

Officer Report

Application No.	22/0865/FH
Site Address	Pemberton Court, Hospital Hill, Hythe, Kent, CT21 5RP
Officer Name	Danielle Wilkins
Proposal	Extension and alterations to car park to provide 8no addition car parking spaces, extension to refuse store, provision of 10no cycle parking spaces

Recommendation

Report Number	RD-429311
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	18 November 2022

Report

SITE

The application site contains an existing purpose-built apartment building, Pemberton Court, which is on the southern side of Hospital Hill, from which access is gained. There are 27 flats in the block with communal accesses on the north elevation. The communal car park, in an elevated position relative to the ground floor of the property, is also to the rear of the northern-facing elevation. To the north-east is 1-4 Ocean Heights, a recently completed development of town-houses. To the west are two-storey terraced properties; to the east is Battery Point, with detached dwellings and groups of three terraced town houses; to the south are two-storey properties in Seabrook Road, also terraced. The land on the northern side of Hospital Hill is defined local landscape area. The Scheduled Ancient Monument of the Royal Military Canal runs from east to west on the southern side of Seabrook Road. The site has a number of TPOs to the frontage of the site and is in an area of potential land instability.

RELEVANT HISTORY

22/0864/FH/PA - Determination as to whether the prior approval of the Local Planning Authority is required under schedule 2, part 20 - class A (General permitted development order 2015) for the enlargement of a block of flats by construction of 2 additional storeys, to provide 8 additional flats including extended stairwell and ancillary works.

Refused

21/1467/FH/PA - Determination as to whether the prior approval of the Local Planning Authority is required under schedule 2, part 20 - class A (General permitted development order 2015) for the enlargement of a block of flats by construction of 2 additional storeys, to provide 9 flats along with necessary ancillary works. In conjunction with provisions for additional parking on 21/1443/FH.

Refused

21/1443/FH - Construction of nine parking spaces and replacement refuse store in conjunction with 21/1467/FH/PA 2 additional storeys.

Refused

1. The proposal would result in the loss of the landscaped bank and protected tree (*Prunus* sp) within the site, which would have a detrimental impact on the character and appearance of the area. The proposed bin store, given its design and size, would amount to a dominant and visually intrusive feature, harmful to the character and appearance of the street scene. As such, the proposal fails to respect the character and appearance of the street scene and wider area, contrary to People and Places Local Plan Policy HB1 which requires development to be of a high standard of design which respects development in the locality and the aims of the NPPF (2021).

Y15/0527/SH refused planning permission for the construction of eight additional residential units through the addition of two additional floors and a mezzanine level to the central section of the existing building, together with the construction of three rear extensions to provide lifts, external alterations to the property, provision of new windows, doors and roof coverings throughout, creation of additional car park spaces and associated retaining wall structures, and the construction of a new bin store.

The application was refused as, "The proposed extensions and alterations would add significant height, bulk and mass to the existing building which would detrimentally alter its character, resulting in a visually prominent structure that would appear dominant in the established street scene and visually incongruous in relation to the scale of the established surrounding development. Further, when viewed from the south, the resultant structure would interrupt and dominate views of the designated local landscape area. Consequently, the proposal would be contrary to saved policies SD1, BE1, BE8 and CO5 of the Shepway District Local Plan Review and paragraph 17 of the National Planning Policy Framework, which seek to ensure new development accords with the existing development in the locality and is physically and visually interrelated in respect of building mass and height; reflects the scale and proportions of the original building and does not impact detrimentally upon the character of the street scene; protects landscape character and the functioning of Local Landscape Areas."

Original permission for the flats - 84/0903/SH and 85/0029/SH.

PROPOSAL

This application seeks full planning permission for the construction of eight parking spaces and replacement refuse store

CONSULTATION RESPONSES

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

Hythe Town Council – Defer until Planning Application 22/0864/FH/PA has been decided by the Planning Department at Folkestone and Hythe District Council.

Arboricultural manager – no objections

Environment Agency – no comments to make

KCC Highways – no comments to make

REPRESENTATIONS

9 objections received. The main points have been summarised below:

- Concern re. landslip
- Extension to refuse store will be visually dominant and intrusive
- Not enough spaces proposed for two additional storeys (PA)
- Parking will spill out onto Hospital Hill which has no street lighting
- Existing refuse store is poorly managed and maintained
- Current building lacks maintenance

PUBLICITY

Neighbours notified by letter. Expiry date 17/07/2022

RELEVANT POLICIES

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

Core Strategy Review 2022: SS1 SS2 SS3

Places and Policies Local Plan: HB1 HB8 NE2 NE6 T2 T5

NPPF paragraphs: 8, 11, 47, 48, 108, 117, 127-130

NPPG

APPRAISAL

Design and visual appearance

Local Plan policy HB1 states development should 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, materiality and mix of uses.

The entrance driveway to Pemberton Court is lined out with parking bays on either side of the cul-de-sac approach road, fronting the building and on the north side. At the vehicular entrance to the site is a landscaped grassed area with some trees, one which is the subject of a TPO. At the eastern end the existing parking bays stop short of the eastern boundary and the retaining wall steps forward to the roadway and, above, the land is covered with dense overgrowth all along, above the retaining wall.

