



Agenda

Meeting: **Planning and Licensing Committee**
Date: **27 November 2018**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre, Folkestone**

To: **All members of the Planning and Licensing Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Apologies for Absence**
2. **Declarations of Interest**

Members of the committee should declare any interests which fall under the following categories*:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);

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c) voluntary announcements of other interests.

3. **Minutes (Pages 5 - 8)**

To consider and approve, as a correct record, the minutes of the meeting held on 30 October 2018.

4. **Minutes of the Licensing Sub-Committee (Pages 9 - 10)**

To receive and note the minutes of the Licensing Sub Committee meeting held on 29 October 2018.

5. **Camping and Caravanning Site, Rose & Crown, Minnis Lane, Stelling Minnis (Pages 11 - 26)**

Report DCL/18/27 Erection of 13 dwellings with access from Minnis Lane.

6. **The Cottage, Hillside, Sandgate, Folkestone (Pages 27 - 40)**

Report DCL/18/28 Erection of a four-storey building containing 5 No. 2 bedroom and 1 No. 3 bedroom apartments and a two-storey building containing 1 No. 2 bedroom apartment together with car parking, cycle and bin storage following removal of the existing house and garage.

7. **The Grange, 30 Grange Road, Saltwood, Hythe CT21 4QS (Pages 41 - 52)**

Report DCL/18/29 Conversion of existing stables together with erection of a single storey extension to form new dwelling.

8. **Hawkinge Cemetery & Crematorium, Aerodrome Road, Hawkinge, CT18 7AG (Pages 53 - 62)**

Report DCL/18/30 Change of use of land to extend existing cemetery together with extension of service road and installation of concrete plinths, comprising development affecting a public right of way.

9. **Gambling Act 2005 - Review of Statement of Principles (Pages 63 - 130)**

Report DCL/18/26 sets out our proposed revised Statement of Principles under the Gambling Act 2005.

10. **Supplementary Information (Pages 131 - 132)**

*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

Planning and Licensing Committee - 27 November 2018

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

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Minutes

Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 30 October 2018
Present	Councillors Alan Ewart-James, Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock, Damon Robinson, Russell Tillson and Roger Wilkins (Vice-Chair)
Apologies for Absence	Councillor Miss Susie Govett
Officers Present:	Robert Allan (Development Management Team Leader), Kate Clark (Committee Services Officer), Claire Dethier (Development Management Team Leader), Sue Lewis (Committee Services Officer) and Lisette Patching (Development Management Manager)
Others Present:	

38. **Declarations of Interest**

There were no declarations of interest.

39. **Minutes**

The minutes of the meeting held on 25 September 2018 were submitted, approved and signed by the Chairman.

40. **Minutes of the Licensing Sub-Committee**

There were no minutes to be agreed at this meeting.

41. **Pennings and Juniper Cottage, School Road, Saltwood, Hythe Y18/0444/SH**

Report DCL/18/22 Erection of a two storey building comprising 7 residential apartments, including landscaping and parking following demolition of the existing pair of existing semi-detached dwellings and

garaging.

Mr D Carrera, local resident spoke against the application.
Cllr John Stevens, Saltwood Parish Council spoke against the application
Emma Hawkes, spoke in support of the application.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Russell Tillson and

Resolved:

Delegated authority given to the DM Manager to grant planning permission subject to officers negotiating an amended scheme with the applicant to provide a minimum of 12 off street parking spaces and subject to the conditions set out at the end of the report; and to finalise the wording of the conditions and add any other conditions that she considers necessary.

(Voting: For 10; Against 0; Abstentions 1)

42. Olivia Court, Court Road, Hythe, CT21 5HD Y18/0670/FH

Report DCL/18/24 Erection of a fourth storey on both apartment blocks to create two penthouse flats.

Mr Wiles, local resident, spoke against the application.
Ms Aitkin, local resident, spoke in support of the application.
Stan Beanland, agent, spoke in support of the application.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Roger Wilkins and

Resolved:

That planning permission is granted subject to the conditions set out at the end of the report and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

(Voting: For 10; Against 1; Abstentions 0)

43. Aspendos, Prospect Road, Hythe, Kent, CT21 5NH Y18/1064/FH

Report DCL/18/25 Retrospective application for revised external finishes to the existing shop front, including revision to the front parapet wall.

Stuart Ingleston, agent, spoke in support of the application.

Proposed by Councillor Russell Tillson
Seconded by Councillor Alan Ewart-James and

Resolved:

That planning permission is refused for the reason set out at the end of the report.

(Voting: For 7; Against 2; Abstentions 2)

44. Land at 31 Castle Road, Hythe Y18/0339/FH

Report DCL/18/23 Erection of a 2 storey dwelling.

Proposed by Councillor Alan Ewart-James
Seconded by Councillor Philip Martin and

Resolved:

That planning permission is granted subject to the conditions set out at the end of the report and that delegated authority be given to the Development Management Manager to issue the decision after the expiry of the 21 day notice period, subject to no new material planning issues being raised; and to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

(Voting: For 11; Against 0; Abstentions 0)

45. Exclusion of the Public

Proposed by Councillor Alan Ewart-James
Seconded by Councillor Michael Lyons and

Resolved:

To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraphs 2 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information which is likely to reveal the identity of an individual.’

‘Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime’.

(Voting: For 11; Against 0; Abstentions 0)

46. Unauthorised External Finishes to the existing Shop Front, including revision to the Front Parapet Wall

Report DCL/18/21 considered the appropriate action to be taken regarding the unauthorised external finishes to the shop front of this building, including a revision to the front parapet wall. The existing parapet wall has been increased in height and has a curved feature across the width of the shopfront. This features paint work, mock stonework and stall risers and raised rendered pilasters. This report recommends that an Enforcement

Notice be served to require the removal of the shopfront and the reinstatement of the previous shopfront.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Russell Tillson and

Resolved:

- 1. To receive and note report DCL/18/21.**
- 2. That an Enforcement Notice be served requiring the removal of the unauthorised shopfront and the reinstatement of the previous shopfront.**
- 3. That the period for compliance be 6 months.**
- 4. That the Development Management Manager be given delegated authority to determine the exact wording of the Notice.**
- 5. That the Head of Democratic Services and Law be authorised to take such steps as are necessary, including the issue of legal proceedings to secure compliance with the Notice.**

(Voting: For 7; Against 2; Abstentions 2)

Minutes

Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Monday, 29 October 2018
Present	Councillors Alan Ewart-James, Paul Peacock and Roger Wilkins
Apologies for Absence	None
Officers Present:	David Kelly (Legal Services Manager), Sue Lewis (Committee Services Officer) and Briony Williamson (Senior Licensing Officer)
Others Present:	None

18. Election of Chairman for the meeting

Proposed by Councillor Alan Ewart-James
Seconded by Councillor Roger Wilkins and

Resolved: To appoint Councillor Paul Peacock as Chairman for the meeting.

(Voting: For 2; Against 0; Abstentions 1)

19. Declarations of interest

There were no declarations of interest.

20. Exclusion of the Public

Proposed by Councillor Alan Ewart-James
Seconded by Councillor Roger Wilkins and

Resolved:

To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information which is likely to reveal the identity of an individual.’

(Voting: For 3; Against 0; Abstentions 0)

21. **Review of whether a conditions can be removed from a Private Hire Driver's Licence**

Report DCL/18/20 Review in respect of whether conditions can be removed from a Private Hire Driver's Licence.

Proposed by Councillor Alan Ewart-James
Seconded by Councillor Roger Wilkins and

Resolved:

1. **To receive and note report DCL/18/20.**
2. **That the conditions stay the same because the Committee considers that the decision made on 15 February 2018 was reasonable under the circumstances and should remain in place.**

(Voting: For 3; Against 0; Abstentions 0)

Agenda Item 5

DCL/18/27

Application No: Y18/0456/SH

Location of Site: Camping and Caravanning Site, Rose & Crown, Minnis Lane, Stelling Minnis

Development: Erection of 13 dwellings with access from Minnis Lane.

Applicant: Mr John Showler

Agent: Mr Steven Davies
Hobbs Parker Property Consultants
Romney House
Monument Way
Orbital Park
Ashford
Kent
TN24 0HB

Date Valid: 05.04.18

Expiry Date: 05.07.18

Date of Committee: 27.11.18

Officer Contact: Miss Louise Daniels

SUMMARY

This report considers whether planning permission should be granted for 13 new dwellings in the village of Stelling Minnis. The report recommends that planning permission be granted as it is considered that the proposal fulfils the main requirements of emerging policy ND7 of the Places and Policies Local Plan by providing a small scale, sensitive development to include two affordable dwellings and with a layout and design which would integrate well within the character of the village and which would not result in a detrimental impact upon existing or future amenity, highway safety or ecology.

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, the relocation of the bus stop and ecology mitigation and management; and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that she considers necessary.

1.0 THE PROPOSAL

1.1 This application is for the erection of 13 dwellings including a new private access road from Minnis Lane. In terms of the proposed layout, to the north there would be a group of smaller houses set in two terraces / semi-detached houses at a right angle, to the south the dwellings would be larger and detached. All of the houses would face

DCL/18/27

into the development with a central area of open space. The development would consist of 5 detached dwellings and 8 dwellings in a mix of terraced and semi-detached dwellings in an 'L' shape. In terms of parking, all of the dwellings would have a minimum of 2 parking spaces, with the larger dwellings having 2 allocated car port or garage spaces, and the smaller dwellings having 1. The site is not connected to mains drainage, and as such the application proposes to use a package sewage treatment plant.

- 1.2 A new access is proposed to the east of the site, to the south of the Rose and Crown Public house. The access would have planting beds each side of the new access. The existing landscaping would be retained and supplemented. To the north of the site the existing access would be closed and a landscaped public footpath is proposed which would provide a pedestrian link with Crown Lane. The existing hedgerows to the north would be retained and supplemented. A 2m wide landscape buffer is proposed to the southern and western boundary which is also proposed to be managed as a reptile habitat.
- 1.3 Units 1-8 would have two bedrooms, with en suites and open plan living room and kitchens. Units 1 and 2 would be the affordable units within the site. Units 9-12 would have four bedrooms, with en suites and open plan living room and kitchens. Unit 13 would have three bedrooms, again with living room and kitchen diner, an office, with an open plan living room and kitchen.
- 1.4 The houses proposed are of a traditional design, with simple hipped and pitched roofs with some cat slide roofs within the development. The colours and textures of materials proposed are similar to materials within Stelling Minnis including tiles and slate on the roofs, brick/tile hanging and weatherboarding to the elevations and timber windows. Garages and car ports are proposed throughout the development to appear as design features with a mixture of traditional hipped and pitched roofs. A bin and cycle store is proposed within the rear garden of all the dwellings.
- 1.5 The proposal has been amended during the process of the application from 14 to 13 dwellings and also a change of access with the site originally accessed from Crown Lane to the north, now amended to access the site from Minnis Lane from the east. A landscaped footpath is now proposed from Crown Lane into the site from the north.
- 1.6 The application is accompanied by a Transport Statement, Preliminary Ecological Appraisal, Report on Ground Investigation, Phase 1 Contamination Risk Assessment, Tree Survey and Arboricultural Impact Assessment, Archaeological Desk-Based Assessment, Design and Access Statement and Drainage Impact and Flood Risk Assessment.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Outside any settlement boundary
- Area of Outstanding Natural Beauty (AONB)
- Allocated site for residential development in the emerging Places and Policies Local Plan (policy ND7).

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is located behind the Rose and Crown Public House on the corner of Minnis Lane and Crown Lane. The site is currently listed as a camping and caravan site with static caravans present on the site to the north. The site is bounded to the north, south and west by mature trees and hedgerows. To the north is Crown Lane with predominantly detached one and one and a half storey bungalows on the far side of the road, adjoining the site. To the east, sharing a boundary, is the public house, the Boot House and the village shop; these are all two-storey detached properties. Beyond this is a Local Wildlife Site. To the west and south west of the site lie opening fields and scrub and the rear of residential gardens.
- 3.2 The Minnis does not have a settlement boundary or core area, but ribbon development has taken place along the network of roads that criss-cross the open land. The predominance of green space is probably the strongest characteristic within the village and softens the built form.

4.0 RELEVANT PLANNING HISTORY

- 4.1 None of relevance.

5.0 CONSULTATION RESPONSES

- 5.1 Consultation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Stelling Minnis Parish Council

No objection following the change of vehicular access from Crown Lane to Minnis Lane who withdraw their previous objection to the scheme and support the development. Retention and of the existing boundary hedges and supplementary planting are welcomed.

5.3 KCC Ecology

No objection subject to conditions requiring a precautionary approach to dormouse for any hedgerow trimming, and a site management plan to manage the 2m buffer area for reptiles.

5.4 KCC Flood and Water Management

No objection subject to conditions to secure a detailed sustainable surface water drainage scheme and to ensure the development does not cause an unacceptable risk to controlled waters and/or ground stability.

5.5 KCC Highways and Transportation

No objection subject to conditions to secure construction vehicle loading/unloading and turning facilities, parking for site personnel and visitors, wheel washing, provision and retention of vehicle and cycle parking and garages shown, a bound surface for the first 5m from the edge of the highway, provision and maintenance of visibility splays.

5.6 Arboricultural and Grounds Manager

No objection subject to tree protection conditions.

5.7 Geo-Environmental Consultant

No objection subject to the standard contamination condition.

5.8 KCC Archaeology

No objection subject to a programme of archaeological works condition.

5.9 Southern Water

The applicant is advised to consult the Environment Agency directly regarding the use of a sewage treatment plan which disposes of effluent to sub-soil irrigation.

5.10 Environment Agency

No objection subject to conditions to prevent piling without the written consent of the LPA to protect groundwater, to require a remediation strategy should contamination be found, and preventing infiltration of foul water drainage prior to an Environmental management permit being sought.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 06.09.2018

6.2 Site Notice. Expiry date 16.08.2018

6.3 Press Notice. Expiry date 13.09.2018

7.0 REPRESENTATIONS

7.1 Representation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

7.2 17 letters/emails received objecting on the following grounds:

- Change the character of the village from ribbon development to having a high-density node. Number of dwellings should be reduced.
- Development is too large and not in proportion with the village.
- Houses not required, already a number of houses in the area that have been on the market for a long time, in addition to the 30 houses being built in the Stonegate development.

- Village needs smaller affordable housing for the younger members of the village rather than large detached dwellings.
- No infrastructure improvement to the village.
- This site is within the AONB, this development would be more suited to the outskirts of a town or on a brownfield site.
- The hedges to the north do not have the 2m buffer zone that is required, this should be provided in addition to the 2m buffer to the south.
- Drainage/flooding concerns.
- The footpath is not needed from the north and it could be dangerous for cyclists and pedestrians exiting onto Crown Lane and should be closed.
- No provision for replacement of the existing bus shelter which will need to be relocated.
- Increase in traffic.
- Access from Crown Lane is inadequate.
- Car parking for the pub is inadequate.
- Parking is inadequate for this development.
- Noise and disturbance to residents.

7.3 Many of these comments were made prior to the amended plans being submitted.

8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

8.2 The following saved policies of the Shepway District Local Plan Review apply:
SD1, BE1, BE16, CO1, CO11, TR5, TR6, TR11, TR12, U1, U2, U4, HO1, LR9, LR10, TM2.

8.3 The following policies of the Shepway Local Plan Core Strategy apply:
SS1, SS2, SS3, SS4, SS5, CSD1, CSD2, CSD3, CSD4, CSD5

8.4 The following policies of the Places and Policies Local Plan (PPLP) Submission Draft apply:
HB1, HB3, ND7, E5, NE2, NE3, NE5, T2, T5

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

8.5 The following paragraphs of the National Planning Policy Framework 2018 apply:
8 – Achieving sustainable development

- 11 – Presumption in favour of sustainable development
- 83 & 84 – Supporting a prosperous rural economy
- 172 – Great weight to conserving & enhancing AONB
- 175 – Habitats and biodiversity
- 127 – Criteria for assessing good design

- 8.6 The following Supplementary Planning Documents apply:
Kent Downs AONB Landscape Design Handbook
Interim Guidance Note 3: Residential Parking

9.0 APPRAISAL

Principle of Development

- 9.1 The site is located both in the countryside and the AONB, where policies of rural restraint apply (saved policy CO1 and core strategy policy CSD4). However, Stelling Minnis is also identified as a secondary village within the settlement hierarchy as set out in the table to policy SS3 of the Core Strategy where its status is identified as continuing to provide crucial rural facilities to visitors and their own residents and work force in line with local needs, their environment and role as relatively small settlements.
- 9.2 The site has historically been used as a caravan site with informal camping on the adjoining land. Saved policy TM2 requires applications resulting in the loss of visitor accommodation to demonstrate that the standard and type of accommodation is unsuitable to meet visitor demands. Core strategy policy CSD3 expects rural tourism to be sited in accordance with the settlement hierarchy and only in the countryside following a sequential approach to demonstrate it cannot be located in a more sustainable settlement. Whilst saved policy TM2 seeks to retain caravan and camp sites for visitor accommodation, the site is no longer used for this purpose and the agent has confirmed the site lacked basic facilities (toilets/ electricity) and was not suitable for a modern day tourist business. As such, it is considered the proposal meets the requirements of saved policy TM2 as the standard of accommodation is unsuited to meet visitor demands.
- 9.3 Although this site is within the AONB, it was identified as suitable for small scale, sensitively designed, residential development both through the early evidence base Shepway Housing Land Availability Assessment (SHLAA) work (which identified the site as deliverable and developable) and development of the draft policy ND7 in the PPLP, due to its potential to result in only low level harm to the landscape character (identified through policy evidence base document North Downs Landscape Character Assessment Residential Allocations).
- 9.4 The Core Strategy (2013) set out that land for approximately 15% of new dwellings developed to 2030/31 should be located in the North Downs Area. In order to meet the needs of communities at locations within the settlement hierarchy, a number of small sites would be required in village locations to meet need and were subsequently identified through the Strategic Housing Land Availability Assessment (SHLAA) and have subsequently been proposed for residential allocations in the draft Places and Policies Local Plan (PPLP).

- 9.5 The application site has a draft allocation for residential development with an estimated capacity of approximately 11 dwellings and a number of criteria which should be met for development proposals to be supported. It is noted that the scheme does not include additional parking for the pub, this was an aspiration in the policy, however, this cannot be required and the proposal does not result in any loss of parking to the pub. The PPLP is at a very advanced stage in its preparation and has been submitted to the Secretary of State for examination. Therefore the Plan as a whole can be afforded weight and site specific policy ND7 was not subject to significant objection and is therefore a material consideration in the decision making process.
- 9.6 It is considered that this application fulfils the main requirements of policy ND7 in delivering high quality housing of local rural distinctiveness, retaining and enhancing existing trees and hedgerows, creating a landscape buffer to the west and south, open spaces created within the site, vehicle access from Minnis Lane, a pedestrian link to Crown Lane, relocation of the bus shelter and appropriate archaeological mitigation measures secured.
- 9.7 Whilst the development would be contrary to saved local plan policy CO1 as it is proposing new residential development in the countryside, the proposal meets the aims and aspirations of the emerging policy and has been designed to achieve the aims of Core Strategy policy CSD4 which requires conservation and enhancement of natural beauty in the AONB and its setting, as the location of the site restricts long ranging views and the development is enclosed by natural vegetation and other residential properties.

Relevant Material Planning Considerations

- 9.8 The other relevant issues for consideration with regard to this application are design and layout, impact on the countryside and AONB, neighbouring amenity, archaeology and highway safety.

Design and Layout

- 9.9 The scheme has been designed to incorporate a range of housing types and sizes in order to be attractive to varying needs. The northern aspect of the site has been designed in a more dense manner featuring 2-bedroom semi-detached and terraced houses. To the south of the site, the dwellings are much larger and set in spacious grounds. A number of green areas with a central element of green space would provide a focus for the scheme and relate the development to the character of Stelling Minnis, which has a strong predominance of greenspace throughout, softening the built form. The visual impact of parked vehicles within the scheme has been minimised by tucking parking behind cart-shed stores where possible. The car-ports and garages have been designed in a typically rural Kentish vernacular as key attractive features within the layout designed to frame the development in order to create character to the scheme.
- 9.10 The vehicular access into the site has been amended during the process of the application from Minnis Lane rather than Crown Lane following local objections.

