

Application No: 23/0159/FH

Location of Site: High Meadow, Sandling Road, Saltwood, Hythe, Kent CT21 4QJ

Development: Proposed replacement dwelling (involving the demolition of the existing fire damaged property) plus two additional dwellings to the rear of the site and associated external works.

Applicant: Mr David Sercombe, c/o agent.

Agent: Guy Hollaway Architects, The Tramway Stables Rampart Road, Hythe, United Kingdom, CT21 5BG

Officer Contact: Alex Stafford

SUMMARY

This report considers whether planning permission should be granted for the demolition of the existing fire damaged dwelling and replacement with a detached dwelling together with the erection of two additional detached dwellings within the rear garden.

The site is located within the settlement boundary in a sustainable location where the principle of the development is acceptable.

It is considered that the proposal represents good design that would contribute positively to the character of the street scene and wider AONB. The dwellings would each retain a good amount of amenity space and would sit comfortably within their plots. The Councils residential space standards would be exceeded.

As a result of reasonable separation distances, it is considered that the development would not have an adverse impact upon the residential amenity of the occupiers of neighbouring dwellings.

It is considered that matters relating to parking, highway safety, biodiversity, archaeology and landscaping and tree protection can be appropriately dealt with through the imposition of planning conditions.

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 an objection has been received from Saltwood Parish Council and therefore under the Council's scheme of delegation it falls to the Members of the Planning Committee to determine the application.

2. SITE AND SURROUNDINGS

- 2.1. The application site comprises a large, detached dwelling located within a generous well maintained and extensively planted garden. The site is approximately 0.4ha in size. There is a levels change within the site with the ground level stepping down to the south.
- 2.2. The dwelling itself which sits back from the road by approximately 28 metres is extensively fire damaged and uninhabitable following a fire in 2020.
- 2.3. The site is located within the settlement boundary of Hythe and is within the AONB, with the site boundary demarcating the edge of the AONB. The site is also located within the Wealden Greensand Landscape Character Area.
- 2.4. The large garden contains a number of individual TPO trees (TPO No 8 of 2015) that are located to the boundaries of the site. These include specimens such as Lime, Ash, Maple, Hawthorne, and Beech. There is an above ground air raid shelter located towards the northern boundary of the site.
- 2.5. Access to the site is via two existing vehicular entrances off Sandling Road, one to the north and the other to the north west. The site is well screened from the road, set at a higher level with fence, tree and hedge screening to the roadside boundary.
- 2.6. Public Right of Way HB32 runs adjacent to the eastern site boundary linking Sandling Road to St Augustine's primary school and Brockhill Country Park beyond.
- 2.7. The surrounding area comprises a mixture of two storey and single storey residential dwellings, mostly detached and individually designed.
- 2.8. The site located within CIL Zone C (125.88 per sqm)
- 2.9. The existing site layout is shown in Figures 1 and 2 below.



