically identified that the design of the hard landscaping as 'excessive' with the roadway dominating the layout. In addition the submitted application does not detail the access road to Martello Tower #7 so that the additional detrimental impact of more hard landscaping (and the consequential removal of trees) is not included.
- 2) The application does not address the original objections regarding the extensive street lighting and the contribution this also makes to the (s)urbanisation of the development (as also identified by Anthony Swain) introducing light pollution in what is otherwise a light free environment.
- 3) The new 'roof gardens' are not 'green roofs' but roof terraces and there is no guarantee that the identified green planting will be maintained in the future.
- 4) We acknowledge the concerns of the adjacent neighbours in Bybrook Fields that the new roof gardens may cause overlooking.
- 5) We continue to be concerned about the reduction in tree cover and, again, this will be reinforced by the introduction of an access road to Martello Tower #7. We would like to see significantly more tree and vegetation planting to maintain the wooded escarpment appearance and to add to the soil stability of the site.
- 6) The introduction of access roads to both Martello Towers and the engineering works required to produce level plots for each of the dwellings will have a huge impact on

the wooded areas and the resulting removal of considerable amounts of soil will impact on the site stability which has already been adversely affected by other large developments on the escarpment.

KCC Highways and Transportation: No comment

KCC Ecology: No objection subject to conditions

Historic England: No comment

Natural England: No comment

Environment Agency: No comment

KCC Archaeology: No comment

Arboricultural Manager: No objection.

Housing: Comments made in relation to fire safety and means of escape.

Local Residents Comments

- 5.2 Eight neighbours directly consulted. Thirteen letters of objection received in relation to the application.
- 5.3 I have read all of the letters received. The key planning issues/concerns raised are summarised below.
- 5.4 A number of comments have been raised which do not relate to the substance of the application, that being the reserved matters of appearance and landscaping. They are listed for completeness but are not relevant to this consideration of this application.

Objections

- Dwellings too high
- Materials inconsistent with Sandgate Design Statement
- Overlooking
- Style of swelling inconsistent with style of neighbouring and village in general
Proposed plans deviate from the outline application
[CPO comment: The plans do not deviate from the outline permission]
- Landslip area
- Loss of trees
- Impact on highway safety
- Additional parking congestion
- Wildlife habitat loss
- No geological survey carried out

- Safety of neighbouring properties seriously prejudiced
- Noise disruption
- Drainage details not included
[CPO comment: This is an application for external appearance and landscaping only]
- Walkways through the site would change
- Could be start of bigger development
- Area prone to flooding and development would add to the problem
- Tree Preservation Order on the site and trees should not be cut down
- Not eco friendly
- Impact of garages on scheduled ancient monuments
- Lack of information submitted
- Lighting proposed will have serious impact on visual amenity of the escarpment.

Sandgate Society: Objects on the following grounds:

The project is for an enabling development to restore Martello towers 6 and 7. The project seems to have lost sight of this and is heading towards the very reason NOT to grant enabling development. That is, this seems to be a case of 'speculative acquisition'. From Historic England, 'enabling development is tested against the needs of the place not the owner'. This was the case previously. Planning policy should ensure that development is appropriate for its location, identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value. The Anthony Swaine document points out that the proposed road for the enabling development dominates the layout and will create an unattractive open suburban appearance. Green/living roofs are environmentally friendly and help to mitigate loss of biodiversity. The latest plans show rooftop gardens; these require more maintenance, need to bear more weight, and will probably require screening for privacy. They will not lessen the impact of the proposed development whereas green/living roofs would blend with the environment. Considering climate change and location, this decision to destroy a large part of protected woodland, on a slope, in a landslip area was ill-conceived. HE recommends, for an enabling development, full planning permission at the outset to minimise adverse effects and control the impacts. This was not done. More needs to be done to mitigate the impact of this proposed enabling development.

