

DCL/23/19

Application No: 23/0410/FH

Location of Site: Land rear of Broad Street House, Broad Street. Lyminge

Development: The erection of 44 dwellings, including 1no. self-build plot and 10no. affordable homes, including access, parking and landscaping as well as the transfer of land for additional car parking spaces for the adjacent Doctor's Surgery and a new footpath linking PROW HE59 with the footway along the eastern side of Broad Street.

Applicant: Pentland Homes

Agent: DHA Planning

Officer Contact: Alex Stafford

SUMMARY

This report considers whether full planning permission for 44 dwellings, including 1no. self-build dwelling and 22% policy compliant affordable housing together with associated infrastructure should be granted.

The site is allocated in the local plan for residential development and the principle of residential development here has already been accepted by the Council in granting an extant planning permission for 30 dwellings at this site in 2022. The scheme proposed is an alternative scheme and the uplift in dwellings proposed would make a valuable contribution towards the Council's housing supply, in accordance with the NPPF, including the delivery of much-needed additional affordable housing.

The site is in a sustainable location which benefits from good access to a range of services and facilities in the well-served Rural Service Centre of Lyminge. Development would enhance the vitality of this existing rural community through increased demand for existing services thereby maintaining and/or enhancing their vitality. The amount of development would be proportionate to the scale of the existing village.

The layout, design and appearance of the proposed development is considered to be acceptable and a Landscape Visual Impact Assessment has been submitted which demonstrates how the development would be accommodated without having a detrimental impact upon the wider rural locality, or the natural beauty of the AONB and SLA, which would be considered and enhanced where appropriate.

The development proposes ecological enhancements and the retention and enhancement of existing boundary treatments, would provide a good level of amenity for existing and future residents. Subject to control through planning conditions, the proposal would not harm matters of ecological interest, highway safety, heritage assets or result in

unacceptable flood risk, with foul and surface water drainage suitably addressed.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing affordable housing, contributions towards health and education facilities, open space and play facilities, public right of way improvements and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.

1. INTRODUCTION

- 1.1. The application is reported to Planning and Licensing Committee at the request of one of the Ward Members and because an objection has been received from the Parish Council.

2. SITE AND SURROUNDINGS

- 2.1. The application site comprises land formerly part of the Etchinghill Golf Course (which extends to the south as far as Canterbury Road) which is approximately 2.1 hectares in size. The site is located on the eastern side of Broad Street, to the south of its junction with Greenbanks and at the southern end of the settlement of Lyminge. To the north-western corner of the site is New Lyminge Doctor's Surgery.
- 2.2. Immediately north of the site is Red House Lane, where the boundary is defined by mature hedgerows and trees. The eastern boundary of the site is also comprised of trees and hedgerow, cut through by East Brook, on the other side of which is the cutting for the now disused Elham Railway, with a detached residential dwelling and farm beyond. The western boundary of the site fronts Broad Street, which has a footpath and grass verge running alongside.
- 2.3. The site is located to the south of Lyminge on Broad Street, which forms part of the principal road network through the village and also acts a strategic link towards Folkestone to the south and Canterbury to the north.
- 2.4. The site is also located within the Kent Downs Area of Outstanding Natural Beauty (AONB), Special Landscape Area and Groundwater Source Protection Zone. The site partially lies within an Area of Archaeological Potential. A public footpath is located along the south-western boundary of Broad Street House, exiting onto Broad Street. Broad Street House, a Grade II Listed building, is located approximately 125m to the south-west of the site.
- 2.5. The application site falls within the identified settlement boundary for Lyminge, is allocated for residential development by virtue of Policy ND4 (Land East of Broad

DCL/23/19

Street Lyminge) of the Places and Policies Local Plan 2020 (PPLP) and benefits from an extant planning permission (20/1397/FH – Granted 13th July 2022) for 30 dwellings.

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

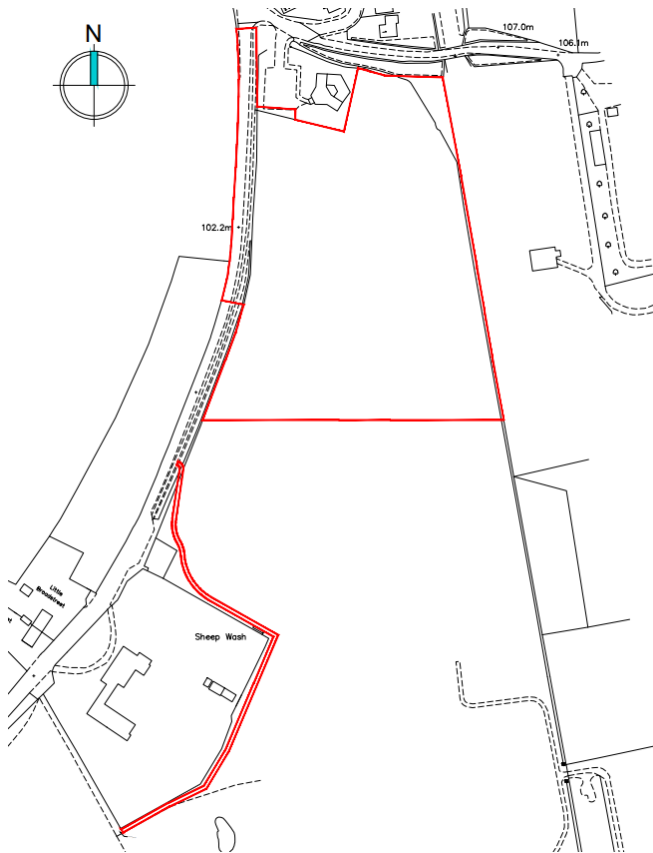


Figure 1: Site Location Plan



Figure 2: Aerial Photograph (Google Earth) centred on site

3. PROPOSAL

- 3.1 Full planning permission is sought for a residential development comprising the erection of 44 dwellings, including 1no. self-build plot and 10no. affordable homes, new vehicular and pedestrian access onto Broad Street and new road infrastructure within the site, together with 8no. new car parking spaces to serve Lyminge Doctor's Surgery. A new footpath linking PROW HE59 with the footway along the eastern side of Broad Street is also proposed, creating a walking route between Lyminge and Etchinghill away from the main roads.
- 3.2 The layout of the development proposes a terrace of three cottages fronting onto Broad Street before the main access leads towards two higher density terraces and groups of semi-detached properties, located nearer to the edge of the existing village. Dwellings generally front onto the main access road, albeit some spurs are proposed which will provide access to a number of smaller clusters. Generally, to the east and south of the site larger detached dwellings are proposed.
- 3.3 Areas of open space and soft landscaping are mainly proposed to the northern and southern areas of the site. These areas would also contain SUDS features which would provide visual interest and biodiversity benefits, as well as drainage attenuation. To the west, dwellings would now front towards Broad Street, albeit mainly behind existing vegetation along the site boundary. Where the site would be more open, an area of landscaping is proposed providing pedestrian connectivity through to Broad

DCL/23/19

Street. Some of the existing trees and hedgerows within the site would be retained and enhanced, as well as existing boundary treatments.

- 3.4 The proposed dwellings would be two-storey with some single-storey garaging and car ports. Dwellings would all have their own gardens, with parking bays predominantly either to the front, side or rear in parking courts. The proposed materials palette would consist of a range of soft red brick, full and half white and dark boarding, tile hanging and clay tiles. Full details of the proposed development are described in detail in the Design & Access Statement and shown on the submitted drawings.
- 3.5 During the course of the application the applicant has submitted amended plans in response to consultation comments and officer's feedback. The amendments have resulted in 4 dwellings being deleted from the proposals. Further, one of the self-build plots has been removed from the application red line due to works having commenced under the extant planning permission.



Figure 3: Proposed Site Layout



Figure 4: Proposed Street Scenes

3.6 The following reports were submitted by the applicant in support of the development proposals and are summarised below:

Design & Access Statement (DAS)

3.7 The submitted DAS demonstrates the key principles underpinning the scheme and in particular sets out how through consideration of existing site features, planting and topography, the development would create a landscape led public realm and ensure a permeable and sustainable development that maximises connectivity.

3.8 It goes on to state how through introducing attractive features, new planting and by giving consideration to maintaining the character of the wider settlement, the proposals would generate an integrated development that would support local services, contribute to local character and provide new natural space and habitats.

3.9 Page 34 in particular identifies how the proposal includes a variety of house types, new open space, and pleasant street scenes, and that new houses would be set around a simple movement framework to create a character in keeping with nearby development to create a sustainable and well-designed residential development.

3.10 The DAS includes details of how the applicant has engaged with the Local Authority, Councillors and local residents to develop the proposals. During the course of the application, following advice from Officers, an addendum to the DAS was produced which further demonstrates how reference to the local vernacular has been incorporated into the design, appearance and materiality of the development.

Planning Statement

DCL/23/19

3.11 This statement reviews the context and planning history of the site and considers the development in respect of adopted local and national planning policy and guidance. It provides a high-level overview (based on supporting technical reports) of matters relating to design and visual impact, heritage, residential amenity, parking and highways, ecology, trees, ground conditions, drainage and archaeology, concluding that the proposals would be acceptable.

Landscape & Visual Appraisal

3.12 This considers the existing baseline conditions with regard to key landscape components, appraises the existing landscape in terms of character and views to establish its ability to accommodate change in relation to the proposed development, describes the anticipated changes and assesses the nature of change upon landscape character and views and determines the nature of effect of identified impacts.

3.13 The report concludes that the site, its immediate surroundings and wider landscape context have a medium to high capacity to accommodate the development without risk of adverse impacts upon key landscape and visual resources. It goes on to identify that there will be minor changes in settlement pattern and a change in site vegetation characteristics but that the capacity of the site to accommodate development of the type proposed has been confirmed through local plan allocation and the subsequent grant of planning permission for residential development.

3.14 Overall, it is considered that the development is of a type, scale, massing and appearance suitable for its setting, has been located appropriately in terms of nearby sensitive landscape receptors, and would not cause a notable adverse change in the prevailing landscape and visual characteristics of the area, including the Kent Downs AONB.

Transport Statement

3.15 This considers the development proposals in respect of the existing and proposed use of the site, a review of relevant national and local policy, a review of the local transport network context, including access by all transport modes, shows how the proposed parking provision aligns with standards and calculates predicted traffic generation and distribution to and from the site. It concludes that the development is sustainably located and should not lead to any adverse impacts to highway capacity, amenity or road safety.

Archaeological Desk Based Assessment

3.16 This identifies that the site lays partly within a locally designated Area of Archaeological Potential and comprises an examination of evidence from the Kent Historic Environment Record (HER), considers the results of nearby archaeological investigations, incorporates published and unpublished material and charts historic land-use through a map regression exercise.

DCL/23/19

3.17 The site is considered to have low to moderate potential for Bronze Age, Iron Age and later medieval period archaeological remains, a moderate potential for Anglo-Saxon period remains and a low overall potential for all other periods. Past post-depositional impacts, primarily landscaping associated with golf course construction is likely to have had a widespread impact. Given the archaeological potential, further archaeological mitigation is recommended through an appropriately worded planning condition.

Flood Risk Assessment & Drainage Strategy

3.18 This report outlines the proposed surface water drainage strategy which would see run-off from access roads, drives and parking bays conveyed to a new below ground surface water network via trapped gullies. Rainfall run-off from the roofs would discharge directly into this network. This system would then convey the flows, under gravity, northwards towards a new attenuation basin and bio-retention area which would provide attenuation of restricted flow prior to discharging to the existing watercourse north of the site. Additional attenuation would be provided within below ground tanks and a basin in the southern part of the site.

3.19 This strategy demonstrates that the development could be successfully implemented and designed to withstand the impact of a 1:100 year rainfall event (including climate change). The surface water discharge would be attenuated to pre-development greenfield run-off rates through the use of SuDS techniques and re-use of existing resources.