Although the access from Crown Lane was acceptable on highway grounds, the change to the access does have the advantage of reducing the visual impact of the development from Crown Lane as the hedgerow which borders Crown Lane to the north of the site can be retained. The development would also be closer to the ethos of the Kent Downs AONB Landscape Design Handbook, which promotes the retention of existing hedgerows.

- 9.11 The number of dwellings proposed is 13, higher than the estimated capacity of 11 set out in draft policy ND7. Although the draft policy specified 11 dwellings it did not specify layout or if these were to be detached, semi-detached or terraced properties. The application proposes a mixture of detached, semi-detached and terraced properties, a mix of which does appear within the village of Stelling Minnis. Proposing this mix of housing styles and sizes allows for 13 dwellings to be acceptably accommodated within the site whilst respecting the layout and formation of the village without appearing over-cramped or over-developed. The layout and orientation of the proposed dwellings within the site is considered to be acceptable without resulting in over-development of the site and to be acceptable within the character of the village.
- 9.12 In terms of design, the dwellings and car-ports/ garages express the simple pitched roof vernacular forms seen locally as key features of the architecture of the area. There is also an empathy in design style between the small group of terraced houses to the north west of the site and the more tightly knit group of existing houses to the south of the main area of housing in Stelling Minnis. The detached properties also echo the design style of other detached properties within the village. Local materials and modern interpretations have been used to reflect local colours and textures. The main materials are muted colours including red stock bricks, timber boarding, tiles and slate. The design of the dwellings and materials chosen have a traditional appearance which responds well with the village character.
- 9.13 During the process of the application the proposal has been reduced from 14 to 13 dwellings to achieve a better layout within the site. The removal of the pair of semi-detached dwellings to the south of the application site and replacement with a detached dwelling is considered to be an improvement to the layout as it provides for additional garden space and green areas.

Visual Impact / AONB

- 9.14 Policy CSD4 requires decisions to have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting. In terms of design and layout, the development has been sensitively designed to ensure any views into the development would integrate into the character of the village, whilst being of a high quality appearance. In addition, due to the largely contained location created by the mature landscaping buffers, views into the site will be limited with the exception of to the east, which is already interspersed with built development. As such, the visual impact on the AONB will be limited and largely contained and any visual change would be in accordance with the character of the village. The proposal would also meet the aims of saved local plan policies BE1 and CO1 of the Shepway District Local Plan Review (SDLPR) which seeks to ensure new development is a high standard of design and sympathetic in scale and appearance to the setting and with materials which are

predominating locally in type, colour and texture, in addition to responding to surrounding development in terms of building form, mass and height.

- 9.15 Paragraph 172 of the NPPF requires proposals for major development in the AONB to be refused other than in exceptional circumstances and where it can be demonstrated that it is in the public interest and that “consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”
- 9.16 It is for the Council, as Local Planning Authority, to determine whether or not the proposal would amount to major development in the AONB under paragraph 172. It is the Officers’ view that the proposal does not constitute major development, having taken into account relevant case law and Inspectors’ decisions. This opinion is formed taking into consideration the relative proximity of the site to existing built development within Stelling Minnis, the quantum of units compared to the size of the village and the spaciousness of the built development within the site.

Amenity

- 9.17 Paragraph 127 of the NPPF and saved Policy SD1 of the SDLPR and HB1 of the PPLP requires the Local Planning Authority to consider the impact of development on the amenities of existing and proposed residents.
- 9.18 To avoid direct overlooking within the site and the relationships with surrounding development, the development has been designed to incorporate separation distances between properties which exceed 21m, which is generally accepted as sufficient separation to avoid a loss of privacy or cause any overbearing impact. The nearest properties are those in Minnis Lane backing onto the site, but these have long rear gardens and large separation distances. The other nearest houses are within Crown Lane and these would be separated from the development by the road together with existing hedging to the north of the site.
- 9.19 The use of the site as a camping and caravan site would have resulted in some noise and disturbance to neighbouring residents due to caravans and cars accessing the site from Crown Lane. Whilst the proposal would result in an increase in activity and car movements, this is not considered to be significantly detrimental to surrounding residents to warrant refusal of the application. As such, the proposal is considered acceptable in terms of safeguarding the amenity of existing residents.
- 9.20 In terms of the amenity of future occupiers, the dwellings have been designed to provide good sized gardens suitable for family dwellings and achieve suitable sized rooms and adequate light and outlook to all habitable rooms, and is in accordance with submission draft policy HB3.

Highway Safety

- 9.21 A new vehicular access, with appropriate visual splays has been proposed to the south of the Rose and Crown Public house, with a pedestrian footpath created in the location of the existing access to link the site to Crown Lane. The revised vehicular access was proposed to address local concern and is compliant with the emerging policy ND7. The proposed parking provision within the site exceeds the requirements as set out with IGN3 and as such is considered to be acceptable for this village location. As such, the proposed access, internal road layout and parking provision are all considered to be satisfactory and that the proposal would have no significant adverse impact on the highway safety of the surrounding area. Kent Highways raise no objection to the proposals subject to conditions.
- 9.22 The provision of the new vehicular access would cross common land which the applicant has sought permission to do (outside of the planning process) and it would also require the relocation of the bus stop, which would be secured through a legal agreement.

Ecology

- 9.23 The site is previously used as a static caravan site and camp site, with the site mowed regularly thus having limited ecological potential around the centre of the site. There is some potential for reptiles to be present within the bramble scrub areas on the south and west boundaries and the submitted precautionary mitigation strategy recommends providing a 2m buffer strip to the south and west boundaries prior to the start of works as part of the layout to retain a reptile habitat. This buffer strip together with its management would be secured by a legal agreement. As such, the proposal takes account of ecology and habitat in accordance with policy CO11 of the SDLPR.
- 9.24 Although the submitted ecological report concluded that none of the trees present on site offered potential for roosting bats, lighting can be detrimental to foraging and commuting bats and therefore a lighting design would be controlled by condition to ensure harm to bats within the surrounding area is limited.

Trees

- 9.25 To provide the vehicular access from Minnis Lane, three small trees and a clump of small scrubby trees would be removed. The trees proposed to be removed to facilitate the development within the site are generally small, young trees or conifers that are of no great individual significance. As such, the loss of these trees would have no significant impact on the character and setting of the site, or to the visual amenity of the wider area and could be successfully mitigated by new, more appropriate planting that would improve the setting of the site. The removal of the trees therefore is considered acceptable and reasonable does not justify refusal of the proposed development.
- 9.26 The proposed access road from Minnis Lane makes a minor incursion across the root protection area of a mature Ash tree to be retained in the garden of the Rose and Crown Public house. However, measures are available to reduce or minimise any potential impact on the root protection area of this tree, details of which would be

conditioned together with tree protection measures for those trees to be retained within the site.

- 9.27 A landscaping condition is also recommended to ensure suitable replacement trees and shrubs are planted within the site and to ensure the site is planted to conserve the landscape in a manner appropriate to its AONB character.

Archaeology

- 9.28 The North Downs are generally recognised as having archaeological potential and as such the KCC Archaeologist has recommended a programme of archaeological work to be secured by condition to ensure that any features of archaeological interest are properly examined and recorded.

Environmental Impact Assessment

- 9.29 In accordance with the EIA Regulations the site falls within a sensitive area and within Schedule 2 10(b) 'Urban Development Projects'. The application has been screened and it has been concluded that the development is not EIA development and as such an Environmental Statement is not required.

Other Issues

- 9.30 Due to the lack of adopted foul sewers in the immediate vicinity of the site, foul drainage to the site is proposed be dealt with by way of package treatment works, with treated effluent discharging to a deep bore soakaway. Surface Water is to be managed using a soakaway. There is no objection from the Environment Agency and suitable conditions would be imposed to ensure the ground water is protected.
- 9.31 The provision of two, two-bedroom affordable houses (unit 1 and 2) would meet the requirements of policy CSD1 of the Shepway Local Plan Core Strategy for affordable housing and this would be secure via a legal agreement.

Local Finance Considerations

- 9.32 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.
- 9.33 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £136.75 per square metre for new residential floor space.

9.34 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £17,103.68 for one year and £68,414.72 for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

9.35 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.

9.36 The application has been called in by Cllr Hollingsbee for two reasons:

- A large development for the village and will have an effect on the character and road infrastructure
- The Places & Policies document has not yet been agreed by the Inspector

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

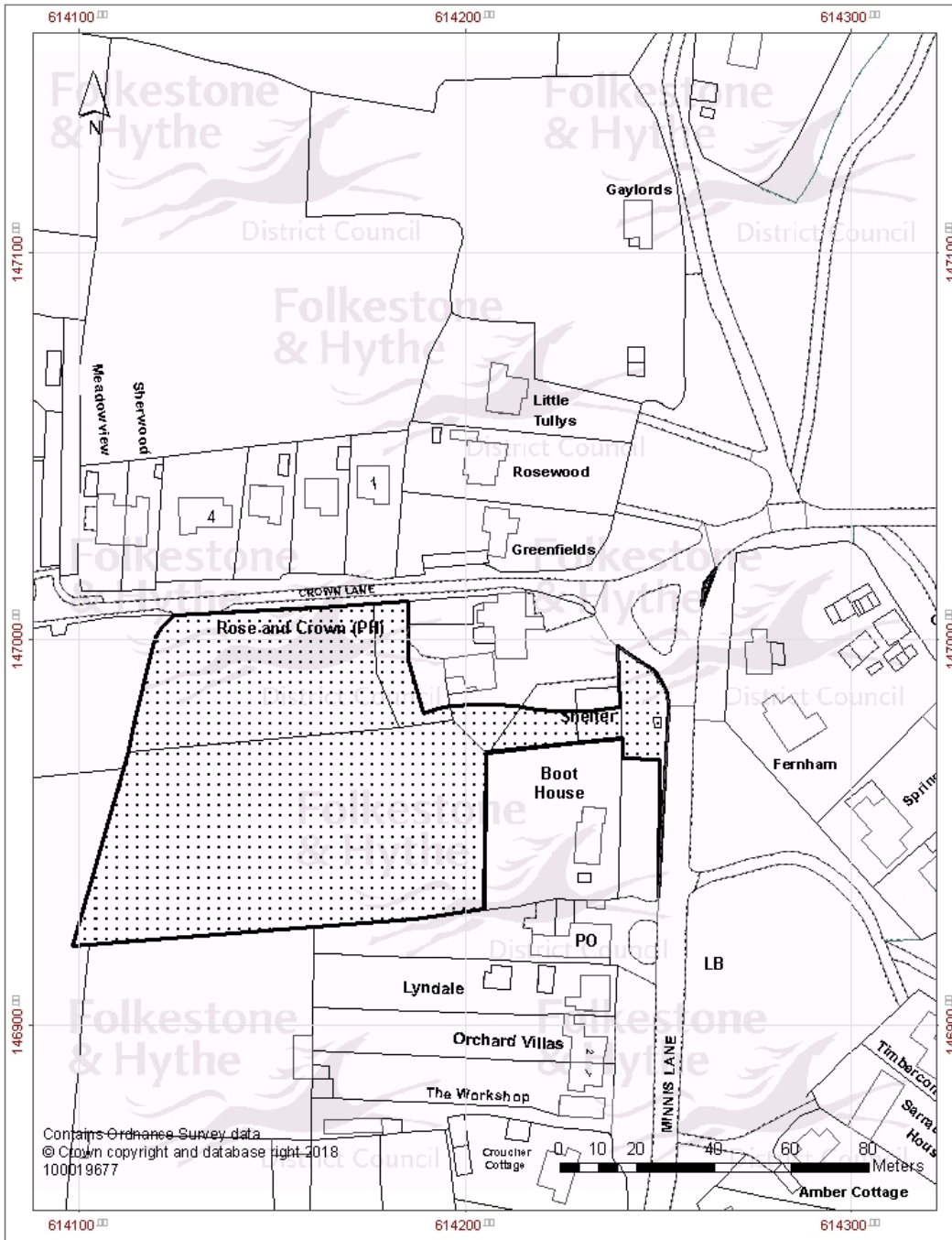
RECOMMENDATION – That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing affordable housing, the relocation of the bus stop and ecology mitigation and management; and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that she considers necessary:

1. Time condition
2. Approved plan numbers
3. Samples of materials
4. Tree protection measures
5. Landscaping scheme
6. Boundary treatment
7. Water efficiency

8. Piling/foundation designs to be agreed
9. Remediation strategy for groundwater
10. Details of package sewage treatment plant/ alternative foul water drainage
11. Precautionary approach for dormouse
12. Lighting design strategy for biodiversity
13. Ecological enhancement plan
14. Trees and hedgerows to be protected during construction
15. Programme of archaeological work
16. Contamination
17. Sustainable surface water drainage scheme
18. Operation and maintenance manual for the proposed sustainable drainage scheme
19. Verification report for SUDS
20. Provision and permanent retention of the vehicle parking spaces, garages and cycles.
21. Use of bound surface for the first 5m
22. Provision and maintenance of visibility splays
23. Provision of footpath
24. Details of windows and doors and positions of services on elevations (eg gas boxes)
25. Requirement to close existing access

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Y18/0456/SH
Rose & Crown
Minnis Lane
Stelling Minnis



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Application No: Y18/0196/SH

Location of Site: The Cottage, Hillside, Sandgate, Folkestone

Development: Erection of a four-storey building containing 5 No. 2 bedroom and 1 No. 3 bedroom apartments and a two-storey building containing 1 No. 2 bedroom apartment together with car parking, cycle and bin storage following removal of the existing house and garage.

Applicant: Mr Stephen Kingston

Agent: Mr Liam Smith
Lee Evans Partnership
St John's Lane
Canterbury
Kent
CT1 2QQ

Date Valid: 07.02.18

Expiry Date: 04.04.18

PEA Date: 30.11.18

Date of Committee: 27.11.18

Officer Contact: Louise Daniels

SUMMARY

This report considers whether planning permission should be granted for the erection of a four-storey apartment building containing six flats and for the erection of a two-storey building containing one flat in Sandgate. The report recommends that planning permission be granted as it is considered that the proposal would preserve the character and appearance of the conservation area and visual amenity of the area, and would not result in a detrimental impact upon existing or future residents' amenity, highway safety or ecology.

RECOMMENDATION: That delegated authority be given to the Development Management Manager to grant planning permission subject to the conditions set out at the end of the report, subject to the receipt of a soil stability report that demonstrates that the site can be satisfactorily developed without adversely affecting the stability of the site and neighbouring land and property; and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

1.0 THE PROPOSAL

1.1 This application is for the erection of a four-storey apartment building containing six flats and for the erection of a two-storey building containing one flat together with car parking, cycle and bin storage following removal of the existing house and garage.

- 1.2 The lower ground floor of the apartment building is proposed to be set down into the slope on the south side, following the existing topography of the site. The top floor flat is within the roof and has been set back from the main elevation on both the north and south elevations. The block includes a lift and staircase. Following concerns raised by officers, the apartment block has been amended during the process of the application to give a more traditional design with a mixture of a gable and hipped roof to the south facing elevation, and a hipped roof to the north facing elevation. The southern elevation has also been stepped and the amount of glazing has been reduced giving the building a more traditional appearance.
- 1.3 The materials proposed for the scheme are a mixture of white render, vertical cedar cladding, exposed stone, glass balustrading, zinc cladding and slate roof tiles. The two-storey building would echo a similar design to the proposed apartment block with matching materials.
- 1.4 The proposed internal layout for the apartment block is as follows:
Flat 1 (lower ground floor) – two bedrooms, en suite, kitchen/diner/living room, bathroom and utility room.
Flats 2 and 3 (ground floor) – two bedrooms, en suite, kitchen/diner/living room and bathroom.
Flats 4 and 5 (first floor) – two bedrooms, en suite, kitchen/diner/living room and bathroom.
Flat 6 (second floor) - two bedrooms, en suite, kitchen/diner/living room, bathroom and utility room.

The proposed internal layout for the detached two-storey building is as follows:

Flat 7 - two bedrooms both with en suites (one bedroom at ground floor and the other on the first floor), utility, kitchen/diner/living room, bathroom and study. The ground floor of the two-storey building would also accommodate a garage, cycle store and bin stores for the whole development.

- 1.5 A parking courtyard is proposed between the apartment block and the two-storey building. Seven parking spaces and two visitor spaces are proposed for the development, three at ground floor within the two-storey building and the remainder within the parking courtyard. The existing access point from Hillside will remain unchanged.
- 1.6 A communal lawn area within the south of the site would be provided with the existing pathway which links the site with Sandgate Esplanade retained, and an additional stepped section proposed between the parking courtyard and the communal lawn area.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Inside settlement boundary
- Sandgate Conservation Area
- Area of land instability

- Setting of a listed building
- Some trees to the north boundary have a TPO 8 (2002)

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The application site has a detached two-storey dwelling situated within a long plot. The application site is located at the end of a private road, Hillside with off-street parking available within the site. The application dwelling, 'The Cottage' is finished in white render with black framed windows, with clay roof tiles and sprocketed eaves. The character of the area is of large detached dwellings mostly with hipped and pitched roofs. To the east of the application site is The Clintons, which is a two-storey dwelling with a hipped roof and finished in render and facing brick work. To the west of the site is No.10 Encombe, which is a single storey dwelling with a facing brickwork finish. To the north east of the site is Robingale, a two-storey flat roofed dwelling with a facing brick work finish. The site is located on a gradient, sloping down towards the Sandgate Esplanade, to the south. The application dwelling is positioned centrally within the site and as such is within the escarpment and so is partially visible from Sandgate Esplanade. The application dwelling follows the building line of the properties to the south of Hillside. There is a detached garage within the site which is positioned north of The Cottage and which is visible from Hillside but not from the Esplanade. There is pedestrian access to the south of the site via some steps down to the road level.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Y15/0700/SH for the erection of a two storey extension together with alterations and addition of basement swimming pool was granted planning permission with conditions. The same proposal has been recently granted planning permission again under application Y18/0588/FH.

5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Sandgate Parish Council
Object on the following grounds:

- Overbearing and out of place with the Conservation Area
- Errors regarding the actual boundaries
- The access is limited in width for construction and emergency vehicles
- Impact upon the Sir John Moore Statue not given (listed statue to the south of the site)
- No structural impact assessment regarding the impact upon the neighbouring properties or on pedestrians and traffic
- Increased noise and light pollution on neighbouring properties and loss of privacy

- Building of local interest and should be retained

5.3 KCC Highways and Transportation

No objection subject to conditions to secure a construction management plan, provision and retention of vehicle and cycle parking, provision of a two-way traffic sign at the junction of Wilberforce Road and Hillside.

5.4 Southern Water

No objection.

5.5 Arboricultural Manager

No objection subject to condition relating to the pre-development tree survey.

5.6 KCC Ecology

No objection subject to conditions to secure a lighting design strategy for biodiversity and ecological enhancements.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 24.10.2018

6.2 Site Notice. Expiry date 20.03.2018

6.3 Press Notice. Expiry date 22.03.2018

7.0 REPRESENTATIONS

7.1 Representation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

7.2 10 letters/emails received objecting on the following grounds:

- Overbearing, bulky, dominant and incongruous.
- Height will not preserve or enhance the character of The Esplanade or the surrounding area.
- Demolishing a house of local interest in a Conservation Area.
- Out of keeping.
- Too intensive in an area of family homes.
- Loss of uniqueness to the area.
- Surrounded by listed buildings.
- The Cottage and The Clintons shown in the Sandgate Design Statement showing the character of Sandgate Esplanade.
- The Cottage was identified in the Sandgate Conservation Area Appraisal Stakeholders feedback as being a property of Local interest.

- Elevated position would mean the block would totally dominate the surrounding dwellings.
- Inaccuracies in the plans showing the access into the site over neighbouring property. Only 10ft wide, inadequate for 7 apartments and a house.
- Increase in traffic, one large family dwelling does not generate the volume of traffic that a block of flats would.
- Emergency vehicles will be restricted.
- Parking is restricted in Sandgate, this development will worsen this with only 9 parking spaces.
- Nuisance and disruption during construction to neighbours together with damage to property.
- Loss of privacy to neighbouring properties.
- Felling of an important Monterey cypress.
- Instability of the land, and damage to neighbouring properties.

