

- a) **DOV/20/01569 - The erection of a two-storey building incorporating fifteen apartments (independent living accommodation), communal social areas and associated parking and landscaping - Longships, Cauldham Lane, Capel-le-Ferne**

Reason for report – Deferred by Planning Committee at its meeting held on 11 August 2022

- b) **Summary of Recommendation**

Planning permission be granted, subject to a s106 legal agreement and conditions

- c) **Consultee and Third-Party Representations**

See attached annexe for original/full report – no further representations received as of 1 September 2022.

- d) **1. The Proposal**

See attached annexe for original/full report with updates where relevant

- 1.1 The proposed plans show the layout of the proposed development. Off street car parking is available at a ratio of 1 space per unit, with 2 visitor spaces to be provided for the development. Following the August 2022 Planning Committee meeting, an amended plan was received which proposes an additional 4 disabled parking spaces to the front (northeast) of the proposed building. The additional spaces would be located on the existing hardstanding and no change to the surface water layout management would be required as a result. The agent has also clarified that the land owner is ready to release a strip of land as wide as is deemed necessary to the front of the site. Councillor Jull had requested a 2m wide space be made available along the site frontage at least 7m from the northeast side of Cauldham Lane, to enable a pedestrian footpath to be laid in the future (noting the adjacent site is identified as a potential housing allocation for 15 dwellings in the draft local plan). The amended plan shows a distance of 9m between the northeast highway edge of Cauldham Lane and the landscaped area to the front of the site. The corresponding annotation states proposed boundary line to allow for Cauldham Lane widening.
- 1.2 Since the original application and report to Planning Committee on 11th August 2022, an amended proposed site plan has been submitted which includes the amendments set out in the above. These amendments are considered to be minor in nature and the layout has not changed significantly.

2. Main Issues

- 2.1 The main issues for consideration are:

- Background/summary
- Parking and highways arrangements
- Design concept

Assessment

Background/Summary

See attached annexe for original/full report

- 2.2 This application was reported to Planning Committee on 11th August 2022 with a recommendation for approval. The original committee report is attached as an annexe to this report. It is not intended to revisit the issues set out in that report which are still applicable to the case. This update report sets out the revisions submitted to address the reasons for deferral by Planning Committee, being:
- (a) Explore additional parking with applicant;
 - (b) Clarify full wording of condition 21 (surface water drainage);
 - (c) Clarify details of condition 16 (how footways would be aligned at the extremities of highway land); and
 - (d) Add an additional condition re safeguarding land (2 metres to be safeguarded for future pavement which should be at least 7 metres from the north-east side of Cauldham Lane where highways land finishes).

Parking and Highway Arrangements

- 2.3 In respect of point (a) exploring additional parking with the applicant, as set out at Paragraph 1.1 of this report, an amended proposed block plan has been submitted. In response to the concerns raised at Planning Committee over the lack of provision of disabled parking spaces and the number of parking spaces provided generally within the site, the amended plan includes four new disabled parking spaces to be provided to the front (northeast) of the building. These would be located on an area of hardscaping previously proposed and no changes would therefore be required to the drainage strategy report. Additionally, assessing the revised plan against the vehicle tracking plan, the disabled parking spaces would not affect the tracking arrangements previously considered acceptable. Consequently, 4no. disabled parking spaces, 15no. residents parking spaces and 2no. visitor parking spaces would now be provided within the site. Having had regard to Policy DM13, as at least 1 parking space would be provided per unit, it is considered the parking provision would accord with Policy DM13.
- 2.4 Regarding point (c), it was suggested at Planning Committee that the proposed footways to be provided along Cauldham Lane should be set as far back from the highway onto KCC Highways land as possible, in order to enable the widening of Cauldham Lane to allow two vehicles to pass each other at the same time. This suggestion was put to the agent and their engineer advised:

“We would not support the proposal to set back the footway away from the carriageway, as in our view it will encourage vehicles to park on the verge which will restrict visibility and introduce safety issues to road users. Furthermore, the offset from the carriageway is not consistent along the entire length and constraints with levels will result in sub-standard pedestrian infrastructure provision. Finally, the proposals for the footway next to the carriageway is a standard arrangement and in line with the current infrastructure on Cauldham Close, Capel St, so for continuity we would advise that this approach is retained. I would highlight that the proposals have been reviewed multiple times by Road Safety auditors and subsequently approved by the KCC Highways”.