3.20 The proposed foul water drainage is proposed to be conveyed via new below ground sewers to a new onsite pumping station and would discharge to the existing Southern Water public foul sewer located in Greenbanks. The strategy demonstrates that the development and its occupants would not be at an increased risk of flooding, that the development would not increase the risk of flooding elsewhere and that an appropriate SuDS strategy would be implemented.

Nutrient Impact Assessment

3.21 This assessment considers the development proposals to determine if a mitigation strategy is required to offset the nutrient budget created by the change in land use as a result of the location of the site within the Nailbourne and Little Stour catchment, identified as having poor ecological water quality. The report confirms that foul water would be treated at the Hythe Wastewater Treatment Works, which is not included in the Natural England Stodmarsh SAC and Ramsar Site Nutrient Budget Calculator as having a hydrological connection to the Stodmarsh designated sites.

3.22 According to the Natural England Nutrient Neutrality Guidance November 2020, the nutrient assessment methodology is not applicable to the site, however as a conservative approach, an assessment of surface water impacts have been undertaken. This has identified a need for nutrient mitigation to make development

DCL/23/19

nutrient neutral which will be achieved through a SuDS treatment train of permeable paving and retention basins to ensure no adverse effect on designated sites.

Geo-Environmental Investigation

- 3.23 The purposes of the ground investigation was to determine the ground profile and to provide guideline recommendations for the design of foundations for new structures on the site. An assessment has been made of contamination issues based on current legislation. This report incorporates data from a Phase 1 Contamination Risk Assessment carried out on the site in September 2017.
- 3.24 The report concludes that the risks to human health are considered to be low, as are the risks to groundwater in the underlying Principal and Secondary Aquifers due to the lack of any potential significant mobile organic contamination observed on site. The site is not considered to be contaminated land. A watching brief is recommended to be implemented during enabling works.

Arboricultural Impact Assessment & Addendum

- 3.25 This report serves as an update to the assessment carried out in support of the previously approved planning application. It recommends that to facilitate the revised layout that 2 "C" Grade trees be removed due to being within the footprint of a residential plot and that Group G1 (categorised as "B" Grade trees) also be removed, regardless of the development, due to significant storm damage suffered.

Ecological Impact Assessment

- 3.26 This report summarises the results of survey work undertaken to date and outlines mitigation measures that would be implemented for Habitats of Principal Importance (stream and hedgerow), foraging and commuting bats, badger, hedgehog, nesting birds and reptiles. It also outlines appropriate ecological enhancement measures that would be included within the development proposals as detailed within an Ecological Enhancement and Management Plan.

Economic Statement

- 3.27 Outlines that the construction phase of the development would generate approximately 51 FTE jobs across a 2.5 year construction period and approximately £7.2 million of economic output of which £4.9 million within Folkestone and Hythe. The completed development would also result in approximately 58 residents in employment, generate £2.3 million gross economic output and £948,000 expenditure per annum on retail, leisure, service and goods. It will also generate Council Tax receipts, a New Homes Bonus payment, CIL payments and Section 106 financial contributions.

Heritage Statement

DCL/23/19

- 3.28 This report considers the relationship of the development site with Broad Street House and confirms that it does not contribute to the significance of it. It is considered that residential development of the site represents a neutral alteration of the extended, wider setting that will not cause any level of harm to the architectural or historic interest of the building.

Biodiversity Net Gain Assessment

- 3.29 This concludes that a biodiversity net gain feasibility assessment shows that the development proposals would result in a 10% gain in the post-development value of habitats and a 102% gain in the value of hedgerows within the site. It outlines that proposed hedgerow planting and SUDS pond will provide good outcomes for biodiversity and that the creation of calcareous grassland should be considered in place of the creation of other neutral grassland.

Statement of Community Involvement

- 3.30 This sets out details of community engagement prior to submission which included a pre-application meeting with Folkestone & Hythe Council and a subsequent presentation to the public via a consultation website and public event (having taken Council feedback into account). This was also complemented by a leaflet drop and emails to Parish and District Council. A second presentation event and question and answer session was held and a leaflet published in the Parish newsletter to promote it.

4. RELEVANT PLANNING HISTORY

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

20/1397/FH Hybrid planning application seeking detailed planning consent for a residential development comprising 28 dwellings (including 6 affordable homes) and additional car parking spaces for the adjacent Doctor's Surgery and outline planning consent for 2 self-build plots (all matters reserved except access).

Approved with conditions – 13th July 2022.

NB: Figure 5, below sets out the approved layout of this application.

21/2373/FH Removal of 10m of hedgerow to enable access to land from highway.
Approved with conditions – 7th January 2022.

22/1189/FH Application for reserved matters (scale, appearance, landscaping, layout) relating to hybrid application 20/1397/FH residential development comprising 28 dwellings for the erection of 1 self build dwelling to include detached garage & annexe.

Approved with conditions – 18th November 2022.

22/1195/FH Application for reserved matters (scale, appearance, landscaping, layout) relating to hybrid application 20/1397/FH residential development comprising 28 dwellings for the erection 1 self build dwelling to include detached garage & annexe.

Approved with conditions – 21st December 2022.

4.2 Applications to discharge Conditions 11 (22/1260/FH/CON - construction method statement) and 19 (23/0503/FH/CON - archaeological assessment) attached to planning permission 20/1397/FH have subsequently been approved, as has a non-material amendment application (23/0393/FH/NMA) to allow for a reduced amount of external cladding to elevations.



Figure 5: Approved layout of extant planning permission 20/1397/FH

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Lyminge Parish Council: Object to the application on a number of grounds which are summarised below. The Parish Council has also indicated it would be willing to discuss the application with the applicant further.

- Increase in numbers is unacceptable in principle to residents.
- Increase in numbers will still place a strain on local services and infrastructure and increase traffic hazards, pollution and sewerage issues.
- Design is lacklustre and lack sustainability/renewable principles.
- Otterpool Park had a Design Code, it should be the same for this site.
- Welcomes the creation of footpath/bridleway and should be a condition of any consent.
- Wish to see the provision of bus shelters/bench/bins.
- Provision of archaeological interpretation boards within the village.
- Would welcome a contribution towards the creation of a bio-diversity pond and sensory garden.
- Seek assurances that the Canterbury Road will not be closed.
- Landscape buffer included in Planning Obligation.
- The Village Gateway should be moved south.
- The Parish Council would welcome a rethink of the proposal, in favour of a smaller number of 'Eco Houses, designed as a true 'first' for the District.

KCC Highways and Transportation: Object to the application on the grounds of a lack of an extra on-street visitor car parking space along the main spine road and that there should be at least three visitor parking spaces on the road serving plots 26, 32 and 43-45 as a result of their tandem arrangement. Recommends conditions in respect of the treatment of shared surfaces and removal of permitted development rights for the installation of garage doors/structures within proposed car ports.

KCC Ecology: Raises no objection regarding the conclusions in respect of protected species and requested additional information in respect of demonstrating whether the development can achieve a biodiversity net gain stated. Following the submission of additional information, KKC Ecology have requested further clarification in respect of the Defra Metric 4.0 calculation which has resulted in a total net gain of 12.62% in area habitat units and 102.34% net gain in hedgerow units.

KCC Public Rights of Way: Confirm that no existing public right of way is directly affected by the development. Welcome the offer to provide a permissive footpath to the rear of Broad Street House, which will provide a safe link between existing footpath HE59 and the footway of the main road, avoiding having to walk on the road in front of

DCL/23/19

the house. Also welcome the offer to provide a financial contribution towards the implementation of a bridleway between the southern boundary of the development across the golf course to Etchinghill.

KCC Flood and Water Management (LLFA): Raises no objection in respect of the drainage principles proposed within the development, however initially maintained an objection pending consideration of further information in respect of the function that the existing pond on the site serves, stating that if this is functional to the existing watercourse the LLFA would not agree to its removal.

In response to this, the applicant has submitted a further technical note confirming that the applicant had sought to carry out further topographic survey work to seek to provide clarification on the separation of the existing watercourse and low-lying pond on the site however, surveyors struggled to survey the area due to the current level of overgrown vegetation. As a result, in light of the LLFA's concerns the applicant has now reduced the extent of the attenuation basin and proposes to keep the existing low lying pond area outside of the onsite attenuation scheme. The offset of the reduction on the onsite attenuation basin volume would be accommodated through additional below ground tanks beneath the new roads. Updated calculations and an updated drainage strategy layout has been submitted to reflect these changes and the LLFA have been reconsulted and confirm that that the alteration to the design is welcomed and that they now consider the objection over this issue resolved.

It is noted, that the LLFA have highlighted a number of discrepancies in the modelling data when compared against the Drainage Strategy drawing (Revision E) and for completeness, they advise that these are looked into and corrected where required.

[**COP Comment:** Should planning permission be granted, a drainage condition would be recommended requiring full drainage details to be provided and approved by the LPA in consultation with statutory consultees which would ensure that these discrepancies can be appropriately corrected].

KCC Archaeology: No objection stating the following:

The archaeological fieldwork mitigation for this site has been completed and KCC have approved a Post-Excavation Report by RPS/Wessex Archaeology. As a result, KCC are content that this current application does not require archaeological work and has no further comments to make.

KCC Economic Development: Requests financial contributions towards education provision, community learning, youth services, library services, social care and waste.

[**COP Comment:** These contributions fall within CIL with the exception of education contributions which would be secured by a s106 planning obligation in the event of planning permission being granted].

DCL/23/19

Natural England: Requested further information to determine impacts on designated sites and in particular likely significant effect on the Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, Site of Special Scientific Interest (SSI) and National Nature Reserve. A Habitats Regulations Assessment would need to be undertaken to ensure that the proposal would have not have an adverse effect on the integrity of these sites.

[**COP Comment:** The applicant has demonstrated that the foul water would connect to the combined sewer and be treated at the Hythe Wastewater Treatment Works, which is not included in the Natural England Stodmarsh SAC and Ramsar Site Nutrient Budget Calculator as having a hydrological connection to the Stodmarsh designated sites].

Environment Agency: No objection subject to the inclusion of conditions relating to land contamination and piling, and informatives relating to foul and surface water drainage, and the re-use of materials on-site.

Kent Downs AONB Unit: No objection to the principle of the development, nor to the increase in numbers based on the proposed layout submitted in the application. Raise some concerns in respect of a perceived degradation in design of some of the dwellings from the previously approved scheme. Welcome and are supportive of the proposed Lloyd Bore Southern Boundary Planting Plan and consider its inclusion within any s106 agreement as essential.

[**COP Comment:** These comments were received prior to amended drawings being received which reduced the number of dwellings proposed and provided significantly amended and further detail on the design and appearance of the proposed dwellings]

Southern Water: Require a formal application for connection to the public foul water sewer to be made. Confirm that under certain circumstances SuDS will be adopted if requested and that if not adoptable then long-term maintenance of the facilities will be required to ensure their effectiveness in perpetuity. Recommend that full details of foul and surface water disposal be submitted and approved prior to commencement.

Affinity Water: Provide general advice on water quality, water efficiency, infrastructure connections and diversions.

NHS Clinical Commissioning Group: Request a financial contribution of £38,016 towards the refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

Environmental Health: No comments.