Figure 1: Site Location Plan

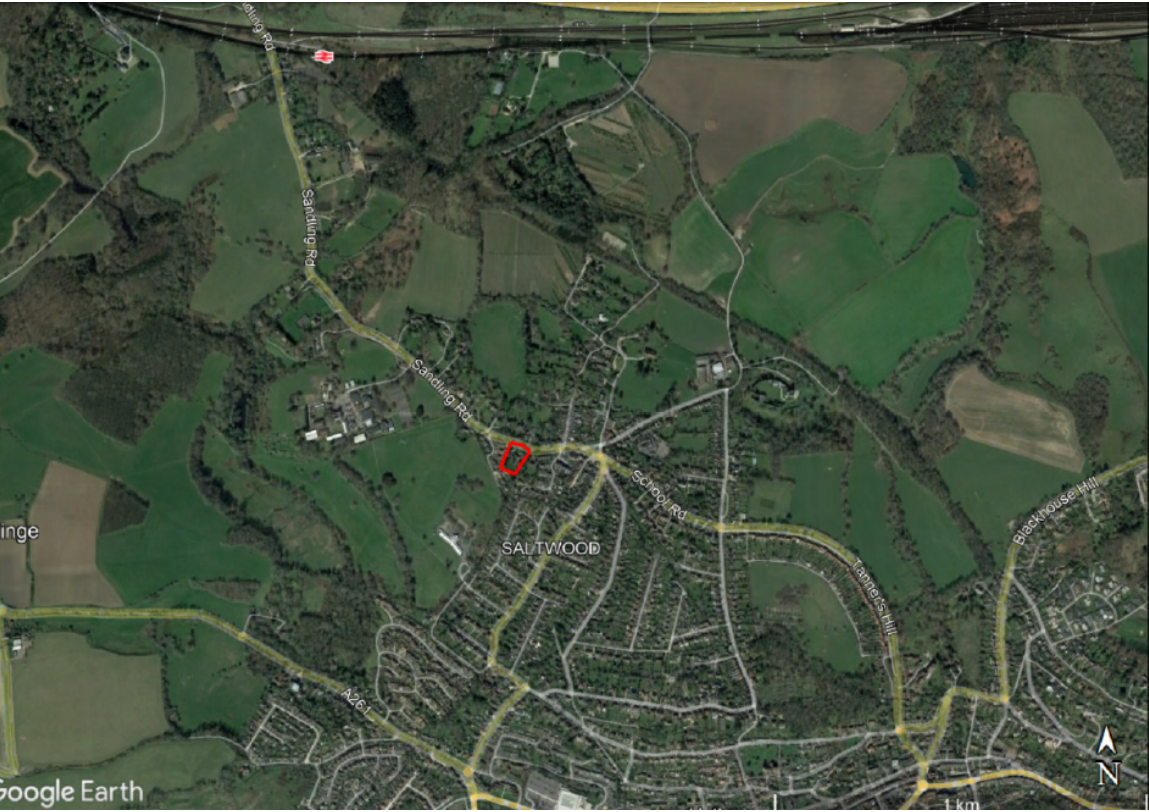


Figure 2: Site Location



Figure 3: Existing Dwelling – Front Elevation



Figure 4: Existing Dwelling - Rear Elevation

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

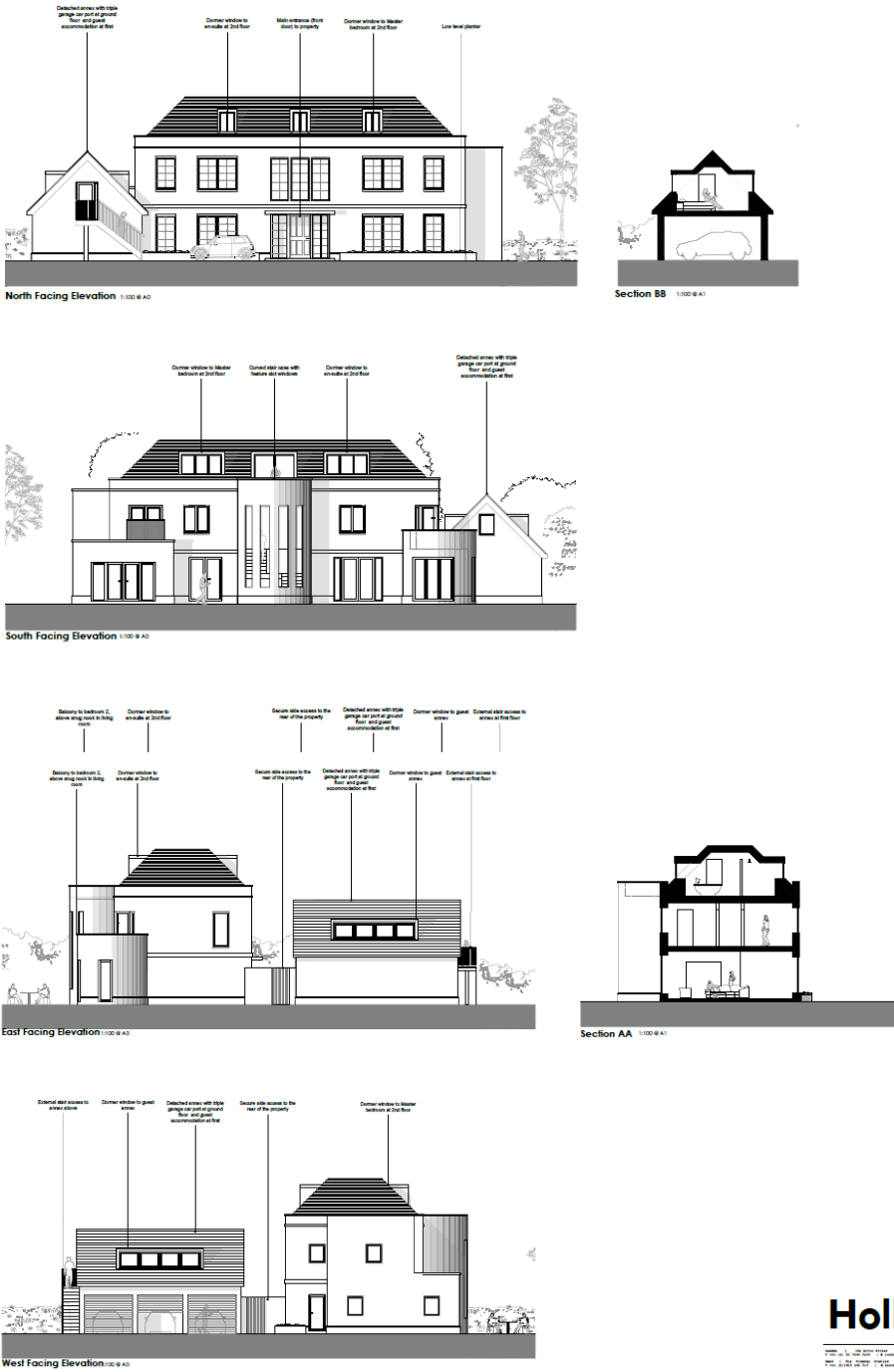
3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of a replacement 2.5 storey detached 5 bedroom dwelling and a detached 3 bay garage with guest accommodation above. In addition, two new detached two storey 3 bedroom dwellings are proposed to the southern end of the site.
- 3.2 Vehicular access would be provided to serve the replacement dwelling via the existing access to the north whilst access to the two new dwellings would be via the second access to the north east along a shared drive.
- 3.3 A total of fifteen individual trees, two groups of trees and part of two further groups of trees would be removed. Existing trees and a substantial amount of the bordering shrub would be retained with proposed additional native hedgerow planting proposed to demarcate the individual property boundaries. None of the trees protected by the TPO, which are largely located along the site boundaries are proposed to be removed.
- 3.4 Figure 5 below shows the proposed site layout.



Figure 5: Proposed Site Layout

3.5 Figures 6 below shows the proposed elevations of the replacement dwelling. Figures 7, 8 and 9 show the proposed floor plans. The replacement dwelling would represent a decrease in footprint from the existing dwelling and would be located further north than the existing.



Hollaway

Architectural details and contact information for Hollaway.