- 2.5 As set out in the annexe report, the design of the highway works was amended from the original scheme submitted, with alterations made to both the parking and access arrangements and the highways works. These were subject to discussions between the agents' Road Engineer and KCC Highways and Transportation, with KCC advising that the separate in and out access system originally proposed appeared unnecessary as most trips would be to/from the east. The single entry/exit point was therefore considered acceptable and this removed the need to provide a footway along the site frontage. Although KCC advised they would want the land required for a footway, to be made available so that any development to the west of the site could then provide the footway to link, between the site access and Capel Street. KCC advised the footways should be 1.8m wide, so the land along the site frontage would need to be a little wider to enable space for the future build. They also requested in their formal comments for the widening of Cauldham Lane to a minimum of 4.8m to allow for the refuse collection arrangements. As part of the application, a Road Safety Audit was submitted which fed into the design of the highways works and this has been reviewed by KCC. The highway and footway layout proposed has therefore been designed in accordance with KCC Highways' comments and is considered to be acceptable in respect of highways safety.
- 2.6 In view of the above and following discussion with planning managers, the wording of condition 16 has been amended in order to secure the highway and footway works shown on the approved plans. A Section 278 agreement between the applicant and KCC will need to include details of any utilities which would need to be relocated as a result of the highways works. It is not considered that these details should be required as part of the condition as they are not considered to meet the 6 tests for planning conditions and will need to be dealt with through the separate highway s278 agreement process.
- 2.7 Regarding point (d), it was requested at the Committee meeting that the land at the frontage of the site to be safeguarded for future pavement/footway provision be increased in and an additional condition added. It was suggested that a 2m wide strip of land should be safeguarded and that this should be set at least 7m front the northeast side of Cauldham Lane, where the highway land finishes. The amended plan provided by the agent shows a distance of 9m between the northeast side of Cauldham Lane carriageway and the front site boundary, with the annotation stating 'proposed boundary line to allow for Cauldham Lane widening'. Whilst the land shown on the plan has not been amended from the previous block plan, the annotations provide clarity that the additional land sought at Planning Committee would be made available across the site frontage to enable future footway provision. On consideration, the best way to resolve this would be through the drafting of the s106 legal agreement to ensure this land is made available for future footway provision if required. A planning condition is not considered to meet the 6 tests for this matter to be dealt with as a planning condition.
- 2.8 In respect of point (b), clarification was sought of the wording of condition 21 relating to surface water drainage. A summary of the suggested conditions is set out below. A Drainage Strategy Report was submitted as part of the application setting out the surface water drainage scheme which includes soakaways. The imposition of a condition was requested by the Environment Agency, such that no infiltration of surface water drainage into the ground is permitted other than with the written consent of the local planning authority. This was in order to prevent groundwaters from, or being adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the

development site in line with paragraph 174 of the NPPF. As such, this condition would deal with any additional surface water not dealt with as part of the drainage strategy report. The proposed condition wording is:

“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 prevent groundwaters from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the Policy Framework.”

For clarity, comments have been sought from KCC Flood and Water Management and these will be reported to Members verbally, if applicable.