Local Residents Comments

- 5.2 The application was advertised in the local paper and a site notice was displayed at the site for a period of 21 days.
- 5.3 76 neighbours directly consulted. 53 letters of objection were received (including some repeat correspondence) and 1 letter of support received.
- 5.4 Following the receipt of amended drawings, a second consultation was carried out and 139 neighbours were directly consulted. 51 letters of objection were subsequently received and 1 letter of support.
- 5.5 I have read all of the letters received. The key issues are summarised below:

Objections

First consultation

- Village name spelt incorrectly.
- Impact on trees.
- Closure of local road is unacceptable.
- 63% increase in the number of dwellings.
- The agreed development will already have significant impacts on the village and the increase proposed will simply exacerbate the many concerns originally expressed.
- Certainly not low-density development.
- Already overstretched services in the village.
- Infrastructure in the locality will not cope.
- The sewage system isn't very efficient for existing population – will not cope.
- Lack of space at doctors.
- Lack of school places.
- Insufficient parking provision.
- Traffic hazards by increased number of cars parked on roads/vehicular movements.
- Increase in traffic and pollution.
- High density housing not in keeping with rural location.
- Impact on AONB.
- Otterpool Garden Town was proposed as a way of reducing the increase in need for further rural dwellings.
- Proposal based on profit.
- No justification for the increase in housing numbers.
- Insufficient drainage detailing proposed.
- Poor design and layout.
- Overdevelopment.
- Not suitable for rural location.
- Increase in traffic will have a significant impact on the surrounding highway network.

DCL/23/19

- The Council need to act by their own plans and policies agreed and published in 2020 and 2022.
- Ignores/overriding the policy for the site as set out in the adopted Local Plan fails to fit with Policy ND4 in its entirety.
- Good governance dictates that the Council sticks to its original agreement for 30 houses.
- Ecology impact on East Brook/chalk stream.
- Environmental impact.
- Unsustainable loss of green space.
- Noise pollution.
- Traffic entrance will cause a dangerous traffic spot.
- Impact on wildlife and habitat.
- Village is already congested.
- Increased risk of flooding.
- Set precedent for further development.
- Not enough affordable housing.
- Proposal in clear conflict with the Places and Policies Local Plan 2020.
- To ignore the Local Plan is to deny logical, considered processes which brought about the plan in the first place and will undermine the validity of the whole plan and subsequently all other related matters.
- Insufficient garden sizes.
- No consideration given to the impact this will have on the village as a whole.
- Local bus services to the village are being cut further.
- An EIA ought to be required.

Second consultation

- The principle of 45 dwellings does not exist.
- 30 is the maximum figure in the Local Plan for the site. Good governance dictates that the Council sticks to its original agreement for 30 houses.
- The Council need to act by their own plans and policies agreed and published in 2020 and 2022.
- 30 houses are ok, 45 will cause more congestion, pollution and damage to the environment.
- Despite the slight decrease in the number of houses in this new proposal (45 from 49), any increase on what was originally planned is unacceptable.
- Infrastructure in the locality will not cope.
- For purposes of clarity requests for any covenants of the land should be requested by the Council.
- No justify for the increase in housing numbers – ignoring/overriding the policy for the site as set out in the adopted Local Plan fails to fit with Policy ND4 in its entirety.
- 45 houses that extends the village footprint outwards, is not small scale or sensitive.
- Increase traffic issues in the local lane and side roads.
- Ecology impact on East Brook.
- Wider impact on Stodmarsh catchment.
- Sewerage system will not be able to cope.
- Impact on health care – existing practice has limited capacity for growth.

DCL/23/19

- Primary school will not be able to cope/already oversubscribed.
- Impact to AONB.
- Information within the submission is misleading.
- Treat to natural habitats.
- The Government has said recently that local concerns about the over development of a community should be listened to and taken into account.
- Insufficient parking provision.
- Concerns over waste water and potential to flood the site as well as overload the system downstream.
- Road closures should not be allowed.
- Should be smaller sized units, not large houses.
- Given that Otterpool park has been approved to build 10,000 homes, there is no need to increase the original application by 50%.
- Previous comments still stand despite the slight change in density.
- Should it go ahead, then the 30mph speed limit should be moved in include all the Broad Street properties.
- Would set a precedent.
- The one self-build already formed part of the original consented scheme.
- Based on the developer making more profits.
- Increased in traffic from development will increasing parking/congestion issues within village.
- Reduced in numbers is insignificant and changes nothing.
- Overdevelopment.
- Requests for additional information have not been addressed within the revised scheme/information submitted.
- Poor quality design/materials of properties.
- Layout is poor, and has no relationship with the surrounding context.
- Parking courts are a poor parking solution.
- Consultation by developer has been poor.
- Increase in light pollution.
- Reduce the utility of golf course.
- If surface water from the attenuation basin combines with the existing pond then a hydro break will be not fit for purpose as the two will become one larger pond and increase the flood risk to the village.
- The Nutrient Impact Assessment is dated March 2021 and should be updated.
[**COP Comment:** the letter dated March 2021 highlights the connectivity to the Hythe WWTW which remains unchanged]
- The southern basin doesn't have an inlet from any of the SUDS storage tanks and that it's therefore serving no practical purpose as all the tanks will discharge to the northern basin which could overflow.
[**COP Comment:** If planning permission is granted a detailed drainage strategy would be required to be submitted and approved to the satisfaction of the LPA and technical consultees].

Support

DCL/23/19

- Traffic impact is shown to be low.
- More housing is needed (particularly low-cost) to enable people to stay in the village and to attract families to allow the school to continue to flourish.

5.4 **Ward Member**

5.5 One of the Ward Members, Cllr Mrs Hollingsbee has requested that the application is reported to the Planning Committee.

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

[F&HDC Planning Register](#)

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

- Policy ND4 - Land East of Broad Street, Lyminge
- Policy HB1 - Quality Places Through Design
- Policy HB2 - Cohesive Design
- Policy HB3 - Internal and External Space Standards
- Policy HB4 - Self-build and Custom Housebuilding Development
- Policy E8 - Provision of Fibre to the Premises
- Policy C1 - Creating a Sense of Place
- Policy C3 - Provision of Open Space
- Policy C4 - Children's Play Space
- Policy T2 - Parking Standards
- Policy T5 - Cycle Parking
- Policy NE1 - Enhancing and Managing Access to the Natural Environment
- Policy NE2 - Biodiversity
- Policy NE3 - Protecting the District's Landscapes and Countryside
- Policy NE5 - Light Pollution and External Illumination
- Policy NE7 - Contaminated Land
- Policy CC1 - Reducing Carbon Emissions
- Policy CC2 - Sustainable Design and Construction
- Policy CC3 - Sustainable Drainage Systems (SuDS)
- Policy HW4 - Promoting Active Travel
- Policy HE1 - Heritage Assets
- Policy HE2 - Archaeology

Core Strategy Review (2022)

SS1 - District Spatial Strategy

SS2 - Housing and the Economy Growth Strategy

SS3 - Place Shaping and Sustainable Settlements Strategy

SS5 - District Infrastructure Planning

CSD1 - Balanced Neighbourhoods

CSD4 - Green Infrastructure of Natural Networks, Open Space and Recreation

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

Supplementary Planning Guidance/Documents

Kent Downs AONB Management Plan

Section 3 - Sustainable Development

Section 4 - Landform and Landscape Character

Section 5 - Biodiversity

Section 7 - Woodland and Trees

Section 8 - Historic, Cultural and Scientific Heritage

Section 11 - Quality of Life and Vibrant Communities

Section 12 - Access, Enjoyment and Understanding

Kent Design Guide

Section 1 - The value of good design

Section 2 - Creating the design

Supplementary Guidance - Residential Parking

Government Advice

National Planning Policy Framework (NPPF) 2021

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 are relevant to this application:-

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

DCL/23/19

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 and obligations.

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 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – Open space and recreation.

Paragraphs 114 to 118 - Promoting sustainable transport.

Paragraphs 112 to 116 - Supporting high quality communications.

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.

Paragraphs 183 to 188 - Ground conditions and pollution.

National Planning Policy Guidance (NPPG)

Technical housing standards – Nationally Described Space Standards

National Design Guide October 2019

Paragraphs 38-162.

7. APPRAISAL

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

- a) Principle of Development / Sustainability/ Housing Supply
- b) Conformity with Places and Policies Local Plan 2020 Policy ND4
- c) Landscape Character / Design / Layout / Visual Amenity
- d) Residential Amenity
- e) Ecology and Biodiversity

- f) Flood Risk and Drainage
- g) Trees
- h) Heritage & Archaeology
- i) Transport, Parking & Highway Safety
- j) Public Rights of Way
- k) Contamination
- l) Self & Custom Build / Affordable Housing

a) Principle of Development / Sustainability / Housing Supply

- 7.2 Central Government guidance set out within the NPPF states that Local Planning Authorities (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 The site is allocated for residential development in the Places and Policies Local Plan (PPLP), subject to a number of criteria, by virtue of Policy ND4, and it also benefits from an extant planning permission (20/1397/FH) that was granted on the 13th of July 2022 for 30 dwellings. The site is located within the settlement boundary of Lyminge. The proposed development involves the erection of 44 dwellings at the site, in addition to one existing self-build dwelling, which has commenced under the extant permission and therefore falls outside of this application as a result.
- 7.4 Whilst the total number of dwellings proposed would exceed the estimated capacity of 30 dwellings identified by Policy ND4 of the local plan, the uplift in housing numbers is supported by national planning policy with the NPPF making it clear that LPA's should give great weight to the benefits of using suitable sites within existing settlements for homes. Further, policy ND4 does not preclude an uplift as a matter of principle with the figure in the policy being indicative.
- 7.5 Policy SS1 of the Core Strategy seeks to direct development to existing settlements. Further, whilst the Council can currently demonstrate a 5-year housing supply, without a 5-year supply, the District is vulnerable to speculative proposals as NPPF guidance sets out that 'relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites'. What this means in practice is that if the Council does not permit acceptable housing schemes within and around the most sustainable settlements, then it would be at risk of not retaining this 5-year supply. Were this to happen then housing applications are more at risk of being considered in the context of the NPPF 'presumption in favour of sustainable development', instead of on sites where the Council has already

DCL/23/19

established the principle of residential development as being acceptable, such as this application site.

- 7.6 The development would be located on land on the edge of Lyminge, within the settlement boundary. Lyminge is identified in the Core Strategy as a Rural Service Centre. Rural Service Centres are larger and represent better served rural settlements within their character area, having the potential for modest expansion from current built limits to meet rural development needs (Core Strategy Review para 4.78). Policy SS1 of the Core Strategy references the North Downs Area, identifying that within the Kent Downs AONB development will be limited inter alia to '*sensitively meeting the needs of communities at better-served settlements*'.
- 7.7 Lyminge, within the North Downs Area is referenced at para 1.45 of the Core Strategy where it is recognised as a larger settlement playing an important role to rural residents in providing commercial services and some public facilities. Paragraph 3.31 goes on to highlight how Lyminge remains a highly attractive place to live and visit, recognised for its very good range of shops and public services where sensitive small-scale developments have improved access to rural housing.
- 7.8 Core Strategy para 5.165 recognises that Lyminge in the AONB is '*the largest settlement after Hawkinge in the North Downs and offers a good range of local services*' and its role as a designated Rural Centre is '*important to the future strategy for the wider area*'. Policy SS3(a) of the Core Strategy states that development should not be of a size, scale or nature that is disproportionate to the level of services which a settlement is capable of providing and should preserve the character allowing it to maintain its status in the settlement hierarchy.
- 7.9 The range of services that are available in Lyminge to serve the day-to-day needs of residents and visitors is extensive and includes a primary school, two doctor's surgeries, hot food takeaway, public house, convenience store, coffee shop, pharmacy, osteopath and podiatrist clinics, a local Age UK day centre, library, hairdresser and barber, as well as various sports clubs. There is also an active social community including a resident's association and village hall hosting clubs and groups.
- 7.10 A footway runs along Broad Street providing access into the village, providing the opportunity for walking to access services and facilities. To the south is an existing Public Right of Way which runs through Etchinghill golf course and connects to others into Folkestone. Bus stops are located on Station Road, approximately 270 metres to the north of the site access, providing access to the No.17 service which runs hourly from Monday to Saturday (and four Sunday services) between Folkestone and Canterbury, via Lyminge, Elham and Bridge.
- 7.11 The site benefits from good access to the strategic highway network via the M20 Junctions 11 and 12 (approximately a 6-minute drive). Routes to the north of the site lead to the A2 and towards Canterbury. The nearest rail station is Sandling, close to the M20 Junction 11, approximately 4.6km to the south of the site. This provides

DCL/23/19

typically twice hourly services between Dover Priory and London Charing Cross, with interchange available at Ashford International to connect towards Canterbury, Ramsgate, and Margate.

