

## **Planning Statement**

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**Erection of a detached house with associated parking.  
Land to the side of 9 Seabrook Gardens, Hythe CT21 5RD.**

**James Sharp Planning Limited**

**February 2018**

**100/024**

## The site

1. The proposed plot comprises part of the side garden to No.9 Seabrook Gardens. It would have a plot width of approximately 14m and a depth of 25m. The site is level and grassed with bushes around the perimeter. The site is outlined in red on the accompanying o.s. extract.
2. The host dwelling is raised approximately 1m above the garden level and the house has been extended to include accommodation at second floor level plus balconies overlooking the sea. The host dwelling and site are identified by the Environment Agency as being at high risk of flooding.
3. To the south the site backs onto the Royal Military Canal (designated as a scheduled ancient monument) and beyond is a landscaped bund and then the sea. To the north lies part of the curtilage of No.9 and beyond an access way that runs at the rear of houses fronting Seabrook Road. To the west the site borders back gardens of houses fronting Seabrook Road.
4. Access to the plot would be by extending a private access from the end of Seabrook Gardens. Seabrook Gardens is an unmade road and the junction onto Seabrook Road is narrow sufficient only to accommodate the width of a private car. Refuse vehicles do not enter Seabrook Gardens because of the restricted width of the junction. Emergency vehicles can access Seabrook Gardens via an unlocked gate from Victoria Grove.

## Planning History

5. The site has a planning history (see schedule obtained from the Council's website attached as Appendix A) albeit that there have been no recent applications. The most relevant history is as follows:

- Ref. No: 91/0274/SH: Outline application for the erection of a detached house and garage (refused)

The reasons for refusal were as follows:

*The proposal would result in an intensification of use of the existing substandard access to Seabrook Gardens due to its narrow width and inadequate sight lines at its junction with Seabrook Road, and create unacceptable additional hazards to traffic.*

*The proposal constitutes an undesirable form of backland development which by virtue of the activity associated with the use of the proposed drive and establishment of a further residential curtilage would result in an unacceptable degree of disturbance and loss of privacy to surrounding residential properties.*

6. A subsequent appeal was dismissed but because of significant delays in retrieving archived files, the Council have been unable to provide a copy of the appeal decision.

7. A request for pre-application advice (ref: Y17/0121/PREAPP) for the erection of a single detached house was submitted in May 2017. This request was accompanied by a transport statement and pre-application feedback from Kent CC Highways department raising no objection to a single dwelling on the site on highway safety grounds. Feedback from Shepway District Council to the pre-app raised no objection, in principle, to a single dwelling on the site but considered the feasibility proposal too large and that its appearance should take design cues from the wider context rather than the host dwelling.

### **The Proposal**

8. The proposal is for a 4 bedroom detached house with accommodation on ground and first floors plus floor space in the attic. The house has a traditional appearance and would be constructed with a render finish with timber shiplap cladding under a grey slate roof. The proposal takes design cues from the wider context rather than just the host dwelling.
9. A turning area for cars is provided within the plot with two off street parking spaces. Access to the plot would be by extending a private access from the end of Seabrook Gardens.
10. The finished floor level would be set at 4.4m AOD to allow 300mm above site levels.
11. A refuse collection area is shown next to the collection point for the host dwelling.
12. The proposal would not affect parking or access arrangements to the host dwelling.

### **Planning Framework**

13. Under Section 38 (6) of the Planning and Compulsory Purchase Act 2004, if regard is to be had to the Development Plan, determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Adopted Development Plan Framework for the site comprises the Core Strategy Local Plan (2013) and the Local Plan Review Saved Policies 2006.

#### *a) The National Planning Policy Framework (NPPF)*

14. Paragraph 14 sets out a presumption in favour of sustainable development. Paragraph 14 Footnote 9 makes reference to specific designations where development should be restricted listing SSSI, Green Belt, local green space: AONB, Heritage Coast or within a National Park, designated heritage assets: and locations at risk of flooding. The list does not include residential gardens.
15. Paragraphs 54-68 concern requiring good design. Good design is an aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 advises that planning policies and decisions should aim to ensure that developments optimise the potential of a site to accommodate to development. Development should also respond to local character and history and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation. It also advises that development should be visually attractive as a result of good architecture and appropriate landscaping.