7.3 Objection letter received from the Sandgate Society on the following grounds:

- P.4 of the Sandgate Design Statement shows the steps up to The Cottage together with the foliage being characteristic of the escarpment. The Cottage is recognised as a characteristic of the escarpment.
- Conservation area.
- The extensive works required to provide stable foundations for a building of significantly increase weight will destabilise surrounding properties.
- The Sandgate Conservation Area Appraisal Stakeholders feedback document identified this building as one of 'local interest'
- The scale is dependent on the Y15/0700/SH permission.
- Access is unsuitable, shows a wider access than is available.
- P.26 of the Sandgate Design Statement seeks to resist unsympathetic infilling of gardens and the demolition of sound buildings to replace them with apartment blocks.

8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, HO1, BE1, BE4, BE16, BE17, BE19, TR11, TR12, U1.

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, HB3, T2 and T5

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance

with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

- 8.5 The following Supplementary Planning Documents apply:
Sandgate Conservation Appraisal 2009
Sandgate Design Statement 2013
- 8.6 The following paragraphs of the National Planning Policy Framework 2018 apply:
8 – Achieving sustainable development.
11 – Presumption in favour of sustainable development
38 – Positive, creative and proactive approach to development proposals
127 – Criteria for assessing good design
200 – Look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.
201 – Not all elements of a conservation area will necessarily contribute to its significance.

9.0 APPRAISAL

Background

- 9.1 Alterations to The Cottage have previously been accepted under application Y15/0700/SH and Y18/0588/FH for the erection of a two storey extension together with alterations and addition of a basement swimming pool. These alterations are fairly significant in scale and would significantly change the appearance of the exterior of the building. Therefore, as significant changes to the dwelling have been previously accepted it is not considered that the loss of the building could be resisted on design and visual amenity grounds.

Relevant Material Planning Considerations

- 9.2 It is noted that some of the representations received state that 'The Cottage' is listed as a building of 'local interest' in the 'feedback document' (Appendix 3 to the Sandgate Conservation Appraisal 2009). As part of the preparation of the Conservation Area Appraisal, in accordance with English Heritage advice at the time, stakeholder involvement was required in the appraisal process. The feedback document is a summary of the responses that were received to a questionnaire that was circulated to stakeholders. Reference to 'The Cottage' in this feedback document is just one of many buildings that the Sandgate Society believed to be of historical and/or architectural merit and recommended for inclusion. However, 'The Cottage' was never designated as a 'local building of merit' in the Sandgate East Proposed Conservation Area Historic Environment Analysis (see Appendix 2a – East). As such, no weight can be given to the 'feedback document'.
- 9.3 The Sandgate Design Statement is in the process of being revised however, it has not yet been through any form of consultation and so can still be considered to be at an early stage of preparation. Therefore, the current adopted Sandgate Design

Statement (2013) is relevant. The application site falls within the Esplanade Character Area but there is no reference within the Sandgate Design Statement (2013) to 'The Cottage'.

- 9.4 Therefore, whilst 'The Cottage' is located in a conservation area it is not recognised in any policy document as being of local interest or significance in the conservation area and as such the only material planning consideration in this regard is the proposal's impact on the setting of the conservation area and streetscene, not the loss of the existing building.
- 9.5 The relevant issues for consideration with regard to this current application are design and layout, impact on conservation area, neighbouring amenity, trees, land instability, archaeology, ecology and highway safety.

Design and Layout

- 9.6 Saved policy BE1 of the Shepway District Local Plan Review seeks a high standard of design and choice of materials for all new development with materials being sympathetic to those predominating locally in type, colour and texture. Furthermore, development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height and elevational details.
- 9.7 Policy BE4 relates to conservation areas and states that applications for the demolition of buildings which contribute to the character or appearance of a conservation area should be refused. As the building has not been locally listed, although its removal would have an impact, it is not considered that this would be a negative impact that would warrant refusal of this application. Policy BE4 further requires proposals to respect the character of the conservation area in terms of height, scale, form and materials. The proposed apartment block has been amended during the process of the application to give a more traditional design with a mixture of a gable and hipped roof to the south elevation, and a hipped roof to the north elevation.
- 9.8 Due to the increase in gradient from east to west along Hillside, properties increase in their profile on the escarpment when viewed from Sandgate Esplanade. The application site is at the end of Hillside and the proposed apartment building has been designed to ensure the main ridge line is no higher than the existing building and the approved extensions, although not yet built. The ridge height would be slightly lower than the ridge height of The Clintons.
- 9.9 There is a bungalow to the west of the application site No.10 Encombe, which is accessed from Encombe to the west, and although there would be a height difference between the proposed apartment block and this bungalow, it is acknowledged that there already is a height difference between the existing two-storey building and this bungalow, and so it is not considered that the height of the proposed apartment building would be any more detrimental to the street scene when viewed from The Esplanade. The height, width and depth of the proposed block closely follows the building scale of the extensions approved under Y15/700/SH and Y18/0588/FH. The building line is similar to The Clintons, and is set back from No.10 Encombe, although

acknowledging the lower ground floor extends further south into the site however, this would be set within the sloping ground level of the site, with different materials used, exposed stone, to ensure this element appears separate and less visually intrusive. As such the siting is considered acceptable.

- 9.10 The south elevation has been designed with two projecting elements to the ground and first floors, so that the building has articulation to break-up the massing. A hip and gable roof are proposed, details of which have been taken from surrounding properties. The top floor would be set within the roof, set back from the south facing elevation with an inset balcony, again to break-up the massing of the building. To the north facing elevation, the proposed apartment building would have a hipped roof and would appear as two-storeys, which is considered would integrate well within the street scene when viewed from Hillside. It is therefore considered that the proposal would integrate well within the street scene when viewed from The Esplanade.
- 9.11 The two-storey building to the north of the site would have a flat central roof, relating to the flat roof design of Robingate, with hipped sides to relate to pitched roofs within the surrounding area and also to relate to the proposed apartment building to link the development together. The render and slate roof for both the two-storey building and apartment block appear locally within the surrounding area.
- 9.12 It is therefore considered that in siting, scale and design the development is of a high standard that would appear acceptable within its surroundings. The proposed buildings are considered to comply with the provisions of policies SD1, BE1 and BE4 of the Local Plan Review, and emerging policy HB1 of the PPLP in terms of presenting a high standard of design, which would physically and visually interrelate with its surroundings and preserve the character of the conservation area.

Amenity

- 9.13 The apartment building has been designed with only two side facing windows which are to be high level to serve the living rooms of two flats on the ground and first floor with light to the centre of the building. These windows would not provide an outlook and would be secondary windows, with the main windows to these rooms to the rear (south facing elevation). The side facing windows would be conditioned to ensure they were above 1.7m from the finished floor level of the rooms in which they are installed. Other than these windows, no side facing windows are proposed, and the balconies to the south facing elevation would all have privacy screens, details of which would be conditioned. The two-storey building to the north of the site would not have any windows to the east facing elevation at first floor, thereby preserving the privacy of the neighbouring dwelling Robingale. A ground floor window is proposed to the east facing elevation however this would serve an en suite and would be conditioned to be obscure glazed. Therefore the proposed development is not considered to cause loss of privacy to any neighbouring property.
- 9.14 The proposed apartment block would be positioned closest to The Clintons to the east of the application site. The side elevation would retain the same building line as the existing property, retaining a separation distance of approximately 4m. There is a first floor side facing window and a side facing dormer window to The Clintons which currently receive some afternoon sunlight from the south. The proposed building

would be positioned on the same building line and would have the same ridge height and roof outline, therefore the impact on light to this neighbouring property is considered to be similar to the existing situation and not significantly detrimental to warrant refusal. A sunlight and daylight study is submitted as part of this application which concludes that the deduction in daylight to the windows of the neighbouring buildings is less than the value that is considered to represent a notable impact.

- 9.15 To the west of the application site is No.10 Encombe. The proposed apartment block would have a separation of approximately 6m between the main side elevation of the proposed building and the bungalow. This separation would be reduced to 5m at two points where the window projections are proposed. During the application process, the proposal has been amended and the separation distance between No.10 Encombe and the proposed apartment block has been increased slightly, so is a betterment on the proposal assessed within the sunlight and daylight study which was already assessed as having a less than significant impact.
- 9.16 In terms of the proposed two-storey building to the north of the site, it would be positioned a sufficient distance away from the side of Robingale to not cause a detrimental impact in terms of loss of light.
- 9.17 The two buildings have been designed with all habitable room windows having an outlook and all flats would achieve suitable sized rooms and adequate light and outlook to all habitable rooms in accordance with emerging policy HB3 of the PPLP. Saved policy SD1 of the Shepway District Local Plan Review, HB1 of the PPLP and the NPPF (paragraph 17) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 9.18 Whilst the proposal would likely result in a modest increase in activity due to increased car movements, the access would remain as existing and the most affected neighbouring properties are all large detached houses set back in the plots with some distance to the road. As such, any increased disturbance would not be significantly detrimental to warrant refusal of the application.
- 9.19 As such it is considered that the proposal would not result in any significant harm to neighbouring or future occupier's amenity.

Highway Safety

- 9.20 Saved policy TR12 of the Local Plan Review and T2 of the PPLP states that new development, redevelopment or a change of use will only be permitted if it makes provision for off street parking on or near the site in accordance with the current maximum vehicle parking standards. This proposal utilises an existing onsite parking area. The proposal would provide one space per flat and two visitor spaces for the development, nine spaces in total which is compliant with the Kent Design Guide Review: Interim Guidance Note 3 (November 2008). In addition, a secure cycle parking area is proposed.
- 9.21 The existing access into the site would remain and would be utilised. There is objection that the access into the site is not drawn correctly as it passes over private land however as the access is not changing and remains as existing, this is a private

matter between the two land owners and not a material planning consideration. Kent Highways raise no objection to the application following these amendments to achieve acceptable visibility splays within the application site and highway land.

Trees

9.22 The garden has been unmanaged for some years and is overgrown. Several elements of the woody vegetation would be removed to make way for the development but all are considered to have a low or minimal value. The larger and more valuable trees are mostly near the north and south boundaries of the site, and would be unaffected by the proposal (including the TPO trees). Tree protection measures would be conditioned to ensure they are protected during construction. The Council's Arboricultural Officer has recommendation that all recommendations made within the pre-development tree survey regarding tree removal, tree retention and protection shall be conditioned.

Ecology

9.23 The submitted ecological report concluded that none of the trees and buildings have potential for roosting bats and KCC Ecology raise no objection, however recommend that lighting is controlled and request a condition.

Environmental Impact Assessment

9.24 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.

9.25 The site is located within an area of land instability as defined on the Local Plan Proposals Map and saved policy BE19 of the Local Plan Review requires applications to demonstrate that the site can be safely developed without having an adverse impact on the slip area. A report demonstrating this has been requested from the applicant and a condition would be imposed on any planning permission which requires a detailed soil slope stability report to be submitted and approved before works commence.

Other Issues

9.26 The development would be connected to mains drainage for both foul and surface water.

Local Finance Considerations

9.27 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.

9.28 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £109.40 per square metre for new residential floor space.

9.29 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £ 8,908.13 for one year and £ 35632.54 for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

9.30 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.

9.31 This application is reported to Committee due to the objection from Sandgate Parish Council.

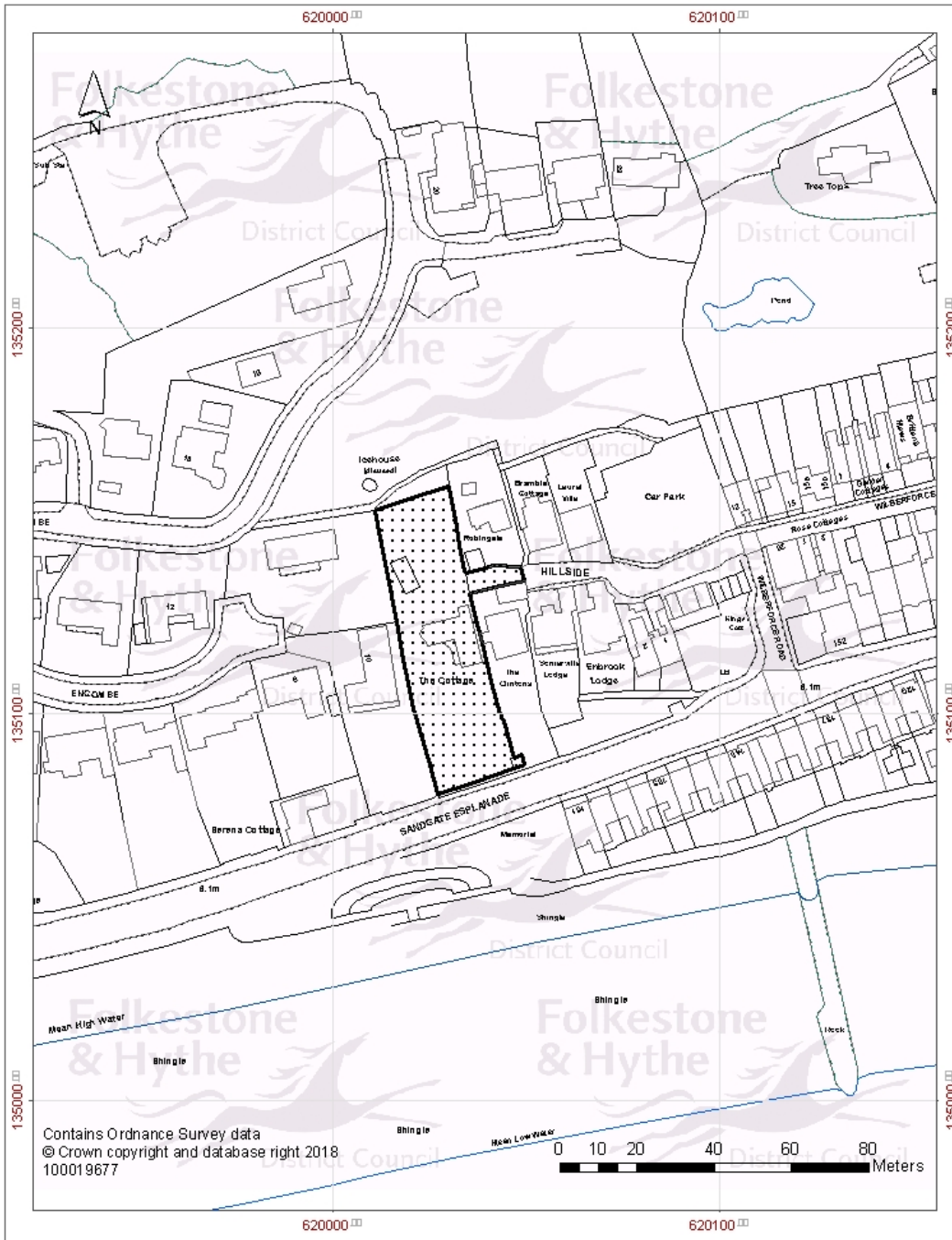
10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That delegated authority be given to the Development Management Manager to grant planning permission subject to the following conditions, subject to the receipt of a soil stability report that demonstrates that the site can be satisfactorily developed without adversely affecting the stability of the site and neighbouring land and property; and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary:

1. Standard time condition
2. Approved plan numbers
3. Materials
4. Construction management plan
5. Provision and retention of vehicle parking spaces
6. Details of cycle parking
7. Two-way traffic sign at the junction of Wilberforce Road and Hillside.
8. Tree protection measures
9. Windows to be high level above 1.7m to east elevation.
10. Privacy screens
11. Landscaping details
12. Lighting design strategy for biodiversity and ecological enhancements
13. Soil stability

Y18/0196/SH
 The Cottage
 Hillside
 Sandgate



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Application No: Y18/0858/FH

Location of Site: The Grange, 30 Grange Road, Saltwood, Hythe CT21 4QS

Development: Conversion of existing stables together with erection of a single storey extension to form new dwelling

Applicant: Dr H Bradfield

Agent: Mr K Barker
Keith Barker Design
25 Lucy Avenue
Folkestone
CT19 5UF

Date Valid: 13.07.18

Expiry Date: 07.09.18

PEA Date: 30.11.18

Date of Committee: 27.11.18

Officer Contact: Paul Howson

SUMMARY

This application is for a conversion of an existing former brick stable building, together with erection of a single storey extension to form a new dwelling. Retention and restoration of the existing building and its conversion to a dwelling will not adversely impact on the street scene and character and appearance of the nearby conservation area or detract from the existing building. The amenities of existing and future occupants are safeguarded. There are no highway safety concerns and ecological matters can be dealt with through appropriately worded planning conditions.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

1.0 THE PROPOSAL

1.1 This application is for a conversion of an existing former stable building together with the erection of a single storey extension to form a new dwelling. The existing building would be retained, with a single-storey, pitched roof extension constructed to the southern elevation, joined to the existing structure with a single-storey, flat-roofed entrance link. The proposed extension would have a ridge height of approximately 5 metres.

- 1.2 The main extension would be clad with stained horizontal timber weatherboard, with clay plain tiles to the roof and a red-brick plinth. The southern-facing gable of the new extension would be glazed. The roof of the glazed entrance link between the existing and the proposed structure would be finished in lead and it is proposed to use replacement powder-coated aluminium windows, finished in grey, throughout.
- 1.3 The modest accommodation would provide an open plan living/dining/kitchen area, a utility room, an entrance hall, a bedroom, a study, and a bathroom. The outdoor space would include paved patio areas, lawn area, shrub planting, a cycle store and a bin storage area.
- 1.4 The proposal would utilise an existing access from Grange Road, with a gravel surface to the drive and parking space and granite setts marking the boundary edge. A hedge would be provided as boundary treatment to the proposed garden area.
- 1.5 The application is accompanied by a Heritage Statement.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Within the Hythe/Saltwood settlement boundary
- The Saltwood Conservation Area lies just to the north of the site

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site forms part of the front garden of The Grange, a substantial detached house, with many fine period features. The Grange is set in a large, irregularly-shaped plot flanked by mature trees with the application site located to the east of the existing entrance driveway, adjacent to the road and the perimeter wall of 36 Grange Road.
- 3.2 The application building abuts Grange Road and is thought to be a former stables, constructed in red brick with elaborate brick detailing of the gable ends, incorporating 'crow-step' parapets and moulded brick dentils. To the south is a simple red-brick, mono-pitched double garage that would be removed to make way for the proposed extension.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history for the site shows that a change of use of store to form an annexe/holiday let including installation of dormer windows, was approved with conditions in 2001. This has now time expired.

5.0 CONSULTATION RESPONSES

- 5.1 Consultation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Saltwood Parish Council

Object on grounds of over development of the site and negative impact upon the adjacent conservation area.

5.3 KCC Ecology

No objection subject to conditions.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 9th August 2018

6.2 Site Notice. Expiry date 16th August 2018

6.3 Press Notice. Expiry date 23rd August 2018

7.0 REPRESENTATIONS

7.1 Representation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

7.2 One letter has been received objecting on the following grounds:

- Site location plan is out of date
- Stables are structurally sound
- Heritage Statement not provided by a qualified professional
- Stables important element in streetscene
- Poor design does not respect heritage of The Grange
- Incongruous with surrounding built form / streetscene
- Disruption to footpath during construction
- Impact on setting of historic assets
- Impact on landscape
- Harmful to amenities of local residents
- Nuisance to residents during construction
- Not sustainable development
- Trees within the site should be subject to a TPO
- Concerns regarding land instability
- Concerns regarding site drainage
- Concerns regarding services provision
- Concerns regarding light pollution
- Compound parking problems on Grange Road

8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.
- 8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE4, BE6, HO1
- 8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, SS4, SS5, CSD1, CSD2, CSD7
- 8.4 The following policies of the Places and Policies Local Plan (PPLP) Submission Draft apply: HB1, HB3, HB10

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

Three representations were received relating to Policy HB1, five representations were received relating to Policy HB3 and four representations were received relating to Policy HB10.

- 8.5 Overall, it is considered that although objections have been raised, these are significant in number and policies carrying weight when considering this application.
- 8.6 The following paragraphs of the National Planning Policy Framework 2018 apply:
 - 8 – Achieving sustainable development
 - 11 – Presumption in favour of sustainable development
 - 118 – Making effective use of land
 - 127 – Achieving well-designed places
 - 192 – Proposals affecting heritage assets

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this current application are design and layout, impact on nearby conservation area, impact on setting of The Grange, neighbouring amenity, highway safety and ecology.

- 9.2 The principle of residential development in this location is supported by saved local plan policy HO1, which supports residential infill within existing built up areas; Core Strategy policy SS3 which states the principle of developments is likely to be acceptable in defined settlements and HB1 of the PPLP Submission Draft. However, this is subject to environmental, highways, and other material planning considerations. HB10 permits the partial redevelopment on private gardens subject to specified criteria.