7.12 As a result, the location of the application site cannot be considered to be physically isolated or out of the way from local services, which are extensive. The amount of development proposed, when considered in the context of the scale of the existing village, is not considered to be disproportionate. The cumulative impact of the development upon existing service provision (also considering its allocated status and extant planning permission) would not compromise the ability of services to meet the day to day needs of the local community and would likely enhance their ongoing viability, as supported by the provisions of the NPPF. The principle of residential development on this allocated site, at the Rural Service Centre of Lyminge, is therefore considered to be acceptable and in accordance with Core Strategy Policy SS1.

b) Conformity with Places and Policies Local Plan 2020 Policy ND4

7.13 Policy ND4 requires the following aspects to be incorporated into any proposed development of the allocated site:

1. The proposal achieves the highest quality of design of both buildings and surrounding spaces and reinforces local rural distinctiveness through layout, design, scale and the use of high quality materials to help maintain the Kent Downs Area of Outstanding Natural Beauty as a special place;

7.14 During the course of the application, Officers have worked with the applicant to ensure that these objectives are achieved, including negotiating amended drawings to reduce the number of dwellings proposed, to provide an improved layout, increasing the variety of different house types with enhanced detailing and variety/quality of materials, and ensuring improved private amenity provision for future occupants.

7.15 Whilst this is assessed in detail in later sections of this report, the proposal is considered to be of a high-quality design including buildings and open spaces and, through the submission of further supporting information at Officer's request, the applicant has demonstrated how the layout, design and scale of the development would respond positively to its context and reinforce local rural distinctiveness. A condition would be attached to any planning permission granted requiring materials samples to be submitted for approval so as to ensure that the fine detail and quality of the development can be appropriately controlled.

2. At least 2 self-build or custom build plots are provided on site in accordance with Policy HB4: Self-build and Custom Housebuilding Development;

7.16 A total of 2no. self-build plots are proposed to be provided on this allocated site. One of the plots has already been commenced under the previous hybrid and reserved matters planning applications and therefore does not form part of the consideration of

DCL/23/19

this planning application. The second self-build/custom plot is included within the current application and full details have been provided, which are the same as has previously been approved by the associated reserved matters application. In light of this, the proposed development would comply with criteria 2 of policy ND4.

3. An assessment is carried out of the impact on the setting of the nearby Listed Building and appropriate measures put in place to preserve or enhance its setting;

7.17 The application is supported by a Heritage Statement which considers the impact of the setting of the nearby Grade II listed building, concluding that its setting would not be harmed by the development. This is considered in further detail below.

4. Careful consideration is given to the spatial arrangement of dwellings within the site, with a higher density towards the existing built edge of Lyminge and a looser more irregular pattern opening onto the golf course;

7.18 It is recognised that the proposed development represents an uplift in the number of dwellings beyond the 30 units previously approved, however the proposed layout is in accordance with this criteria with the higher density of dwellings towards the existing built-up edge of Lyminge, and a reduced density of dwellings towards the southern edge where the site meets the golf course.

7.19 There is a more linear arrangement of development along the eastern boundary than previously approved, however overall, the development proposes a similar arrangement to the south of the site and includes a more irregular arrangement within the southern/central parts, including around areas of open space and landscaping, all of which achieves visual interest and variety in the site layout. As will be discussed further in this report, the application demonstrates how there would be no adverse wider landscape impact as a result of the proposed layout.

5. Existing trees and hedgerows within and around the perimeter of the site are retained and enhanced with native species unless required for access;

7.20 As with the previously approved scheme, the development proposes to retain existing trees and hedgerows around the site perimeter, however a small section of hedgerow would be removed to facilitate new vehicular access into the site (separately approved under application ref 21/2373/FH). The proposal includes landscape enhancements and a reinforced boundary landscape along the road frontage. An indicative Landscape Masterplan is submitted with the application and would be secured via condition if planning permission is granted, including a requirement to seek the use of native species.

6. A sensitive landscape buffer is provided along the southern boundary; it should soften the edge of the development, maintain the sense of openness and avoid settlement coalescence;

DCL/23/19

7.21 The submitted Landscape Masterplan includes the provision of a new native species-rich hedgerow with trees to be planted along the southern side boundary, adjacent to the golf course. This would ensure a soft edge to the new development is provided, and would maintain a sense of openness, as well as benefits to the setting of the nearby designated heritage asset. Should planning permission be granted, the delivery of this landscape buffer would be secured through a s106 legal agreement as it was in the case of the extant permission.

7. Open spaces and planting are used to provide a visual link to the countryside and an attractive backdrop to development and separation from the golf course;

7.22 The layout of the development includes areas of open space and planting throughout, with the larger spaces including surface water attenuation located in northern and south/central areas. Attenuation features have been designed with a natural appearance in mind and would be planted with native species. The design and layout would also provide an attractive backdrop and separation from the golf course with the landscape buffer and planting around the site perimeter providing a soft edge.

7.23 This revised application improves the arrangement of dwellings along the western edge by re-orientating them so that they front onto Broad Street where glimpsed views of the development will be available through the new access and the retained boundary planting. Previously this area was approved as back gardens and by fronting dwellings onto Broad Street this will provide a much improved appearance where views are available from outside the site.

8. Primary vehicle access is onto Broad Street, with suitable visibility splays provided, as agreed with the Highways Authority;

7.24 The primary vehicular access is proposed onto Broad Street, with acceptable visibility splays to be provided. KCC Highways and Transportation raise no objection to this element of the development.

9. Traffic calming measures (for example build-outs) are provided along the site boundary along Broad Street to slow traffic to 30mph, this will include the relocation of the village entrance sign and gates;

7.25 The development proposes traffic calming measures along the site boundary adjoining Broad Street to slow traffic to 30mph, including moving the 30mph speed restriction to cover the site access as well as a speed roundel and "shark's teeth" before the speed roundel. The village entrance sign (gateway) would also be relocated to the new 30mph speed limit location. KCC Highways and Transportation raise no objection to these measures.

10. The public right of way is enhanced between Lyminge and Etchinghill, with a new public right of way provided to the rear of Broad Street House linking back into the existing footway network along Broad Street;

DCL/23/19

7.26 As was the case with the extant permission the current application includes the provision of a new public right of way to the rear of Broad Street House which would link into the existing footway network along Broad Street and public footpath network, enhancing the connection between Lyminge and Etchinghill. KCC's Public Right of Way Officer have reviewed the application details and are raise no objection to the proposal.

11. Provision of a public bridleway along the alignment of the old railway line between Lyminge and Etchinghill is to be progressed with Kent County Council, with a proportionate contribution towards the cost of scheme implementation, alongside progression of relevant orders to permit the correct rights of public access across land under the control of the site promoter;

7.27 Following negotiations, the applicant has agreed to progress the provision of a public bridleway along the alignment of the old railway line between Lyminge and Etchinghill in association with Kent County Council and have agreed to pay £75,000 towards scheme implementation or other pedestrian improvement schemes within the locality, which would be secured through a s106 planning obligation. Again, this was previously secured by s106 as part of the extant permission, albeit this was a lesser amount of £50,000.

12. Appropriate and proportionate contributions are made to healthcare improvements at the New Lyminge Surgery through a Section 106 agreement;

7.28 As requested by the NHS Strategic Planning and Estates Team the applicant has agreed to pay a contribution of £38,016 towards healthcare improvements including the refurbishment, reconfiguration and/or extension of general practice and other healthcare premises covering the development area, or new premises for general practice or healthcare services provided in the community in accordance with the healthcare infrastructure strategy for the area. In addition, and as was the case with the extant permission, the applicant agrees to the transfer of land for 8no. new car parking spaces to serve New Lyminge Doctor's Surgery.

13. The archaeological potential of the land is properly considered and understood and any proposal is informed by an appropriate desk-based assessment and a field evaluation.

7.29 The application has been accompanied by an Archaeological Impact Assessment which considers the archaeological potential of the site. This element of the proposal is considered in detail below, and KCC Archaeology raise no objection. Following a request by the Parish Council for the provision of archaeological interpretation boards relating to what is known about the site and the Anglo Saxon heritage of the settlement, the applicant has indicated that they would be prepared to provide funding towards achieving these aims. Whilst it is not considered appropriate to secure this through a planning obligation having regard to Regulation 122 of the Community Infrastructure

DCL/23/19

Regulations 2010, it is within the gift of the developer to work with the Parish Council to achieve these aims and as such a condition is proposed requiring the applicant to explore this further.

14. Appropriate mitigation measures are employed to prevent pollution to groundwater;

7.30 A Flood Risk Assessment & Drainage Report has been submitted with the application, including mitigation measures to prevent pollution to groundwater, with risks to the underlying Principal and Secondary Aquifers low due to the lack of any potential sources of significant mobile organic contamination observed on site.

7.31 The site is within the Stodmarsh catchment area and as such, the development, unless mitigated, could have a significant effect on the designated sites. A Nutrient Impact Assessment is submitted and is considered to be acceptable. This is discussed in greater detail below.

15. A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.

7.32 The proposed foul water drainage would be conveyed via new below ground sewers under gravity and discharge to the existing Southern Water public foul sewer located within Station Road, which eventually discharges to the Hythe Wastewater Treatment Works. All domestic foul drainage will be designed in accordance with the Building Regulations.

7.33 On balance, this application is considered to be compliant with the objectives of Policy ND4 of the PPLP. Whilst the allocated site overall would result in a total of 45 dwellings (including 2 no self/custom build dwellings), as opposed to the estimated capacity of 30 dwellings set out in Policy ND4, it is considered that this uplift can be accommodated in order to boost housing supply without undermining the aspirations and objectives of the policy. The development is considered to represent sustainable development in accordance with PPLP Policy ND4 and the NPPF.

c) Landscape Character / Design / Layout / Visual Amenity

7.34 Policy SS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth. Within the North Downs Area, and in particular for sites within the Kent Downs AONB, development will be limited to where it sensitively meets the needs of communities at better-served settlements. Major development will be refused within the AONB other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. In this instance, as an allocated site, within defined settlement confines, these circumstances are considered acceptable to make the development acceptable in principle.

DCL/23/19

- 7.35 Policy NE3 of the PPLP requires that the impact of individual proposals and their cumulative effect on the Kent Downs AONB and its setting will be carefully assessed and planning permission granted where it is demonstrated that the natural beauty and locally distinctive features are conserved and enhanced, where proposals reinforce and respond to rather than detract from the distinctive character, special qualities and tranquillity of the AONB, where it does not lead to actual or perceived coalescence of settlements or undermine the integrity of the open and undeveloped rural character, is appropriate to economic, social and environmental well-being and meets policy aims of the Kent Downs AONB Management Plan.
- 7.36 The site also falls within the North Downs Special Landscape Area (SLA) and Policy NE3 requires that proposals protect or enhance the natural beauty of the SLA and states that the Council will not permit development proposals that are inconsistent with this objective unless the need to secure economic and social well-being outweighs the need to protect the county-wide significance of the SLA.
- 7.37 In the case of this application site, the Council has already accepted the principle of development firstly through allocation for residential development, which has subsequently extended the defined settlement confines to include it, and secondly through the grant of planning permission for 30 dwellings which remains extant. It is therefore considered that in principle, residential development of the site can be accommodated whilst ensuring that the natural beauty of the AONB and SLA is protected, conserved and enhanced. The key consideration is whether the proposal, that would increase the total number of dwellings by 14, remains consistent with these objectives.
- 7.38 As recognised by the landscape designation, and considered previously by the Council when granting planning permission, the site is particularly sensitive due to its location within the AONB and SLA. The Kent Downs AONB Management Plan describes the special characteristics and qualities of the Kent Downs AONB and subdivides into landscape character areas. The site is located within the East Kent Downs Landscape Character Area.
- 7.39 Its use as part of the golf course has resulted in the loss of many landscape features associated with this Character Area, however, as with the previously approved scheme, this proposal includes a number of measures which seek to mitigate the development and return more natural landscape features to this part of the village. These include the retention and reinforcement of boundary vegetation, a new landscape boundary of native species hedgerow to the southern boundary, an increase in the vegetation diversity of the site and the replacement of non-native tree species with native trees and shrubs.
- 7.40 The application is supported by a Landscape and Visual Impact Appraisal to assess the proposed development, taking into account the uplift in the number of dwellings. By virtue of the mitigation measures outlined above, including ensuring that the design of the proposed dwellings will be in a vernacular style using suitable materials and

DCL/23/19

detailing, it is concluded that the site, its immediate surroundings and wider landscape context can accommodate the development without risk of adverse impact upon the landscape and visual resources.