16. Paragraphs 100-104 concern flood risk. It advises that when determining applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding dependent upon the sequential test and a site specific flood risk assessment.

b) *The Core Strategy 2013*

17. The site is within the built-up framework and a site specific designation is:

- An area at risk of fluvial/tidal flooding

Relevant policies include:

- Policy DSD Delivering Sustainable Development
- Policy SS1 District Spatial Strategy
- Policy SS2 Housing and the Economy Growth Strategy
- Policy SS3 Place-Shaping and Sustainable Settlements Strategy
- Policy CSD2 District Residential Needs
- Policy CSD7 Hythe Strategy

c) *The Local Plan Review Saved Policies*

18. The Local Plan was adopted in 2006. Relevant saved policies are:

- BE1 - Standards expected for new development in terms of layout, design, materials etc.
- BE7 - Protection of ancient monuments and important archeological sites
- HO1 - New residential development
- U1- Utilities
- TR11 - Accesses onto highway network
- TR12 - Vehicle parking standards
- SD1 – Sustainable Development

19. Supplementary guidance includes the Kent Design Guide.

**Planning issues**

20. There main planning issues are as follows:

a) *Flood risk*

21. Footnote 9 to the NPPF identifies locations at risk of flooding as areas where development should be restricted. In accordance with Policy SS3 proposals for residential development will need to be accompanied by a flood risk assessment to demonstrate that the proposal would not increase flood risk elsewhere and that the development would be flood resilient and resistant.

22. A Flood Risk Assessment (FRA) by Unda Consulting Limited accompanies this application and advises the proposal would be acceptable subject to:

- Ground floor level being raised 300mm above site levels. Finished floor level being set a 4.4m AOD.

- Safe refuge is provided on the upper floors
- No bedrooms on the ground floor
- Flood proofing of the building will be incorporated as appropriate
- A flood warning and evacuation plan will be implemented post completion
- The applicant would register with the Environment Agency Floodline Warnings Direct service
- Safe escape will be provided by a flood warning and evacuation plan which will be prepared in liaison with emergency planners and tied in with existing emergency plans for the area.

On the basis of the above, the proposals for the site are considered to be compliant with relevant development plan policies.

*b) Highway safety*

23. The proposal will provide for:

- The ability for cars to turn around on Seabrook Gardens and exit the junction in forward gear
- Access for emergency vehicles to reach the site via the unlocked gate from Victoria Grove
- Arrangements for rubbish collection from existing homes without the need for refuse vehicles to enter Seabrook Gardens

24. The applicant has commissioned a Transport Statement by Re: Engineering Consultancy Limited. This report identifies the following:

- a) for the six year period from 1st October 2010 and 30th September 2015 there were no accidents close to the junction of Seabrook Gardens and Seabrook Road. In addition the three accidents recorded do not appear to have any contributory factors identified which could be related to the location or use of the access of Seabrook Gardens.
- b) the likely level of additional traffic generated by a single dwelling would be insignificant in terms of additional movements and/or adding to congestion
- c) the location of a signal controlled pedestrian crossing some 30 metres to the east of the existing junction of Seabrook Gardens with Seabrook Road would allow vehicles to enter and leave the site during the 'shadow time' afforded by any red aspect of the signals
- d) Kent County Council have sought to enhance the visibility for vehicles emerging from both Seabrook Gardens and Victoria Grove through the application and implementation of the Double Yellow Line, 'At Any Time', waiting restrictions which have been placed in extension to the 'zig-zag' markings associated with the Pelican Crossing, thereby aiding visibility on the approach to the Pelican Crossing as well as the access points at Seabrook Gardens

25. Pre-application consultation has been undertaken with Kent Highways and Transportation. The result of this consultation is that, taking into account the above points, they would regard a proposal for one additional house to be acceptable in highway terms (see email dated 7<sup>th</sup> March 2017 attached as Appendix B).

*c) Backland Development*

26. Seabrook Gardens already has a backland character because of its location at the rear of houses along Seabrook Road. The site is within the urban framework and has the potential for an infill development.
27. The principle of new development in this location is supported by saved local plan policy HO1, which supports residential infill within existing built up areas; and Core Strategy policy SS3 which states that the principle of development is likely to be acceptable in defined settlements.
28. The principle of residential infill in built up areas is acceptable subject to there not being significant harm in terms of environmental and highway safety considerations (saved policy HO1), and that development is directed to existing sustainable developments. Whilst the NPPF states that windfall housing sites should not include residential gardens (paragraph 48), in the context of the support of sustainable development in existing settlements, garden development cannot be resisted in principle, unless significant harm is identified. Therefore, the proposal is acceptable in principle, subject to the level of any environmental harm not outweighing the economic and social benefits of the provision of a family home.
29. The proposed dwelling follows the building typologies of the wider context, that is to say it has a traditional appearance being two storey with a pitched roof. A comparison drawing showing the proposal in relation to the host dwelling is provided. The proposed dwelling would be of a scale and mass in keeping with its backland location. The proposed front building line, roof ridge height and detailing would not dominate the streetscene, and should be considered to accordance with saved policy BE1.
30. There would be a distance of approximately 45m between the rear of the houses fronting Seabrook Road and the front elevation of the proposed dwelling. This will be very similar to the separation distance between the host dwelling and the Seabrook Road properties and the proposal would therefore not give rise to any undue overlooking or loss of privacy to neighbouring residents. Because of the separation distances the proposal would not give rise to any unacceptable degree of noise or disturbance to neighbours. Overall, the impact on neighbour amenity is considered to be acceptable, with no conflict with saved policy SD1.