Design and Layout

- 9.3 The proposal seeks to develop the area of outbuildings on the north east corner of the plot, converting the existing 'stables' building and extending it to create a self-contained dwelling on the road frontage. Significantly it would utilise the existing stable building which is a well-established feature of the street scene, in connection with the host dwelling.
- 9.4 The building, with its ornamental brickwork and intricate detailing, contributes positively to the street scene and the setting of the conservation area to the north. It also forms part of the history of the host building, and it is considered important that it is retained. The proposal involves the restoration of this building and a proposed sensitive extension with a discreet single storey link. This would ensure a useable space is formed to make the preservation of the 'stables' viable, as well as enabling the original building to have its original form and use easily understood. The position of the proposed extension on the site of an existing structure is considered appropriate for maintaining the overall quantum of built form in the area, whilst the simple, contemporary design and material choices would allow it to clearly be read as a modern extension that would not compete with the intricate detail of the existing structure. In this respect, the extension is considered to comply with saved policies BE1 and BE8 and emerging policy HB1, through being of a high standard of layout, design and choice of materials, according with existing development in the locality and reflecting the scale, proportions and roof line of the original building.
- 9.5 Turning to the Saltwood Conservation Area, the boundary of this is on the opposite side of Grange Road, approximately 10m from the proposed development site. The significant aspect of the stables building to the conservation area and the general streetscape is its road frontage, and gables which are visible from the public domain. The street elevation would remain as existing, bar the replacement of the existing high level windows, with general enhancement through restoration of the brickwork detailing. It is considered its retention would ensure a neutral impact on the setting of the conservation area. As such, in terms of design and layout and the consequent impact upon the setting of the conservation area, the proposal is considered acceptable and in accordance with Chapter 16 of the NPPF 2018, saved local plan policy BE4 and emerging PPLP policy HB1, which seek to protect the character and appearance of designated heritage assets such as conservation areas, including their setting and make sure development has a positive contribution to its location and surroundings.
- 9.6 Finally, in respect of the host building, The Grange is an imposing building with fine period features. It is considered to be an important, characterful feature of the street scene, and contributes to the setting of the adjacent conservation area. The 'stables'

on the road frontage are integral to the significance of the host building, and are an evocative reminder of the status and distinction The Grange and its associated outbuildings had. It is considered that by utilising an area of existing later outbuildings, and retaining the historic stables, the significance and setting of The Grange would not be lost or degraded.

- 9.7 As regards the partial redevelopment of the residential garden land, it is considered that the plot to be developed is an appropriate size and shape to accommodate the proposal, whilst maintaining its subservient status to The Grange. Whilst smaller than other plots in the area, the existing boundary lines would be maintained and there would be little change within the street scene. Overall, the proposal would respond to the character and appearance of the area in accordance with saved policies BE1 and emerging policy HB1 and be an appropriate scale and layout for the plot in accordance with emerging policy HB10 of the Places and Policies Local Plan.

Amenity

- 9.8 The neighbouring property adjacent to the proposed development site is 36 Grange Road. There is approximately 10m space separation between the proposed dwelling and this neighbouring property afforded by the existing side garden at 36 Grange Road. The proposed extension would be over the footprint of an existing outbuilding, and would be single storey with a ridge height of 5m. It is considered therefore the proposed development would be neither overbearing nor have an oppressive impact on the occupiers of 36 Grange Road. Furthermore the orientation would ensure there would only be minimal additional late afternoon shadow on the neighbouring side garden and the main back garden amenity area of this neighbouring property would be completely unaffected. Additionally, being single storey there would be no overlooking above boundary fence/wall level.
- 9.9 As regards occupiers of The Grange, the position of the proposed extended dwelling to the north of the host building with 11m of space separation at its closest point, would mean that there would be no overbearing impact or loss of light, with the position in what is currently the front garden area, as well as the proposed boundary treatment, which would be secured by planning condition, mitigating any loss of privacy or significant inter-looking. Consequently the amenity of the occupants of the host building would be safeguarded in accordance with saved policy SD1 and emerging policy HB3, which seek to safeguard the amenities of both neighbouring properties and future occupiers of a development.
- 9.10 With regard to the residential amenities of future occupiers of the development, emerging policy HB3 of the Places and Policies Local Plan sets internal and external space standards. Internal space standards would be met and although the plot does not provide a uniform external area, the development plot is shaped as such to reflect the existing character of the area and as such is considered acceptable, with the provision of a lawn, patio and cycle storage.
- 9.11 Overall the proposed development would comply with saved policy SD1 and emerging policy HB3, which seek to safeguard the amenities of both neighbouring properties and future occupiers of a development.

Highway Safety

9.12 The proposed development would utilise an existing access off Grange Road and would provide one parking space, meeting required standards for a one bedroom unit. Furthermore, the host dwelling has a large double entrance driveway, parking, and turning area at the front of the property, which would not be significantly compromised by the proposed development, and would still comfortably meet its own parking needs. The development is therefore considered to comply with Kent Design Guide Review: Interim Guidance Note 3 and emerging policy T2 of the Places and Policies Local Plan.

Ecology

9.13 The submitted ecological report concludes that none of the buildings present on site offered potential for roosting bats, so no further survey work is required in this regard. However, bats are present in the area, and the proposed lighting scheme should incorporate good practice set out in the Conservation Trust's *Bats and Lighting in the UK*, which can reasonably be secured by condition, should permission be granted. It is also recommended that biodiversity enhancements such as native species planting or the installation of bat/bird boxes are secured via condition. With such conditions, the development would be in accordance with NPPF 2018 paragraph 175 that seeks "opportunities to incorporate biodiversity improvements in and around development".

Environmental Impact Assessment

9.14 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the thresholds for Schedule 2 10(b) urban development projects and therefore does not need to be screened under these regulations.

Other Issues

9.15 Several issues have been raised within the letter of objection, including parking, neighbour amenity, visual impact, impact upon the existing structure, impact upon heritage assets and the principle of development at this location, which have been addressed within the body of this report.

9.16 In relation to other issues raised, the site is within an area where slope instability problems are unlikely to occur and as such, no condition for details of soil stability work is considered necessary. No drainage issues have been identified at this site, with issues relating to this and soil stability aspects to be handled through the Building Regulations legislation. The proposal is beneath the threshold to warrant the involvement of the Local Lead Flood Authority. As regards disruption to local residents during the period of construction, should permission be granted, this is a transient issue that would be concluded at the same time as the development and is not a material planning consideration. Finally, there are no trees within the application site that would be affected by the proposal, so there are no Tree Preservation Order issues.

9.17 In relation to the provision of services for future occupiers, this is not considered to be a material planning consideration.

Local Finance Considerations

- 9.18 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.
- 9.19 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £100 per square metre for new residential floor space.
- 9.20 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £1,123 for one year and £5,090 for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

- 9.21 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.
- 9.22 This application is reported to Committee due to the views of Saltwood Parish Council.

10.0 BACKGROUND DOCUMENTS

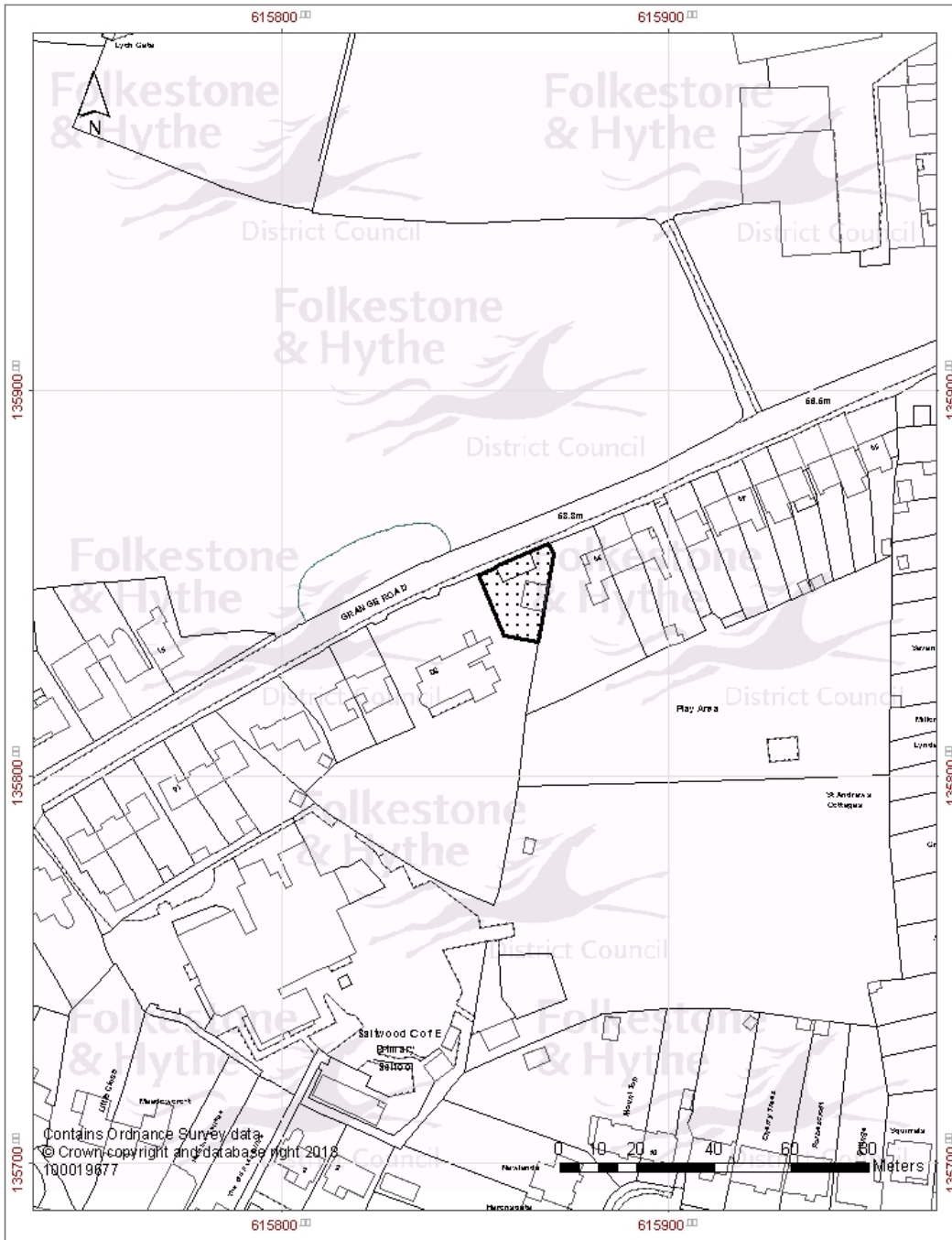
- 10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).
-

RECOMMENDATION – That planning permission be granted subject to the following conditions and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary:

1. Standard time condition
2. Approved plan numbers
3. Details of materials (and salvaged materials to be re-used) to be submitted
4. Replacement window details to be submitted
5. Details of rainwater goods to be submitted
6. Parking to be retained
7. Landscaping to be submitted
8. Boundary treatment to be submitted
9. Drainage details to be submitted
10. Lighting strategy for biodiversity to be submitted
11. Biodiversity enhancements to be submitted

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Y18/0858/FH
The Grange
30 Grange Road
Saltwood



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Application No: Y18/0771/FH

Location of Site: Hawkinge Cemetery & Crematorium, Aerodrome Road, Hawkinge, CT18 7AG

Development: Change of use of land to extend existing cemetery together with extension of service road and installation of concrete plinths, comprising development affecting a public right of way.

Applicant: Mr Alastair Clifford
Civic Centre
Castle Hill Avenue
Folkestone

Date Valid: 22.06.18

Expiry Date: 17.08.18

PEA Date: 30.11.2018

Date of Committee: 27.11.18

Officer Contact: Miss Beth Lennon

SUMMARY

This application seeks planning permission for the change of use of land to extend the existing cemetery, together with an extension of the existing service road and the installation of concrete plinths. The existing public footpath is proposed to be diverted. The layout of the development would reflect the character of the existing cemetery with no detrimental impact upon the AONB or SLA landscape designations, the amenities of neighbouring residents are safeguarded, there is no objection on highway safety and there are no outstanding objections on archaeology or groundwater issues.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Development Management Manager to issue the decision after the expiry of the press notice, subject to no new material planning issues being raised; and to agree and finalise the wording of the conditions and add any other conditions that she considers necessary provided no new issues are raised from the consultation.

1.0 THE PROPOSAL

1.1 This application is for the change of use of a 90 metres by 38.4 metres piece of land to the north of the existing crematorium building to extend the existing cemetery, together with an extension of the existing service road and the installation of concrete plinths. The boundary road enclosing the new plots would match the layout of the

existing site and would be a concrete edged tarmac road with rounded corners. The proposed plinths would be located between pairs of burial plots and would be used to support the headstones. They would have a height of 0.2 metres and a width of 1 metre and the applicant has indicated that, if permitted, 3 rows of plinths would be installed initially, with the additional rows installed later as demand necessitates.

- 1.2 The existing cemetery has a total of 13,500 burial plots and an additional 780 plots are proposed (providing an expected supply of 9.5 years) – these additional plots provide an increase of 5.8% in the number of burial plots.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Outside defined settlement boundary
- Area of Outstanding Natural Beauty
- Area of archaeological potential
- Special Landscape Area
- Public footpath HE199 crosses the site
- Zone 3 groundwater source protection zone

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The crematorium grounds cover approximately 17 hectares, however the application site itself has an area of approximately 0.55 hectares (5,500 sqm). At present, within the grounds of the crematorium, approximately 50% of the land is used as burial plots, 5% is used as a grounds maintenance depot, 5% crematorium and 40% is meadow land.
- 3.2 The parcel of land which is proposed to change use to expand the cemetery is currently meadow land and forms a large area of mown grass.
- 3.3 To the south and east of the cemetery grounds is residential development with open fields to the north and west. The site is bordered to the north and west with a shrub line with mature trees further to the north.
- 3.4 To the south of the crematorium building is a car park for visitors which provides 29 parking spaces. From visiting the site, it is also noted that the main driveway into the site is also used for informal parking. A planning application is currently being considered to provide an additional 23 parking spaces (ref Y18/0982/FH).
- 3.5 Public Right Of Way HE199 crosses the application site along an approximately north east to south west line.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is a long history for the site and its use as a cemetery and crematorium. There is a current planning application pending consideration for an extension to the existing memorial garden and the creation of additional parking spaces (Y18/0982/FH).

4.2 Prior to this, planning permission was granted in 2001 for the erection of a detached building for use as a memorial book room (Y01/0320/SH) and an extension to the rear of the crematorium to provide new port-cochere after partial demolition of book room (Y01/0048/SH). This is the most recent and relevant planning history for the site.

5.0 CONSULTATION RESPONSES

5.1 Consultation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Hawkinge Town Council
No objection

5.3 KCC Ecology
The proposed development has limited potential to result in ecological impacts.

5.4 Environment Agency
No objection

5.5 KCC Public Rights of Way
The public right of way HE199 will be directly affected by the proposal. The proposed diversion is acceptable.

5.6 KCC Archaeology
No archaeological measures required

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 27.11.2018

6.2 Site Notice. Expiry date 23.11.2018

6.3 Press Notice. Expiry date 29.11.2018

7.0 REPRESENTATIONS

7.1 None received.

8.0 RELEVANT POLICY GUIDANCE

8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

8.2 The following saved policies of the Shepway District Local Plan Review apply:
SD1 BE1 LR8 U4 TR11 TR12 CO1 CO4

8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD SS1 SS3 CSD4

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:
HB1 T2 NE3 HE2

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

8.5 The following paragraphs of the National Planning Policy Framework 2018 apply in particular:
98 109 170 172

9.0 APPRAISAL

Relevant Material Planning Considerations

9.1 The relevant issues for consideration with regard to this application are design and layout, amenity, highway safety, archaeology and contamination.

Design and Layout

9.2 The application proposal would, over time, change the character from an area of mown lawn to one of a cemetery. Both the service road and the plinths would introduce development into the currently grassed area, but both are very low-level and would not be readily visible from outside the site. They are both also considered to be in-keeping with the existing form and pattern of development within the current cemetery area.

9.3 The site is within a locally designated Special Landscape Area where saved local plan policy CO4 requires development to protect or enhance the natural beauty of the Special Landscape Area. It is also within the Kent Downs AONB, paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues." Core Strategy policy CSD4 states "Planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations."

9.4 For the purposes of NPPF paragraph 172, the proposal is not considered to constitute major development in the AONB, due to the limited site area and the low scale and

low intensity nature of the development. Due to the visually unobtrusive nature of the proposal as set out above, it is considered that the proposed development would not be highly visible from the surrounding landscape and would preserve the natural beauty of the AONB and SLA, in accordance with adopted policy.

Amenity

- 9.5 The application site is over 200 metres from the nearest residential properties (1&2 Cemetery Cottages) and given the low-level nature of the development proposed would result in no loss of light or loss of privacy for these properties. The only likely potential impact on neighbouring amenity would be from the increase in vehicle movements from visitors visiting the additional burial plots. However, the proposed additional 780 burial plots would only provide an increase in burial plots by 5.8%, with a consequent proportionate rise in the number of visits to site considered likely.
- 9.6 As such, it is considered that the proposed change of use would not give rise to a significant increase in vehicle movements or noise and disturbance in comparison to the existing site and in accordance with saved Local Plan policy SD1 and emerging Places and Policies Local Plan Submission Draft policy HB1, would safeguard the amenity of residents.

Highway Safety & Public Rights of Way

- 9.7 Beginning with highway impacts, paragraph 109 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” In this instance, while it is recognised that there is likely to be insufficient parking provision for the site and proposed expansion, this is an existing issue and the proposed 5.8% increase in burial plots is not considered likely to result in a significant increase in visitors to the site as a whole or a significant increase in parking impacts.
- 9.8 Additionally, planning application Y18/0982/FH will provide for 23 additional car-parking spaces. Whilst the timing and delivery of this scheme cannot be relied upon, it the planning application is receiving favourable consideration and is likely to be brought forward. As such, the potential impact on highway safety or the road network is not considered to be severe and would comply with adopted policy.
- 9.9 Saved policy LR9 state that “Rights of way will require to be properly integrated into the design and layout of development sites. The District Planning Authority will not permit development which would interrupt existing rights of way unless alternative provision can be made which will provide a facility of equal or greater benefit. Regard will be had to a route’s attractiveness, safety and convenience for public use.” Paragraph 98 of the NPPF states “Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”
- 9.10 The existing public footpath HE199 crosses the application site and it will be necessary, should planning permission be granted, to divert the public footpath along

the proposed service road and around the additional burial plots. The proposed diversion would provide an equal facility to the existing public footpath and would be well integrated into the site, incorporating the proposed service road. KCC PROW have confirmed they are happy with the proposed diversion. As such, the proposed public footpath diversion is considered to comply with saved policy LR9 and paragraph 98 of the NPPF. If planning permission were to be granted then the applicant would need to apply separately to KCC PROW for the proposed diversion.

Archaeology

9.11 Emerging policy HE2 states “Important archaeological sites, together with their settings, will be protected and, where possible, enhanced. Development which would adversely affect them will not be permitted.” The site is partially within an Area of Archaeological Potential, however, KCC Archaeology have confirmed that due to the nature of the proposal, no archaeological measures are required. As such, the proposed development is not considered to have an impact on buried archaeology and is acceptable in this regard.

Groundwater / Contamination

9.12 In relation to groundwater, initial Environment Agency objections related to a lack of information. The submission of a ‘Phase 1 Preliminary Risk Assessment & Site Reconnaissance Report’ followed, concluding that there was no evidence of previous potential sources of contamination on the application site but there were potential sources of contamination associated with the existing adjacent cemetery and the proposed burial plots. A Tier 1 risk assessment was completed in line with the Environment Agency’s requirements, concluding that the proposed cemetery extension would not pose an unacceptable risk to controlled waters.

9.13 The Environment Agency were re-consulted and removed their objection. In accordance with saved Local Plan policy U4, the proposed development would not lead to an unacceptable risk to the quality or potential yield of surface or ground water resources or lead to an unacceptable risk of pollution and is acceptable in this regard.

Environmental Impact Assessment

9.14 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

9.15 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.

9.16 In accordance with policy SS5 of the Shepway 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. This application is not CIL liable as it does not propose new dwellings or retail development.