- 7.41 Officers accept the conclusions of the LVIA that recognise whilst there would be minor changes in settlement pattern and site vegetation characteristics, that the settlement envelope of Lyminge has already been extended to the south by virtue of its allocation and that the landscape and visual capacity of the site to accommodate development has been confirmed. Whilst there would be some minor impact upon local views, overall the development is considered to be of a type, scale, massing and appearance that would be suitable for its setting and importantly would not cause any notable adverse change in the prevailing landscape and visual characteristics of the area, including the AONB.
- 7.42 Policy HB1(1) of the PPLP requires development be of a high quality and make a positive contribution to its surroundings, to enhance integration whilst respecting existing buildings and land uses particularly in relation to layout, scale, proportions, massing, form, density, materiality and a mix of uses to ensure all proposals create places of character. Achieving good design is about creating places, buildings and spaces that work well for everyone, are attractive, long lasting and will adapt to the needs of future generations.
- 7.43 Whilst the density of the development is increased overall, it would still be contained within the same envelope as the site allocation and that of the previously granted planning permission. The amount of development is considered to be acceptable in this sustainable location and Officers consider that in order to ensure that housing supply is maintained, that more suitable sites for development such as this should be prioritised where they can accommodate growth as opposed to more unsuitable speculative sites.
- 7.44 The layout of the development proposes a terrace of three cottages fronting onto Broad Street, which would appear as a natural extension of the settlement and aid with creating a sense of arrival before the main access leads towards two higher density terraces and groups of semi-detached properties, located nearer to the edge of the existing village. Dwellings generally would front onto the main access road, albeit some spurs are proposed which would provide access to a number of smaller clusters. Generally, to the east and south of the site the larger detached dwellings are proposed which is considered to be an appropriate response to reducing density where the site adjoins the countryside beyond and where glimpsed views may be available.
- 7.45 The more substantial areas of open space and soft landscaping are mainly proposed to the northern and southern areas of the site, with the southern space in particular providing an attractive focal point for dwellings which are proposed to front onto it. These areas would also contain SUDS features which would provide visual interest and biodiversity benefits, as well as drainage attenuation. To the west, dwellings are now proposed to front towards Broad Street, albeit mainly behind existing vegetation

DCL/23/19

along the site boundary. Where the site will be more open, an area of landscaping is proposed which would also provide pedestrian connectivity through to Broad Street.

- 7.46 The layout as proposed ensures that dwellings all have their own gardens, with parking bays predominantly either to the front, side or rear in parking courts, although these have been reduced in number following discussions during the course of the application to ensure that they do not overly dominate the development to the detriment of place making. Whilst it is clear that the amount of development has increased, the proposed layout is considered an acceptable response to the edge of rural settlement location and that overall it would create a development of character, the appearance of which would be acceptable and consistent with that of residential development within the locality.
- 7.47 The scale and height of the dwellings proposed is considered to be acceptable in this location, being all two storey with some single-storey garaging and car ports also proposed. The self-build plots (details of which have already been approved) would also be two-storey in height, therefore the development would be in keeping with these. In terms of materials and detailing, the application has been amended to ensure that it better complements the AONB and local distinctiveness and importantly to add variety and visual interest into the development. A suitable planning condition would be imposed if planning permission is given, to seek additional details and samples of external materials, however for clarity, a range of soft red brick, full and half white and dark boarding, tile hanging and clay tiles are proposed which are considered appropriate for the location. Details such as door canopies, chimney, different fenestration styles and roof forms have also been incorporated adding visual richness to the scheme.
- 7.48 The site makes provision through the landscape masterplan for a combination of the retention of existing trees and hedgerows on the site boundary where they contribute to the general amenity of the locality and AONB, as well as the introduction of appropriate new planting within the site which would be of a native species to protect and enhance local landscape character.
- 7.49 The site makes provision for approximately 0.350 hectares of open space, which represents a minor shortfall of 199sqm against that required by Policy C3 of the PPLP and the applicant proposes a financial contribution to be secured through a s106 legal agreement towards off-site provision. Whilst ideally the open space requirement would be met on site, it is considered that sufficient landscaping and open space is provided on site as part of the development that would be of an acceptable quality to justify the payment of this commuted sum. Future residents would have good access to on-site provision as well as connectivity to open space in the wider countryside beyond to justify this minor shortfall. An off-site contribution towards children play space is proposed, which would be proportionately increased from that previously secured, and this would be secured through a planning obligation.

DCL/23/19

7.50 Overall, in balancing all relevant considerations and following a combination of amended drawings to reduce the amount of development proposed, amendments to the materials palette, enhanced detailing and introduction of further visual interest into the scheme by amending the house types, as well as ensuring the retention and reinforcement of boundary vegetation, introduction of new native species hedgerow to the south and an increase in vegetation diversity and replacement of non-native species, it is considered the development would be appropriate to the context of the site and would reinforce the distinctive character of the AONB.

d) Residential Amenity

7.51 Policy HB1 of the Policies and Places Local Plan 2020 and Paragraph 130 of the NPPF require consideration be given to the residential amenities of both neighbouring properties and future occupiers of a development, with particular reference to loss of privacy, loss of light and poor outlook. In considering the impact of development upon existing residents, this relationship was considered at the time planning permission for 30 dwellings was granted and found to be acceptable. The conclusions that were made at the time of that application are equally applicable to this revised application.

7.52 There are some residential properties to the south and east of the site, however these would be a significant distance away from the development and would be screened from it by the mature boundary treatment along the eastern boundary and the new landscape buffer to be provided to the south. To the north, where the nearest neighbouring properties are separated from the site by the Surgery and Bridge Hill, a combination of the separation distances, boundary treatments (existing and proposed) and landscaping, would ensure there would be no overbearing impact of loss of privacy.

7.53 Whilst the proposal would potentially result in some noise and disturbance to neighbouring dwellings as a result of the change in land use and additional comings and goings associated with residential use, this would be such that it would be unlikely to generate levels of movement to the detriment of residential amenity.

7.54 In considering the future occupants of the development, Policies HB1 and HB3 of the PPLP 2020, the Kent Design Guide and Paragraph 130 of the NPPF, require that consideration be given to residential amenity and space standards. The proposed development would provide suitably sized rooms for each dwelling, with adequate light and outlook to habitable spaces.

7.55 Whilst internal floorspace for the proposed units would largely exceed the minimum national space standards, as was accepted for the previously approved scheme, a small number would appear marginally below required GIA, however the proposed layout of these dwellings indicate that they would be provided with clearly useable space and therefore this is considered acceptable. All dwellings would be served by full-size windows to habitable rooms and receive a good level of natural daylight.

DCL/23/19

- 7.56 The application has been amended, including the removal of flats above garages with limited amenity, to ensure that all dwellings benefit from private gardens, the majority of which would meet or exceed 10 metres in depth and be at least the width of the dwellings proposed. There are two mid-terrace dwellings that are predominantly over an access to a parking court, and whilst they would have a private amenity space, it is difficult to provide each with a fully sized garden. Due to the location of the site on the edge of the village with access via footpaths to the wider countryside, as well as proximity to facilities in the village and other open space on site, this is considered acceptable.
- 7.57 Overall, it is considered that the proposed development would not result in harm to the residential amenity of neighbouring existing or future occupiers and would comply with Policy HB1 of the PPLP, which requires development to be designed in a way that protects the residential amenity of existing and future occupants.

e) Ecology and Biodiversity

- 7.58 Core Strategy Policy CSD4 aims to achieve net gains in biodiversity and positive management of areas of high landscape quality. PPLP policy NE2 aims to safeguard and protect European, National and Local Sites, together with protected species, requiring that all new development will be required to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity and all legally protected or priority habitats and species.
- 7.59 The application is accompanied by supporting documents including an Ecological Impact Assessment. Previous survey work has been carried out including site walkover surveys, with the most recent in December 2022 to provide an update to the previous ecological assessment. Of importance to note is that the mitigation, including reptile relocation for a previously identified slow worm population has been carried out, with these relocated to suitable habitat outside of the development site during 2020 and 2021.
- 7.60 Survey work has been carried out on the site in relation to foraging and commuting bats, hazel dormice, reptiles and great crested newts since 2017, with regular walkovers ensuring that previous conclusions are still applicable in respect of each of these protected species. No further protected species specific surveys are required, and KCC Ecology is satisfied with this conclusion.
- 7.61 The application proposes mitigation measures to be implemented for Habitats of Principal Importance (stream and hedgerow) and for bats, badgers, hedgehogs, nesting birds and reptiles, as well as appropriate ecological enhancement measures that will be included within the development.
- 7.62 These include, albeit are not limited to, the creation of SUDS to enhance foraging and breeding potential for amphibians, provision of an area of wet grassland around the SUDS to provide diverse habitat for a range of species, planting of native species trees

DCL/23/19

around the site and reinforcement of retained hedgerow with native species, installation of log piles to provide hibernation and sheltering opportunities, installation of bat and bird boxes, provision of gaps in fencing for hedgehog connectivity and inset kerb stones around gully pots.

- 7.63 The application is also accompanied by a Habitat Condition Report and Biodiversity Net Gain Assessment which states which areas of habitat on the site will be retained and enhanced (including scrub and native species-rich hedgerow) and sets out measures that will ensure that on-site biodiversity net gain of at least 10% can be achieved.
- 7.64 Given the above, it is considered that the proposed development will comply with the aims of the NPPF and Policy NE2 of the PPLP 2020, and that with appropriate mitigation would not result in harm to protected species on site and ensure measurable enhancement of biodiversity post-development. Suitable planning conditions will be imposed to ensure that these objectives will be delivered.

f) Flood Risk and Drainage

- 7.65 Core Strategy Policy CSD5 requires development to contribute to sustainable water resource management which maintains or improves the quality and quantity of surface and ground water bodies through sustainable design and construction. The application site is located within Flood Zone 1, at the lowest probability of flooding. The site does exceed 1 hectare and therefore the application is supported by a Flood Risk Assessment and Drainage Strategy.
- 7.66 The Flood Risk Assessment recognises that there are some parts of the site along the eastern boundary that are considered to have low to medium risk of flooding from surface water, confined to the East Brook, an ordinary watercourse. A review of groundwater levels indicates that risk of flooding is low, however any residual risk would be mitigated through detailed design of finished floor levels which will be above existing ground levels.
- 7.67 The application proposes a surface water design strategy which has been hydraulically modelled to demonstrate that development can be implemented and designed to withstand the impact of a 1:100 year rainfall event, including climate change, in accordance with NPPF and Kent County Council Lead Local Flood Authority requirements. Surface water discharge is proposed to be attenuated to pre-development Greenfield run-off rates through the use of SUDS techniques and re-use of existing resources, before restricted discharge to an existing watercourse.
- 7.68 In particular, run-off from access roads, drives and parking bays would be directed to a below ground surface water network via trapped gullies with roof run-off from new properties discharging directly into this. The network would convey flows, under gravity, northwards towards a new attenuation basin and bio-retention area which would provide attenuation of the restricted flow prior to discharging to the existing

DCL/23/19

watercourse north of the site. Additional attenuation would be provided within below ground tanks and a basin in the southern part of the site.