Figure 6: Proposed Elevations and Sections - Replacement Dwelling

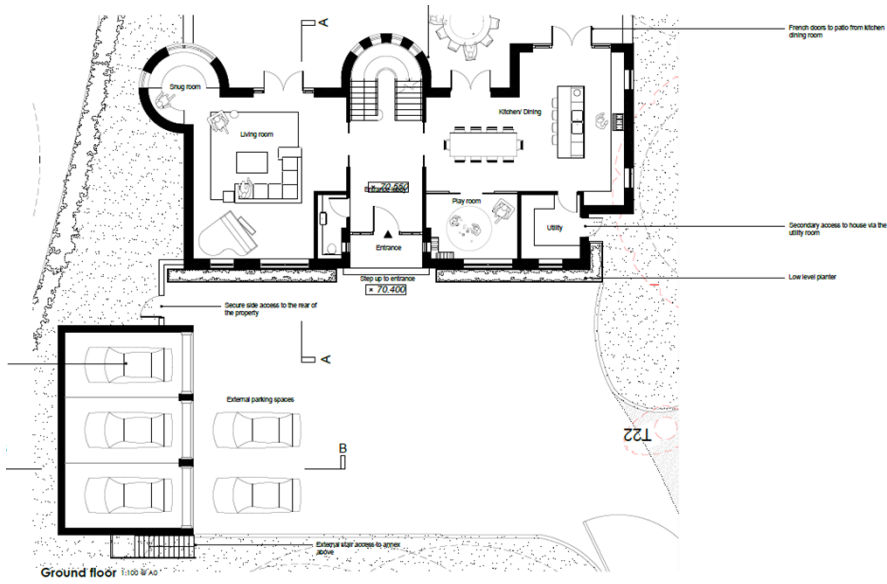


Figure 7: Proposed Ground Floor - Replacement Dwelling

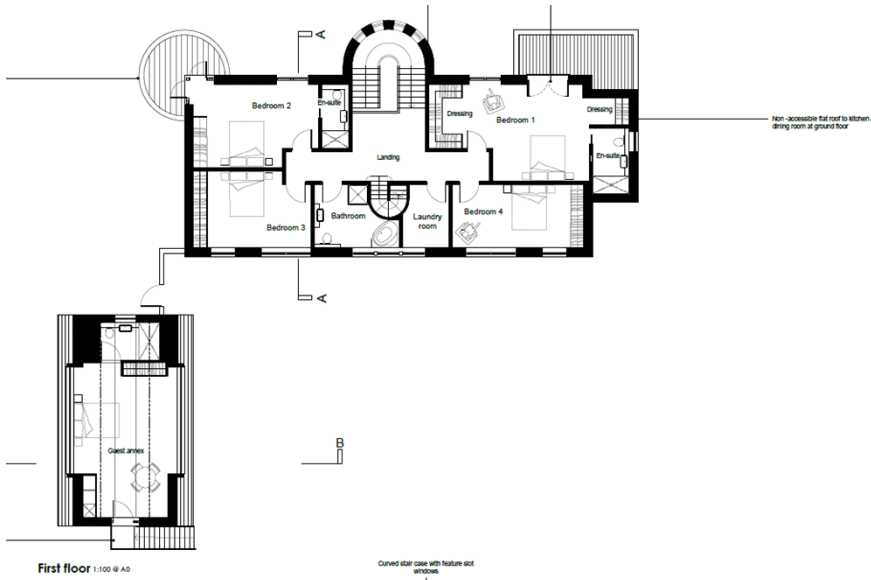


Figure 8: Proposed First Floor - Replacement Dwelling

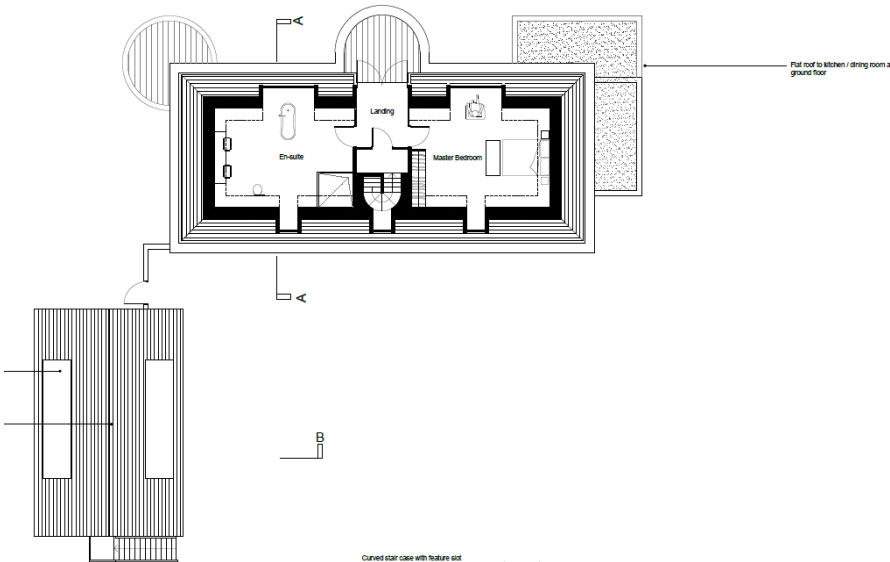


Figure 9: Proposed Second Floor - Replacement Dwelling

3.6 Figure 10 below shows the proposed elevations of house 1. Figure 11 relates to the proposed floor plans which show a 3 bedroom dwelling set out over 2 floors. The dwelling is designed with reduced height eaves to reduce the overall height and massing of the building. No windows are proposed to the west elevation to avoid overlooking towards neighbouring dwellings.