9.17 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. This application does not proposed residential development and therefore would not provide a New Homes Bonus. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

9.18 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.

9.19 This application is reported to Committee as the Council has an ownership interest in the land and the application does not constitute a small-scale proposal.

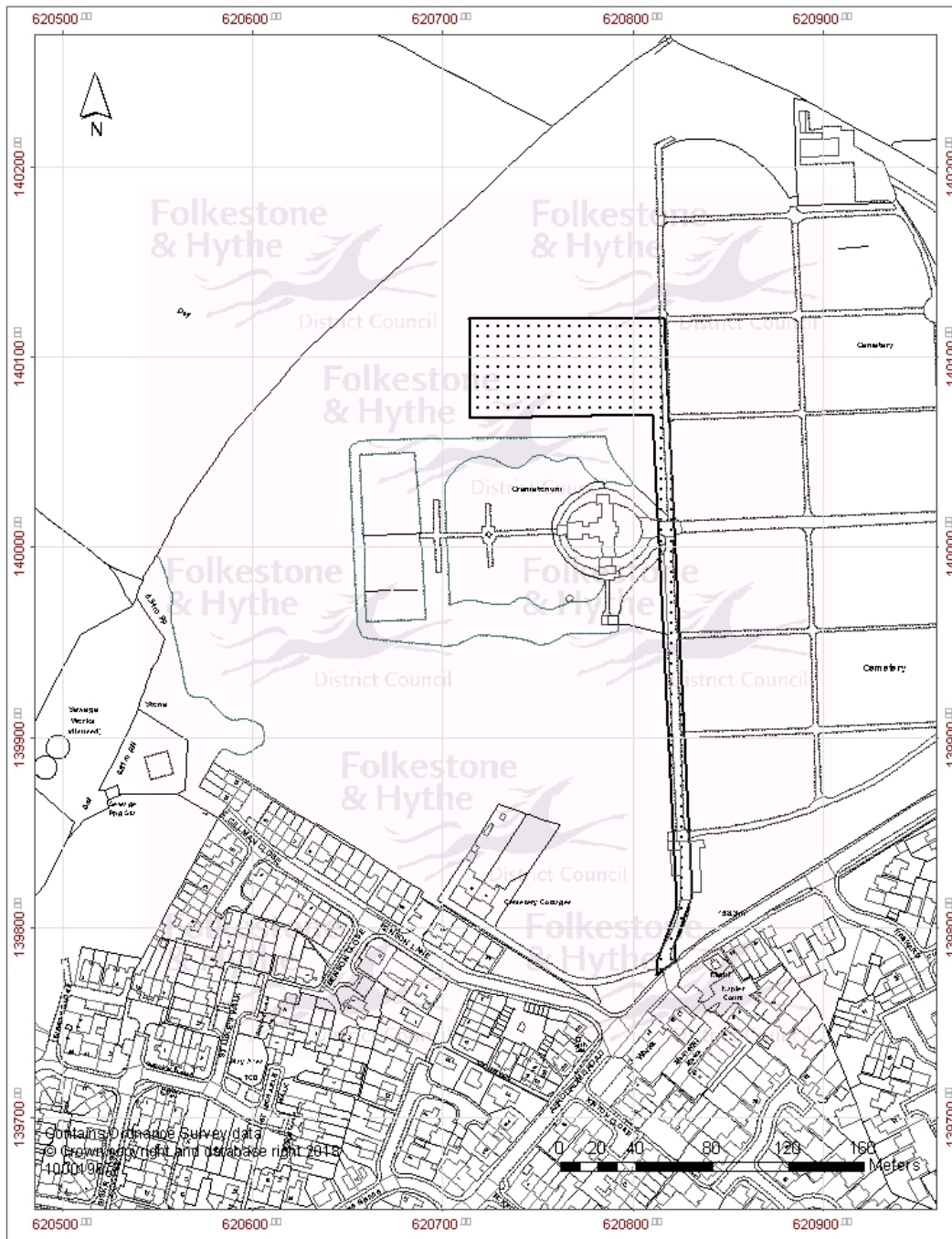
10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions and that delegated authority be given to the Development Management Manager to issue the decision after the expiry of the press notice, subject to no new material planning issues being raised; and to agree and finalise the wording of the conditions and add any other conditions that she considers necessary provided no new issues are raised from the consultation.

1. Development must begin within 3 years
2. Development must be in accordance with the submitted plans
3. Materials in accordance with the submitted plans

Y18/U1/1/H
Hawkinge Cemetery & Crematorium
Aerodrome Road
Hawkinge



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This Report will be made public on 19 November 2018



Report **DCL/18/26**

To: Planning and Licensing Committee
Date: 27 November 2018
Status: Non Key Decision
Officer: Sarah Pinkstone – Environmental Health & Licensing Team Leader

Subject: Gambling Act 2005 – Review of Statement of Principles

Summary: This report sets out our proposed revised Statement of Principles under the Gambling Act 2005.

Recommendations:

The Planning and Licensing Committee is asked to approve the following recommendations:

1. To receive and note the Report DCL/18/26.
2. To agree the draft revised Gambling Statement of Principles for the period (April) 2019-2022 to be consulted on for a 6 week period.
3. To delegate the Environmental Health and Licensing Team Leader to approve any minor amendments to the Policy as a result of the consultation, before being presented to Full Council for approval and adoption.

1. Introduction

- 1.1 Gambling Activities (except the national lottery) are regulated by the Gambling Act 2005. The council is a licensing authority for the purposes of the Act. Its main functions concern the grant of premises licences where gambling activities take place (including betting shops, bingo premises, betting tracks, adult gaming centres and family entertainment centres), issuing permits for gaming machines and receiving notifications of use of gaming machines in premises licenced under Licensing Act 2003.
- 1.2 Within the District, there are currently 15 Betting Shops, 4 Bingo premises, 2 Family Entertainment Centres and 4 Adult Gaming Centres. There are 11 premises with gaming machine permits (including 2 unlicensed family centres) and 44 premises licensed under the Licensing Act 2003 who have given notice of use of up to 2 gaming machines.
- 1.3 The Gambling Act 2005 requires the Council, in its role as a licensing authority, to prepare a Statement of Principles with respect to the exercise of its licensing functions.
- 1.4 This Statement of Principles must be reviewed at least every 3 years. The Authority's Gambling Statement of Principles was last renewed in 2016 following a period of consultation and runs until 5 April 2019.
- 1.5 The Statement of Principles has now been updated for the three year period (April) 2019 – 2022.

2. The Draft Statement.

- 2.1 A copy of the proposed statement of principles is attached (Appendix 1)
- 2.2 The statement has been reviewed and updated based on current guidance and a suggested template issued by the Gambling Commission. There are no significant changes in approach proposed as a result of this review. Key amendments are as follows:
 - More detailed information on the preparation of local risk assessments.
 - More detailed guidance on premises layout and “split premises”
 - More detailed guidance on the approach to different types of premises licences and permits, including types of issues that measures proposed by the applicant or licence conditions might cover in order to meet the licensing objectives.
 - Inclusion of guidance in relation to small society lotteries.

3. Consultation

- 3.1 A consultation period of 6 weeks is proposed running from 30th November 2018 – 11th January 2019.
- 3.2 Consultation will be undertaken with:
 - Responsible Authorities (full list shown in draft statement)
 - Town and Parish Councils
 - District Ward Councillors

- Operators of Premise Licences and gaming machine permit holders in the District Gamble Aware
- Association of British Bookmakers
- British Amusement Catering Trade Association
- Public Health England

3.3 The draft statement will also be published on the Council website with an invitation to submit relevant comments. A notice of the consultation will be displayed on the council notice board and in public libraries in the District.

3.4 Following consultation delegated authority is proposed to be given to the Environmental Health & Licensing Team Leader, in consultation with the Chairman of the Planning and Licensing Committee to make minor amendments to the policy, where required. The draft policy will then be reported to full Council for adoption.

4. Implications

4.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report. The Council must, as a licensing authority, before each successive period of three years, prepare a statement of the principles that they propose to apply in exercising their functions under the Gambling Act 2005 (during that period).

4.2 Finance Officer's Comments (LH)

There are no financial implications arising from this report.

4.3 Diversities and Equalities Implications (SP/HR)

There are no diversity or equalities implications arising from this report.
There are no HR implications arising from this report

4.4 PR Implications (MR)

Although significant changes have not been made, a consultation running for 6 weeks as proposed would still be appropriate. As planned, interested parties should be engaged with during this period and the fact that the statement of principles is being consulted on should be publicised more widely (MR)

1 Appendices:

Appendix 1 – Folkestone & Hythe District Council - Draft Statement of Principles under the Gambling Act 2005 (2019-2022)

2 Contact Officers and Background Documents

Sarah Pinkstone – Environmental Health & Licensing Team Leader
Telephone: 01303 853347
Email: sarah.pinkstone@folkestone-hythe.gov.uk

The following published documents have been relied upon in the preparation of the report:

Gambling Act 2005

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Folkestone & Hythe District Council

STATEMENT OF PRINCIPLES FOR GAMBLING

Under Section 349 Of The Gambling Act 2005

Effective April 2019 – 2022



Folkestone & Hythe District Council Statement of Principles for Gambling

FOLKESTONE & HYTHE DISTRICT COUNCIL STATEMENT OF PRINCIPLES FOR GAMBLING	2
FOREWORD	4
FOLKESTONE AND HYTHE DISTRICT COUNCIL STATEMENT OF PRINCIPLES FOR GAMBLING	4
CHAPTER ONE	5
INTRODUCTION AND OVERVIEW	5
DEFINITIONS USED IN THIS POLICY	5
INTRODUCTION	5
RESPONSIBLE AUTHORITIES	7
INTERESTED PARTIES	9
GEOGRAPHICAL AREA COVERED BY THIS STATEMENT OF PRINCIPLES	10
LIST OF BODIES CONSULTED ON THIS STATEMENT OF PRINCIPLES	10
EXCHANGE OF INFORMATION	10
ENFORCEMENT	11
THE COUNCIL'S FUNCTIONS	13
DUPLICATION WITH OTHER REGULATORY REGIMES	14
GAMBLING PREVALENCE AND PROBLEM GAMBLING	14
CHAPTER TWO	16
WELCOME TO FOLKESTONE AND HYTHE DISTRICT COUNCIL	16
GENERAL DESCRIPTION	16
CHAPTER THREE	18
LICENSING OBJECTIVES AND LOCAL AREA RISK ASSESSMENTS	18
RISK ASSESSMENT	18
PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME OR DISORDER, BEING ASSOCIATED WITH CRIME OR DISORDER OR BEING USED TO SUPPORT CRIME	19
ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY	20
PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS FROM BEING HARMED OR EXPLOITED BY GAMBLING	21
CHAPTER FOUR	22
PREMISES LICENCES	22
SPLIT PREMISES	23
ACCESS TO PREMISES	25
PLANS	26
GENERAL REQUIREMENTS FOR ALL PREMISES	27
CASINOS	28
BINGO	28
BETTING PREMISES	29
BETTING TRACKS AND OTHER SPORTING VENUES	30
ADULT GAMING CENTRES (AGC's)	33
FAMILY ENTERTAINMENT CENTRES (FEC's)	34
DOOR SUPERVISORS	35
PROVISIONAL STATEMENTS	35
REVIEWS	36
CHAPTER FIVE	38
TRAVELLING FAIRS AND PERMITS	38

TRAVELLING FAIRS	38
PERMITS.....	38
UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS.....	39
AUTOMATIC ENTITLEMENT TO TWO GAMING MACHINES	40
PERMIT FOR THREE OR MORE GAMING MACHINES	41
PRIZE GAMING PERMITS.....	43
CLUB GAMING AND CLUB MACHINE PERMITS.....	44
CHAPTER SIX.....	47
NOTICES	47
TEMPORARY USE NOTICES	47
OCCASIONAL USE NOTICES	47
CHAPTER SEVEN	48
SMALL SOCIETY LOTTERIES	48
DEFINITION OF LOTTERY	48
APPENDIX ONE.....	54
CONSULTATION.....	54
<i>Appendix Two</i>	55
<i>Map of the Area Covered by this Statement of Principles</i>	55

Foreword

Folkestone and Hythe District Council Statement of Principles for Gambling

This is the fifth edition of Folkestone and Hythe District Council's Statement of Principles for Gambling under the Gambling Act 2005. This edition has been comprehensively revised to reflect clearly the expectations of Folkestone and Hythe District Council in its role as a Licensing Authority.

We are required under the Gambling Act 2005 to produce a new policy on our approach to premises used for gambling every three years.

This Statement of Principles endeavours to carefully balance the interests of those who provide facilities for gambling and people who live, work in, and visit the Folkestone and Hythe district. Its focus is to aim to permit gambling, as required by section 153 of the Gambling Act 2005, in so far as it is (a) in accordance with the Gambling Commission's Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission's Guidance to Licensing Authorities that is in effect at the time the application is considered; (c) reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles. The three licensing objectives are:

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
2. Ensuring that gambling is conducted in a fair and open way;
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Chapter One

Introduction and Overview

This Policy document includes the Statement of Principles for Gambling of the Folkestone & Hythe District Council effective from 5th April 2019.

Definitions Used in this Policy

‘the Act’ means the Gambling Act 2005

‘the Council’ means the Council of the Folkestone and Hythe DC

‘the Commission’ means the Gambling Commission established under the Gambling Act of 2005

‘the Guidance’ means the Guidance to Licensing Authorities published by the Gambling Commission

‘Licensing Authority’ means the Council of the Folkestone and Hythe DC

‘Licensing Committee’ refers to the Committee of the Folkestone and Hythe DC to consider licensing matters (Planning and Licensing Committee)

‘licensable activities’ means those activities that are required to be licensed by the Council under the Gambling Act 2005

‘Licensing Sub Committee’ refers to a Sub Committee of the Licensing Committee to consider licence applications

‘relevant representations’ means a representation conforming to the legal requirements of the Gambling Act 2005

‘Regulations’ refers to Regulations under the Gambling Act 2005 issued by the Secretary of State

‘responsible authority’ means the bodies designated under the Gambling Act 2005 and described in the Introduction to this Statement of Principles

‘the Statement’ refers to this Statement of Principles for Gambling

Introduction

1. Under Section 349 of the Gambling Act 2005, the Council is required to publish a Statement of Principles it proposes to apply when exercising its functions under the Act. The form of the Statement of Principles is set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2007 and further guidance on what should be contained in the Statement of Principles can be found in the Gambling Commission’s Guidance to Licensing Authorities.
2. The Licensing Authority is required by virtue of section 153 of the Gambling Act 2005 to aim to permit gambling in so far as it is (a) in accordance with the Gambling Commission’s Licence Conditions and Codes of Practice; (b) in accordance with the Gambling Commission’s Guidance to Licensing Authorities that is in effect at the time the application is considered; (c) reasonably consistent with the licensing objectives and (d) in accordance with this Statement of Principles.

3. The Gambling Commission issues Licence Conditions and Codes of Practice for gambling operators. Social Responsibility Codes have the force of a licence condition. The Gambling Commission also issue Ordinary Codes, which set out best industry practice. They are not licence conditions, but operators are expected to follow them unless they have alternative arrangements in place which they can demonstrate are equally as effective.
4. The Licensing Authority, when carrying out inspections of gambling operators, reserves the right to assess compliance with such matters set out in the Gambling Commission's Licence Conditions and Codes of Practice as it sees fit, and will share intelligence with the Gambling Commission about any issues of non-compliance in this respect.
5. The licensing objectives under the Gambling Act 2005 are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
6. The Council consulted widely upon this revised Statement of Principles from **insert dates of consultation**. A list of persons consulted on the revised Statement can be found at Appendix One.
7. The Act requires the following to be consulted in the revision of the statement:
 - the Chief Officer of Police;
 - people and bodies representing the interests of persons in gambling businesses in the area;
 - people and bodies who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
8. Nothing in this Statement of Principles overrides the right of any person to make an application, make representations about an application or apply for a review of a licence. Each will be considered on its own merits and in accordance with the statutory requirements of the Act.
9. In reviewing this Statement of Principles, the Council has had regard to the licensing objectives under the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and to the responses arising from our consultation.

Responsible Authorities

10. The Council is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

- the need for the body to be responsible for an area covering the whole of the Council's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
11. The Council designates Kent County Council Social Services to advise on the protection of children from harm under the Gambling Act 2005.
12. The full list of Responsible Authorities for Folkestone and Hythe District Council are as follows:

Chief Constable

Kent Police Headquarters
Sutton Road
Maidstone
ME15 9BZ

Kent Fire & Rescue Service

South Kent Group Fire Safety Office
Park Farm Road
Folkestone
CT19 5LT

Environmental Protection Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
Ct20 2QY

Licensing Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY
licensing@folkestone-hythe.gov.uk

Planning Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY
Planning@folkestone-hythe.gov.uk

Kent Social Services

County Hall
Maidstone
ME14 1XQ
Social.services@kent.gov.uk

Health & Safety Team

Folkestone & Hythe District Council
Castle Hill Avenue
Folkestone
CT20 2QY
foodteam@folkestone-hythe.gov.uk

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham B2 4PB
info@gamblingcommission.gov.uk

HM Revenue and Customers

National Registration Unit
Portcullis House
21 India Street
Glasgow G2 4PZ
nrubetting&gaming@hmrc.gsi.gov.uk

Interested Parties

13. Interested parties are persons who may make representations to applications or apply to the Council for the review of an existing licence. These parties are defined in section 158 of the Act as a person who:
 - (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - (b) has business interests that might be affected by the authorised activities, or
 - (c) represents persons who satisfy paragraph (a) or (b).
14. When determining whether a person is an interested party for the purposes of the Act, the Licensing Authority will not apply rigid rules but will treat each case on its merits.
15. In considering whether a person lives sufficiently close to a premises to be considered to be an interested party the following matters will be taken into account:
 - the size of the premises
 - the nature of the premises
 - the distance of the premises from the home or workplace of the person making the representation
 - the potential impact of the premises (numbers of customers, routes likely to be taken by those visiting the premises)
 - the circumstances of the person and nature of their interests, which may be relevant to the distance from the premises.
16. In determining whether a person or organisation "has business interests" the Licensing Authority will adopt the widest possible interpretation and include trade associations, trade unions, partnerships, charities, faith groups, voluntary organisations such as hostels and medical practices, bodies for Gambling Addiction, as appropriate.
17. The Licensing Authority will regard bodies such as trade associations, trade unions, residents' and tenants' associations and professional advisors such as solicitors, barristers and consultants as capable of representing interested parties where they are satisfied that the interested party has asked for representation. The Licensing Authority will only regard representative bodies as interested parties in their own right if they have a member who can be classed as an interested person under the terms of the Act.
18. In principle, the Licensing Authority will allow any person to represent an interested party but will seek confirmation that the person genuinely represents the interested party. We will generally require evidence that a person/body (e.g. an advocate or relative) 'represents' an interested party. If persons representing interested parties are Councillors, Members of Parliament or Members of the European Parliament, then no specific evidence of being asked to represent an

interested person will be required so long as they represent the area likely to be affected.

19. If individuals wish to approach Councillors to ask them to represent their views those Councillors shall not sit on a Licensing Sub-Committee that meets to determine the licence application. If there are any doubts then either interested parties or Councillors should contact the Licensing Authority for advice.

Geographical Area Covered by this Statement of Principles

20. A map showing the geographical area covered by this Statement of Principles can be viewed at Appendix Two.

List of Bodies Consulted on this Statement of Principles

British Amusement Catering Trade Association (BACTA)
Association of British Bookmakers
Gamble Aware
The Gambling Commission
Kent County Council Public Health
Public Health England
Operators of Betting Premises in Folkestone and Hythe District
Operators of Adult Gaming Centres in Folkestone and Hythe District
Operators of Family Entertainment Centres in Folkestone and Hythe District
Operators of Bingo Premises in Folkestone and Hythe District
Holders of Gaming Machine Permits in Folkestone and Hythe District
Holders of Club Gaming Permits in Folkestone and Hythe District
Holders of Club Machine Permits in Folkestone and Hythe District
Folkestone and Hythe DC Ward Councillors
Town and Parish Councils within the district

Exchange of Information

21. The Council will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission.
22. Section 29 of the Gambling Act 2005 enables the Gambling Commission to require information from Licensing Authorities (including the manner in which it is compiled, collated and the form in which it is provided), provided that it:
 - forms part of a register maintained under the Gambling Act 2005;
 - is in the possession of the Licensing Authority in connection with a provision under the Gambling Act 2005.
23. Section 350 of the Gambling Act 2005 allows Licensing Authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. These persons or bodies are:
 - A constable or Police force

- An enforcement officer
- A Licensing Authority
- HMRC
- The First Tier Tribunal
- The Secretary of State
- Scottish Ministers

24. Information requests from such parties should be made to the Licensing Authority in writing, setting out clearly what information is required and the reason the information is required. The requirements of the Data Protection Act 1998 will be complied with. Freedom of Information requests can be submitted online at:

<http://www.folkestone-hythe.gov.uk/your-council/council-information/request-council-information>

25. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to local authorities as well as any relevant regulations issued by the Secretary of State under the powers provided for in the Act.