*d) Archaeology and Heritage*

31. The site is not located in a conservation area but does back onto the Royal Military Canal (designated as a scheduled ancient monument). The application is accompanied by an Archaeological Desk-Based Assessment by SWAT. Evidence suggests that the site has historically been the subject of allotment cultivation and during the C20th the site became gardens. At this time several small outbuildings were constructed to the northeast, although it is probable that they had little or no foundation. The assessment has generally shown that the area to be developed is within an area of moderate archaeological potential and the period that has the highest potential for survival is the Post-Medieval period associated with the Gasworks and the Royal Military Canal and any features that may pre-date their construction.

32. Paragraph 127 of the National Planning Policy Framework requires that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The application includes detailed elevations and having regard to the proposed siting of the dwelling in line with other buildings at the rear of Seabrook Road, the proposal would not have a detrimental impact on the setting of the Royal Military Canal.
33. The proposal would be in accordance with saved policy BE7 - Protection of ancient monuments and important archaeological sites.

*e) Biodiversity*

34. The site is in a sensitive location in relation to wildlife in that it is adjacent to the wildlife sites of the Royal Military Canal and the wetland between the canal and Princes Parade, and is also 200m from where the Seabrook stream (a Site of Special Scientific Interest) discharges into the canal. However, the site itself consists of managed domestic garden, and as such it is not particularly favourable for specialist wetland or protected species.
35. No tree at the site or in the immediate vicinity is protected by tree preservation order. The proposal involves the loss of 10 small garden trees or short lengths of domestic hedge, but these all have low or negligible retention value and do not represent a significant constraint to the development. The application is accompanied by a Tree Survey, Wildlife Assessment and Protection Plan which identifies no reason why planning permission for the proposal should not be forthcoming.

**Conclusions**

36. The principle of infill development is acceptable in urban areas, and as set out above there is no significant environmental harm in terms of visual amenity, residential amenity, and highways issues. The appearance and character of the area would not be adversely affected, there would be no significant additional adverse impact on neighbouring resident's enjoyment of the use of their gardens and habitable rooms, and the development can provide adequate parking and turning areas.
37. The application is supported by detailed Highway, Biodiversity, Archaeological/Heritage and Flood Risk Assessments. These reports identify that the proposal would comply with relevant development plan policies.
38. The economic and social benefits of providing a new dwelling in this location outweigh any limited harm, and therefore the proposal is considered to be sustainable development and in accordance with development plan policies.
39. Planning permission is requested for the proposed development.

## Appendix A

### Planning History

- outline application for the erection of a detached house and garage

Ref. No: 91/0274/SH | Status: Refused

- erection of detached dwelling house

Ref. No: CH/4/64/191 | Status: Approved with conditions

- erection of private garage

Ref. No: CH/4/66/106 | Status: Approved with conditions

- erection of a house and garage

Ref. No: CH/4/52/98/108AA | Status: Acceptance

- Erection of a 3 storey side extension and second floor roof extension with balconies to provide additional living accommodation

Ref. No: Y08/0194/SH | Status: Approved with conditions

## Appendix B

**From: Lisa.Daniels@kent.gov.uk**

**To: jtsplanning@gmail.com**

**Date: 7 March 2017 at 16:20**

**RE: Land to the side of 9 Seabrook Gardens, Hythe, CT21 5RD**

Dear James,

Thank you for the request for pre-application advice for one dwelling on land to the side of 9 Seabrook Gardens, Hythe, CT21 5RD.

As discussed on site on the 7th February, there are access constraints which are evident. The access into Seabrook Gardens currently serving 24 units is narrow and is constrained for approximately 20 metres before widening out to allow two cars to pass. With this in mind the addition of only one extra unit would be acceptable.

The refuse strategy for the site will remain the same as clarified on-site. The refuse service has a vehicle which serves Seabrook Gardens or the refuse company walk into the site to collect the waste.

As I understand your client proposes to improve the first 5 metres of the surface into the site, which will be of a benefit so no loose stone will move into the highway.

The access has an active frontage which drivers are aware of and I believe the residents will drive to these conditions so vehicle speeds are likely to be very low and this will reduce the likelihood of any conflicts at the access. Once vehicles emerge from the access the visibility on the A259 is acceptable due to the existing double yellow lines and zig-zag markings. Given the nature of the A259 with the call of the crossing, there will be gaps in the flow of traffic for vehicles to exit and enter Seabrook Gardens.

Kind regards,

Lisa

Lisa Daniels | Development Planner | Kent County Council | Highways & Transportation | Ashford Highway Depot | 4 Javelin Way | Henwood Industrial Estate | Ashford | Kent | TN24 8AD | External 03000 418181 | [www.kent.gov.uk](http://www.kent.gov.uk) | Follow us on Twitter @kent\_cc

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