



Agenda

Meeting: **Planning and Licensing Committee**
Date: **30 April 2019**
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 19 March 2019.

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

To receive and note the minutes of the Licensing Sub-Committee meeting held on 1 April 2019.

5. **Bridge Tavern, 129 Station Road, Lydd, TN29 9LL (Pages 11 - 32)**

Change of use from Drinking Establishment (Class A4) to 3 residential units (Class C3) comprising two 4 bedroom dwellings and one 5 bedroom dwelling with associated parking and garden areas.

6. **Land Adjoining 141 Coast Drive, Lydd On Sea, Romney Marsh, Kent, TN29 9PD (Pages 33 - 44)**

Erection of a detached dwelling with associated car parking, following the demolition of a garage.

7. **Land Rear Plot 15, Collins Road, New Romney, Kent (Pages 45 - 54)**

Formation of new vehicular access to serve the future employment site at Mountfield Road, New Romney, on land located to the west of Mountfield Road, south of Collins Road and the north of Church Lane - Mountfield Road Phase IV.

8. **Appeals Monitoring Information - 4th Quarter 2019. 1st January TO 31st March 2019 (Pages 55 - 56)**

a) **Supplementary Information**

9. **Exclusion of the Public**

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’.

10. **Enforcement (Pages 59 - 78)**

*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).

Planning and Licensing Committee - 30 April 2019

(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.

(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, 19 March 2019
Present	Councillors Alan Ewart-James, Clive Goddard (Chairman), Miss Susie Govett, Mrs Jennifer Hollingsbee, Len Laws, Michael Lyons, Dick Pascoe, Paul Peacock, Damon Robinson, Russell Tillson and Roger Wilkins (Vice-Chair)
Apologies for Absence	Councillor Philip Martin
Officers Present:	David Campbell (Development Management Team Leader), Kate Clark (Committee Services Officer), Sue Lewis (Committee Services Officer) and Lisette Patching (Development Management Manager)
Others Present:	

67. **Declarations of Interest**

Councillor Dick Pascoe declared a voluntary announcement in respect of application Y18/0982/FH – Hawkinge Cemetery and Crematorium, as his interest arose due to being the Cabinet Member for Property Management and Environmental Health. He remained in the meeting during discussion and voting on this item.

Councillors Len Laws and Clive Goddard declared voluntary announcements in respect of application Y18/1580/FH – Bridge Tavern, 129 Station Road, Lydd, as their interest arose due to knowing the original owners of the site. They would have remained in the meeting during discussion and voting on this item but it was deferred as per below.

68. **Minutes**

The minutes of the meeting held on 26 February 2019 were submitted, approved and signed by the Chairman.

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

There were no Licensing Sub-Committee minutes to approve at this meeting.

70. **Y18/1580/FH Bridge Tavern, 129 Station Road, Lydd TN29 9LL**

Change of use from Drinking Establishment (Class A4) to 3 residential units (Class C3) comprising two 4 bedroom dwellings and one 5 bedroom dwelling with associated parking and garden areas.

Proposed by Councillor Roger Wilkins
Seconded by Councillor Damon Robinson and

Resolved: That consideration of the application be deferred in order to enable officers to consider the updated information and; if the additional information overcomes all the officer's reasons for refusal that, delegated authority be given to the Chief Planning Officer to grant planning permission.

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

71. **Y18/1035/FH Land adjoining The Mount, Barrow Hill, Sellindge**

Outline application for the erection of up to 11 dwellings with the formation of a new access with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.

David Harris spoke on behalf of Sellindge Parish Council against the application.

Elizabeth Welch, applicant's agent spoke in support of the application.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Roger Wilkins and

Resolved: That delegated authority be given to the Chief Planning Officer to grant planning permission subject to: the receipt of a satisfactory archaeological field evaluation report; the conditions set out at the end of the report; and the applicant entering into a S106 legal agreement securing affordable housing, KCC contributions and reptile translocation; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and to add any other conditions that he considers necessary.

(Voting: For 7; Against 3; Abstentions 1)

72. **Y18/0982/FH Hawkinge Cemetery and Crematorium, Aerodrome Road, Hawkinge**

Extension to existing memorial garden and creation of additional car

parking spaces.