Design Concept

- 2.9 As the meeting, queries were raised as to the design concept of the independent living accommodation proposed. The design and access statement submitted with the application sets out that the concept of the development is “attractive, functional, sustainable and care-ready, moving away from the conventional standard block of flats: a contemporary type of residential accommodation that is in great demand, accessible and flexible. This is a community space organized as social wellbeing hub under one roof, an everyday building, Built for Life to Home Plus criteria and standards”.
- 2.10 Furthermore, “...great consideration has been given to the layout which is designed to have storage space, natural light and ventilation, efficient insulation, 2.6 m floor to ceiling height and functional outdoor space. The atrium, surrounded by the accommodation units, is the focal meeting point where the residents can congregate to socialise for a variety of activities. The proposal is intended as independent living accommodation.” The site would be developed under the management of a service company which would be involved in the construction process and would continue to manage the facility after completion to enable the implementation of the social and financial sustainability aspect of the development.
- 2.11 The flats are organised around the living area and kitchens, with access to the primary bedrooms and the second bedrooms with designated access being suitable for a live-in guest, family or carer. In addition, the flats would be fitted with sprinklers, would be accessible and adaptable to M4 (2) standards and built to robust standards for noise attenuation. Broadband, smart energy monitoring system and security cameras are also intended. Electricity would be generated from the solar panels and EV charging would be provided.
- 2.12 In terms of sustainability, the design and access statement sets out that the layout of the development is suitable for an off-site prefabricated timber frame and structural walls and the building materials being part of the innovation and development of eco-friendly buildings. The development would benefit from natural ventilation and light, with the use of solar energy and ground source heat pumps. In terms of the social community aspirations of the development, the supporting document notes that the ground floor main entrance would be a security- controlled lobby, followed by a community area and a multi-functioning morning room. The central space would have intelligent technology for shading and ventilation and the landscaped gardens are designed to encourage people to congregate with the residents.

3. Conclusion

- 3.1 As outlined in the original report, the site lies adjacent to, but outside of the settlement confines and is therefore considered to be within the countryside. The tilted balance approach set out at Paragraph 11 of the NPPF is considered to be engaged as the Policies most important for determining the application are out-of-date and in conflict to a greater or lesser extent with the NPPF. Due to the design and appearance of the development, as well as the proposed landscaping, for the reasons outlined in the annexe report, the development is considered to preserve the character and appearance of the countryside and wider landscape area and is considered unlikely to result in unacceptable harm to residential amenity. The development would generate additional travel outside of the settlement confines contrary to Policy DM11, however highways works are proposed which would provide pedestrian footways, encouraging sustainable transport. In light of Paragraph 11 of the NPPF, and in taking into account other material considerations as discussed in the planning balance section of the annexe report and the additional information set out in this report relating to the points raised at the previous Planning Committee Meeting, it is considered that the benefits of the development outweigh the disbenefits and it is recommended that permission be granted.

e) Recommendation

- I PERMISSION BE GRANTED subject to a Section 106 agreement to secure development contributions and restriction of occupancy to age 55+ and the following conditions:
- 1) 3-year time limit for commencement of development
 - 2) List of approved plans
 - 3) Samples/details of external materials
 - 4) Obscured glazing on first floor windows of southwest corner unit
 - 5) Existing and proposed ground, eaves and ridge levels
 - 6) Details of bat sensitive external lighting
 - 7) Provision of refuse and recycling storage
 - 8) Provision of bicycle storage
 - 9) Removal of materials in relation to demolished dwelling prior to first occupation of development
 - 10) Construction management plan
 - 11) Dealing with unexpected contamination/safeguarding
 - 12) Provision & maintenance of visibility splays prior to first use of the access
 - 13) Details of cabling to enable installation of EV charging points
 - 14) Completion of parking with drainage measures to prevent surface water run-off prior to first occupation
 - 15) Use of a bound surface for the first 5m of the access from the carriageway
 - 16) The offsite footpath and highway works shown on the approved plan shall be fully operational prior to the first occupation of the development
 - 17) Details of biodiversity enhancements
 - 18) Biodiversity method statement in respect of bats
 - 19) Development in accordance with arboricultural report & tree protection measures

- 20) Provision of landscaping within first planting season and replacement of any tree/hedge removed, destroyed, damaged or diseased within 5 years
- 21) No infiltration of surface water drainage to the ground
- 22) Programme of archaeological work
- 23) High speed fibre optic

II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions and the s106 legal agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Rachel Morgan