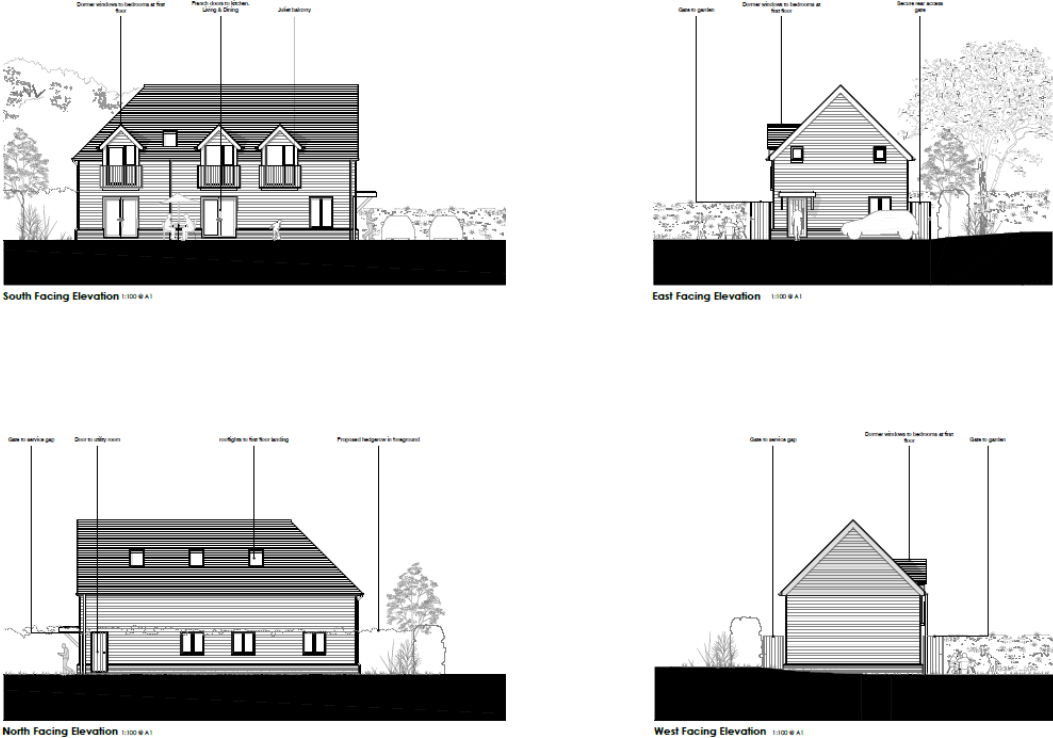


Figure 10: Proposed Elevations - House 1

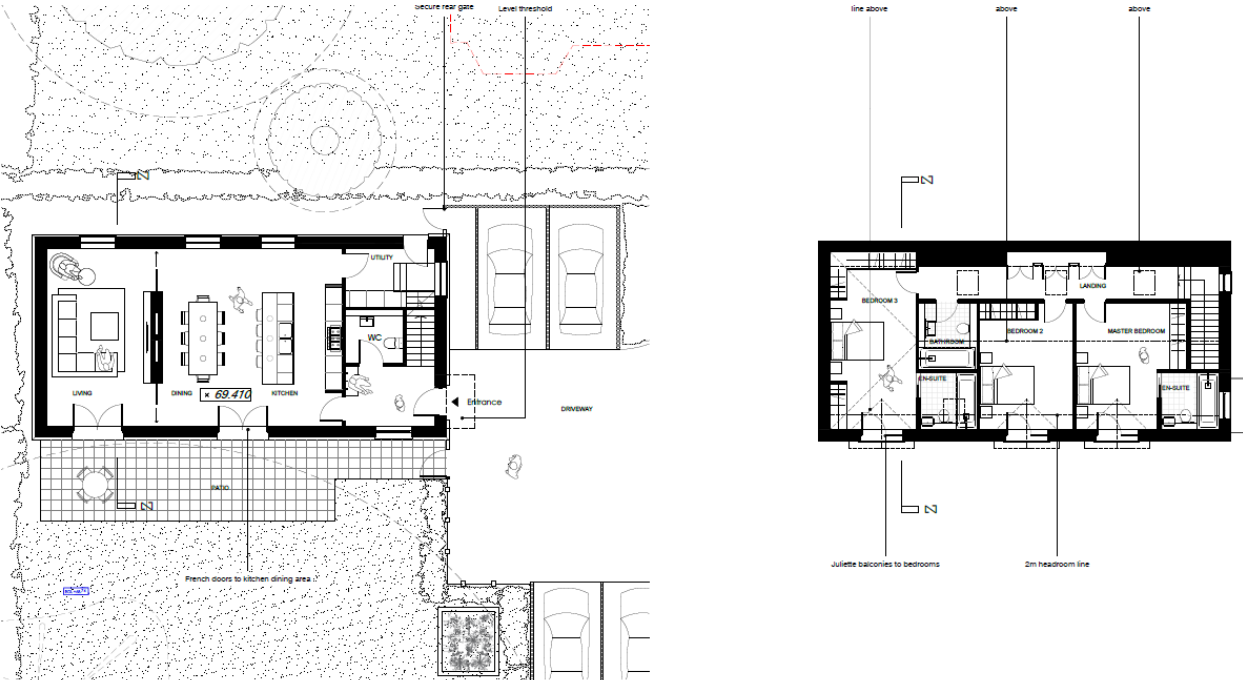


Figure 11: Proposed Floorplans - House 1

3.7 Figures 12 and 13 below shows the proposed elevations and floor plans of house 2. This would also be a 3 bedroom dwelling over 2 floors.



Figure 12: Proposed Elevations - House 2

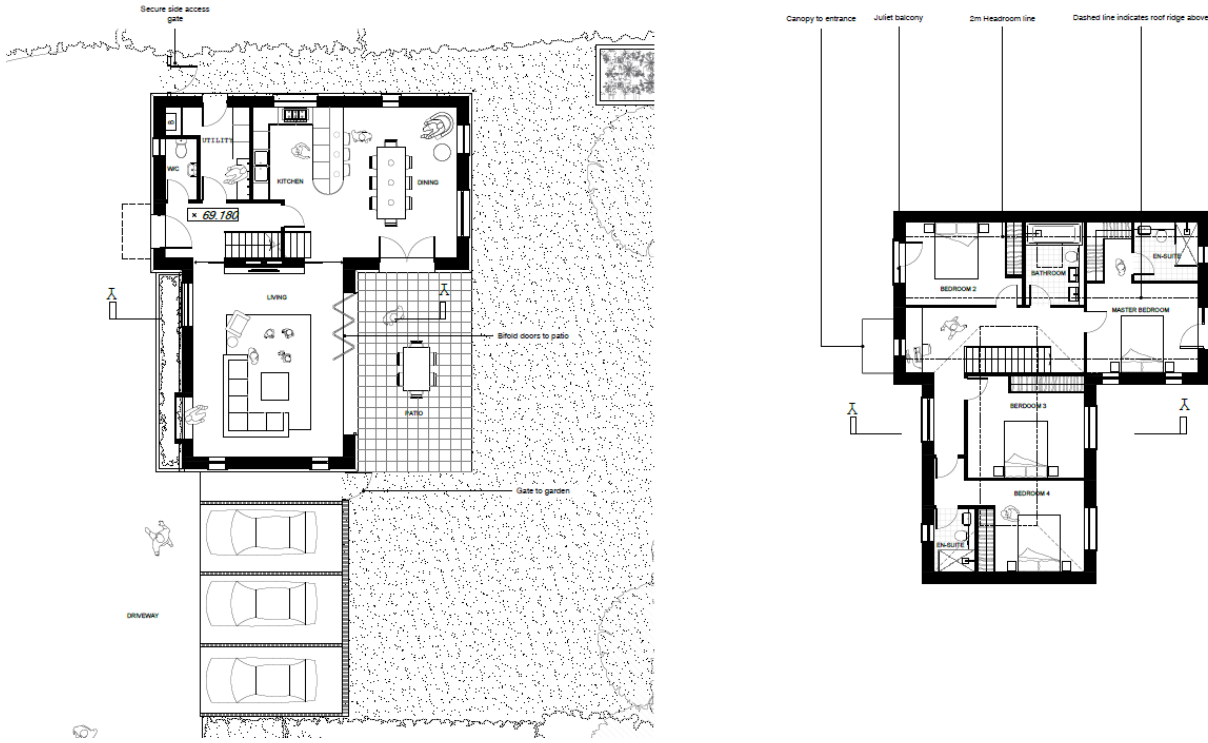


Figure 13: Proposed Floorplans - House 2

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

Design and Access Statement

The Design and Access Statement considers the context of the buildings, access and parking, future living conditions, and provides a summary of the proposed scheme with information on the floor plans and site layout. It concludes that the proposal would preserve the character of the site, street scene, surrounding area and AONB and that the proposed new dwellings would not result in harm to neighbouring amenity and would provide a high level of accommodation for future occupants.