Paul May of Dignity PLC spoke in support of the application.

Proposed by Councillor Dick Pascoe

Seconded by Councillor Mrs Jenny Hollingsbee and

Resolved: 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 Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

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

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Minutes

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date Monday, 1 April 2019

Present Councillors Alan Ewart-James, Dick Pascoe and Russell Tillson

Apologies for Absence

Officers Present: David Kelly (Legal Services Manager), Sue Lewis (Committee Services Officer) and Briony Williamson (Senior Licensing Officer)

Others Present: The applicant was in attendance.

22. Election of Chairman for the meeting

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

Resolved: To appoint Councillor Dick Pascoe as Chairman for the meeting.

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

23. Declarations of interest

There were no declarations of interest.

24. Exclusion of Public

Proposed by Councillor Russell Tillson
Seconded by Councillor Ewart-James 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)

25. **Review of a Hackney Carriage Driver's Licence**

The report considered what action should be taken following the suspension of a Hackney Carriage Driver's Licence.

Following review of the Report (DCL/18/39), questions from the committee and representations by the applicant, and following an adjournment for discussion in confidence by the Committee, the Committee made the following decisions:

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

Resolved:

1. **To receive and note Report DCL/18/39.**
2. **To agree unanimously to revoke the applicant's Hackney Carriage Licence because he is not a fit and proper person to be a taxi driver. The Committee would not be happy to have any member of their respective families travelling alone in a car with the applicant as a driver. The applicant was told he has the right to appeal within the statutory time limit and was advised that if he elected to do so he should obtain independent legal advice.**

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

ADDENDUM

Application No: Y18/1580/FH

Location of Site: Bridge Tavern 129 Station Road Lydd TN29 9LL

Development: Change of use from Drinking Establishment (Class A4) to 3 residential units (Class C3) comprising two 4 bedroom dwellings and one 5 bedroom dwelling with associated parking and garden areas.

Applicant: Mr Stephen Komolafe

Date Valid: 09.01.19

Expiry Date: 06.03.19

PEA Date: 07.05.19

Date of Committee: 30.04.19

Officer Contact: Robert Allan

RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report

1.0 UPDATE

- 1.1 This application was originally reported to the Planning and Licensing Committee on 19th March 2019 with a recommendation that planning permission be refused on 5 grounds. Following a request from the applicant, Members resolved to defer consideration of the application as, following publication of the Committee Report, the applicant had submitted additional information to try to address the reasons for refusal.
- 1.2 The applicant submitted revised drawings identifying alternative room layouts, parking layouts, bin storage areas and bike storage, as well as a supporting statement with several appendices on the topics of ecology, marketing, valuation, alternative public houses in the area, parking, bin and bike storage, and the condition of the building.
- 1.3 The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. 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, the

policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

2.0 CONSULTATION RESPONSES

2.1 KCC Ecology

A bat scoping survey has been submitted which advises the need for an emergence survey to be carried out, the results of this survey and any mitigation required must be submitted prior to determination of the planning application. If the application is approved, ecological enhancements should be required by condition.

2.2 Lydd Town Council

Support. The property is empty and derelict, renovation will be beneficial to the public realm.

3.0 REPRESENTATIONS

3.1 One further representation received objecting that:

- The parking and fenced garden area will block large vehicles accessing the factory units in Kitewell Lane;
- Alleged ownership issues regarding the strip of land between the Bridge Tavern and Kitewell Lane.

4.0 APPRAISAL

Principle of change of use / loss of public house

- 4.1 The proposed development would result in the loss of a public house which the NPPF classes as a community facility. Paragraph 92 of the NPPF sets out that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. At the local level, Core Strategy policy SS3 states that development must address social and economic needs in the neighbourhood and not result in the loss of community, voluntary or social facilities unless it has been demonstrated that there is no longer a need or alternative social / community facilities are made available in a suitable location.
- 4.2 Further to this, emerging policy C2 of the Places and Policies Local Plan Submission Draft requires an applicant to demonstrate that there is no longer a demand for the facility within the locality. This needs to be supported by evidence that the premises have been actively marketed for a minimum period of 12 months in the recent past prior to submission of the planning application and evidence that the sale price was realistic for the existing use, supported by a written valuation from a commercial estate agent.
- 4.3 The applicant had supplied some information with the original application, but it did not clearly demonstrate marketing of the public house for a period of 12 months, or include evidence that the sale price was realistic for the existing use. Consequently, Officers concluded that insufficient evidence had been submitted to demonstrate that

the site was no longer suitable or viable for a public house or community facility, or that alternative social / community facilities have been made available in a suitable location.