Enforcement

26. The primary aim of enforcement is to achieve compliance. Though enforcement may be taken to mean the formal approach, it may also include advice and support to business to achieve compliance.

27. Inspections will be carried out on a risk basis. New premises, premises under new management, premises where complaints have been received or intelligence received relevant to the licensing objectives and premises or operators where compliance failings have been identified previously will be viewed as higher risk. Premises located in areas where there have been incidents of crime affecting or relating to gambling premises, or where the premises themselves have been the victims or involved in such crime, shall also be considered higher risk.

28. Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include project work, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. The principal objective in taking a holistic approach to managing the gambling industry is to prevent problems from occurring before they begin.

29. However, it is recognised that such aims cannot always be achieved, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Licensing Authority:

- verbal or written advice
 - verbal warning
 - written warning
 - mediation between licensees and interested parties
 - licence review
 - simple caution
 - prosecution
30. These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.
31. The Licensing Authority operates a partnership approach to dealing with enforcement matters concerning licensed premises. This may include working with the Police or any of the other responsible authorities under the Act, or working with colleagues from other Council departments or outside agencies.
32. The Kent & Medway Licensing Steering Group has formulated an Enforcement Protocol which each licensing authority and responsible authority has agreed. The purpose of the protocol is to facilitate co-operation and co-ordination between enforcement agencies and sets out general enforcement principles.
33. The Licensing Authority needs to be satisfied premises are being run in accordance with the provisions of the Act, the licensing objectives, the Licence Conditions and Codes of Practice issued by the Gambling Commission and any conditions attached to the Premises Licence. To achieve this, the Licensing Authority will inspect premises, look at gambling facilities, gaming machines and policies and procedures, meet with licence holders and carry out general monitoring of areas as necessary.
34. Inspection and enforcement under the Act will be based on the principles of risk assessment, a graduated response and the targeting of problem premises. The frequency of inspections will be determined on risk-based criteria with high risk operations receiving more attention than premises carrying lower risk.
35. Premises found to be fully compliant will attract a lower risk rating. Those where breaches are detected will attract a higher risk rating.
36. The Licensing Authority will take appropriate enforcement action against those responsible for unlicensed premises/activity. Action will be carried out in accordance with these enforcement principles.
37. Before deciding which course of action to take, the Licensing Authority shall consider the following matters:
- the history of the premises
 - the history of the offender
 - the offender's attitude
 - the circumstances of the offence
 - whether the offender has a statutory defence to the allegations

- the impact or potential impact of the breach on the public
 - the quality of the evidence against the offender
 - the likelihood of achieving success in a prosecution
 - the likely punishment that will be incurred if the case goes to Court
 - whether the course of action proposed is likely to act as a deterrent
 - whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others
38. The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. This includes, in particular:
- Every person is entitled to the peaceful enjoyment of his possessions – a licence is a possession in law and persons may not be deprived of their possessions except where it is in the public interest;
 - Every person is entitled to a fair hearing.
39. The Licensing Authority officers are committed to the principles of good regulation as set out in the Regulators Code. This means our inspection and enforcement activities will be carried out in a way that is:
- Proportionate: only intervening when necessary. Remedies will be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: able to justify our decisions, and be subject to public scrutiny;
 - Consistent: implementing rules and standards fairly in a joined-up way;
 - Transparent: acting in open way, and keeping conditions placed on Premises Licences simple and user friendly; and
 - Targeted: focusing on the problems, and aiming to minimise the side effects.

The Council's Functions

40. Councils, when acting as Licensing Authorities are required under the Act to:
- license premises where gambling activities are to take place by issuing Premises Licences
 - issue Provisional Statements
 - regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issue Club Machine Permits to commercial clubs
 - grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
 - receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
 - issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
 - register small society lotteries below the prescribed thresholds

- issue Prize Gaming Permits
 - receive and endorse Temporary Use Notices
 - receive Occasional Use Notices for betting at tracks
 - provide information to the Gambling Commission regarding details of licences, permits and other permissions issued
 - Maintain registers of the permits and licences that are issued under these functions.
41. Councils are not involved in licensing online gambling, which is the responsibility of the Gambling Commission.

Duplication with Other Regulatory Regimes

42. The Licensing Authority will seek to avoid duplication with other statutory and regulatory regimes where possible, including planning. The Licensing Authority will not consider planning permission or building regulations approval when making decisions under the Gambling Act. Nor will it regard the granting of a licence, permit or permission as fettering the Council's ability to consider planning applications independently on their planning merits.
43. Applicants should be aware that the granting of a Premises Licence does not permit the operator to provide gambling facilities where to do so would breach other legislative requirements such as the requirement for appropriate planning consent to be held. It is the operator's responsibility to ensure all relevant legal requirements are met and to seek their own independent legal advice.

Gambling Prevalence and Problem Gambling

44. Research commissioned by the Gambling Commission as part of the Health Survey for England in 2016 found the following:
- 56% of people in England gambled in 2016
 - 42% of people in England (excluding those who had only played National Lottery draws) gambled in 2016
 - 0.7% of people in England identified as problem gamblers
 - 1.2% of gamblers in England identified as problem gamblers
 - 3.6 % of people in England were at low or moderate risk of developing problems with their gambling
 - 6.6 % of gamblers in England are at low or moderate risk of developing problems with their gambling

45. Problem gambling can have a detrimental effect on personal finances as the attempt to chase losses becomes unmanageable. As well as spending wages, savings and spare cash, debts can also be a feature of problem gambling as a result of borrowings and loans to cover gambling losses. However, the effects of problem gambling can cost more than money. Problem gamblers often say they feel isolated as a result of their solitary pursuits of chasing losses. There is a tendency to stay away from school, college or work in order to gamble. In addition, there is often a preoccupation with gambling, a lack of interest in maintaining relationships and a lack of motivation to engage in social activities. There is often reluctance amongst gamblers to spend money on items of clothing or household goods as this expenditure is often seen as funds for gambling. There can also be an unwillingness to pay utility bills as money would rather be used for gambling purposes. Problem gambling can be progressive in nature and problem gamblers can end up engaging in criminal activity to fund their gambling. This can lead to lifelong consequences with criminal convictions.

Chapter Two

Welcome to Folkestone and Hythe District Council

This section gives a description of Folkestone and Hythe District

General Description

46. The council is situated in the County of Kent, which contains 12 district councils and one unitary authority.
47. Folkestone and Hythe District covers an area of 35,670 hectares (140 sq. miles) on the East Kent coast about 75 miles from London. It has a population of around 111,200 (2016) most of whom live in the Folkestone and Hythe urban area, but there are also towns at Sandgate, Sellindge, Hawkinge, Lydd and New Romney. The north of the district is mainly rural and includes the villages of Lyminge and Elham.
48. The District occupies a key strategic position between the United Kingdom and mainland Europe at the end of the M20 motorway and with the Channel Tunnel and Lydd Airport providing gateways to continental Europe.
49. Demographics of the population are that it is 97.3% white and 1.5% Asian, 1.2% other. Folkestone and Hythe District has an older age profile with a higher proportion of residents in the working age group from 45 years to retirement compared to the rest of Kent and Medway while there is low representation of residents in younger working age groups.
50. Folkestone and Hythe District Council is comprised of 13 wards. The main centre of population is in Folkestone. Folkestone has a town centre with a shopping complex. The Council manages many parks and open spaces. These include the Coastal Park, Radnor Park and The Leas. There are 32 miles of coastline from Folkestone to Dungeness. The beaches attract many tourists in season. There are caravan parks along the coast where many of the tourists stay.
51. Folkestone and Hythe District has a relatively low economic and employment rate. The skills and qualifications profile of the district working age population is poor in comparison with similar areas having the lowest percentage of residents qualified to NVQ level 4 (degree level).
52. Wage levels are relatively low for both residents and workers in Folkestone and Hythe District, being significantly lower than the south east and England averages. Short term unemployment is fairly high in Folkestone and Hythe District. Longer term unemployment is relatively low.
53. At the end of 2017 the crime rate was about the same as the average crime rate across similar areas.

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Chapter Three

Licensing Objectives and Local Area Risk Assessments

54. The Gambling Act 2005 contains three licensing objectives. In this revision of its Statement of Principles, the Licensing Authority seeks to assist applicants by setting out the considerations we will apply when determining applications under the Act.
55. Though Licensing Authorities are required to 'aim to permit' gambling, there is wide scope for them to impose conditions on Premises Licences or to reject, review or revoke Premises Licences where there is an inherent conflict with the relevant Licence Conditions and Codes of Practice issued by the Gambling Commission, the Guidance to Licensing Authorities issued by the Gambling Commission, the licensing objectives or this Statement of Principles.
56. Licensing Authorities are able to request any information from an operator they may require to make licensing decisions. The Gambling Act 2005 requires a minimum level of information to be provided, but the Gambling Commission state in their Guidance to Licensing Authorities that this does not preclude reasonable requests from Licensing Authorities for any additional information they may require to satisfy themselves their decisions accord with the licensing objectives and Codes of Practice.

Risk Assessment

57. The Licensing Authority expects applicants to have a good understanding of the area in which they either operate, or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in this Statement of Principles and demonstrate that in operating the premises they will promote the licensing objectives.
58. The Gambling Commission introduced a Social Responsibility Code of Practice requiring operators of premises used for gambling to conduct local area risk assessments and an Ordinary Code stating this should be shared with the Licensing Authority in certain circumstances from May 2016.
59. The Licensing Authority expects applicants for Premises Licences in its area to submit a risk assessment with their application when applying for a new premises licence, when applying for a variation to a premises licence or when changes in the local environment or the premises warrant a risk assessment to be conducted again.
60. The risk assessment should demonstrate the applicant has considered, as a minimum:
 - local crime statistics;
 - any problems in the area relating to gambling establishments such as anti-social behaviour or criminal damage;

- the location of any nearby sensitive premises, such as hostels and other facilities used by vulnerable persons e.g. drug and alcohol addictions;
 - whether there is a prevalence of street drinking in the area, which may increase the risk of vulnerable persons using the premises;
 - the type of gambling product or facility offered;
 - the layout of the premises;
 - the external presentation of the premises;
 - the location of nearby transport links and whether these are likely to be used by children or vulnerable persons;
 - the customer profile of the premises;
 - staffing levels;
 - staff training, knowledge and experience;
 - whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.
61. It is recommended that operators liaise with other gambling operators in the area to identify risks and consult with any relevant responsible authorities as necessary.
62. This Statement of Principles does not preclude any application being made and every application will be decided on its individual merits, with the opportunity given for the applicant to show how potential concerns can be overcome.
63. The Licensing Authority expects applicants to keep a copy of the local area risk assessment on the licensed premises and to ensure that all staff have seen the risk assessment, have received training in respect of its content, and are able to produce the risk assessment on request by an authorised officer of the Council, the Police or the Gambling Commission.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

64. The Licensing Authority will consider whether the premises make, or are likely to make, a contribution to the levels of crime and disorder in an area and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.
65. Where an area is known for high levels of crime (particularly crime associated with premises used for gambling), the Licensing Authority will consider whether gambling premises are suitable to be located there, and whether additional conditions may be necessary, such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

66. In terms of disorder, the Guidance to Licensing Authorities published by the Gambling Commission states, “Licensing Authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether Police assistance was required and how threatening the behaviour was to those who could hear or see it. There is not a clear line between nuisance and disorder and the Licensing Authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor”.
67. The Licensing Authority will consider whether the layout, lighting, staffing and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
68. The Licensing Authority will consider whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid apprehension.

Ensuring that gambling is conducted in a fair and open way

69. Though this licensing objective is primarily the responsibility of the Gambling Commission, the Licensing Authority will have a role in respect of the licensing of tracks (defined in section 121), where an Operator’s Licence from the Gambling Commission is not required. Matters to be taken into account will include:
 - whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
 - whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
 - whether the management and operation of the premises is open and transparent.
 - whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
 - whether the operator has a transparent procedure in place for dealing with consumer complaints that are available to all customers and implemented where necessary.
 - whether gaming machines are compliant with Gambling Commission Technical Standards in respect of machine livery requirements such as clear display of stakes, prizes, machine category and RTP.
 - whether the terms and conditions on which gambling products and promotions are offered and rules are clear and readily available to customers.
 - whether the Gambling Commission’s Licence Conditions and Codes of Practice have been complied with.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

70. The Licensing Authority will consider the following when taking this licensing objective into account:
- whether the operator has a specific training programme for staff to ensure they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises;
 - if the premises is an adult only environment, whether the operator has taken effective measures to implement a proof of age scheme such as Think 21 to ensure no one under the age of 18 is admitted to the premises or restricted areas;
 - whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling;
 - whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling;
 - whether any promotional material associated with the premises could encourage the use of the premises by children or young people;
 - whether the operator can produce a record of underage challenges and action taken to establish age and prevent underage persons from being able to gamble;
 - whether the premises are located near to facilities that may encourage their use by vulnerable people, such as hostels for those with mental illness and/or addiction problems.
71. The Licensing Authority expects applicants to consider the measures necessary to promote the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. It is noted that neither the Act nor the Gambling Commission Guidance define the term 'vulnerable persons'. The Licensing Authority consider the term 'vulnerable persons' to include people who gamble more than they want to; people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, changes in circumstances such as bereavement, loss of employment or ill health or due to alcohol or drugs. This can cover anyone who, for physical or mental reasons, is unable to look after themselves or their finances.

Chapter Four

Premises Licences

72. Any person or business that wishes to offer gambling for which an Operating Licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a Premises Licence.
73. Premises Licences can authorise the provision of facilities on:
- (a) casino premises,
 - (b) bingo premises,
 - (c) betting premises including tracks and premises used by betting intermediaries,
 - (d) adult gaming centre premises, or
 - (e) family entertainment centres.
74. Matters the Licensing Authority may not take into account include:
- the expected demand for gambling premises in the area;
 - planning or building law restrictions;
 - moral or ethical objections to gambling as an activity;
 - dislike of gambling;
 - a general notion that gambling is undesirable.
75. All licences will be subject to mandatory and/or default conditions and conditions imposed by the Licensing Authority. The Licensing Authority may consider that conditions other than the mandatory or default conditions are necessary to ensure the premises are reasonably consistent with the licensing objectives, the Gambling Commission's Codes of Practice and this Statement of Principles.
76. The Licensing Authority will take decisions in accordance with the Gambling Commission's Guidance and Licence Conditions and Codes of Practice and will have regard to the advice which it issues from time to time. The Licensing Authority will monitor the operation of premises and report any potential breach of Operating Licence conditions to the Gambling Commission. Applicants for new Premises Licences or variations to existing ones should be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting Premises Licence application that has four gaming machines but no betting counter or associated betting facilities shown on the proposed plans would not be considered as offering the primary gambling activity in accordance with that indicated on the application.
77. The majority of Premises Licences will have mandatory and/or default conditions attached to the licence. The Licensing Authority can attach its own conditions to a Premises Licence if it believes this will promote the licensing objectives. Any conditions attached will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- relate to the scale and type of premises; and
- reasonable in all respects.

78. Certain matters set out in the Act may not be the subject of conditions. These are:

- conditions which make it impossible to comply with an Operating Licence
- conditions as to gaming machines that contradict the provisions in the Act
- conditions making activities, premises or parts of them operate as a membership club
- conditions on fees, winnings, stakes or prizes.

79. Conditions will be attached to individual licences on the basis of their merits. However, there will be a number of measures the Licensing Authority will commonly consider utilising in order to pursue the licensing objectives. These may include measures such as:

- the supervision of entrances;
- separation of gambling from non-gambling areas frequented by children;
- the supervision of gaming machines in premises not specifically for adult gambling and
- appropriate signage for adult only areas.

The Licensing Authority will expect the applicant to propose how the licensing objectives can be met effectively through the use of conditions.

Split Premises

80. The Gambling Commission's Guidance states that a building can, in principle, be divided into more than one premises and be subject to more than one Premises Licence provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. An example is given of units within a shopping mall, where each unit is separate self-contained premises contained within one building. It is also possible for licensed premises to be located next to each other.

81. The Gambling Commission state they do 'not consider that areas of a building that are artificially separated, for example by ropes or moveable partitions, can properly be regarded as separate premises'.

82. Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied the premises are genuinely separate premises, and not an artificially created additional part of single premises.

83. In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- whether there are separate registrations for business rates in place for each premises;
 - whether separate sets of staff work in the individual premises;
 - whether there is a separate cash desk/reception for each of the premises;
 - whether each premises has its own postal address;
 - whether the premises are owned or operated by the same person;
 - whether each of the premises can be accessed from a street or public passageway;
 - whether the premises can only be accessed from any other gambling premises.
84. When considering proposals to divide a building into separate premises, the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
85. The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another.
86. It may be acceptable for staff working in adjacent premises to have access through barriers between premises. The applicant must demonstrate that in providing staff access there are suitable control measures in place that will ensure the safety and security of staff and will prevent the public from using the same access point to enter the other premises.
87. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises, the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions relating to access between premises.
88. The Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or Regulations, but Licensing Authorities may consider that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.”
89. It is the Licensing Authority’s opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
90. The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are

separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or cashpoint machines.

91. Where the Licensing Authority is satisfied that a building can be divided into separate premises it will expect applicants to ensure that:
- the premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part;
 - the premises are not configured so children are likely to enter an adult only area to join a parent gambling in that adult only area,
 - entrances and exits from parts of a building covered by one or more Premises Licences are separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit;
 - customers should be able to participate in the activity named on the Premises Licence.

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

Access to Premises

92. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations set out access provisions for each type of licensed gambling premises. The broad principle is there can be no direct access from one licensed gambling premises to another, except between premises which allow those aged under-18 to enter and with the further exception that licensed betting premises may be accessed via other licensed betting premises.
93. 'Direct access' is not defined, but the Licensing Authority will consider there should be an area such as a street or café to which the public attend for purposes other than gambling for there to be no direct access.

Type of Premises	Access Provisions
Casino	<ul style="list-style-type: none"> • The principal access to the premises must be from a 'street'; • No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons; • No customer must be able to access a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre	<ul style="list-style-type: none"> No customer must be able to access the premises directly from any other licensed gambling premises.
Betting Shop	<ul style="list-style-type: none"> Access must be from a 'street' or from other premises with a betting licence; No direct access is permitted from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be any entrance to a betting shop from a shop of any kind unless that shop is in itself a licensed betting premises.
Track	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino or Adult Gaming Centre.
Bingo Premises	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.
Family Entertainment Centre	<ul style="list-style-type: none"> No customer must be able to access the premises directly from a casino, an Adult Gaming Centre or a betting premises, other than a track.

Plans

94. The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007 state that a plan to accompany an application for a Premises Licence must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises forms part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which exit leads.

95. The Regulations also state that other than in respect of a track, the plan must show 'the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence'. The Licensing Authority may, however, consider that these minimum requirements are insufficient to satisfy them in respect of the licensing objectives at tracks, Gambling Commission Guidance, Codes of Practice or its own Statement of Principles. In such cases, the Licensing Authority may ask for such additional information to be shown on the plan as it deems necessary to enable it to

discharge its duties effectively. Information shown on the plan that is not required by Regulations will not form part of the Premises Licence and will only be used by the Licensing Authority to help it make a considered decision on the application.

96. If plans change in any material respect during the lifetime of the licence, the applicant will be in breach of their licence and would either need to make a fresh application under s.159 or to seek an amendment to the licence under s.187 of the Gambling Act 2005. If the changes are substantial, this may, in the opinion of the Licensing Authority, render the premises different to those to which the licence was granted. In such cases, variation of the licence under s.187 would not be possible and an application for a new application would be required under s.159.

