

Application No: 23/1096/FH

Location of Site: Land Adjoining Karibu, Coombe Wood Lane, Hawkinge

Development: New single dwelling.

Applicant: Mr Christopher Saunders

Agent: Mr Jonathan Burlow

Officer Contact: Robert Allan

SUMMARY

This report considers whether planning permission should be granted for the erection of a single residential dwelling. The report assesses the principle of development alongside its impact on the Kent Downs National Landscape and Special Landscape Area (SLA). The proposal is considered to represent acceptable residential development in accordance with Development Plan Policy. The impacts upon the designated landscape of the Kent downs AONB and Special Landscape Area are considered to be acceptable, alongside those upon the ecological constraints at the site, subject to appropriate mitigation being secured via condition.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report.

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

2.1. The application site is partially within the defined settlement boundary of Hawkinge, within the Kent Downs national Landscape and North Downs Special Landscape Area (SLA). To the west is residential development, in the form of the wider settlement of Hawkinge and, more immediately, to the east and south, is the residential development fronting onto Coombe Wood Lane, a private road. To the north is open countryside, given over to arable farming. The eastern boundary with Longacre is made of well-established vegetation, whilst to the southern boundary, there is an evergreen hedge, whilst to the southeastern boundary to the rear of Karibu, there is also an evergreen hedge and a close-boarded fence.

2.2. The front portion of the application site is composed of land that would have formed part of the residential curtilage of Karibu and which falls inside the defined settlement

boundary of Hawkinge, whilst the rear was used as agricultural land and is outside of this definition.

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

3. PROPOSAL

3.1 This application seeks planning permission for the erection of a one-bedroom bungalow style building, with off-street parking for two vehicles. The proposed structure would be finished in brick, with slate-coloured, diamond aluminium interlocking tiles, aluminium windows and doors, cobbles for the off-street parking areas and planting to the boundaries.

3.2 The proposed dwelling would be set into the sloping site, presenting a single storey elevation to Coombe Wood Lane, but with the use of internal levels creating additional space for a lower ground bathroom area. The rear amenity space is accessed through the property and alongside the proposed side access way. The gross internal floor area of the proposed dwelling would be 72.1sqm.

3.3 The proposed location and wider context can be seen in image 1 below, while the proposed layout can be seen in image 2.



Image 1: site plan

3.4 In addition to relevant plans and drawings, the applicant has submitted a design and access statement in support of the proposal. This provides details of the proposal including use, size and layout, scale, landscaping and appearance, as well as access and parking for the development. A description of the site, its context, and its constraints is also provided.