- 4.4 Subsequent to the publication of the committee report, the applicant submitted additional information relating to the sale price, as assessed by a surveyor and valuer, together with marketing information from Fleurets, a leisure property specialist, which confirms the property was marketed at an appropriate price for this type of use. The marketing information does not include any alternative uses and makes it clear that the premises was licensed for the sale of alcohol. A covering letter from Fleurets also states that the property was marketed locally and nationally from 30th September 2015 until 20th March 2018, when the applicant purchased it, with details forwarded to 10,100 parties, of whom 1,515 downloaded the sales particulars, resulting in 7 viewings being arranged.
- 4.5 The applicant has also submitted evidence of the range of alternative public houses in the vicinity, identifying the Dolphin Inn, the Royal Oak and the George Hotel within Lydd. Three other public houses are identified, but these are considered not to be relevant as they are outside of the town of Lydd, in New Romney.
- 4.6 Following the assessment of the additional information, it is now considered that the property has been marketed for a period in excess of 12 months, at a realistic sale price and, whilst the loss of a public houses is regrettable, the facility in question has been closed for some time and three alternative public houses remain within the town of Lydd, which would continue to meet the day-to-day needs of the community. The proposed loss of the public house is therefore considered to be acceptable and the proposal complies with emerging policy C2, Core Strategy policy SS3 and paragraph 92 of the NPPF.

Design and Layout

- 4.7 As submitted, the enclosed garden area for unit 'a' was shown to be long and narrow, with a width of over 18 metres but a depth of only approximately 4.75 metres, as well as being located away from the unit. This was considered to constitute poor layout and likely to result in this garden space being of poor quality, that would get little use from the future occupants.
- 4.8 Further, the submitted block plan showed the bins for each unit being stored externally, with the bins for units 'a' and 'b' being in front of the principle elevation of the building, in front of a bedroom and lounge window, without bin enclosures or a designated collection point. The bins could be left anywhere on the area of hardstanding to the front of the building, resulting in a cluttered and untidy appearance, that would have a detrimental visual impact on the site and the street scene.
- 4.9 On the revised drawings, each unit is now shown as having a bin storage area within the proposed amenity areas, for when the bins are not being collected, which is considered acceptable. However, the enclosed garden area for unit 'a' remains, although the long axis is now only approximately 14.5 metres, as a consequence of car parking spaces being moved from the rear of the property to the side. As before,

this is considered to be a poor solution to external amenity space for the future occupants of the proposed residential unit, being separate from the dwelling and accessed across a shared hard standing area that gives access to the rear car parking area, as evidenced by the utility room door from unit 'c' that opens onto this space.

- 4.10 It is further noted that the proposed garden area and bike storage area for unit 'a' would, together, occupy much of the existing grass verge, to the back edge of the highway. Whilst fencing has not been indicated on the proposed plan, in order for the bike storage to be secure and the garden area to be considered likely to be used by the future occupants, both would need to be enclosed by fencing. This would lead to a large, enclosed area immediately at the back edge of the roadway, which would dominate the otherwise open character of Kitewell Lane at this point.
- 4.11 Consequently, although the issue pertaining to the storage of refuse and recycling has been addressed, the revised plans do not address poor quality design and layout for the proposed garden area for unit 'a' to the side of the building, which would also result in an unsightly enclosure at the back edge of the footway. This is contrary to saved policy BE1 that requires a high standard of layout and design for all new development and emerging policy HB1, which requires development to make a positive contribution to its location and surroundings.

