

OFFICERS REPORT

Application No: Y19/0505/FH

Location: Field Bungalow 1 Dunstall Gardens St Marys Bay Romney Marsh Kent TN29 0QS

Proposal Demolition of existing bungalow and erection of a 2 x 2 storey detached homes with off street parking. Re-submission of Y18/0286/SH.

ASSESSMENT

Performance data:-

Date application valid: 23.04.2019

Applicable 8/13/16 week target date: 18.06.2019

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) Yes

If Yes, revised 8/13/16 week target date: 29.11.2019

Is the application being determined after 26 weeks without a PPA or a PEA No

SITE VISIT

A site visit was carried out and the the site and proposals were assessed from the public highway and key features are noted in the assessment.

SITE

The application site is within the defined settlement boundary of St Marys Bay, situated on a corner plot between Dunstall Gardens and Dunstall Lane. The existing dwelling on the site is a detached bungalow.

The site is within flood zones 2&3 as identified by the Environment Agency and is shown to be at moderate risk of flooding in 2115 by Shepway's SFRA, when taking existing sea defences and climate change into account. The site is also identified to have archaeological potential.

RELEVANT HISTORY

Y18/0286/SH - Demolition of existing bungalow and erection of 2 two-storey detached houses with off-street car parking.

Refused on the grounds of failing to meet the sequential test

PROPOSAL

This application seeks planning permission for the demolition of the existing bungalow and erection of two 2 storey detached dwellings with off street parking.

The proposed dwellings would have three bedrooms with a kitchen / dining room, living room and shower room at ground floor with the three bedrooms at first floor, one with an en-suite and a separate bathroom. The dwellings would be mirror images of each other. Two tandem parking spaces would be provided for each dwelling as well as cycle and bin storage.

Each dwelling would have a width of approximately 10 metres and a depth of approximately 6.45 metres. Proposed materials would be fibre cement roof slates with painted render and

natural timber cladding to the external elevations and grey aluminium fenestration. All first floor windows on the rear elevation would be obscure glazed.

This application is a re-submission of Y18/0286/SH with the main alteration to the dwellings being an uplift of 600mm from external ground floor level to overcome the objections of the EA on the original application.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

St Mary in the Marsh Parish Council accept that the site should be visually improved, but it does not consider the design submitted as compatible with the properties in the surrounding area.

KCC Archaeology has not commented on the application

Environment Agency offered no objection subject to conditions

Southern Water recommends conditions with regards to a SUDS scheme and surface water drainage

REPRESENTATIONS

None received

PUBLICITY

Neighbours notified by letter. Expiry date 26.06.2019

RELEVANT POLICIES

Local Plan Review Saved Policies: SD1, HO1, BE1, U1, TR11, TR12

Core Strategy Local Plan: DSD, SS1, SS2, SS3, SS5, CSD5

Places and Policies Local Plan Submission Draft: HB1, HB3, HB8, HB10, T2, T3, T5, CC2, HE2

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there

has not been significant objection.

Core Strategy Review Submission Draft 2019: DSD, SS1, SS3

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

St Mary in the Marsh Neighbourhood Plan: H1

NPPF

NPPG

APPRAISAL

Principle of development

The principle has already been set out and considered acceptable under application Y18/0286/SH in line with local and national plan policy.

Design and visual appearance

The design and visual appearance of the proposed dwellings has already been considered to be acceptable, including the proposed materials which have not altered since the 2018 application. The main consideration in this application would be the increase in ridge height due to the need to uplift the dwellings by 600mm, the result of which would increase the overall height of the dwellings in the context of the streetscene.

The neighbour to the immediate southeast is a two storey dwelling which recently replaced a single storey dwelling. (Granted under permission Y15/1182/SH). This neighbouring dwelling is approximately 8.1m in height to the ridge.

The neighbour to the immediate southwest (5 Dunstall Gardens) has also recently been demolished (was a single storey bungalow) and a new two storey dwelling has been developed in its place under planning permission Y16/0933/SH. The height of which is approximately 6.7m to the ridge.

The two proposed dwellings subject of this application are approximately 7.7m in height to the ridge.

Therefore it is considered that the proposed dwellings, being located on a corner and flanked by 2 x two storey dwellings, would not appear out of place in the context of the immediate streetscene despite the proposed height increase of 600mm.

Space Standards

Since the Y18 application the LPA has introduced the PPLP which is now a material consideration of planning applications.

Policy HB3 of the PPLP refers to internal and external space standards.

In this case each dwelling equates to a 3b 5p unit that requires 93sqm of internal space with 2.5smq of built-in storage.

Internal measurements taken from the submitted plans confirms that the internal space for each dwelling equals 106sqm, exceeding the minimum requirement of 93sqm. Internal storage

has not been shown but could be accommodated within the bedrooms without significantly impacting upon the internal space given that the units are 13sqm over the minimum internal space requirement.

Externally the dwellings are required to provide a private garden of at least 10m in depth and the width of the dwelling.

In this case the rear gardens would have a depth of approximately 7.3m and would extend beyond the width of each individual dwelling.

Boundary treatments (fences/walls - height and extent of) have not been clearly shown on the proposed block plan but it is considered that whilst the rear gardens would fall short of the minimum depth, the external space available beyond the rear walls of the dwellings would sufficiently compensate for the lack of depth and the external spaces could be suitably utilised for family needs.