General Requirements for All Premises

97. The Licensing Authority expects all applicants for gambling Premises Licences to ensure there is adequate provision for staff to supervise persons using the licensed premises. This is to identify those who have self-excluded, vulnerable persons, under age persons, persons gambling beyond limits they have set for themselves, person who may be involved in crime, persons who may be prone to anti-social behaviour, persons who are drinking alcohol where this is prohibited and persons who are showing signs of distress in respect of their gambling.
98. Applicants must take the structure and layout of the premises into account when considering their own policies and procedures. For example, where it is not possible for counter staff to supervise persons using gambling facilities such as gaming machines, the Licensing Authority would expect applicants to volunteer conditions that floor walkers will be used or that counter staff will be able to view all areas of the premises on CCTV provided to the counter area where it can be clearly seen.
99. Arrangements must be made for how staff will deal with customers who become aggressive and for ejecting patrons who are, for example, self-excluded, vulnerable or under age. This will include staff training and ensuring there are appropriate numbers of staff to deal with problems.
100. Staff should be in a position to monitor entrances and gaming machines and challenges should be initiated at the earliest opportunity.
101. Where access to premises is age restricted, the Licensing Authority expects applicants to have a Think 21 policy in place and to train its staff in recognising acceptable forms of identification. Posters should also be displayed stating that the relevant policy is in place and that users may be challenged.
102. Licence holders should record details of persons who have self-excluded, persons who have been ejected or refused admission, persons who have been barred by the operator, and any instances of crime or disorder that occurs on, or in association with, the licensed premises.

103. Applicants should demonstrate how they will identify self-excluded persons.
104. Where applicable, operators shall be able to demonstrate they are participating effectively in the relevant multi-operator self-exclusion scheme.

Casinos

105. There are currently no licensed casinos in the district and permission has not been granted for any.

Bingo

106. This policy applies to applications for a Bingo Premises Licence. Bingo has its ordinary and natural meaning and includes any version of the game irrespective of by what name it is described. A holder of a bingo Premises Licence will be able to offer bingo in all its forms.
107. Children and young persons are permitted in bingo premises, but may not participate in the bingo. If any Category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.
108. The Licensing Authority expects that where children are permitted in bingo premises, any Category B or C machines are located in an area which is separated from the rest of the premises by barriers or in a separate room, where it is made clear that entry is permitted only for those aged 18 or over. Appropriate signage should be provided to this effect and the area should be monitored by staff, either through direct supervision or by monitored CCTV.
109. To avoid a situation where a premises holds a bingo Premises Licence primarily to benefit from the gaming machine allowance, the Licensing Authority will need to be satisfied that bingo is regularly played in any premises for which a Premises Licence is issued and that the premises presentation is clearly that of a bingo premises and readily identifiable as such to any customer using the premises.
110. In determining applications for bingo premises, the Licensing Authority shall consider the following:
 - proof of age schemes
 - CCTV
 - entry control system
 - staff numbers
 - staff training
 - supervision of entrances/ machine areas

- whether children are permitted on the premises and, if so, how the operator intends to prevent them from playing bingo or being able to access adult only machine areas
- notices/ signage
- opening hours
- the times and frequency of which bingo is offered
- whether bingo is offered by a caller or only electronically
- whether the premises are clearly identifiable as being licensed for the purposes of offering bingo facilities
- provision of responsible gambling information

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

111. Young persons, aged 16 and 17, may be employed in bingo premises provided their duties are not connected with the gaming or gaming machines. The Licensing Authority will not grant licences unless the applicant demonstrates how they intend to meet this licensing objective and identify appropriate measures they will take to protect young employees.
112. Where hand held gaming devices are to be used on bingo premises, the Licensing Authority expects applicants to demonstrate how use of these devices will be monitored by staff.

Betting Premises

113. This policy applies to applications for off-course betting premises. This is betting that takes place other than at a track, typically in a betting shop.
114. The Licensing Authority must be satisfied that the primary use of the premises is to operate as betting premises. The applicant will be expected to demonstrate they are offering sufficient facilities for betting or otherwise should not make gaming machines available on the premises.
115. In determining applications for betting premises, the Licensing Authority shall consider the following:
 - proof of age schemes
 - CCTV
 - entry control system
 - staff numbers
 - staff training
 - counter layout
 - supervision of entrances/ machine areas
 - machine privacy screens
 - notices/ signage
 - opening hours

- provision of responsible gambling information

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

116. Betting machines made available at betting premises that accept bets on live events such as horse racing (SSBT's or self-service betting terminals) are not gaming machines and therefore do not count towards the total number of gaming machines that may be permitted at betting premises. However, where a machine is made available to take bets on 'virtual' races (e.g. results/images generated by a computer to resemble a real race or event), that IS a gaming machine and counts towards the maximum permitted number of gaming machines, and is subject to the relevant statutory limits on stakes and prizes.
117. Section 181 of the Gambling Act 2005 permits the Licensing Authority to restrict the number of SSBT's, their nature and the circumstances in which they may be made available by attaching a relevant condition to a Premises Licence for a betting office. When considering whether to do so, the Licensing Authority will consider, among other things, the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
118. The Licensing Authority when considering the number, nature and circumstances of self-service betting terminals an operator wants to offer will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
119. Where an SSBT includes functionality to be marketed or presented in languages other than English, the Licensing Authority will seek to ensure the operator has considered the ordinary code provision set by the Gambling Commission about making the following information also available in the relevant languages:
 - information on how to gamble responsibly and access the help referred to in the Gambling Commission's Licence Conditions and Codes of Practice;
 - the player's guide to any game, bet or lottery under the provisions of the Gambling Commission's Licence Conditions and Codes of Practice;
 - the summary of the contractual terms on which gambling is offered, which is a condition of the licence holder's Operating Licence issued by the Gambling Commission.

Betting Tracks and Other Sporting Venues

120. Tracks include premises where a race or other sporting event takes place, or is intended to take place. These may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. The Gambling Commission Guidance identifies that operators of track betting

premises will not necessarily hold an Operating Licence issued by the Commission. The Licensing Authority will have particular regard to proposals and measures to ensure the environment in which betting takes place is suitable for betting and that betting is conducted in a fair and open way.

121. Examples of tracks include:

- Horse racecourses
- Greyhound tracks
- Point to point meetings
- Football, cricket and rugby grounds
- Athletics stadia
- Golf courses
- Venues hosting darts, bowls or snooker tournaments
- Premises staging boxing matches
- Sections of river hosting fishing competitions
- Motor racing events

122. The offence of permitting a child or young person to enter gambling premises under section 47 of the Act does not apply to tracks. Therefore the Licensing Authority will consider the impact upon the objective of protection of children and vulnerable persons, the need to ensure that entrances to each type of licensed premises within the sporting venue are distinct, and that children are excluded from gambling areas which they are not permitted to enter.

123. The possibility of multiple licences at tracks is noted in Part 20 of the Gambling Commission Guidance. The Licensing Authority will expect the applicant for a Premises Licence to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. Children and young persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but are still prevented from entering areas where gaming machines (other than Category D machines) are provided. Children and young persons are not prohibited from playing Category D machines on a track.

124. In determining applications for betting at tracks, consideration will be given to appropriate measures/licensing conditions to address the matters listed below:

- proof of age schemes such as Think 21
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- provision of responsible gambling information
- provision of policies and procedures in relation to social responsibility measures as set out below
- staffing levels

- staff training and records of staff training
- recording of incidents such as underage challenges, customer interactions for problem gambling, self-exclusions and complaints and disputes relating to gambling
- details of action to be taken where an on course bookmaker has breached their Gambling Commission Operating Licence conditions repeatedly, for example where children have been able to gamble.

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

125. Track betting operators must be able to demonstrate their adoption of socially responsible gambling policies and procedures. Such policies and procedures must ensure that track betting activities promote the licensing objectives of ensuring that gambling is conducted in a fair and open way and children and other vulnerable people are not harmed or exploited by gambling.
126. A track Premises Licence does not in itself entitle the holder to provide gaming machines. However, by virtue of section 172(9) of the Act, track owners who hold both a track Premises Licence AND a pool betting Operating Licence issued by the Gambling Commission (this currently only applies to greyhound tracks) may provide up to four Category B2 to D gaming machines on the track.
127. The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track Premises Licences will need to demonstrate that, where the applicant holds or seeks a pool betting Operating Licence and is going to use their full entitlement to gaming machines, these machines are located in areas from which children are excluded. The applicant will be required to provide information as to what measures it will put in place around the gaming machines to ensure that children are excluded.
128. The Licensing Authority will expect applicants to include detailed plans for the track itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”), pool betting, and any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting Premises Licence and what, if any, other areas are to be subject to a separate application for a different type of Premises Licence. Any such plans must also contain the information prescribed by regulations.
129. In respect of staff training, the Licensing Authority would expect staff involved with the provision of gambling facilities at the track to be trained in social responsibility measures including, but not limited to, age verification, problem gambling indicators and action to be taken, self-exclusion, complaints procedures and money laundering indicators and action to be taken. Records of such training should be retained by the track management showing the subjects the staff member was trained in and the date training took place. These should be signed off by the staff member and training should be refreshed at least annually.

130. The Licensing Authority expects track operators to have policies and procedures in place to deal with age verification, self-exclusion, money laundering, complaints and disputes and problem gambling as a minimum and to ensure that all staff involved in the provision of gambling facilities are aware of these policies and procedures and have been trained in their implementation.
131. The Licensing Authority expects track management to ensure appropriate problem gambling information is provided commensurate to the size and layout of the premises. This should be in the form of posters and also leaflets which a customer can take away. Leaflets should be provided in areas where they can be taken away discreetly by the customer.
132. Section 152 of the Act permits tracks to be the subject of multiple Premises Licences.
133. Access between premises licensed for gambling and non-gambling areas will be considered carefully by the Licensing Authority for the following reasons:
- To prevent operators from attempting to circumvent the Act by artificially sub-dividing premises and securing separate Premises Licences for its composite parts;
 - To ensure operators do not circumvent the regulations governing the maximum number of gaming machines that may be provided at specific premises;
 - To ensure people who have entered premises to take part in one form of gambling are not exposed to another form of gambling;
 - To ensure there is no direct access between gambling premises to which children have access and those which they are prohibited from entering;
 - To ensure all gambling premises have publicly accessible entrances;
 - To ensure gambling premises are not developed in 'back rooms' of other commercial premises.

Adult Gaming Centres (AGC's)

134. Adult gaming centre (AGC) Premises Licences allow the holder of the licence to make gaming machines available for use on the premises. Persons operating an AGC must hold a relevant Operating Licence from the Gambling Commission and must seek a Premises Licence from the Licensing Authority. Gaming machines are a form of gambling attractive to children and AGC's may contain machines of a similar format to the Category D machines on which children are allowed to play. However, persons under the age of 18 are not permitted to enter an AGC.
135. Because gaming machines provides opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority in considering Premises Licences for AGC's will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy

the authority that there will be sufficient measures to, for example, ensure that under 18 year olds are not attracted to, or gain access to, the premises.

136. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- entry control system
- supervision of entrances/ machine areas
- physical separation of areas
- notices/ signage
- opening hours
- staffing levels
- staff training
- provision of problem gambling information
- self-exclusion schemes

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

Family Entertainment Centres (FEC's)

137. Generally, FEC's must be operated by a person or body having an Operating Licence from the Gambling Commission. Unlicensed Family Entertainment Centres do not require the operator to have a Gambling Commission Operator's Licence or Premises Licence from the Licensing Authority, but do need to have a gaming machine permit as set out in the section on Permits. Unlicensed Family Entertainment Centres may only be used to provide Category D gaming machines.

138. Gaming machines are a form of gambling which is attractive to children and licensed FEC's will contain both Category D machines on which they are allowed to play, and Category C machines on which they are not. Because gaming machines provide opportunities for solitary play and for immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, in considering applications for FEC Premises Licences, will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

139. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/ licence conditions may cover issues such as:

- CCTV

- supervision of entrances/ machine areas
- physical separation of areas for Category C machines
- location of entry
- notices/ signage
- opening hours
- staffing levels
- staff training
- self-exclusion schemes
- provision of problem gambling information
- measures and training for dealing with children on the premises suspected of truanting.

This list is not exhaustive, and is merely indicative of example measures the Licensing Authority will expect applicants to offer to meet the licensing objectives.

140. The Licensing Authority expects applicants to demonstrate adequate separation between the area in which Category C gaming machines are made available and areas of the premises to which children may have access. This will include whether physical separation is provided, staff supervision, signage and layout and presentation of the premises as a minimum. Operators should be aware of the risk of children entering adult only areas to speak to a parent who may be gambling in that area for example and have appropriate controls in place to reduce the risk of this.

Door Supervisors

141. The Gambling Commission Guidance advises that Licensing Authorities may consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, but there can also be a need for supervision to stop premises becoming a source of crime. Door supervisors at casinos or bingo premises are not required to be registered by the Security Industry Authority (SIA) under the Private Security Industry Act 2001. Door supervisors not directly employed by a casino or bingo operator do however have to be SIA registered.
142. For betting offices and other premises, the operator and/or the Licensing Authority may decide that supervision of entrances or machines is appropriate in particular cases. The Licensing Authority will make door supervision a requirement where there is evidence, from the history of trading at the premises or in the area, that the premises cannot be adequately supervised by counter staff or that problem customers cannot be dealt with effectively by counter staff alone and that door supervision is both necessary and proportionate.

Provisional Statements

143. Following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional

statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances.

Reviews

144. Requests for a review of a Premises Licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- any relevant Code of Practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;
- the licensing objectives;
- this Statement of Principles.

145. The Licensing Authority may reject an application for review if it thinks the grounds on which the review is sought:

- a) are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the licensing objectives or the Licensing Authority's statement of principles;
- b) are frivolous;
- c) are vexatious;
- d) 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the Premises Licence;
- e) are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application);
- f) are substantially the same as representations made at the time the application for the Premises Licence was considered. While the Licensing Authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the Premises Licence.

146. General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

147. The Licensing Authority can initiate a review of a particular Premises Licence, or any particular class of Premises Licence, for any reason it believes is

appropriate. This includes reviewing a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

148. The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe the Premises Licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
149. A responsible authority or interested party may apply to the Licensing Authority to review a Premises Licence. Such reviews can be made in relation to, amongst other things if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address, where incidents that have adversely effected one or more licensing objectives have occurred at premises that could have been prevented if advice and guidance from a responsible authority had been heeded, or if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder.
150. As a review of a Premises Licence can lead to its revocation, the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

Chapter Five

Travelling Fairs and Permits

Travelling Fairs

151. The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
152. It will fall to the Licensing Authority to decide whether, where Category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
153. The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will keep a record of any travelling fairs that take place in Folkestone & Hythe District that offer gambling as an ancillary use to the fair. The Licensing Authority will ensure the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

Permits

154. Permits regulate gambling and the use of gaming machines in a premises which do not hold a Premises Licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.

The Licensing Authority is responsible for issuing the following permits:

- a) unlicensed family entertainment centre gaming machine permits;
 - b) alcohol licensed gaming machine permits;
 - c) prize gaming permits;
 - d) club gaming permits and club machine permits.
155. The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

Unlicensed family entertainment centre gaming machine permits

156. This policy applies to those premises that are proposed to be used as Unlicensed Family Entertainment Centres (uFECs). uFECs are premises primarily used for making gaming machines available that offer only Category D gaming machines. An uFEC permit allows any number of these machines to be made available at the premises (subject to other considerations such as health and safety and fire regulations). Given that Category D machines have no age restrictions, these premises particularly appeal to children and young persons. Therefore, the Licensing Authority will give particular weight to matters relating to child protection issues.
157. The Licensing Authority will grant an application for a permit only if it is satisfied that the premises are used wholly or mainly for making gaming machines available for use, and following consultation with the Police.
158. The Licensing Authority will not grant uFEC permits where the premises are not primarily used for making gaming machines available for use in accordance with section 238 of the Gambling Act 2005. This will preclude granting permits to lobbies in shopping centres or motorway service areas for example.
159. In cases where an existing uFEC permit has been granted to premises not primarily used for making gaming machines available, the Licensing Authority shall refuse to renew such permits.
160. Applicants for uFEC permits are expected to provide a scale plan of the premises with their application showing:
 - The boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways where any category D gaming machines are positioned.
 - The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
 - The positioning and types of any other amusement machines or play areas on the premises
 - The location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area, the location of any ATM/cash machines or change machines.
 - the location of any fixed or temporary structures such as columns or pillars
 - The location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - The location of any public toilets in the building.

In addition applicants will be required to provide the following supporting documents:

- Proof of age (a certified copy or sight of an original birth certificate, driving licence, or passport – all applicants for these permits must be aged 18 or over)
- Proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
- An enhanced criminal record certificate. (this should be no greater than one month old.) This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.)

161. The Licensing Authority will require applicants to demonstrate as a minimum:

- a full understanding of the maximum stakes and prizes of gambling that is permissible in unlicensed FECs;
- that problem gambling information will be provided in the premises commensurate with its size and layout;
- that the applicant has a written policy in place to deal with complaints and disputes which can be given to a customer on request;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
- that staff are trained to recognise problem gambling and signpost a customer to problem gambling information;
- that staff have been trained in how to deal with complaints and disputes in line with the applicant's policy.

162. The Licensing Authority will expect the applicant to show there are policies and procedures in place to protect children and vulnerable people from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- measures/training for staff regarding suspected truant school children on the premises;
- measures/training covering how staff will deal with unsupervised very young children being on the premises;
- measures/training covering how staff would deal with children causing perceived problems on or around the premises.

Automatic entitlement to two gaming machines

163. Premises licensed to sell alcohol on the premises under the Licensing Act 2003 are automatically entitled to provide two gaming machines of Category C and/or

D. The holder of the Premises Licence under the Licensing Act 2003 must notify the Licensing Authority of their intention to make the gaming machines available for use and must pay the prescribed fee.

164. This entitlement only relates to premises with a Licensing Act 2003 Premises Licence that authorises the sale of alcohol for consumption on the premises and which contain a bar at which alcohol is served without the requirement that alcohol is only sold ancillary to the provision of food.
165. Licensees siting gaming machines must comply with the relevant Gambling Commission Code of Practice.
166. Licensees must be aware that gaming machines can only be supplied by a person holding an Operating Licence from the Gambling Commission enabling them to do this. A register of licensed suppliers can be found on the Gambling Commission's website at www.gamblingcommission.gov.uk.
167. In the event that the relevant authorisation under the Licensing Act 2003 is transferred, lapses or is revoked, the automatic entitlement to two gaming machines ceases to have effect and a new notification will need to be served on the Licensing Authority.
168. The Licensing Authority will remove the automatic authorisation in respect of any particular premises if:
 - provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a provision of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
 - the premises are mainly used for gaming; or
 - An offence under the Gambling Act has been committed on the premises.

Permit for three or more gaming machines

169. This policy applies to alcohol licensed premises that propose to have three or more gaming machines. Licensed premises wishing to have three or more gaming machines of Category C or D must apply to the Licensing Authority for a permit. This permit will replace the automatic entitlement to two gaming machines rather than be in addition to it and the holder must comply with the relevant Gambling Commission Code of Practice.
170. As gaming machines provide opportunities for solitary play and immediate payouts, they are more likely to engender repetitive and excessive play. The Licensing Authority, on considering an application, will consider whether

granting a permit would be appropriate on a case by case basis, but will specifically have regard to:

- the need to protect children and vulnerable people from harm or being exploited by gambling;
- measures taken by the applicant to satisfy the Licensing Authority that there are sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines;
- whether the applicant has an effective policy in place for handling customer complaints or disputes about the gaming machines.

171. The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures may cover issues such as:

- the adult machines being in the sight of staff who will monitor that the machines are not being used by those under 18 and look for signs of problem gambling, attempts to cheat the machine, or suspected money laundering;
- notices and signage;
- the provision of information leaflets or helpline numbers for organisations who can assist with problem gambling.

172. If the Licensing Authority is not satisfied that appropriate measures have been taken by the applicant to comply with this policy, it may refuse to grant the permit, or it may vary the number or category of gaming machines authorised by the permit.

173. The Licensing Authority may cancel a permit or may vary the number or category (or both) of gaming machines authorised by it if:

- (a) it would not be reasonably consistent with pursuit of the licensing objectives for the permit to continue to have effect,
- (b) gaming has taken place on the premises in purported reliance on the permit but otherwise than in accordance with the permit or a condition of the permit,
- (c) the premises are mainly use or to be used for making gaming machines available, or,
- (d) an offence under the Gambling Act 2005 has been committed on the premises.