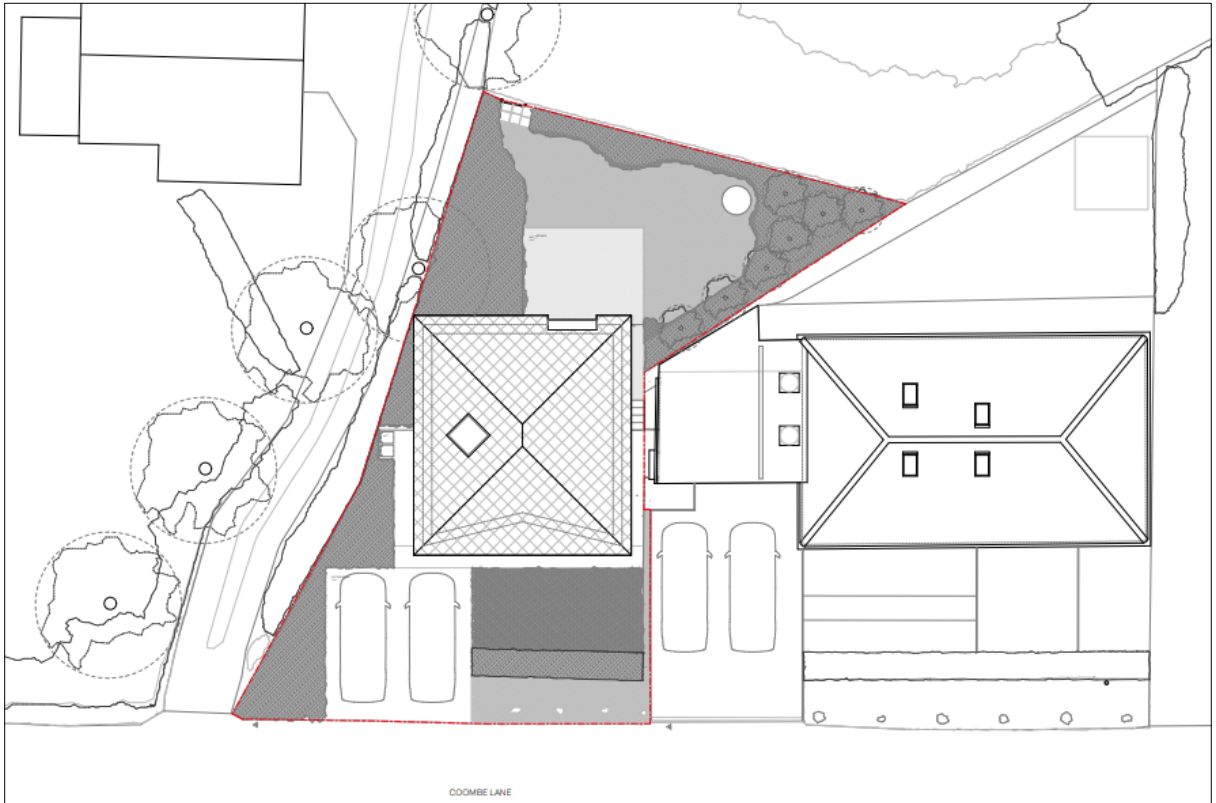


Image 2: Proposed site layout

3.5 Images 3 shows the proposed street scene and image 4 the view and section from the rear.

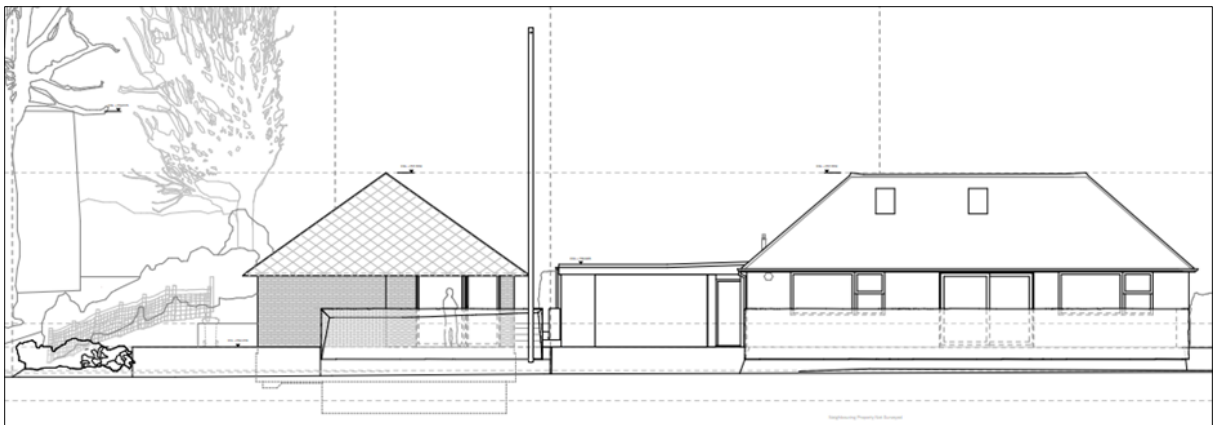


Image 3: Street scene from Coombe Wood Lane (front)

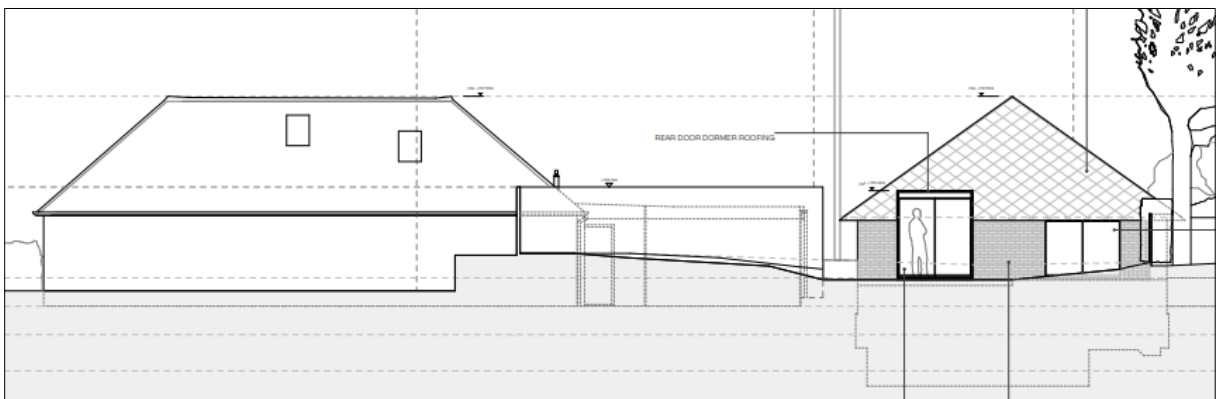


Image 4: View and section from north (rear)

4. RELEVANT PLANNING HISTORY

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

CH/8/60/175 Residential development. Refused

SH/78/367 Outline application erection of a dwelling. Refused

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Hawkinge Town Council: Object – over-development of site