[CPO Comment: This application is not for enabling development. The merits of the enabling development were considered under the outline planning permission, including the number of dwellings and their location.]

5.4 **Ward Member:** No comment.

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
- HB2 - cohesive design
- HB3 – internal and external space standards
- C1 – creating a sense of place
- C3 – provision of open space
- NE2 – biodiversity
- NE3 – protecting the District's landscapes and countryside
- HE1 – heritage assets
- HE2 – archaeology

Shepway Local Plan Core Strategy (2013)

- DSD – delivering sustainable development
- SS1 – district spatial strategy
- SS3 – place-shaping and sustainable settlements strategy
- CSD1 – balanced neighbourhoods for Shepway
- CSD4 – green infrastructure of natural networks, open spaces and recreation

Core Strategy Review Submission draft (2019)

- SS1 – district spatial strategy
- SS3 – place-shaping and sustainable settlements strategy
- CSD1 – balanced neighbourhoods for Shepway

CSD4 – green infrastructure of natural networks, open spaces and recreation

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

Supplementary Planning Guidance/Documents

Sandgate Design Statement (2019 Review)

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.

Paragraph 48 – Giving weight to emerging plans.

Paragraph 117 – Making effective use of land.

Paragraph 127 -130 – Achieving well designed places.

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 Background

- 7.2 Members are advised that the works to the Martello Towers, which were granted outline planning permission alongside the five new dwellings under the previous 2011 consent do not form part of this current Reserved Matters submission, which relates solely to the five houses only. The previous outline permission dealt with the change of use and conversion of Martello Tower 6 to provide holiday let and Martello Tower 7, including an underwater tank to provide dwelling accommodation. The Outline permission included consideration of access arrangements, engineering works, landscaping and an ancillary outbuilding to serve Martello Tower 6. Any matters reserved for consideration in relation to these elements of the wider proposal would be subject to a separate application for the discharge of reserved matters.
- 7.3 For clarity the approved layout is shown in Figure 2 above. As shown the approved plans provide a cul-de-sac access road with turning area serving the development and footways provided to the north and south of the access. Units 1 and 4 are located at the entrance to the site, with units 2-4 arranged facing on to the access further in to the site, which rises up from south to north. Units 2-5 are two stories in height, whilst unit 1 is 3 storeys, providing access and parking to the ground floor (including garage), living accommodation to the first floor and bedrooms to the second floor, with a retaining wall structure proposed to the north, running east to west along the boundary of the site.
- 7.4 In light of the above the main issues for consideration are:
- a) Appearance
 - b) Landscaping
- a) Appearance**
- 7.5 The National Planning Practice Guidance sets out that Reserved Matters for appearance includes the following as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015: the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 7.6 The application site sits within the Shorncliffe Camp character area according to the Sandgate Design Statement. This area is characterised by large scale, simple form buildings in regimented groups, located in extensive areas of open land. The landscape is distinctive with mature tree planting, which is an important element of its character and one that should be protected and enhanced by new development. Built form within this character area is typified by redbrick development of traditional design. In consideration of the aims and objectives set out within the Sandgate Design Statement, the proposed design and appearance of the dwellings, whilst contemporary in nature, would all share a common architectural language and features such as flat roofs, extensive glazing, and the same materials. None of the houses would be identical. They are all designed to have flat roof terraced areas incorporated into the design and balconies are proposed to some elevations. External materials would mainly consist of brickwork to the lower sections of the dwellings and dark timber cladding to the upper sections. Large areas of glazing are proposed to the principle elevations, adding to the contemporary design of the dwellings.