- 7.69 Foul water drainage is proposed to be conveyed via new below ground sewers to a new onsite pumping station and would discharge to the existing Southern Water public foul sewer located in Greenbanks. All foul drainage would be designed in accordance with Part H of the Building Regulations.
- 7.70 Following discussions with the LLFA in respect of specific detail about an existing pond on the site and its function in respect of the existing watercourse, the applicant has amended the scheme and proposes to reduce the extent of the attenuation basin and remove the existing low lying pond from the attenuation scheme. The reduction in size of the attenuation basin volume is proposed to be accommodated through additional below ground tanks. Further consultation has taken place with the LLFA who have stated that this change is welcomed and as such their objection has been overcome. Notwithstanding this, it is noted that the LLFA have highlighted a number of discrepancies within the modelling data which the applicant will need to address however if planning permission is granted it is recommended that a drainage condition is imposed requiring full drainage details to be submitted and approved in consultation with the LLFA. Notwithstanding this, the Environment Agency and KCC LLFA raise no objection to the principle of the proposed drainage strategy, subject to the imposition of suitable conditions and it is considered that the development would accord with the requirements of Core Strategy Policy CSD5 and the NPPF in respect of flood risk.

Impact on Stodmarsh

- 7.71 The Council, through the Local Plan and Core Strategy is committed to approving development where it meets the three strands of sustainable development as set out in the NPPF, including the need for development to contribute to protecting and enhancing our natural, built and historic environments.
- 7.72 Part of this consideration is whether there would be a detrimental impact on any European Designated Nature Conservation Sites as a result of development whether within the District or not. Stodmarsh lies to the east of Canterbury and forms a Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) with parts also designated a National Nature Reserve (NNR). It is a site of national and international importance for a range of water dependent habitats and wildlife that relies upon them. Stodmarsh is fed by the Great Stour and water entering the watercourses in the Stour catchment.
- 7.73 In July 2020 (updated November 2020), Natural England issued an Advice Note highlighting that there were excessive nitrogen and phosphorous levels in the Stodmarsh and the water within the Lakes is in an unfavourable condition, with potential to further deteriorate. In light of relevant case law, and the consequence of this Advice, any development proposing overnight accommodation within the Stour catchment, or discharging wastewater to a wastewater treatment works in the

DCL/23/19

catchment, is required to prevent further deterioration of the Stodmarsh Lakes by evidencing that it can achieve 'nutrient neutrality'.

- 7.74 The advice also lists those wastewater treatment works (WwTW) to which effluent is drained. For this District, the implications are limited to Sellindge WwTW only, therefore this application is not affected in so far as the effluent is concerned, as this would drain to the Hythe Wastewater Treatment Works, which is functioning satisfactorily. Surface water from the site would however drain into the Stour catchment and Natural England advice applies to all types of development where a net additional population would result and where additional levels of nutrients above those of the existing land use would arise.
- 7.75 Under the Conservation of Habitats and Species Regulations (2017 as amended), there are significant responsibilities conferred on the Council as a 'Competent Authority' which require the Council to only approve planning applications if there is no likelihood of a significant effect on any European designated nature conservation site. In order to assess whether this development would lead to a 'likely significant effect' a Nutrient Impact Assessment (NIA) has been submitted.
- 7.76 The NIA outlines that according to Figure 2 of the Natural England Nutrient Neutrality Guidance November 2020 that the nutrient assessment methodology is not applicable to the site, however as a conservative approach, an assessment of the surface water impacts to the Stodmarsh designated site has been undertaken by completing Stage 2-4 of the Natural England Budget Calculator. This concludes that there is a need for nutrient mitigation to make the development nutrient neutral as a result of the change in land use, and that mitigation measures will need to be secured for its duration. This mitigation includes a SUDS treatment train of permeable paving and retention basins to achieve nutrient neutrality.
- 7.77 As the Appropriate Authority, it is for Folkestone and Hythe District Council to determine the significance of the development impact on Stodmarsh. In considering this and taking the extant planning permission for residential development of the site into account, the LPA raises no objection to the development which has demonstrated that it can be achieved as proposed without an adverse impact on the designated sites.

g) Trees

- 7.78 The extant permission for the site was accompanied by an Arboricultural Impact Assessment Report (including Tree Survey). This confirmed that there are no tree preservation orders protecting any of the trees within the site, which included 27 individual trees, 11 groups of trees and 2 hedges subject to the survey. The survey classified the trees and highlighted how existing screening around the site perimeters, as well as higher quality trees within verges and green open spaces would be retained. Tree protection measures would be incorporated and conditioned accordingly.

DCL/23/19

- 7.79 In addition to the tree and hedgerow removal previously proposed, and accepted, to accommodate the revised layout of the development, 2 individual C Grade trees are proposed to be removed. These were originally due to be retained but now fall within the footprint of Plot 37. Group G1, to the south of the site boundary, was originally categorised as B Grade trees to be retained, however this group has suffered significant storm damage with one tree entirely felled, one having lost over half of its crown and the crown of the remaining tree compromised by failures leaving it brown and susceptible to unaccustomed winds. It is recommended this group be removed regardless of the development.
- 7.80 The removal of these additional trees is considered to be acceptable given that replacement planting is proposed and would be undertaken throughout the site, in addition to a new landscape buffer along the southern boundary. Subject to a condition requiring all tree protection mitigation measures to be installed in accordance with the submitted information, it is considered that the proposal is in accordance with the Development Plan and NPPF.

h) Heritage & Archaeology

- 7.81 Broad Street House is a Grade II Listed building located to the south-west of the application site. The development site is considered to be within the setting of this building, which must be considered. The designated heritage asset is described as an early 19th Century buff and red brick farmhouse that derives its significance from its architectural features.
- 7.82 The statutory test to preserve the special architectural or historic interest of the setting of the listed building, as set out in the Planning (Listed Building and Conservation Areas) Act 1990 must be considered, in order that proposals preserve or enhance the listed building or its setting. The NPPF sets out factors to be considered for proposals affecting listed buildings and heritage assets, including the requirement to have due regard to the level of harm a proposed development may have upon it. Local planning policy HE1, places emphasis on ensuring that proposals are consistent with the conservation of the heritage asset and its significance.
- 7.83 The impact of the development of this site upon the setting of Broad Street House has previously been considered acceptable firstly in allocating the site for development, and secondly through the grant of the extant planning permission for 30 dwellings. The application is supported by a Heritage Statement which concludes that residential development of the site would represent a neutral alteration of the extended, wider setting of the Listed building that will not cause any level of harm.
- 7.84 The Heritage Statement further considers whilst the house has a historical functional relationship with much of the surrounding land that is now legible only from documentary sources given its use as a gold course and that the relationship of the site with it does not contribute to the significance of the asset. The building is enclosed within the immediate setting of its private tree and hedge lined grounds which limit

DCL/23/19

inter-visibility with the site to minor, partial glimpsed views. The site does not feature prominently in the experience of the building and forms only a minor element of its extended setting.

- 7.85 Officers consider that in light of the above, whilst the new residential development would have an amended layout, with some buildings moving further into the south of the site and closer to the Listed building, that given the lack of historic connectivity and limited inter-visibility, combined with the incorporation of a deep landscape buffer to form a green edge along the southern boundary to act as a visual and physical separation, that there would be no adverse impact.
- 7.86 Overall, it is considered that the proposed development would preserve the character and appearance of the setting of the Grade II Listed building, and as such the proposal would be in accordance with Policies HE1 of the PPLP, Sections 16 & 66 of the Act (1990) and the relevant heritage provisions of the NPPF.
- 7.87 In considering archaeology, whilst the application site lies within an Area of Archaeological Potential and is supported by an Archaeological Desk-Based Assessment KCC Archaeology have confirmed that the archaeological fieldwork mitigation for this site has been completed and a Post-Excavation Report by RPS/Wessex Archaeology approved. As a result, no further, archaeological works are required. Notwithstanding this, following a request by the Parish Council the applicant has suggested a willingness to provide funding towards the cost of archaeological information boards. As previously stated in paragraph 7.29 of this report, whilst it would not be appropriate in this case to secure funding for the provision through a planning obligation, due to the strict tests that obligations must adhere to, the suggestion is welcomed, and a condition is proposed so that this can be explored further with the Parish Council.

i) Transport, Parking & Highway Safety

- 7.88 The application site is proposed to be accessed via a new vehicular access onto Broad Street, in the same location as that previously approved for the development of 30 dwellings at the site. The layout of the proposed junction is considered acceptable to KCC Highways and Transportation and the required visibility splays on Broad Street are available entirely within the public highway. As with the previous application, a proposal to extend the 30mph speed limit to encompass the new junction, along with an enhanced village gateway is proposed, and KCC Highways again are satisfied that this is appropriate.
- 7.89 The Transport Statement provided in support of the application confirms that the volume of traffic that would be expected during AM and PM peak hours, based on the TRICS database, would be sufficiently low and that the Broad Street would have sufficient visibility to accommodate it. KCC Highways have not raised any objection in respect of highway capacity or road safety in respect of the wider highway network.

DCL/23/19

- 7.90 Whilst the roads and footways within the site are not being offered for adoption, information submitted with the application demonstrates through vehicle tracking that the site can be safely accessed and navigated by fire engine and refuse vehicles.
- 7.91 Allocated parking for each dwelling complies with the requirements of policy T2 of the PPLP and there is generally an overprovision on a number of plots particularly where tandem parking is being provided. Further, a number of garages are proposed and whilst these are not counted as parking spaces, they would provide an additional flexible resource. KCC Highways raise an objection to the number of visitor parking spaces being provided on the entrance road into the site, however, overall the site would only be deficient in one visitor space and it is not desirable from a design and street scene perspective to locate multiple visitor spaces in this location. Based on the overprovision of overall numbers and the provision of double yellow lines to stop on-street parking at the site entrance, this situation is considered acceptable.
- 7.92 Each dwelling is required to provide an Electric Vehicle (EV) charging point, to future proof the site in line with the Government's plans to increase the use of these types of vehicles. Details of EV charging points have not been included within the application, however it is considered that these could be accommodated on all plots and full details would be secured by condition.
- 7.93 Secure, enclosed cycle storage is required for each dwelling on the ratio of 1 space per bedroom. Each plot is considered sufficient in size to accommodate this and space for cycle storage is indicated for each property. Full details of the cycle parking provision would be secured by condition.
- 7.94 The application also incorporates an extension of 8no. parking spaces to serve the adjacent Doctor's Surgery car park at the north-west end of the application site to address under provision and capacity issues at the surgery which would in turn relieve pressure on parking at the entrance to the village. This additional parking which was previously secured in relation to the extant permission, would again be secured via a s106 legal agreement.
- 7.95 Overall, the site is considered to be in a sustainable location on the edge of the existing village of Lyminge, within its defined settlement confines where there would be good access to services and facilities for future residents. It is not considered that the proposal would result in any adverse impact upon highway safety or the operation of the highway network and would introduce enhancement measures to reduce speeds on the edge of the village.

j) Public Right of Way

- 7.96 A public footpath is located to the south-west boundary of Broad Street House which exits onto Broad Street. KCC PROW have reviewed the application and are satisfied

DCL/23/19

that no existing public right of way would be directly or indirectly affected by this proposal.