KCC Ecological Advice Service: No objection subject to condition

KCC Archaeology: No objection subject to condition

KCC Highways & Transportation: Outside of consultation protocol

Environmental Health: No objection subject to condition

Southern Water: No objection

Local Residents Comments

5.2 Fourteen neighbours have been notified of the development. One representation has been received, supporting the application on grounds of:

- Within keeping of the lane
- Design and scale well thought out
- Retention of privacy, light, and does not encroach on others
- New addition would sit perfectly on site and blend into surroundings

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

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

6. RELEVANT PLANNING POLICY

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

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1	Quality Places Through Design
HB3	Internal and External Space Standards
HB10	Development of Residential Gardens
T2	Parking Standards
T5	Cycle Parking
NE2	Biodiversity
NE3	Protecting the District's Landscapes and Countryside
CC2	Sustainable Design and Construction
HE2	Archaeology

Core Strategy Review 2022

SS1	District Spatial Strategy
SS3	Place-Shaping and Sustainable Settlement Strategy
CSD3	Rural and Tourism Development
CSD4	Green Infrastructure of Natural Networks, Open Spaces and Recreation

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

Government Advice

National Planning Policy Framework (NPPF) 2023

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF 2023 are relevant to this application: -

11	Presumption in favour of sustainable development
47	Applications for planning permission be determined in accordance with the development plan
136	Achieving well-designed places
182	Conserving and enhancing the natural environment

6.4 The Kent Downs AONB has been renamed as Kent Downs National Landscape. The relevant legislation and national and local policies have not though been amended. Any reference to the Kent Downs National Landscape in this report should be taken as referring to the Kent Downs AONB.

7. APPRAISAL

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

- a) Principle
- b) Visual impact
- c) Residential amenity
- d) Ecology
- e) Highways & Parking
- f) Archaeology

a) Principle

7.2 The front of the application site is within the defined settlement boundary of Hawkinge, which is identified within the Core Strategy as a Service Centre in the North Downs Area capable of accommodating development appropriate to the district and the centre's own needs, in order to grow and consolidate its position as a centre serving the local hinterland with shops, employment and public services.

7.3 The rear of the site falls outside of the defined settlement boundary and this part of the application site is grade 3 agricultural land which is not considered to be the best and most versatile. Additionally, the area proposed for development is small in scale and its loss would not impact detrimentally upon the farming activity in the area.

7.4 Core Strategy policy SS1 states that development should be focused on the most sustainable towns and villages as set out in policy SS3, also of the Core Strategy, with policy CSD3 setting out that where sites are unavailable within settlements, the development is proportionate in scale/impact, and accessible by a choice of means of transport, it may be acceptable on the edge of Strategic Towns and Service Centres

7.5 As the site is immediately adjacent to existing residential development, which extends further away to the east, and partially within the defined settlement boundary, it is in a sustainable location, and the locational principle of residential development at this site is accepted, subject to all other material planning considerations.

b) Visual impact

7.6 There would be an additional visual impact from the built form and associated development of the proposed dwelling, but it would not be a significant change in character for the area, which has a regular pattern of development along this road, and a suburban-rural character. Views to the countryside beyond are limited by the narrow nature of this gap in development and as a consequence of the change in land levels, so there would be very limited change in character in this regard.

7.7 The predominant form of development in the immediate area, especially on the northern side of Coombe Wood Lane, is single-storey, bungalow-style dwellings, with pitched roofs. The proposed building would follow this form and maintain the existing

building line, with frontage parking, also a feature of the properties in the area, considered appropriate and acceptable.

- 7.8 The materiality proposed is a mix of traditional brick for the walls, coupled with contemporary roofing materials in the form of slate grey aluminium tiles. The use of slate (artificial and real), concrete, and clay tiles is noted on surrounding properties and it is considered that the proposed roof material would have no detrimental impact upon the character of the area. Final details of all materials can be secured via conditions.
- 7.9 Turning to landscaping, the proposal would retain part of the existing hedgerow to the front of the property, with additional planting shown to the eastern boundary and also the rear garden boundary. Full details of the landscaping can reasonably be secured by condition.
- 7.10 Overall, the proposal infills a small gap in the existing street scene where there is a limited view of the open countryside beyond and the character of the area, which is a suburban rural street, would not be detrimentally impacted whether by the additional development, or the appearance of the dwelling. The proposal responds to the character and appearance of the area, the layout and pattern of the existing built development, and the plot is of an appropriate size and shape to accommodate the proposal. In conjunction with the control of materials and landscaping via condition, it is considered that the character and appearance of the street scene, as well as the landscape and scenic beauty of the designated National Landscape and SLA would be preserved.
- 7.11 There are no objections to the proposed development in accordance with the provisions set out under PPLP Policies HB1, HB10 and NE3

c) Residential amenity

Existing

- 7.12 It is noted that part of the application site occupies what was previously some of the garden area of Karibu. However, this land has already been transferred to the applicant prior to the application and the rear garden area of Karibu adjusted accordingly, with a boundary treatment of close board fence and hedgerow having been erected. Consequently, the rear garden area has already been lost and cannot be a material consideration in this regard.
- 7.13 The use of the application site as land for residential purposes would be unlikely to introduce an unacceptable level of additional noise as a consequence of normal domestic use, whilst the scale, location, design and layout of the dwelling, together with the existing and proposed boundary treatments, means that there would be no detrimental overbearing or overshadowing presence, or loss of privacy for the occupiers of the neighbouring property in accordance with Places and Policies Local Plan policy HB1.