- 7.7 Given the woodland character of this part of Sandgate, the relationship between the houses and their setting is of utmost importance. The dwellings are set within the tree covered steep slopes, following topographical features and given their design and appearance are considered to relate positively to the immediate locality. The design of the dwellings, with simple forms, creates an uncomplicated development which aims to sit within the landscape and has been subject to negotiation and amendments throughout the lifetime of the application. As a result of these discussions, it is considered that the dwellings, and their gardens are of a high quality design and the materials proposed, including the use of dark timber, which is recessive within a woodland site such as this, are appropriate for this setting and locality. The relatively modest architectural style is applied consistently across the development, and is considered to be well detailed. Final detail of material samples is secured via condition 17 of the outline permission, which is yet to be submitted for consideration and discharge, but will take reference from those materials characteristic of this area. Condition 17 will ensure that the quality of detailing implied by the drawings is followed through in the execution.
- 7.8 The outline permission set the parameters of the height of the dwellings, and the proposed houses fall within those parameters.
- 7.9 Overall, the appearance of the proposal would be compatible with the neighbouring development and no objections are raised in respect of the appearance of the proposal.

b) Landscaping

- 7.10 The National Planning Practice Guidance sets out that Reserved Matters for landscaping includes the following as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015: the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:
- (a) screening by fences, walls or other means;
 - (b) the planting of trees, hedges, shrubs or grass;
 - (c) the formation of banks, terraces or other earthworks;
 - (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
 - (e) the provision of other amenity features.
- 7.11 As woodland is an important characteristic of this part of Sandgate, and in order to adhere to the aims and objectives of the Sandgate Design Statement, landscaping is considered important to reinforce character and identity, define legibility, create a pleasant and welcoming place and support the function of the site. The thickly wooded scarp slope is a defining element in the setting of Sandgate, forming the backdrop to the town, with the dark green of the woodland slopes punctuated but the small number of painted classical white villas that were built along the hillside in the early/mid C19th. This wooded slope is covered by a Tree Preservation Order (TPO).
- 7.12 The landscaping scheme proposed seeks to retain as much of the woodland/trees as possible, however a number of trees would be lost as a result of the proposals. Within the enabling development part of the application site 30 trees are proposed for removal, albeit the majority of these are self-seeded sycamore of low environmental

and landscape value. The principle of the loss of these trees was accepted at outline planning stage and there remains no objection from the Council Arboriculturalist under this reserved matters application.

- 7.13 The retention of extensive woodland and trees within the existing site is of particular importance along the approach road, road frontage and also to the rear of the units. As a result the houses themselves would not create a new 'frontage' onto Military Road therefore limiting the change to the character of this area (street scene). It was an important consideration when outline permission was granted that the dwellings remain 'hidden' and that the woodland, which is characteristic of this side of the road, is not lost and/or destroyed. The development seeks to ensure that this character is maintained and it is concluded that the landscaping proposed has successfully achieved this.
- 7.14 The amenity open space is provided via roof gardens to the dwellings, rather than formalised grass gardens, as this is considered a more appropriate solution and in keeping with the natural escarpment setting. This is supplemented by small private open spaces cut into the landscape for each dwelling, laid in Tobermore Teguls Cedarblock paving, for secluded patio areas and outdoor seating.
- 7.15 The vast majority of open space within the site is to be retained or replanted as native woodland to unite the dwellings and built form into the landscape. This is considered to be an important factor for the development as it retains the character of the woodland, ensures the retention and preservation of many of the trees on site resulting in a limited impact on the character of the wider area, and the setting of the listed buildings/structures are preserved, as envisaged at the outline stage.
- 7.16 It is considered that more traditional, suburban dwellings with uniform gardens, would harm the character of the site and result in a development out of character, with little respect for the surrounding topography and landscape. It was felt more appropriate to preserve the woodland and natural landscape of the site and as such, the landscaping details proposed under this reserved matters application has evolved as a result of discussions with the Council to ensure that a naturalistic approach is achieved, with the dwellings set within the tree cover.
- 7.17 Given the above, the landscape plan has been amended during the processing of the application to include trees to the northern part of the site to be planted with trees of "heavy standard" to ensure that they are more mature and substantial when planted. It is acknowledged that the proposal would result in the loss of some woodland to allow for the development of the houses, but it is considered that if the wider woodland area is managed as intended, the impact of this loss would be mitigated and reduced. The proposed landscape scheme is therefore considered acceptable.
- 7.18 Whilst lighting does not specifically form part of this reserved matters submission, it had been raised during consideration of a set of ecology conditions submitted and approved under details pursuant to conditions 19 and 25 and as such has been included as part of the landscaping plan for locational purposes only. The lighting plan illustrates the lighting columns to be used within the site. These are considered to be of appropriate, size, scale, material and design to ensure the natural setting of the site is maintained and that the street furniture proposed does not add to a cluttered or urbanised appearance of the site. Lighting is considered to have been kept to a minimum. The submitted documents demonstrate that lighting is restricted to the road within the housing development and therefore it is considered that there would be minimal light spill on to the adjacent boundaries. As such, the locations identified and