Residential Amenity

- 4.12 Saved policy SD1, emerging policy HB1 and paragraph 127 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development, whilst emerging policy HB3 sets internal and external space standards for new and converted dwellings.
- 4.13 As submitted, bedroom 2 of units 'a' and 'b' located at first floor level does not provide the internal width to provide suitable levels of amenity for the future occupants of these bedrooms, as even if a single bed were to be used, these bedrooms would not provide enough space for other necessary furniture such as wardrobes and would feel cramped to the future occupants, representing a poor level of amenity for the future occupants of these dwellings.
- 4.14 Further, as set out in the previous section, due to the poor layout of the site that separates the proposed garden space from the unit and would be likely to have it enclosed with fencing, it was considered that the future occupants of unit 'a' are unlikely to use this area, resulting in poor amenity due to a lack of acceptable quality, useable external amenity space.
- 4.15 Additionally, unit 'b' would include one bedroom at basement level with no detail of a window serving this bedroom or excavations being made to provide an area of open space adjacent to the building to allow natural light and ventilation into this bedroom. As such, this basement bedroom is considered to represent a poor level of amenity for the future occupants of the dwelling. The proposed parking for unit 'c' would be located immediately outside a window serving one of the ground floor bedrooms of unit 'a', which is considered to represent a poor level of amenity for the future

occupants of unit 'a' with vehicles for unit 'c' causing noise disturbance and a poor outlook for this bedroom.

- 4.16 The revised plans show that bedroom 2 of units 'a' and 'b' located at first floor level now provides the internal width to provide suitable levels of amenity for the future occupants. Further, the bedroom window in unit 'a' previously considered to be impacted by the parking area, has now been removed and the applicant has stated that triple glazing could be installed to the remaining window, which would not overlook the proposed parking area. These concerns from the original layout are now considered to have been addressed favourably.
- 4.17 However, the poor layout of the site that separates the proposed garden space from the unit and would be likely to have it enclosed with fencing has not been satisfactorily addressed, resulting in poor amenity for future occupiers of unit 'a' due to a lack of high quality, useable external amenity space. Additionally, whilst a window has been shown to be provided for the basement bedroom to unit 'b', this would be north-facing and at the bottom of an existing stair well below ground level, so would receive no direct sunlight and provide a poor outlook. It also would serve a large bedroom area, up to 8.3 metres deep, so artificial lighting is likely to be required even in day time. This would be a minimal improvement over the originally submitted plans and would still result an unacceptably poor standard of amenity for future occupiers.
- 4.18 Overall, the proposed development is considered to result in poor amenity for the future occupants of units 'a' and 'b' contrary to saved policy SD1, emerging policies HB1 and HB3 and paragraph 127 of the NPPF.

Parking and Highway Safety

- 4.19 Saved policy TR12 and emerging policy T2 require the provision of suitable off street parking in accordance with the parking requirements of Kent Highways Interim Guidance Note 3, which requires 2 independently accessible spaces per unit for 4+ bedroom dwellings in suburban areas. The revised block plan shows 2 parking spaces to the side of the property and 4 to the rear, totalling the 6 required. Kent County Council Highways and Transportation have commented informally upon the proposal, identifying that the spaces immediately adjacent to Kitewell Lane would not interfere with the free flow of traffic and that drivers reversing in and out of the proposed parking spaces is not unusual for a minor road such as Kitewell Lane.
- 4.20 Emerging policy T5 requires the provision of 1 cycle parking space per bedroom for new developments, resulting in a need for 13 cycle spaces. The submitted proposed block plan shows sufficient proposed bicycle storage within the garden areas of each unit to provide sufficient secure cycle parking.
- 4.21 Overall, there is now considered to be sufficient accessible car and cycle storage space to comply with saved policy TR12 and emerging policies T2 and T5.

Ecology

- 4.22 A bat scoping survey was submitted with the application detailing that bat droppings were recorded within the loft space and that there were suitable features for roosting

bats on all elevations of the building. The survey advised of the need for an emergence survey to be carried out to fully assess the presence of bats within the site, how bats are utilising the building and to consider the impact that the proposed development will have on protected species when determining the planning application. This additional information was not submitted with the application and KCC Ecological Advice Service advised that the results of these surveys and details of any mitigation required must be submitted prior to determination of the application.