Taking the above into account it is considered that the development is not in conflict with the aims of emerging policy HB3.

Amenities of neighbouring occupiers

Paragraph 17 of the NPPF states that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

It is accepted that the previous Y18 application did not raise any concerns with regards to neighbouring amenity. Despite the height increase, the proposed dwellings, (including window/door openings) have not altered position within the plot and so are still acceptable in this regard. The increase in height of 600mm would not result in any unacceptable levels of overshadowing when taking into account the site/street layout and sun's trajectory.

Parking and highways

Parking provision was considered acceptable under the previous Y18 scheme, however, emerging policy T2, T3 and T5 of the PPLP are now a consideration in the determination of this application and the current scheme needs to be assessed under these emerging policies.

The emerging policies have adopted KCC IGN3 principles which states that 1.5 spaces per 3 bed house is required in suburban locations.

The document goes on to say that 0.2 spaces per unit are required for visitor parking.

In this case the proposal includes 2 off-street parking spaces per dwelling, although this would be in tandem as opposed to independently accessible which isn't ideal but is not contrary to the policy given the number of bedrooms.

Taking the site together as a whole it is accepted that the 4x spaces overall would meet the minimum parking requirements, although in practical terms it may be possible that the visitor spaces would not be provided.

Dunstall Gardens is a private road currently limited to 10mph with unrestricted on-street parking. The proposed accesses are considered to be safe and would not cause any highway dangers. Taking all the above into consideration it would be inappropriate to object to the application on highway grounds.

Flooding

The application site is located within flood zones 2 & 3 as identified by the EA flood maps. The site is also shown to be at moderate risk of tidal flooding in 2115 as shown on the Council's SFRA. As such, the NPPF states that the sequential test should be carried out to direct development away from high risk areas.

Sequential Test

The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

At present the HIA sets out that there are 5 extant developments in the Romney Marsh character area. Most are for replacement dwellings, one is an extension in the roof to form a flat and one is a prior approval for conversion of an agricultural building to a single residential unit.

It is considered that none of these extant developments are reasonably similar to that proposed and therefore the sequential test is passed.

Exception Test

In this case the application is proposing a 'more vulnerable' development in flood zone 3a and therefore the exception test needs to be applied.

For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test have to be passed for development to be allocated or permitted.

The first part of the Exception Test requires the proposal to provide wider sustainability benefits to the community that outweigh flood risk.

In this case the proposal seeks to construct two dwellings on the plot, thereby increasing the density of the site by one additional residential unit.

The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The LPA are currently working on the updated document which is not yet in the public domain. Currently the most up-to-date report is dated 2018 and with regards to the housing land supply this document sets out that Folkestone & Hythe District has a supply of deliverable sites of up to 144.0% (7.19 years' supply) against the adopted Core Strategy Local Plan minimum requirement for the period April 2019 to March 2024 (inclusive).

In this case it is considered the creation of just one additional dwelling would not provide any significant wider sustainability benefits to the community that could be considered to reasonably outweigh the risk to life by permitting the increase of density of the plot within a flood zone.

The second part of the Exception Test requires a site specific flood risk assessment that development will be safe throughout its lifetime, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

It is noted that (in line with EA comments on the previous application) the ground levels of the properties have been raised by 600mm above the existing ground level, thereby reducing the risk of flooding to the development.

With regards to increasing the flood risk elsewhere, the footprint of the existing vs proposed sees a reduction in the overall level of non-porous areas across the site.

The FRA sets out that the available flood data highlights that the site will not flood, although it may become an isolated 'dry island'. The maximum known duration is 5 days of isolation as a result of flooding. The FRA goes on to say that the occupants should store 5 days' worth of food and water at first floor level.

In reality this is not something that can be controlled via planning condition.

In this case it is considered that the proposal has failed part 1 of the Exception Test as the proposal would not provide wider sustainability benefits to the community that outweigh flood risk.

Environmental Impact Assessment

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

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.

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 £55.58 per square metre for new residential floor space with the exception of the self build housing units which are exempt.

Conclusion

It is accepted that nationally there is a drive for further housing but the supply of housing should not take precedent over the safety of future occupants. The proposal for one additional dwelling unit is not going to have any significant impact upon the national housing deficiency. The LPA does not require further housing at this stage and one additional dwelling in an area of flood risk would increase to life of one further family in the area would put an increased pressure on the emergency services in the event of a breach of the flood defences.

The applicant may wish to consider applying for 1x2 storey dwelling as a replacement of the existing single storey unit, in line with development that has already taken place at 23 Dunstall Lane, 5 Dunstall Gardens and 12 Dunstall Close. These three developments mentioned by the applicant in their statement are permissions to replace existing dwellings. None of these developed sites mentioned have sought permission to increase the density of the sites and as a result the proposed redevelopment of these sites were deemed to reduce the risk to life by not increasing the overall residential density of the site and by also moving all sleeping accommodation to the first floor.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance

between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

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.

RECOMMENDATION

In light of the above, it is considered that planning permission should be refused due to

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Katy Claw Position: Planning Officer Date: 25.11.2019

Report and draft decision notice agreed and passed to admin to issue decision.

Name: C Dethier Position: DM Team Leader Date: 28th November 2019