- 7.97 The application also seeks to provide a permissive footpath to the rear of Broad Street House, which would provide a safe link between the existing public footpath HE59 and the footway of the main road, avoiding having to walk on the road. This would include a slope to link it down to the existing footpath, as opposed to steps, to ensure that it is compliant with the Equality Act.
- 7.98 The applicant has agreed to provide a financial contribution of £75,000 towards the implementation of a bridleway between the southern boundary of the development across the golf course to offer a safe traffic free route between Etchinghill and the community facilities within Lyminge, including the school, doctor's surgeries, library and local shops. The financial contribution would be put towards the cost of scheme implementation which would be delivered by KCC, and in the event that the bridleway is unfeasible or not implemented within a specified timeframe the financial contribution would be used towards other pedestrian improvements within Lyminge. This would be secured through a s106 legal agreement.

k) Contamination

- 7.99 The application is accompanied by a Geo-Environmental Impact Assessment which concludes that based on the principles and definitions outlined under Section 57 of the Environment Act 1995, the site would not be considered to be 'Contaminated Land' based on the proposed residential redevelopment, following the implementation of remedial measures outlined in the submitted Remediation Strategy.
- 7.100 In particular, the assessment concludes that the risks to human health associated with the development are low, and risk to groundwater in the underlying Principal and Secondary Aquifers are also considered to be low due to the lack of any potential sources of significant mobile organic contamination observed on the site.
- 7.101 Overall, there are not considered to be any known contamination matters which would restrict residential development of the site, subject to the imposition of appropriate planning conditions.

l) Self and Custom Build / Affordable Housing

- 7.102 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

DCL/23/19

- 7.103 Policy HB4 of the Places and Policies Local Plan (PPLP) requires sites above qualifying thresholds to provide a proportion of homes in the form of self-build or custom house build plots for people wishing to commission or build their own homes in accordance with paragraph 62 of the NPPF. Specifically, Policy ND4(2) requires at least 2 self-build or custom build plots be provided on this site in accordance with Policy HB4.
- 7.104 This application proposes full details of one self-build plot (in accordance with details that have already been approved through submission of outline application and reserved matters) and there is a second plot that falls outside of the application red line boundary, but which has already commenced following the same approval process highlighted above. Overall, the site will deliver 2 self build plots as required by Policy ND4.
- 7.105 Policy CSD1 of the Core Strategy requires the provision of 22% affordable housing on development sites at any location within the District of 15 or more dwellings (or land >0.5ha) with 70% of these comprising of units for affordable rent. Based on this proposed development of 44 dwellings (a total of 45 dwellings across the whole site) 10 affordable dwellings are required for the scheme to be policy compliant. This provision has been met by the applicant and the development is therefore considered acceptable in this respect. The affordable housing provision would be secured via a s106 agreement.

Environmental Impact Assessment

- 7.106 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

- 7.107 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.
- 7.108 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 proposed development is liable to CIL Zone D.

Planning Obligations

DCL/23/19

7.109 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- a) necessary to make the development acceptable in planning terms,
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

7.110 I recommend the planning obligations in Table 1 (**Appendix 2**) below be required should the Committee resolve to grant permission. All of the obligations previously secured in relation to the extant planning permission are recommended to be reimposed and increased to take account of the uplift in housing numbers proposed and the associated additional demand that would be placed upon local services as a result. In addition, education contributions are now being sought as a result of this no longer forming part of CIL. I have assessed the obligations against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

7.111 In the case of the extant permission, whilst the commenced self/custom build dwelling would be exempt from CIL contributions, the developer will be required to work with the Council to ensure that the appropriate mechanism is in place to safeguard any additional contributions required in relation to that dwelling.

Human Rights

7.112 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

7.113 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;

DCL/23/19

- 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

7.114 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 This site is allocated for residential development by Policy ND4 of the PPLP and benefits from extant planning permission 20/1397/FH (granted 13th July 2022) for 30 dwellings. The site is located within the settlement boundary of Lyminge, identified as a Rural Service Centre by the adopted Core Strategy as a better served rural settlement having the potential for modest expansion from current built limits to meet rural development needs.
- 8.2 This application seeks planning permission for 44 dwellings, which, if granted would result in a total of 45 dwellings on the site. Whilst this exceeds the estimated capacity of 30 dwellings identified by Policy ND4, the uplift in housing numbers is supported by national policy whereby LPA's are required to give great weight to the benefits of using suitable sites within existing settlements for homes.
- 8.3 Whilst the Council can currently demonstrate a 5-year supply of housing, without this, the District is vulnerable to speculative proposals, meaning that if it does not permit acceptable housing schemes within and around the most sustainable settlements, then it would be at risk of not retaining this 5-year supply and would be under pressure to accept development on less sustainable sites, instead of on those where the principle of residential development has already been found acceptable. This application would make a valuable contribution towards the Council's housing supply, including the provision of much-needed additional affordable housing.
- 8.4 The application site is in a sustainable location and is not isolated in terms of its location, benefitting from good access to a range of facilities in a well-served village. The amount of development is not considered to be disproportionate to the scale of the existing village and would likely enhance the ongoing viability of the existing rural community, promote wellbeing and social cohesion and result in economic benefits during the construction and post-development phases.

DCL/23/19

- 8.5 The layout, design and appearance of the proposed development is considered to be acceptable, and the additional dwellings can be accommodated without having a detrimental impact upon the visual amenity of the wider rural locality. Further, the proposal will ensure through the introduction of an attractive soft landscaping scheme combining the retention and enhancement of existing trees and boundary vegetation, that the natural beauty of the AONB and SLA will be conserved and enhanced where appropriate and landscape character would not be materially harmed.
- 8.6 The development would provide a good level of amenity for existing and future residents, and subject to control through planning conditions, would not harm matters of ecological interest, highway safety, heritage assets or result in unacceptable flood risk, with foul and surface water drainage able to be adequately dealt with so that the site can be developed in an acceptable way.
- 8.7 Overall, it is considered that the proposed residential development of the site as proposed would be acceptable and that any residual impact can be mitigated through the imposition of suitable planning conditions. In balancing the environmental, social and economic impacts arising from the proposal, Officer's conclude that it would present a sustainable form of development, which is at the heart of the NPPF and should be seen as the golden thread running through decision taking. It is therefore recommended that planning permission be granted subject to conditions and completion of a s106 legal agreement.

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).

1. RECOMMENDATIONS

Permit:

- a) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations securing 22% on-site affordable housing, 1no. Self-build/Custom-build plots, financial contributions towards health care, education facilities, provision of open space, play areas and public rights of way improvements;**
- b) **that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.**

Conditions:

DCL/23/19

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:

2234.01.PA15 (Planning Layout); 2234.02.PA5 (Location Plan); 2234.03.PA12 (Materials Layout); 2234.04.PA12 (Street Scenes); 2234.03.PA13 (Boundary Treatment Plan); 2234.07.PA13 (Parking Provision); 2234.08.PA13 (Open Space Allocation Plan); 2234.09.PA12 (Refuse Strategy); 2234.12.PA12 (Storey Heights Plan); 2234.14.PA3 (Phasing Plan); 2234.13.PA4 (Ground Floor Planning Layout); 2234.18.PA12 (Housing Mix Plan); 2234.B.01.PA1 (1.8m Brick Wall); 2234.B.02.PA1 (1.8m Close Boarded Fence); 2234.B.03 (1.1m Metal Railing); 2234.B.04 (0.9m Cleft Chestnut Fence); 2234.B.05 (1.2m Cleft Chestnut Fence); 2234.ALK.01 (Alkham Detached Brick Version); 2234.ALK.02.PA1 (Alkham Pair Full Boarding Midnight Black); 2234.ALK.03 (Alkham 3 Block Floor Plans); 2234.ALK.04 (Alkham 3 Block Elevations Brick Version); 2234.ALK.05 (Alkham 3 Block Elevations Full Boarding Midnight Black); 2234.ALK.HAD.01 (Alkham Hadlow 3 Block Floor Plans); 2234.ALK.HAD.02 (Alkham Hadlow 3 Block Elevations Full Boarding Midnight Black); 2234.BRA.01 (Brasted Brick Version); 2234.BRA.02 (Brasted Tile Hung Version); 2234.BRA.03 (Brasted Full Boarding Midnight Black); 2234.CHI.01 (Chilham Full Boarding Midnight Black); 2234.ETC.01.PA2 (Etchinghill Half Boarding Arctic White); 2234.HAD.01 (Hadlow Brick Version); 2234.HAL.01 (Halling Brick Version); 2234.HAL.02 (Halling Half Boarding Arctic White); 2234.LEN.01 (Lenham Brick Version); 2234.LEN.02 (Lenham Half Boarding Arctic White); 2234.MON.01 (Monkton Tile Hung Version); 2234.P5-P8.01.PA1 (Plots 5-8 Elevations); 2234.P5-8.02.PA1 (Plots 5-8 Floor Plans); 2234.P9-P10.01 (Plots 9-10 Type 3.1 & Type 3.2); 2234.P32-P34.01 (Plots 32-34 Elevations); 2234.P32-P34.02 (Plots 32-34 Floor Plans); 2234.P37-P40.01.PA1 (Plots 37-40 Elevations); 2234.P37-P40.02.PA1 (Plots 37-40 Floor Plans); 2234.RYA.01 (Ryarsh Brick Version); 2234.RYA.02 (Ryarsh Tile Hung Version); 2234.RYA.03 (Ryarsh Tile Hung Version); 2234.RYA.04 (Ryarsh Half Boarding Arctic White); 2234.G.01.PA1 (Single Car Barn 6 x 3m Internal Brick Version); 2234.G.02.PA2 (Double Car Barn Brick Version); 2234.G.03.PA1 (Double Garage 6 x 6m Internal Brick Version); 2234.G.04.PA2 (Twin Garage 6 x 6m Internal Brick Version); 2234.G.05.PA1 (Double Garage & Single Car Barn Brick Version); 2234.G.06.PA1 (Twin Car Barn 6 x 6m Internal Brick Version); XXX-P-P2011-02 (First Floor Plan Proposed); XXX-P-0500-03 (Site Plan Proposed – Plot 20 Only); XXX-P-P2010-02 (Ground Floor Plan Proposed); XXX-P-2013-02 (Proposed Garage); XXX-P-P2210-02 (North & South Elevations Proposed); XXX-P-P-2111-02 (East & West Elevations Proposed); PEN/E5069/001B (Refuse Vehicle Swept Path Analysis); PEN/E5069/002A (Highway Layout Review);

DCL/23/19

PEN/E5069/003B (Fire Tender Swept Path Analysis); PEN/E5069/005A (Levels Strategy); PEN/E5069/006D (Drainage Strategy); 44349/5501/007G (Village Speed Calming Scheme); 4943-LLB-ZZ-XX-DR-L-001-P07 (Indicative Landscape Masterplan); 6242-LLB-XX-SB-DR-L-0001-P01 (Planting Plan South Boundary); PEN/E4889/319D (Footpath Levels and Typical Section); Addendum to Arboricultural Impact Assessment Rev B (Tree Radar UK Ltd – 20th July 2023); Archaeological Desk-Based Assessment (CgMs Limited – January 2020); Biodiversity Net Gain Assessment: Feasibility Stage Rev B (Native Ecology – 24th August 2023); Geo-Environmental Investigation Rev 02 (GES – March 2023); Ecological Impact Assessment (Native Ecology – March 2023); Flood Risk Assessment & Drainage Strategy (RCP - March 2023) & RCP Drainage Note Ref: TS/PEN/E5069/18240 (22nd August 2023); Nutrient Impact Assessment Rev D (Stantec – August 2023); and Transport Statement (Stantec – March 2023).

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

3. No construction above slab level shall take place until samples of the external materials to be used in the construction of the external surfaces of the building(s) hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development.

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) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),

DCL/23/19

(c) 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),

(d) prior to installation - details of vents, louvres, extractor vents, external pipes, meters etc.

(e) prior to installation - Details of external entrance steps, handrails and balustrades

(f) mortar colour(s)

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

5. Before the development is begun (including site clearance), all tree protection measures as set out in the hereby approved Addendum to Arboricultural Impact Assessment (16.02.2023) shall be undertaken and installed. At least five days' written notice shall be given to the Local Planning authority of the tree protection measures being installed on site.