Preliminary Ecological Appraisal

The site provides sub optimal habitat for badgers and the earth banks provide limited opportunity for sett creation. No evidence of badgers or setts were found. Numerous features suitable for use by bats were identified. Connectivity to areas of high bat foraging and commuting habitat exists within the surroundings.

Trees within the site were identified as having bat roosting potential. Suitable bat foraging and commuting habitat is also present within the site.

Suitable nesting habitat for breeding birds exists within the site.

The site provides limited terrestrial habitat for Great Crested newts and lacks the waterbodies essential to the reproduction of GCNs. The report concludes that GCN's are considered likely to be absent from the site.

No evidence of Dormouse was identified within the site.

Reptile habitats are present within the site but are likely to remain unaffected.

Bat survey

The results of the emergence/return surveys recorded three species of bat in the general surrounding areas of trees and boundary vegetation.

The results of the surveys did not record any bats exiting or returning to the burnt out main house or exiting the outbuilding on any of the surveys.

It is considered that bats are not currently using the house or outbuilding as roosting sites.

No further survey or mitigation in respect of bats is recommended.

Arboricultural Impact Assessment and Method Statement

The report sets out that a total of fifteen individual trees, two groups of trees and part of two further groups of trees would be removed to enable the proposed development. The majority of the trees to be removed are within the C category due to their young age or ailing condition. No TPO trees are proposed to be removed.

Through the specified construction methodologies and mitigation measures, it would be possible to minimise the impact of the proposed development on the retained trees.

Overall, there are no known overriding arboricultural constraints which would prevent the proposed development from going ahead, subject to the protection measures and construction methodologies specified within the report being correctly implemented.

4. RELEVANT PLANNING HISTORY

4.1 There is no recent relevant planning history.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Saltwood Parish Council: Object. Comments are summarised as follows:

The Parish Council do not object to the rebuilding of the family home destroyed by fire, but it objects to the two proposed new houses proposed to be built in the garden of High Meadow.

The Parish Council considers the new houses within the AONB would fail to conserve or enhance the natural beauty in line with policy requirements.

The new houses would be built on land that is higher than neighbouring dwellings and there are concerns that there would be an adverse impact upon the residential amenity of neighbours.

KCC Highways has also expressed concern regarding the use of the vehicle entrance and exit for the new builds. For the safety of vehicles, cyclists and pedestrians, highways require the minimum dimensions necessary for visibility splays as 2.4m and 4.3m. The application does not demonstrate how this can be achieved. The widening of the entrance to 4.8m is also necessary – and would require the correct permissions.

[CPO Comment: The applicant has provided amended plans showing the required visibility splays]

KCC Highways and Transportation: Initially raised a holding objection stating that this could be overcome through the submission of additional information demonstrating visibility splays of 2.4 metres by 4.3 metres and the widening of the access to serve the two new dwellings to the southern end of the site. In addition, information relating to bicycle storage was requested.

The applicant has subsequently submitted amended plans detailing that the required visibility splays can be achieved together with amended bicycle store plans and upon reconsultation Kent Highways and Transportation have confirmed that the objections have been overcome and that adequate visibility splays are now shown out of the proposed access onto Sandling Road serving the proposed two new dwellings.

Planning conditions are requested in relation to the following:

- Parking and turning to be provided and retained as shown on the site layout plan;
- Visibility splays as shown on the site layout plan with no obstructions over 0.6 metres in height;
- Bicycle store to be provided and retained.
- Construction Management Plan including wheel washing facilities;
- EV charging to a 7KW standard to be provided for each dwelling;
- A bound surface to be provided for the first 5.5 metres of the access.

KCC Ecology: No objections. Comments are summarised below:

Sufficient information has been provided to determine the application.

The submitted reports have confirmed that there are at least 3 species of bats foraging within the site, there is suitable habitat within the site for reptiles and breeding birds and it is possible that badgers may forage/commute within the site.

Concerns were originally raised that the preliminary ecological appraisal is 2 years old, and the precautionary mitigation recommended within the report for reptiles was based on the assumption that the existing management of the site would continue. Photos have been provided and it is clear that the site has continued to be regularly managed and the conclusions of the reports are therefore still valid.

Because bats have been confirmed foraging/commuting within the site and the proposal will result in an increase in lighting, there is a need for the lighting to be designed to minimise light spill. This could be secured by a condition.

Both ecological reports have made recommendations for measures to benefit biodiversity. The details of ecological enhancement measures are considered to be acceptable and could be secured via a condition.

KCC Archaeology: No objections stating that the site lies within an area of multi-period archaeological potential and particularly for evidence of medieval settlement activity. As such it is recommended that if planning permission is granted, that a requirement for archaeological field evaluation works with a written scheme of investigation and timetable is secured by planning condition to ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

Natural England: No Comments

Kent Downs AONB Unit: No Comments

Local Residents Comments

5.2 **20** neighbours directly consulted. **2** letters of objection received. Comments are summarised below.

- Concerns relating to the use of the access and increased traffic during and post construction.
- Suggests that a geological survey should be carried out as there is a natural spring nearby.
- States that an Archaeological survey should be carried out.
- Environmental concerns relating to the loss of trees and habitat.
- No objection to the replacement dwelling but concerns about the two new dwellings and related traffic.

5.3 In addition, **1** letter of support has been received stating that the applicants have made the made best use of the property, however the comments raise concerns that there could be a problem with access to/from the main house onto Sandling Road because of the lack of visibility because the access has not been used for a number of years.