details of the lighting to be installed are acceptable. However, there is a possibility that residents will install security lighting and therefore it is recommended a condition is attached to any permission granted to minimise light spill from any security lighting that is installed by the applicants to ensure that lights with minimal light spill and with a light sensor are used. The concerns from neighbours and the Parish Council regarding the introduction of light pollution in what is otherwise a light free environment are noted, however subject to a condition, it is not considered that the landscaping scheme would not result in detrimental levels of light spill beyond the trees into the wider streetscene.

7.19 Overall, the philosophy behind the soft landscaping is considered to be sound; the plants are well considered both aesthetically and from a practical perspective. The landscape plans for the reserved matters application reflect the requirements of the management plans (ie; providing a hedgerow/woodland boundary along the western boundary of the site) and this will ensure that connectivity through the surrounding area will be retained. As noted above, this is a natural, wooded environment and as such it is important that a robust landscape management plan is in place to support the scheme. This should allow for replacements if certain plants or trees struggle to develop, a matter which can be controlled via an appropriately worded planning condition.

c) Other matters

7.20 An updated ecological report has been submitted with this application which demonstrates that the site remains largely unchanged from when consideration was given to ecological matters at outline stage. There are no objections from KCC Ecology and overall, there are no further considerations above the approved details at outline stage in this instance.

7.21 Private Sector Housing made comments in relation to this application concerning fire safety and means of escape, however these matters are not a material consideration under this reserved matters application and are dealt with by Building Control and the building regulations.

7.22 Concern has been raised via representation to the application on matters relating to landslip issues, dwelling density, impact on highway safety, additional parking congestion, wildlife and habitat loss, drainage, geological surveys, public rights of way through the site, flooding and setting precedent for a large development are all matters considered at outline stage and are not for consideration here. Outline planning permission has already been granted and the purpose of this submission is to consider appearance and landscaping only. Concern has also been raised regarding the proposed plans, stating that these deviate from those agreed at outline. To clarify, there has been no deviation from those plans agreed at outline and the layout and access arrangement remain as approved.

7.23 Further to this, a number of comments and objections were made in relation to the principle of development. This application is for reserved matters, and therefore the principle of development is not for consideration, as it was assessed and addressed at outline stage.

Local Finance Considerations

7.24 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.

7.25 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new residential floor space.

Human Rights

7.26 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

7.27 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

7.28 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 In light of the appraisal set out above, it is considered that this reserved matters submission has demonstrated compliance with Condition 1 and Condition 16 of the outline planning permission Y11/0137/SH, which sets out that the submission of reserved matters applications shall demonstrate compliance with the approved

detailed plans and the text set out on those plans to fix the development principles. As such, it is considered that the application carries through the development principles which were agreed upon at outline planning permission stage and represents an acceptable proposal across the reserved matters of appearance and landscaping, in accordance with relevant national and local adopted planning policy.