The hereby approved tree protection measures shall be retained in position at all times until the completion of individual plots, and the land so enclosed shall be kept clear of all contractors' materials and machinery. The existing soil levels around the boles of the trees shall not be altered.

Reason: To ensure that the trees are not damaged during the period of construction.

6. A landscaping management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the first occupation of any dwelling hereby approved or any phase or sub-phase of the development, for its permitted use. All landscape measures as detailed within the Ecological Impact Assessment (Native Ecology (March 2023) shall be included within the landscape management plan. The landscape management plan shall be carried out as approved and retained as such thereafter.

Reason: In the interests of visual amenity of the area and in the interest of minimising potential for harm to protected species.

7. Prior to the first occupation of any unit hereby approved, details of both hard and soft landscape works including an implementation programme and maintenance schedule shall be submitted to and approved by the local planning authority. No building shall be occupied until an approved landscaping scheme has been carried

DCL/23/19

out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason: In order to protect and enhance the appearance of the area.

8. Upon completion of the approved landscaping scheme (condition 6), 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 amenities of the area and encouraging wildlife and biodiversity.

9. The development shall be carried out in accordance with all ecological mitigation measures as detailed within Appendix 4 of the approved Ecological Impact Assessment (Native Ecology - March 2023).

Reason: In the interest of minimising potential for harm to protected species.

10. The development shall be carried out in accordance with the biodiversity enhancement measures as detailed within the approved Ecological Enhancement and Management Plan (Native Ecology – March 2023).

Reason: In the interest of enhancing ecology and biodiversity.

11. Prior to the first occupation of any dwelling hereby approved, a lighting design plan for biodiversity shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity.

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter, and no additional lighting shall be installed.

Reason: In the interest of minimising potential for harm to protected species and specifically bats.

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors.
- ii. loading and unloading of plant and materials.

DCL/23/19

- iii. storage of plant and materials used in constructing the development.
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- v. wheel washing facilities.
- vi. measures to control the emission of dust and dirt during construction.
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

13. The access road to the site, the visibility splays and the off-site improvement works with regard to speed limit gateway as shown on drawing nos. 2234.01.PA15 & 44349/5501/007G shall be constructed and completed prior to the occupation of the first dwelling and shall thereafter be maintained with no structures, trees, plants or other obstructions over 1.05m above the carriageway within the visibility splays.

Reason: In the interest of highway safety.

14. Prior to first installation on site, full details of cycle parking facilities for each dwelling shall be submitted to and approved in writing by the local planning authority. The facilities shall thereafter be implemented prior to occupation of each dwelling and retained as such thereafter.

Reason: In the interests of promoting sustainable methods of transport other than the private motor vehicle.

15. Prior to first installation on site, full details of the areas for the storage and collection of refuse and recyclables shall be submitted to and approved in writing by the local planning authority. The facilities shall thereafter be implemented prior to occupation of each dwelling and shall be kept available for use by the occupants of the development.

Reason: To ensure adequate means of refuse and recycling collection in the interests of the amenities of residents and sustainability in accordance with the Local Plan.

16. Prior to the first occupation of each individual dwelling hereby approved, an electric vehicle charging point shall be fully installed within that plot and shall be retained and maintained as such thereafter. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homechargescheme-approved-chargepoint-model-list>.

DCL/23/19

Reason: In the interests of promoting sustainable methods of transport.

17. 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework.

18. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line the National Planning Policy Framework.

19. No construction above slab level shall take place until full details of the proposed pumping station including boundary treatments and associated landscaping have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the visual impact of the pumping station is appropriate for its location in the interests of the amenity of the area.

20. No construction above slab level shall take place until a detailed sustainable surface water drainage scheme for the site and details for the disposal of foul drainage has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based on Flood Risk Assessment & Drainage Strategy prepared by RCP (March 2023) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or offsite.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

DCL/23/19

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

21. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.

22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

23. The boundary treatments hereby approved shall be fully implemented prior to the first occupation of any unit, or in accordance with a timetable to be first agreed in

DCL/23/19

writing by the Local Planning Authority, and no other boundary treatments shall be installed.

Reason: In the interests of visual amenity and the amenity of residents.

24. Prior to the occupation of the dwellings hereby approved, the proposed estate road, footways, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, access, carriage gradients as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved in writing by the Local Planning Authority before their construction begins. For this purpose plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

25. Construction above slab level shall not commence within any phase or subphase of the development hereby permitted until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving that all the dwellings in the phase will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator. No phase of the development hereby permitted shall be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that all in the dwellings in that phase have achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiencycalculator-for-new-dwellings>

Reason: In accordance with the requirements of policies CSD5 and SS3 of the Core Strategy Local Plan 2013 which identify the district as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

26. No development beyond the construction of foundations shall take place until details demonstrating the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, (or any document which supersedes or updates that document) have been submitted to and approved in writing by the Local Planning Authority. Upon approval the measures shall be implemented as agreed and thereafter retained and maintained in perpetuity.

DCL/23/19

Reason: To support the transition to a low carbon future through the use of on-site renewable and low-carbon energy technologies

27. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1900 hours

Saturdays 0800 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

28. No work above slab level on the construction of the buildings hereby permitted shall take place until a copy of formal confirmation has been supplied to the Local Planning Authority confirming that High Speed Fibre Optic that meets the Department for Culture, Media and Sport requirement that 'fibre to the premise' broadband connections are available to all premises of gigabit capacity will be provided to all dwellings. Prior to the first occupation of any of the dwellings hereby approved, confirmation shall be submitted to the Local Planning Authority that the infrastructure to allow 'fibre to the premise' broadband connections are available to all premises of gigabit capacity has been laid out in the site.

Reason: In order to ensure the future provision of superfast fibre optic broadband for occupants in accordance with policy E8 of the Places and Policies Local Plan.

29. 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.

30. The carports hereby approved shall be kept available in its entirety for the parking of vehicles at all times, and notwithstanding the provisions of Class E of part 1 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) no doors, shutters nor any other means of enclosing the garages/carports shall be erected or constructed on site and no development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order

DCL/23/19

2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the site, in such a manner or in such a position as to preclude vehicular access to the garages/carports.

Reason: In the interests of highway safety and convenience.

31. Prior to occupation of the 75% of the market dwellings, precise details shall be submitted to and approved by the Local Planning Authority setting out the means for local residents to further understand the archaeological importance and heritage of the site and its relationship with the settlement of Lyminge. Details could include the provision of local information boards or supporting KCC archaeological research, and the details shall be proposed following prior consultation with the Parish Council.

Reason: In the interests of understanding the archaeological importance and heritage of the site.

Informatives and notes

1. It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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 road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-lookafter/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such 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.

2. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
3. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
4. There should be no Closeboard Fencing or similar structure over 1.0 metres erected adjacent to a highway used by vehicles (including bicycles) or in any circumstance which will block out the views.

DCL/23/19

5. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.
6. The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
7. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
8. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.
To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-chargingarrangements
9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
10. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water. It is understood from the application form that foul drainage will be discharge to the mains sewer. We have no objections to this, but would want to be re-consulted should these plans change.
11. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution

DCL/23/19

Prevention. National Groundwater & Contaminated Land Centre report NC/99/73”.

12. Your attention is drawn to the need to contact the Council's Street Naming and Numbering Officer on 01303 853418 in order to have the new properties formally addressed.
13. This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.

DCL/23/19

Heads of Terms for Section 106 Agreement/Undertaking

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
1.	<p>Affordable Housing:</p> <p>22% of the total dwellings.</p> <p>On site provision</p> <p>Of which 70% affordable/social rent and 30% shared equity.</p>	10 dwellings in accordance with policy CSD1	Affordable units to be constructed and transferred to a registered provider before completion of 85% of the general market housing units.	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to CSD1 of the Core Strategy Review (2022) and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
2.	<p>Open Space: Project tbc.</p> <p>Off-site provision (£6.69 per sqm) due to on-site under provision of 199.8 sqm</p>	$\text{£}6.69 \times 199.8 = \text{£}1,366.66$	Prior to first occupation of open market units	Necessary as open space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to policy C3 of the PPLP and guidance in the NPPF.

DCL/23/19

	<p>On site open space provision of 30.1 sq. m (per person – based upon 2.4 people per dwelling). The first owner shall be responsible for management and maintenance.</p>		<p>Upon occupation of 75% of the dwellings.</p>	<p>Directly related as occupiers will use open space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
<p>3.</p>	<p>Play Space: Off-site commuted sum. Project tbc. Applicable to schemes of 10 or more dwellings (2 or more bedrooms) Assumed occupation of 2.4 persons per dwelling</p>	<p>£280.50 (per person) capital contribution and £4.59 per 1.65 sqm (standard play space provision per person) maintenance contribution. = 106 x £280.50 = 29,620.00. + 106 X 1.65 sqm = 174 x £4.59 = 8,002.79 (maintenance)</p>	<p>Prior to the first occupation of any open market dwelling.</p>	<p>Necessary as play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to policy C4 of the PPLP, the adopted Play Area Strategy and guidance in the NPPF.</p> <p>Directly related as occupiers will use the play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>

DCL/23/19

		Total: £29,620.00 + £8,002.79 = £30,423.59		
4.	<p>Secondary Education:</p> <p>Towards the expansion of selective and non-selective secondary schools in Folkestone and Hythe District</p>	<p>£4,540.00 per applicable dwelling (applicable dwelling excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation)</p> <p>Total amount: £199,760.00</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	<p>Necessary as there is a significant deficit of secondary education places when all proposed and consented developments are taken into account and pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of pupils and is based on the number of dwellings.</p>
5.	<p>Public Rights of Way</p> <p>Project: towards the implementation of a bridleway between the Southern Boundary of the development across the golf</p>	£75,000.	Prior to first occupation	<p>Necessary in order to meet the demand generated by the development.</p> <p>Directly related as occupiers will travel and the facilities to be provided will be available to them.</p>

DCL/23/19

	<p>course to Etchinghill or other pedestrian improvements within Lyminge.</p> <p>To provide a permissive footpath to the rear of Broad Street House, which will provide a safe link between the existing public footpath HE59 and the footway of the main road. The developer shall dedicate this as a legally recorded Public Right of Way and meet the KCC's legal costs.</p>			<p>Fairly and reasonably related in scale and kind as would be site specific requirement to enable site delivery.</p>
<p>6.</p>	<p>Healthcare: Towards refurbishment, reconfiguration</p>	<p>£38,016</p>	<p>Prior to the first occupation of any open market unit.</p>	<p>Necessary to increase capacity to meet the demand that would be generated by the development pursuant to policy SS5 of the</p>

DCL/23/19

	<p>and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area</p>			<p>Core Strategy Review and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
<p>7.</p>	<p>Self-build/Custom Build:</p> <p>1 serviced plot for use by custom/self-builders to be made available and marketed.</p>	<p>1 serviced plot</p>		<p>Necessary as would provide housing for those who are on the Councils self-build and custom housebuilding register pursuant to HB4 of the PPLP and guidance in the NPPF.</p> <p>Directly related as the plots would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and the area of the borough.</p>

DCL/23/19

8.	Landscape Buffer Provision of a landscape buffer of native species hedgerow and trees along the southern edge of the site. The first owner to be responsible for maintenance and management and the buffer shall be retained in perpetuity.		Prior to the first occupation of 50% of the open market dwellings	Necessary as the landscape buffer is required to mitigate the visual impact of the development in accordance with policy ND6. Directly related as the buffer would soften the edge of the development. Fairly and reasonably related in scale and kind considering the extent of the development.
9.	Doctors Surgery Parking Provision of 8 no. parking spaces to serve the adjacent Doctor's Surgery car park			Necessary due to increase in capacity that would be generated by the development. Directly related as occupiers will use healthcare facilities and the facilities will be available to them. Fairly and reasonably related in scale and kind considering the extent of the development.