Proposed

- 7.14 The proposed dwelling would exceed the adopted standards for gross internal floor area for a single bedroom dwelling, with all the habitable rooms considered to have an acceptable level of daylight and therefore amenity.

- 7.15 The proposed garden area does not have a 10-metre depth across the width of the dwelling as a consequence of its irregular shape. However, the total area of the garden would significantly exceed that required by policy (10m depth x 8.9m width of dwelling), being approximately 120sqm, so would provide an acceptable level of amenity for future occupiers.
- 7.16 Overall, the proposed development would have an acceptable impact upon both existing and future occupiers in accordance with Places and Policy Local Plan policies HB1, HB3 and HB10.

d) Ecology

- 7.17 The comments of KCC Ecological Advice Service identify that the proposed development has limited potential to result in significant ecological impacts, given the site is a regularly mown/managed grassland which limits the opportunities for protected/notable species to be present, with no requirement for ecological surveys to be undertaken at this time.
- 7.18 The submitted information has detailed that one bird box, one bat box and a hedgehog house will be incorporated into the site. However, it is recommend that enhancement features should also be incorporated in to the building, hedgehog highways in all fencing and native species planting incorporated in to the planting scheme. The detail associated with such ecological enhancement can reasonably be secured via condition.
- 7.19 There are no objections to the development on ecological grounds, subject to the above-mentioned condition.

e) Highways & Parking

- 7.20 The off-street parking shown would exceed the requirements of adopted policy T2 for development in this location and can be secured via condition, whilst an adequate amount of off-street parking to serve the existing dwelling would also be maintained. Secure, covered cycle storage to serve the development could be located within a garden shed and detail of this can also reasonably be secured via condition to meet the requirement of policy T5.

f) Archaeology

- 7.21 The application site is within an area of multi-period archaeological potential and groundworks associated with the proposed development may impact on any below-ground archaeological remains at the site. KCC Archaeology have reviewed the proposal and recommend that to mitigate development impacts, a condition covering archaeological field evaluation works is secured via condition.

Environmental Impact Assessment

- 7.22 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

7.23 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.

7.24 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This proposal is CIL liable at a rate of £62.94 per sqm.

Human Rights

7.25 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

7.26 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

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

8. CONCLUSION

- 8.1 The proposal would result in the change of use and development of a site that was formerly domestic curtilage and agricultural land, for use as a residential dwelling. The principle of development in this location is considered acceptable, alongside the visual impact upon the character and appearance of the street scene and the Kent Downs National Landscape and Special Landscape Area (SLA). The impacts upon neighbouring residential uses are considered to be acceptable, with amenities of future occupants also considered safeguarded. Considerations relating to parking, sustainable modes of transport and ecological constraints at the site have all been made and found to be acceptable, subject to appropriate mitigation being secured via condition.
- 8.2 Overall, it is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

That planning permission is granted subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

P-001 Proposed Location Plan
P-003 Proposed Site Plan
P-004 Proposed Ground Plan
P-005 Proposed Basement Plan
P-006 Proposed Front Elevation
P-007 Proposed Rear Elevation
P-010-Proposed Section AA

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

3. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in

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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.

4. 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.

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

5. Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging point shall be provided, in accordance with specifications and a in 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.

6. 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.

7. (A) No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

(B) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments; and

(iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

(C) If investigation and risk assessment shows that remediation is necessary, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(D) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

(E) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of

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measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

8. 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 (boundary treatments), hard surfacing materials, and an implementation programme.

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

9. 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.

10. 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.

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

Reason: In the interest of enhancing ecology and biodiversity.

12. The area to the front of the dwelling shown as parking on the approved plans shall be kept available for the parking and turning of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order

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revoking or re-enacting that Order) or not, shall be carried out on the land or in such a position as to preclude vehicular access thereto.

Reason: In the interests of highway safety and convenience.

13. Prior to first occupation, secure, covered cycle storage for one bicycle shall be provided within the curtilage of the dwelling hereby permitted and thereafter retained in association with that dwelling.

Reason: In the interests of encouraging sustainable modes of transport other than private motor vehicle.

14. 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

Appendix 1 – Site Location Plan