Ward Member

5.4 No comments received from the Ward Members at the time of writing this report.

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

[Planning Register - Application Search](#)

6. RELEVANT PLANNING POLICY

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

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

- HB1 - Quality Places Through Design
- HB3 - Internal and External Spaces
- HB10 – Development of Residential Gardens
- T2 - Parking Standards
- T5 - Cycle Parking
- NE2 – Biodiversity
- NE3 - Kent Downs Area of Outstanding Natural Beauty
- CC2 – Sustainable Design & Construction

Core Strategy Review (2022)

SS1 - District Spatial Strategy
SS3 - Place-Shaping and Sustainable Settlements
CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation
CSD7 – Hythe Strategy

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

Supplementary Planning Guidance/DocumentsKent Downs AONB Management Plan

SD1, SD2, SD3 & SD8.

Government AdviceNational Planning Policy Framework (NPPF) 2021

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The NPPF, paragraph 8, highlights that local planning authorities should plan to achieve sustainable development by supporting strong, vibrant, and healthy communities with accessible services and open spaces that reflect the community's needs and support health, social and cultural well-being. Paragraph 8 also states that the planning system should protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 - Presumption in favour of sustainable development.
Paragraph 20 – 23 - Strategic policies.
Paragraph 28 – 29 Non-strategic policies.
Paragraph 34 - Developer contributions.
Paragraph 38 - Decision making.
Paragraphs 39 to 46 - Pre-application engagement.
Paragraph 47 – 50 - Determining planning applications.
Paragraphs 55 to 58 - Planning conditions.
Paragraph 60 to 67 - Delivering a sufficient supply of homes.
Paragraphs 68 to 73 - Identifying land for homes.
Paragraphs 74 to 77 - Maintaining supply and delivery.
Paragraphs 114 to 118 - Promoting sustainable transport.
Paragraphs 119 to 123 - Making effective use of land.
Paragraphs 124 to 125 - Achieving appropriate densities.
Paragraphs 126 to 136 - Achieving well-designed places.
Paragraphs 152 to 169 - Meeting the challenge of climate change, flooding.
Paragraphs 174 to 178 - Conserving and enhancing the natural environment.
Paragraphs 179 to 182 - Habitats and biodiversity.

National Planning Policy Guidance (NPPG)

Technical housing standards – Nationally Described Space Standards

7. APPRAISAL

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

- a) Principle of Development.
- b) Design and Visual Amenity
- c) Residential Amenity
- d) Highway Safety and Parking
- e) Ecology and Biodiversity
- f) Trees
- g) Archaeology

a) Principle of Development

7.2 Central Government guidance set out within the NPPF states that LPA's should support the Government's objective to significantly boost the supply of homes and that housing applications should be considered in the context of the presumption in favour of sustainable development.

7.3 Whilst the site is not allocated within the local plan for housing development, the NPPF makes it clear that windfall sites can make an important contribution to housing delivery, stating that LPA's should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

7.4 Windfall sites have historically provided a proportion of the district's housing land supply, and a cautious estimate of 95 dwellings a year has been included in the housing land supply trajectory. Policy SS1 of the Core Strategy seeks to direct development to existing settlements with Hythe being identified as a strategic town, capable of accommodating significant development within the urban area.

7.5 The site is located within a sustainable location, within the existing urban area and the settlement boundary. The replacement of existing dwellings is acceptable as a matter of principle in accordance with Policy SS1.

7.6 Policy HB10 of the PPLP relates to the development of residential gardens. The policy states that proposals involving the complete or partial redevelopment of residential garden land within settlement boundaries will be permitted subject to a number of criteria which are listed as follows:

1. The proposal responds to the character and appearance of the area, as well as the layout and pattern of the existing environment, taking into account views from streets, footpaths, and the wider residential and public environment;
 2. The plot to be developed is of an appropriate size and shape to accommodate the proposal, taking into account the scale, layout and spacing of nearby buildings, the amenity of adjoining residents and the requirements for living conditions set out in Policy HB3: Internal and External Space Standards;
 3. Adequate access and parking is provided; and
 4. The proposal incorporates established trees wherever possible. Any loss of biodiversity value on the site is mitigated, and where practicable, measures to enhance biodiversity through habitat creation or improvement are incorporated.
- 7.7 Given the above, residential gardens can provide suitable, well located development sites as a matter of principle subject to assessment against the aforementioned criteria which will be addressed in the later sections of this report.
- 7.8 In light of the above the proposed erection of a replacement dwelling and the erection of two additional properties within the garden of High Meadow is acceptable as a matter of principle.

b) Design and Visual Amenity

- 7.9 Policy HB1 of the PPLP requires development to make a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, and materials.
- 7.10 The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and that the scale and extent of development within designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 7.11 Policy NE3 of the PPLP states that the impact of proposals on the AONB must be carefully considered to ensure that the natural beauty of the AONB is conserved and enhanced. The policy states that proposals should re-enforce and respond to, rather than detract from the distinctive character and special qualities including the tranquility of the AONB. Further, development proposed within the AONB must be appropriate in terms of design, scale, setting and materials.
- 7.12 The immediate locality is characterised by mostly detached dwellings located on a mixture of large and small plots. Dwellings are both two storey and single storey and many are individually designed. The predominant scale of surrounding dwellings is two or two and a half storey.
- 7.13 The grain of development and the established building line is varied, although for the most part dwellings are well set back from the road.
- 7.14 Whilst there is a variety of styles and external materials used within the local area, the predominant material palette consists of red multi-stock brick, white render, white

weatherboarding, slate roofing, and plain tiles. This is alongside expressed gable ends and dormer windows.