The proposal seeks to cut back the existing retaining wall at the far end of the car park and construct a new one set back in line with the remainder to facilitate the creation of another 5 parking bays in this part of the site, no proposed elevations have been submitted to confirm the height or material finish of the new retaining wall and therefore assumptions have been made that this will be the same height and finish as the existing wall, however these details will be ensured by condition. The existing refuse store is a small walled rectangular compound containing 5 maxi bins. The proposed siting of the replacement refuse store has been amended following the previously refused application and will no longer involve the loss of the vegetated bank at the entrance to the site, the TPO tree will now be unaffected and the grassed area will be retained, which is considered to create relief from the otherwise urbanised character of Hospital Hill. The refuse store is proposed to be

extended, utilising the existing front and rear wall and extending into the car park and not toward the access with Hospital Hill. The layout of the proposed refuse compound is considered to be acceptable and would not result in a dominant or visually intrusive feature at the entrance to the application site.

The proposed area of parking at the east end of the site is less significant in townscape terms as it would involve the extension of the parking bays currently existing within the site and this work would not have a significant impact on the overall character of the parking area. In addition, one additional parking bay is proposed at the western end of the car park, adjacent to the neighbouring garden, this would involve the loss of some green landscaping (lawn) however is not considered to significantly harden the area that would warrant a refusal on this basis.

It is therefore considered that this proposal has overcome the previous reasons for refusal.

Amenities of neighbouring occupiers

Policy HB1 of the adopted Local Plan and paragraph 130 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.

Given the nature of the works, it is not considered that there would be any negative impacts upon neighbouring amenity through overlooking, overbearing, or loss of privacy. The eight additional parking spaces would be located within the existing parking area of the site and the refuse store would be located adjacent to the entrance to the site, away from any neighbouring dwellings. However, the new parking area might result in some light and noise nuisance to the occupiers of the flats immediately opposite the new parking area, however, this is not considered to significantly worsen the existing parking situation, whereby there are 6 parking spaces immediately in front of these flats.

It is therefore considered that the application is acceptable in regards to neighbouring amenity and generally complies with the aims of policies HB1 and HB8 of the PPLP.

Parking and highways

The proposed development would provide off street parking for eight vehicles. The proposed access would remain unchanged. A Transport Technical Note has been submitted in support of the application which confirms the additional parking provision is in accordance with Policy T2 which complies with Kent County Council's Interim Guidance Note 3 (IGN3) for residential parking. This confirms the need to provide 1 space per unit for 1 and 2 bed flats in suburban edge locations along with 0.2 visitor spaces per unit. Therefore, eight allocated spaces have been provided – one for each additional flat proposed under 22/0864/FH/PA. However, this prior approval has recently been refused and the additional parking spaces are therefore not a requirement, having said that, any additional parking proposed within the site would be supported to ease the parking situation on Hospital Hill.

The Technical Note confirms that visitor parking is not always required for flatted developments given the generally flexible nature of their parking areas as stated in the IGN3 guidance. Notwithstanding this, there are seven existing visitor spaces which accords with the guidance of 0.2 visitor space per unit. Therefore, it is submitted that the level of parking proposed is in accordance with the Policy T2 and IGN3.

Eight new cycle parking spaces are proposed, two spaces are proposed at the west of the site and a further six at the eastern end of the site level with and adjacent to the two of the entrances to the

flats. These eight spaces have also been proposed on the grounds that should the PA had been granted, the cycle parking spaces would have been required. Policy T5 of the PPLP requires that cycle spaces are within 20m of the entrance to the building and this proposal therefore meets this policy requirement.

Other issues raised

The location identified on the plans for the additional parking spaces is situated within an area at risk of landslip (zone D) and for this reason, prior to commencement, a slope stability report should be submitted and approved by the LPA. This will be ensured by condition.

A stage 1 ecological assessment was submitted during the consultation period to which KCC ecology have no objections to in regards to the loss of the vegetated bank, an informative will be added to the planning permission in regards to breeding birds.

The TC comments are noted, however whilst application 22/0864/FH/PA has been refused, the current application still needs to be considered on its own merits and as such this is not considered to be a reason to refuse.

RECOMMENDATION

In light of the above, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

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.

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.

Duty to cooperate

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application. In this instance the application was acceptable as submitted.

Recommended Conditions (5)

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: DHA_16477_P11, DHA_16477_P21 and DHA_16477_01

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

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason:

In the interests of visual amenity.

4

(a) Prior to commencement of the development the applicant shall obtain, from a suitably qualified engineer, a written slope stability report advising on the effect the development will have on the stability of the site and all adjoining land and properties. The report is to include, but need not be limited to, the types of proposed foundations, the effect that any excavations into sloping ground will have, types of retaining structures necessary, surface and foul drainage, the effect of any increase/decrease of site loadings, the possible effect to the stability of any adjoining properties, and any other factors needed to ensure the stability of the site and all adjoining land, properties and associated services.

The report should also include a method statement which indicates measures to be adopted during the construction phase to ensure that development does not cause instability to adjoining retaining walls, land and buildings. No development shall take place until this report has been submitted to and approved in writing by the Local Planning Authority.

(b) No works other than those approved shall be carried out unless details of these have first been submitted to and approved by the Local Planning Authority.

(c) All works recommended in the approved slope stability report and method statement (and any alternative works approved) shall be carried out as set out in the approved documents and upon completion confirmation from a suitably qualified engineer that the approved works have been carried out in full shall be submitted to the Local Planning Authority prior to the building being occupied.

Reason:

The site lies within, or within the influence of an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey and it is necessary to ensure that appropriate works are carried out in order to ensure the stability of the site and the development and the adjoining land and buildings.

5

Notwithstanding the approved details, no development beyond the construction of foundations shall take place until details of the retaining wall, including dimensions and material finish shall be submitted to and agreed in writing by the Local Planning Authority. The details to be submitted shall show the retaining wall to be no higher than the existing retaining wall and constructed on the same ground level. The development shall be implemented in accordance with the approved details.

Reason:

In the interest of visual amenity.