174. Before the Licensing Authority cancels or varies a permit it will give the permit holder 21 days' notice of its intention and allow him/her the opportunity to make a representation. If the permit holder requests a hearing the Licensing Authority will arrange a Licensing Sub-Committee hearing to consider the permit holder's representation and any other evidence available before making its determination.

175. When determining an application for an alcohol-licensed premises gaming machine permit, the Licensing Authority will consider each application on its own merits.

Prize Gaming Permits

176. This policy applies to applications for, or renewals of, Prize Gaming Permits. Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
177. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.
178. Given that the prize gaming will particularly appeal to children and young persons, the Licensing Authority will give weight to child protection issues.
179. The applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations;
 - that the gaming offered is within the law;
 - clear policies that outline the steps to be taken to protect children and vulnerable persons from harm.
180. The Licensing Authority will only grant a permit after consultation with the Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
181. There are conditions in the Act with which the permit holder must comply, though the Licensing Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

Club Gaming and Club Machine Permits

182. Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs such as snooker clubs run on a profit basis may apply for a club machine permit. Each type of permit allows the provision of different types of gaming and provision of game machines. The current entitlements can be found by visiting the Gambling Commission's website (www.gamblingcommission.gov.uk).
183. A commercial club is defined as a club where membership is required but the club is operated for commercial gain.
184. A non-commercial club is a club where no commercial gain is made. A non-commercial club must meet the following criteria to be considered a members' club:
- it must have at least 25 members;
 - it must be established and conducted wholly or mainly for purposes other than gaming (with the exception of bridge or whist);
 - it must be permanent in nature;
 - it must not be established to make a commercial profit;
 - it must be controlled by its members equally.

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

185. The Licensing Authority may only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - b) the applicant's premises are used wholly or mainly by children and/ or young persons;
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - d) a permit held by the applicant has been cancelled in the previous ten years; or
 - e) an objection has been lodged by the Gambling Commission or the Police.
186. There is also a "fast-track" procedure available under the Act for premises that hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are that:

- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.
187. There are statutory conditions on club gaming permits that no child may use a Category B or C gaming machine on the premises and that the holder complies with any relevant provision of a Gambling Commission Code of Practice about the location and operation of gaming machines.
188. The Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit. In order to do this, it may require proof of additional information from the operator such as:
- is the primary activity of the club something other than gaming?
 - are the club's profits retained solely for the benefit of the club's members?
 - are there 25 or more members?
 - are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
 - do members participate in the activities of the club via the internet?
 - do guest arrangements link each guest to a member?
 - is the 48 hour rule being applying for membership and being granted admission being adhered to?
 - are there annual club accounts available for more than one year?
 - how is the club advertised and listed in directories and on the internet?
 - are children permitted in the club?
 - does the club have a constitution and can it provide evidence that the constitution was approved by members of the club?
 - is there a list of Committee members and evidence of their election by the club members?
189. When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:
- Who makes commercial decisions on behalf of the club?
 - Are the aims of the club set out in the constitution?
 - Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
 - Is the club permanently established? (Clubs cannot be temporary).
 - Can people join with a temporary membership? What is the usual duration of membership?
 - Are there long term club membership benefits?
190. Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority may consider such factors as:

- How many nights a week gaming is provided;
- How much revenue is derived from gambling activity versus other activity;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits.

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Chapter Six

Notices

Temporary Use Notices

191. This policy applies to applications for Temporary Use Notices. Temporary Use Notices allow the use of premises for gambling where there is no Premises Licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
192. The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant Operating Licence.
193. Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
194. The Licensing Authority, in considering applications for Temporary Use Notices, will consider whether gambling should take place, or should only take place with modifications to the TUN. In doing so, the Licensing Authority will consider:
 - the suitability of the premises;
 - the location of the premises, paying particular attention to its proximity to any schools, hostels or other sensitive premises;
 - the CCTV coverage within the premises;
 - the ability of the premises to provide sufficient staff and/or licensed door supervisors for the notice period;
 - whether the premises or the holder of the Operating Licence have given the Licensing Authority any cause for concern at previous events in relation to the licensing objectives, the guidance issued by the Gambling Commission, the relevant code of practice or this Statement of Principles.

Occasional Use Notices

195. The Licensing Authority has very little discretion on Occasional Use Notices for betting at tracks aside from ensuring the statutory limit of eight days a calendar year is not exceeded. The Licensing Authority will consider the definition of a “track” and whether the applicant can demonstrate they are responsible for the administration of the “track” or an occupier, and thus permitted to avail themselves of the notice. The definition of “track” in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues. If notices are given for a single track which would permit betting to occur for more than eight days per year, the Licensing Authority is obliged to issue a counter notice preventing such a breach occurring.

Chapter Seven

Small Society Lotteries

196. The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:
- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
 - exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

Definition of lottery

197. A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Gambling Act 2005.
198. An arrangement is a simple lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a process which relies wholly on chance.
199. An arrangement is a complex lottery if:
- persons are required to pay to participate
 - one or more prizes are allocated to one or more members of a class
 - the prizes are allocated by a series of processes
 - the first of those processes relies wholly on chance.

Definition of society

200. A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted. Section 19 of the Gambling Act 2005 defines a society as such if it is established and conducted:
- for charitable purposes, as defined in s.2 of the Charities Act 2006
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain.
201. It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

202. Participation in a lottery is a form of gambling. Lotteries must be conducted in a socially responsible manner and in accordance with the Act.
203. The minimum age for participation in a lottery is sixteen. The holder of a small society lottery registration must take reasonable steps to ensure that all those engaged in the promotion of their lottery understand their responsibilities for preventing underage gambling, returning stakes and not paying prizes to underage customers.

External Lottery Managers

204. External lottery managers (ELM's) are required to hold a lottery operator's licence issued by the Gambling Commission to promote a lottery on behalf of a licensed society.
205. However, individuals or firms can and do provide services to a society or local authority lottery without assuming the role of an ELM. When determining whether a third party is a 'service provider' only, or has assumed the role of an ELM, the degree of management undertaken by both the promoter and the sub-contractor will be crucial factors. Key indicators will include:
- who decides how the lottery scheme will operate
 - who appoints and manages any sub-contractors
 - the banking arrangements for handling the proceeds of the lottery
 - who sells the tickets and pays the prizes
 - who controls promotional aspects of the lottery.
206. Societies employing an unlicensed ELM may be committing an offence and they will need to satisfy themselves that any ELM they employ holds the relevant operator's licence issued by the Commission. The Commission publishes a register of operating licences on its website at www.gamblingcommission.gov.uk.

Lottery Tickets

207. Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:
- the name of the promoting society
 - the price of the ticket, which must be the same for all tickets (e.g. there can be no option to 'buy two tickets, get one free')
 - the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the ELM
 - the date of the draw, or information which enables the date to be determined.

208. The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
209. The society should maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw. The Licensing Authority may wish to inspect the records of the lottery for any purpose related to the lottery.

Where tickets may be sold

210. The Licensing Authority expects holders of small society lottery registrations not to sell lottery tickets to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence, in order to do this.

Prizes

211. Prizes awarded in small society lotteries can be either cash or non-monetary. Prizes declared on returns must not exceed the limits on prizes set out by the Act - in effect that combined with any expenses incurred with the running of the lottery, such as managers' fees, they must not comprise more than 80% of the total proceeds of the lottery. Donated prizes would not be counted as part of this 80% (as no money would be withdrawn from the proceeds to cover their purchase) but are still subject to the limit on a single maximum prize of £25,000 and should be declared on the return following the lottery draw.
212. Alcohol should not be offered as a prize in a lottery without the society first ensuring that no Licensing Act 2003 consent is required for this from the Licensing Authority. If such consent is required, then alcohol shall not be offered as a prize unless such consent has been obtained.

Small society registration

213. The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a Licensing Authority. Parts 4 and 5 of Schedule 11 of the Act set out the requirements on both societies and Licensing Authorities with respect to the registration of small society lotteries.
214. The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located.
215. Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess

the application. This information shall include a copy of the society's terms and conditions and their constitution to establish that they are a non-commercial society.

216. Societies may not circumvent the requirement to hold a Gambling Commission Lottery Operating Licence by obtaining two or more registrations with the same or different Licensing Authorities. As set out previously, the Act states that a society lottery is a large lottery if the arrangements for it are such that its proceeds may exceed £20,000 in a single lottery, or if the aggregate proceeds in a calendar year exceed £250,000.
217. In cases where a society has separate branches with different aims and objectives, it is acceptable for them to hold more than one licence or registration. However, in cases where a society holds more than one registration and the aims and objectives of those societies are the same, this may constitute a breach of the threshold limits for small society lotteries set out in Schedule 11 of the Act.
218. By virtue of Schedule 11 paragraph 31(5) of the Act, societies may not hold an Operating Licence with the Gambling Commission and a local authority registration with the same aims and objectives at the same time. This paragraph also provides for a statutory period of three years during which a large society cannot convert to small society status.
219. Registrations run for an unlimited period, unless the registration is cancelled.

Refusal of registration

220. The Licensing Authority may propose to refuse an application for any of the following reasons:
 - An operating licence held by the applicant for registration has been revoked or an application for an operating licence made by the applicant for registration has been refused, within the past five years. The Commission will be able to advise the details of people and organisations that have been refused an operating licence or have had an operating licence revoked in the past five years. Licensing Authorities should consult the Commission as part of their consideration process.
 - The society in question cannot be deemed non-commercial.
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, listed in Schedule 7 of the Act.
 - Information provided in or with the application for registration is found to be false or misleading.
221. The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. The Licensing Authority shall inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

222. Representations will be heard by a licensing subcommittee.

Revocation of a small society's registered status

223. The Licensing Authority may revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time. The Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

224. Representations will be heard by a licensing sub-committee.

Administration and returns

225. The Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.

226. The limits are as follows:

- at least 20% of the lottery proceeds must be applied to the purposes of the society (Schedule 11, paragraph 33)
- no single prize may be worth more than £25,000 (Schedule 11, paragraph 34)
- rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000 (Schedule 11, paragraph 35)
- every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed (Schedule 11, paragraph 37).

227. Paragraph 39 of Schedule 11 in the Act sets out the information that the promoting society of a small society lottery must send as returns to the Licensing Authority with which it is registered, following each lottery held. This information allows Licensing Authorities to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose. The following information must be submitted:

- the arrangements for the lottery - specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)

- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

228. Paragraph 39 of Schedule 11 in the Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratchcards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

229. The Gambling Commission may inspect a society's returns, although it will not routinely do so. The Licensing Authority is required to retain returns for a minimum period of three years from the date of the lottery draw. They must also make them available for inspection by the general public for a minimum period of 18 months following the date of the lottery draw.

230. The Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales. The Licensing Authority must notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question. The Gambling Commission will contact the society to determine if they are going to apply for a lottery operator's licence, thereby enabling them to run large society lotteries lawfully, and will inform the Licensing Authority of the outcome of its exchanges with the society.

Appendix One Consultation

DETAILS OF CONSULTATION TO BE ADDED

DRAFT

Appendix Two Map of the Area Covered by this Statement of Principles



DRAFT

LIST OF DEVELOPMENT PLAN POLICIES

SHEPWAY CORE STRATEGY LOCAL PLAN (2013) & SHEPWAY DISTRICT LOCAL PLAN REVIEW (2006) POLICIES

Core Strategy (2013) policies

Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

Chapter 4 – The Spatial Strategy for Shepway

SS1 - District Spatial Strategy
SS2 - Housing and the Economy Growth Strategy
SS3 - Place Shaping and Sustainable Settlements Strategy
SS4 - Priority Centres of Activity Strategy
SS5 - District Infrastructure Planning
SS6 - Spatial Strategy for Folkestone Seafront
SS7 - Spatial Strategy for Shorncliffe Garrison, Folkestone

Chapter 5 – Core Strategy Delivery

CSD1 - Balanced Neighbourhoods for Shepway
CSD2 - District Residential Needs
CSD3 - Rural and Tourism Development of Shepway
CSD4 - Green Infrastructure of Natural Networks, Open Spaces
and Recreation
CSD5 - Water and Coastal Environmental Management in
Shepway
CSD6 - Central Folkestone Strategy
CSD7 - Hythe Strategy
CSD8 - New Romney Strategy
CSD9 - Sellindge Strategy

Local Plan Review (2006) policies applicable

Chapter 2 – Sustainable Development

SD1 - Sustainable Development

Chapter 3 – Housing

- HO1 - Housing land supply – Relates to allocated sites on the Proposals Map and a list of exceptions subject to specified criteria.
- HO2 - Land supply requirements 2001-2011.
- HO6 - Criteria for local housing needs in rural areas.
- HO7 - Loss of residential accommodation.
- HO8 - Criteria for sub-division of properties to flats/maisonettes.
- HO9 - Subdivision and parking.
- HO10 - Houses in multiple occupation.
- HO13 - Criteria for special needs annexes.
- HO15 - Criteria for development of Plain Road, Folkestone.

Chapter 4 – Employment

- E1 - Development on established employment sites.
- E2 - Supply of land for industry, warehousing and offices. Allocated sites on the Proposals Map.
- E4 - Loss of land for industrial, warehousing and office development.
- E6a - Loss of rural employment uses.

Chapter 5 – Shopping

- S3 - Folkestone Town Centre – Primary shopping area as defined on the Proposal Map.
- S4 - Folkestone Town Centre – Secondary shopping area as defined on the Proposal Map.
- S5 - Local Shopping Area – Hythe.
- S6 - Local Shopping Area – New Romney.
- S7 - Local Shopping Area – Cheriton.
- S8 - Local centres – last remaining shop or public house.

Chapter 6 – Tourism

- TM2 - Loss of visitor accommodation.
- TM4 - Static caravans and chalet sites.
- TM5 - Criteria for provision of new or upgraded caravan and camping sites.
- TM7 - Development of the Sands Motel site.
- TM8 - Requirements for recreation/community facilities at Princes Parade.
- TM9 - Battle of Britain Museum, Hawkinge

Chapter 7 – Leisure and Recreation

- LR1 - Loss of indoor recreational facilities.
- LR3 - Formal sport and recreational facilities in the countryside.
- LR4 - Recreational facilities – Cheriton Road Sports Ground/Folkestone Sports Centre.
- LR5 - Recreational facilities – Folkestone Racecourse.
- LR7 - Improved sea access at Range Road and other suitable coastal locations.
- LR8 - Provision of new and protection of existing rights of way.
- LR9 - Open space protection and provision.
- LR10 - Provision of childrens’ play space in developments.
- LR11 - Protection of allotments and criteria for allowing their redevelopment.
- LR12 - Protection of school playing fields and criteria for allowing their redevelopment.

Chapter 8 – Built Environment

- BE1 - Standards expected for new development in terms of layout, design, materials etc.
- BE2 - Provision of new public art.
- BE3 - Criteria for considering new conservation areas or reviewing existing conservation areas.
- BE4 - Criteria for considering development within conservation areas.
- BE5 - Control of works to listed buildings.
- BE6 - Safeguarding character of groups of historic buildings.
- BE8 - Criteria for alterations and extensions to existing buildings.
- BE9 - Design considerations for shopfront alterations.
- BE12 - Areas of Special Character.
- BE13 - Protection of urban open space and criteria for allowing redevelopment.
- BE14 - Protection of communal gardens as defined on the Proposals Map.
- BE16 - Requirement for comprehensive landscaping schemes.
- BE17 - Tree Preservation Orders and criteria for allowing protected trees to be removed.
- BE18 - Protection of historic parks and gardens as defined on the Proposals Map.
- BE19 - Land instability as defined on the Proposals Map.

Chapter 9 – Utilities

- U1 - Criteria to be considered for development proposals relating to sewage and wastewater disposal for four dwellings or less, or equivalent.
- U2 - Five dwellings or more or equivalent to be connected to mains drainage.
- U3 - Criteria for use of septic or settlement tanks.
- U4 - Protection of ground and surface water resources.
- U10 - Waste recycling and storage within development.
- U10a - Requirements for development on contaminated land.
- U11 - Criteria for the assessment of satellite dishes and other domestic telecommunications development.
- U13 - Criteria for the assessment of overhead power lines or cables.
- U14 - Criteria for assessment of developments which encourage use of renewable sources of energy.
- U15 - Criteria to control outdoor light pollution.

Chapter 10 – Social and Community Facilities

- SC4 - Safeguarding land at Hawkinge, as identified on the Proposal Map, for a secondary school.
- SC7 - Criteria for development of Seapoint Centre relating to a community facility.

Chapter 11 – Transport

- TR2 - Provision for buses in major developments.
- TR3 - Protection of Lydd Station.
- TR4 - Safeguarding of land at Folkestone West Station and East Station Goods Yard in connection with high speed rail services.
- TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes.
- TR6 - Provision for pedestrians in new developments.
- TR8 - Provision of environmental improvements along the A259.
- TR9 - Criteria for the provision of roadside service facilities.
- TR10 - Restriction on further motorway service areas adjacent to the M20.
- TR11 - Accesses onto highway network.
- TR12 - Vehicle parking standards.
- TR13 - Travel plans.
- TR14 - Folkestone Town Centre Parking Strategy.
- TR15 - Criteria for expansion of Lydd Airport.

Chapter 12 – Countryside

- CO1 - Countryside to be protected for its own sake.
- CO4 - Special Landscape Areas and their protection.
- CO5 - Protection of Local Landscape Areas.
- CO6 - Protection of the Heritage Coast and the undeveloped coastline.

- CO11 - Protection of protected species and their habitat.
- CO13 - Protection of the freshwater environment.
- CO14 - Long term protection of physiography, flora and fauna of Dungeness.

- CO16 - Criteria for farm diversification.
- CO18 - Criteria for new agricultural buildings.
- CO19 - Criteria for the re-use and adaptation of rural buildings.
- CO20 - Criteria for replacement dwellings in the countryside.
- CO21 - Criteria for extensions and alterations to dwellings in the countryside.

- CO22 - Criteria for horse related activities.
- CO23 - Criteria for farm shops.
- CO24 - Strategic landscaping around key development sites.
- CO25 - Protection of village greens and common lands.

Chapter 13 - Folkestone Town Centre

- FTC3 - Criteria for the development of the Ingles Manor/Jointon Road site, as shown on the Proposals Map.
- FTC9 - Criteria for the development of land adjoining Hotel Burstin as shown on the Proposals Map.
- FTC11 - Criteria for the redevelopment of the Stade (East) site, as shown on the Proposals Map.

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**FOLKESTONE & HYTHE DISTRICT COUNCIL
PLANNING AND LICENSING COMMITTEE – 27 NOVEMBER 2018**

Declarations of Lobbying

Members of the Committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e. letter, telephone call, etc.) in respect of the planning applications below:

Application No:	Type of Lobbying

SIGNED:

When completed, please return this form to the Committee Administrator prior to the meeting.

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PLANNING AND LICENSING COMMITTEE

27th November 2018

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

1. Y18/0456/SH (Page 11) CAMPING AND CARAVANNING SITE ROSE & CROWN MINNIS LANE STELLING MINNIS

Erection of 13 dwellings with access from Minnis Lane.

Steven Davies, agent, to speak in support of application
Robert Hubble, Parish Council, to speak on the application

2. Y18/0196/SH (Page 27) THE COTTAGE, HILLSIDE, SANDGATE, FOLKESTONE

Erection of a four-storey building containing 5 No. 2 bedroom and 1 No. 3 bedroom apartments and a two-storey building containing 1 No. 2 bedroom apartment together with car parking, cycle and bin storage following removal of the existing house and garage.

Tim Simmonds, local resident, to speak against application
Cllr Rory Love, Ward Member, to speak on the application
Giles Taylor, agent, to speak in support of application

3. Y18/0585/FH (Page 41) THE GRANGE 30 GRANGE ROAD SALTWOOD HYTHE

Conversion of existing stables together with erection of a single storey extension to form new dwelling

Mr Worsley, local resident, to speak against application

THE SCHEDULE WILL RESUME IN THE FOLLOWING ORDER:

4. Y18/0771/FH (Page 53) HAWKINGE CEMETERY & CREMATORIUM AERODROME ROAD HAWKINGE

Change of use of land to extend existing cemetery together with extension of service road and installation of concrete plinths, comprising development affecting a public right of way.