- 7.15 The site is approximately 0.4ha in size and the proposed development of 3 detached dwellings would be low in density.
- 7.16 The proposed buildings will be spacious, detached properties providing large rear gardens and enclosed front gardens.
- 7.17 The replacement dwelling whilst located closer to the road than the existing dwelling would be set back by approximately 21 metres. The proposed garage (with accommodation above) whilst proposed to be located forward of the proposed building line would be set back over 10 metres from the road, would comprise a simple pitched roof design and would be visually subservient to the main dwelling in terms of scale, massing, and height and, as result, would not be visually dominant from the street scene.
- 7.18 In terms of the design of the replacement dwelling, the overall scale of the building is similar to the building that it would replace, albeit the footprint would be smaller. The design would be individual with a pastiche/contemporary approach which is appropriate for the area and a symmetrical front façade is proposed with a more glazed asymmetrical rear elevation facing the garden. The use of a white render is characteristic of the area as is the proposed slate roof. Further, given the set back of the dwelling from the road and the substantial tree and hedge screening to the site boundaries the dwelling would not be prominent within the street scene or the wider AONB. In addition to this, the replacement dwelling would retain a 17 metre deep x 35 metre wide garden to the rear together with a substantial front garden and as such the replacement dwelling would sit comfortably within its plot.
- 7.19 The two new dwellings located to the rear of the site are designed in a traditional vernacular style appropriate for the area. Both new dwellings would comprise primarily of natural timber cladding and a feature brick plinth. The black metal or hardwood window frames combined with the black timber barge boards would help to create a cohesive element embellishing the exterior. Plain roof tiles are proposed to complete the facade materials and provide a visual link to surrounding properties and the sites AONB setting. Expressed gable ends seek to unify the appearance of both new houses and the reduced eaves and shallow pitches would lower the ridge height and help to reduce the overall massing of the development.
- 7.20 Dwelling 1 would have a garden area of 23 metres deep and approximately 20 metres wide. Whilst the garden of dwelling 2 would be approximately 12.5 metres in depth the width would be approximately 26 metres. Both new dwellings would also benefit from a large, shared driveway and turning area to the front of the properties. As a result, both new dwellings would have rear gardens that would well exceed the space standards for private outside space and the dwellings would sit comfortably within their plots. Given the location of the new dwellings to the rear of the replacement dwelling they will not be widely visible from public vantage points.
- 7.21 Overall, it is considered that the proposed 3 dwellings are well-designed drawing on a local vernacular with roof forms and detailing to help emphasise the character of the place in a sensitive and sympathetic manner.

- 7.22 The proposed use of high-quality materials would aid the integration of this development with the settlement. Materials and joinery details would need be secured via planning condition to ensure the appropriate delivery of the design vision.
- 7.23 Landscaping would be secured via condition; however, the plans indicate that new trees and hedgerows would be planted along the site boundaries and between the plots which would be appropriate in this location.
- 7.24 In light of the above, it is considered that the proposed development is acceptable, representing a high standard of design, and one that respects the prevailing pattern of development, maintaining the open character of the immediate street scene, wider area and AONB. The proposed development for the reasons stated above, would conserve and enhance the AONB setting within which appropriate forms of development are not precluded.
- 7.25 The development is considered to accord with Policies HB1 and NE3 of the PPLP and would not be harmful to the visual amenity of the area.

c) Residential Amenity

- 7.26 Whilst the concerns of the Parish Council are noted, there would be sufficient separation from the surrounding dwellings to avoid any significant overshadowing, loss of light and overbearing impact from the new dwellings and the distances between the dwellings to the south would exceed 21 metres.
- 7.27 To ensure a sensitive design approach, window placement has been carefully considered for views out and to avoid any perceived overlooking. The site boundaries are also proposed to be strengthened to provide additional privacy along the boundaries.
- 7.28 As such, the proposal would not give rise to a harmful impact on residential amenity.
- 7.29 The proposed development would comply with the policies of the PPLP and is acceptable in this regard.
- 7.30 Policy HB3 in the Places and Policies Local Plan sets out space standards internally and externally. In respect of the internal space standards, internal floor spaces exceed the minimum required by the Nationally Described Standard, with good natural daylight provided to each room.
- 7.31 In respect of the external amenity area, as stated earlier in this report, all of the dwellings would benefit from large garden areas to the rear, in excess of 10m in compliance with Policy HB3 of the PPLP.

d) Highway Safety and Parking

- 7.32 The proposal would utilise the existing accesses which both provide existing vehicular access onto and out of the site. Further, adequate turning areas are proposed to be provided within the site which would allow all vehicular traffic to enter and exit the site in a forward gear.

- 7.33 The comments of the Parish Council and interested parties are noted, in particular concerns that the access serving the shared driveway for the two new dwellings at the rear of the site would not be safe as it is not clear if the required visibility splays of 2.4 metres x 43 metres can be achieved. This was also raised by Kent Highways. The applicant has now submitted amended drawings detailing that the required visibility splays and widening of the entrance can be achieved as requested. KCC Highways and Transportation have confirmed that the visibility splays shown on the amended drawing are adequate and therefore this objection has now been overcome.
- 7.34 In terms of parking the proposal includes a triple garage to serve the replacement dwelling together with additional visitors parking on the large driveway that would provide sufficient off street parking provision for a dwelling of this size. Two allocated parking spaces would be provided to serve the 2 new 3 bedroom dwellings together with 2 visitors spaces, all of which would be on plot. Bicycle storage is also proposed to be provided for each dwelling and would be secured by planning condition. This would be in accordance with the adopted parking standards as set out in Policy T2 of the PPLP.
- 7.35 In line with the Governments policy to increase the use of Ultra Low Emission Vehicles, one Electric Vehicle charging point will be required per dwelling and is recommended to be secured by condition.
- 7.36 There are no objections to the proposal on highway safety grounds subject to conditions in line with the comments of KCC Highways and Transportation.

e) Ecology and Biodiversity

- 7.37 The submitted habitat appraisal and survey results have confirmed that there are at least 3 species of bats foraging within the site, there is suitable habitat within the site for reptiles and breeding birds and it is possible that badgers may forage/commute with the site.
- 7.38 KCC Ecological Advice Service has confirmed agreement with the recommendations put forward within the applicant's ecological appraisal and that sufficient information has been submitted to determine the planning application.
- 7.39 The development would result in an increase in lighting at the site and as such this could impact upon foraging/commuting bats. With this in mind, in order to minimise the impact KCC have requested a planning condition requiring details of lighting to be provided which should be designed to ensure that light spill is minimised.
- 7.40 Under paragraph 174 of the NPPF biodiversity should be maintained and enhanced through the planning system. The submitted ecological reports have made recommendations for measures to benefit biodiversity such as the provision of bat and bird boxes and wildlife friendly planting. It is recommended that details of ecological enhancement measures should be secured by a planning condition.
- 7.41 In light of the above, the proposed development offers ecological enhancements and the retention and enhancement of the existing boundary treatments. Further, additional landscaping would help to provide enhanced habitats and wildlife corridors throughout

the site. Therefore, in accordance with the advice of KCC, I consider that ecological and biodiversity issues can be appropriately mitigated through planning conditions. The development would therefore comply with the requirements of Policy NE2 of the PPLP.