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 the reserved matters be approved subject to the conditions set out below and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

Conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the summited plans and documents, numbers:
 - 09/14/01G Site Location Plan
 - 09/14/103 Proposed ground floor tower 6
 - 09/14/104 Proposed first floor tower 6 and 7
 - 09/14/105 Proposed bridge link section A-A and west elevation tower 6 and 7
 - 09/14/106 Proposed tower and ground floor garage tower 6 and 7
 - 09/14/107 Proposed section B-B tower 6 and 7
 - 09/14/601 Rev B Proposed ground floor tower 7
 - 09/14/602 Rev A Proposed first floor tower 7
 - 09/14/603 Proposed roof plan tower 7
 - 09/14/604 Proposed sections A-A & B-B tower 7
 - 09/14/605 Proposed elevation north tower 7
 - 09/14/606 Proposed elevation east tower 7
 - 09/14/607 Proposed elevation south tower 7
 - 09/14/608 Proposed elevation west tower 7
 - AL(0)09 Rev A Landscape and topographic as existing
 - AL(0)10 Rev A Landscape and topographic as proposed
 - AL(0)12 Rev C Landscape sections
 - AL(0)11 Rev C Landscape enabling development as proposed
 - AL(0)20 Rev E Hard landscape
 - AD(0)40 Rev D Landscape through road
 - AD(0)41 Rev A Landscape rear section
 - AD(0)49 Rev C Unit 2/Plot 2
 - AD(0)50 Rev C Unit 1/Plot 2
 - AD(0)51 Rev C Unit 1/Plot 2
 - AD(0)52 Rev B Unit 1/Plot 2
 - AD(0)53 Rev C Unit 1/Plot 2
 - AD(0)54 Rev C Unit 1/Plot 2

- AD(0)55 Rev C Unit 2/Plot 4
- AD(0)56 Rev C Unit 2/Plot 4
- AD(0)57 Rev C Unit 2/Plot 4
- AD(0)58 Rev B Unit 2/Plot 4
- AD(0)59 Rev C Unit 2/Plot 4
- AD(0)60 Rev C Unit2/Plot 4
- AD(0)61 Rev C Unit 3/Plot 5
- AD(0)62 Rev C Unit 3/Plot 5
- AD(0)63 Rev B Unit 3/Plot 5
- AD(0)64 Rev D Unit 3/Plot 5
- AD(0)65 Rev D Unit 3/Plot 5
- AD(0)66 Rev D Unit 4/Plot 1
- AD(0)67 Rev C Unit 4/Plot 1
- AD(0)68 Rev C Unit 4/ Plot 1
- AD(0)69 Rev D Unit 4/Plot 1
- AD(0)70 Rev D Unit 4/Plot 1
- AD(0)71 Rev C Unit 5/Plot 3
- AD(0)72 Rev C Unit 5/Plot 3
- AD(0)73 Rev C Unit 5/Plot 3
- AD(0)74 Rev D Unit 5/Plot 3
- AD(0)75 Rev D Unit 5/Plot 3
- AL(0)91 Tree plan as existing
- AL(0)92 Tree plan as proposed
- SY20-268-LLP-20-01B Landscape planting plan
- SY20-268-LLP-20-03P Landscape planting plan - planters
- SY20-268-LLP-20-02P Landscape planting plan - planters
- 103248 Outdoor lighting report
- 8143 Exterior lighting
- 35850/R/001CLD Desk study report

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

2. The enhancements as details within the hereby approved Verification of Current Ecological Value (4th March 2021) shall be incorporated in to the site prior to first occupation of any dwelling with the site.

Reason: In the interest of biodiversity and to encourage ecological enhancements within the site.

3. Prior to the installation of any additional lighting to be installed within the site or on the approved dwelling, details shall have been submitted to and agreed in writing by the Local Planning Authority. Lighting proposed should ensure minimal light spill and have a light sensor.

Reason: To ensure any additional lighting proposed within the site is appropriate for the locality and to reduce light spill from the development.

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, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Appendix 1 – Site Location Plan