f) Trees

- 7.42 A total of fifteen individual trees, two groups of trees and part of two further groups of trees would be removed, of which the majority are within the C category due to their young age or condition. None of the trees to be removed are protected by the TPO.
- 7.43 Should planning permission be granted retained trees would need to be protected and it is proposed that appropriate construction methodologies and tree protection measures can be secured by planning condition.
- 7.44 In light of the above, subject to mitigation measures and taking account of the fact that a significant number of trees would be retained together with additional planting proposed to mitigate the loss of the trees and hedging to be lost I am satisfied that the proposed development is acceptable in this regard.

g) Archaeology

- 7.45 The site of the proposed development lies within an area of multi-period archaeological potential and particularly for evidence of medieval settlement activity. Following the advice of the County Archaeologist it is considered that the development has the potential to impact below-ground archaeological remains and it is therefore recommended that should planning permission be granted that it is subject to a condition requiring archaeological field evaluation, mitigation and recording of archaeological features.

Environmental Impact Assessment

- 7.46 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

- 7.47 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. There is no CIL requirement for this development.
- 7.48 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 £125.88 per square metre for new residential floor space.

Human Rights

7.49 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

7.50 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.

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

Working with the applicant

7.52 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 site is located within the settlement boundary in a sustainable location where both the principle of replacement dwellings and new dwellings are acceptable in principle.

8.2 It is considered that the proposal would be of good design that would contribute positively toward the character of the street scene and AONB (being an improvement over the existing dwelling). The proposed development would not give rise to harm to visual or residential amenity, or highway safety.

8.3 The proposed development would ensure the retention of the TPO trees within the site and additional planting is proposed to mitigate the loss of the non TPO trees and other vegetation. Biodiversity enhancements are also proposed.

8.4 Given the above, it is recommended that the proposed development would be in accordance with the development plan and that planning permission should be granted subject to the conditions below.

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 shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

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

Reason: In the interest of visual amenity.

4. No development beyond the construction of foundations shall take place on each plot, (unless specified to the contrary), until the relevant details set out below have been submitted to and approved in writing by the Local Planning Authority. Development of the relevant plot shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:

- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) prior to installation - Details of any plant or machinery proposed on the roof and associated screens,

- (c) prior to installation - Details of any satellite dishes or antenna,
- (d) prior to installation - Details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
- (e) prior to installation - details of vents, louvres, extractor vents, external pipes, meters etc.
- (f) prior to installation - 1:50 scale details of the parapet capping,

Reason: Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

5. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

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

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

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

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

8. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

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>

Reason: In the interest of sustainable development and minimising water consumption.

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

Reason: In the interest of promoting energy efficiency and sustainable development.

10. The parking areas shown on the submitted plan shall be provided and made available prior to the first occupation of each of the dwellings hereby approved, 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 hereby permitted.

Reason: In the interests of highway safety and convenience.

11. Prior to the first occupation of each dwelling hereby permitted, one electric vehicle charging point (min 7KW) shall be provided, in accordance with specifications and in a location that have been submitted to and approved in writing by the Local Planning Authority.

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

12. No development shall take place, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period and shall include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel

- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Hours of construction

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

13. The approved bicycle storage facilities shall be provided prior to the first use of each dwelling hereby approved and shall thereafter be retained for the use of occupiers and visitors to the development.

Reason: In the interests of encouraging the use of sustainable modes of transport.

14. Prior to the commencement of the development the visibility splays as shown on the approved drawings shall be provided and thereafter maintained clear of any structure, tree, plant or other obstruction which exceeds 0.6 metres above carriageway level within the approved sight lines.

Reason: In the interests of highway safety

15. Prior to the first use of the dwellings hereby approved the first 5.5 metres of the accesses shall be finished with a bound surface.

Reason: In the interests of highway safety.

16. The parking areas shown on the submitted plan shall be provided and made available prior to the first occupation of the any of the dwellings hereby approved, 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 (other than the erection of a private garage or garages) 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: In the interests of highway safety and convenience.

17. No external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A Plan showing the locations of the lights;
- Lighting to be downward facing and on motion sensors;
- Lighting to follow the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.

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

18. No development beyond the construction of foundations shall take place until an ecological enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate what measures will be incorporated in to the site to benefit biodiversity. Measures should include integrated bat and bird boxes, native species planting and enhancement features within the site boundaries. The plan must be implemented as approved.

Reason: In the interest of enhancing ecology and biodiversity.

19. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

i) archaeological field evaluation works in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority; and

ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

20. The development hereby permitted shall be carried out in such a manner as to avoid damage to existing trees that are identified for retention in the approved drawings including their root systems, and other planting to be retained by observing the following:

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement. Such tree protection measures shall remain throughout the period of construction;
- (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;

- (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, unless otherwise agreed in writing by the Local Planning Authority.
- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching shall be carried out to National Joint Utilities Group recommendations.

Reason: To to protect and enhance the appearance and character of the site and locality.

21. In this Condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars. Paragraphs (a) and (b) below shall have effect within each plot approved immediately upon the commencement of the construction of the permitted building operations or the commencement of the permitted use (whichever is earliest) within each such plot until the expiration of 5 years from that date:

- (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998 Recommendations for Tree Work.
- (b) If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To to protect and enhance the appearance and character of the site and locality.

22. The first floor guest annexe accommodation located above the garage serving the replacement dwelling, shall not be occupied at any time other than as part of the primary residential use of the dwelling known as High Meadow or for purposes incidental and/or ancillary to the residential use of that dwelling.

Reason: As use as a separate unit of accommodation would be contrary to the provisions of the development plan for the area.

Informatives:

1. Highways

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

2. TPO Trees

The applicant is reminded of the requirements of Tree Preservation Order No 8 of 2015 which remains in place.