4.23 Whilst the applicant has submitted a further statement, this merely acknowledges the absence of the additional information sought and states that it is not possible to provide it as the survey window for such information is between May and August, as supported by a statement from the applicant's ecologist. This information has been reviewed by KCC Ecological Advice Service who reiterate their position that the results of these surveys and details of any mitigation required must be submitted prior to determination of the application.

4.24 Natural England Standing Advice identifies that, where a proposal is likely to affect a protected species, planning permission can be granted if:

- an appropriate survey was carried out by a qualified ecologist at the time of year specified in the standing advice;
- a wildlife licence is likely to be granted by Natural England if one is needed;
- mitigation plans are acceptable;
- compensation plans are acceptable when mitigation isn't possible;
- review and monitoring plans are in place, where appropriate;
- all wider planning considerations are met.

If these criteria are not met, planning permission should be refused.

4.25 In failing to provide an appropriate survey, it has not been possible for the applicant to develop an appropriate mitigation plan for assessment and, consequently, the additional information fails to demonstrate that the proposal would protect protected species or conclude that the proposed development would not have a significant impact on protected species. Thus the proposed development still fails to comply with saved policy CO11 and emerging policy NE2.

5.0 CONCLUSION

5.1 All the remaining issues are set out in the accompanying original committed report. Following receipt of the additional information it is now recommended that planning permission be refused for the three reasons below.

6.0 PUBLIC SECTOR EQUALITY DUTY

6.1 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Given the building has been closed for several years and is not currently providing any facility for disadvantaged groups it is considered that the application proposals would not undermine objectives of the Duty.

RECOMMENDATION – That planning permission be refused for the following reasons:

1. The proposed development is considered to amount to poor layout and design with the enclosed garden area for unit 'a' being long and narrow and set away from the unit that it is intended to serve, making it a poor standard amenity area which unlikely to be used and likely to be enclosed within a fence which would result in an uncharacteristic enclosure at the back edge of the highway. As such it is contrary to saved policy SD1 of the Local Plan Review which requires a high standard of layout and design and emerging policy HB1 of the Places and Policies Local Plan which requires development to make a positive contribution to its surroundings.
2. The proposed development would result in poor amenity for the future occupants of the proposed dwellings through the provision of a poor external amenity space for unit 'a' being a long and narrow enclosed garden set away from the unit that it is intended to serve, which is not likely to be a practical usable space, as well as the basement bedroom for unit 'b' having a poor outlook and limited natural light. As such the proposed development is contrary to saved policy SD1 of the Local Plan Review, emerging policies HB1 and HB3 of the Places and Policies Local Plan and paragraph 127 of the NPPF, all of which seek to safeguard and enhance the amenity of future occupants.
3. Due to the lack of an emergence survey having been carried out to fully assess the presence of bats within the site, how bats are utilising the building and to consider the impact that the proposed development will have on protected species, it has not been satisfactorily demonstrated that protected species will not be harmed by the proposed development. As such it is contrary to saved policy CO11 of the Local Plan Review, emerging policy NE2 of the Places and Policies Local Plan and paragraph 175 of the NPPF, which seek to conserve and enhance biodiversity through resisting development if it is likely to endanger plant or animal life (or its habitat) protected under law and/or identified as a UK Biodiversity Action Plan priority species.

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Report DCL/18/41

Application No: Y18/1580/FH

Location of Site: Bridge Tavern 129 Station Road Lydd TN29 9LL

Development: Change of use from Drinking Establishment (Class A4) to 3 residential units (Class C3) comprising two 4 bedroom dwellings and one 5 bedroom dwelling with associated parking and garden areas.

Applicant: Mr Stephen Komolafe

Date Valid: 09.01.2019

Expiry Date: 06.03.2019

PEA Date: 26.03.2019

Date of Committee: 30.4.2019

Officer Contact: Robert Allan

SUMMARY

This application is for the change of use of the existing public house to 3 residential units. 6 vehicle parking spaces would be provided as well as external garden space for each dwelling and bicycle storage. However, insufficient evidence has been submitted to demonstrate the public house use is no longer viable and the development therefore comprises the unacceptable loss of a community facility. The proposal is also considered to constitute poor layout and design and would result in poor amenity for the future occupants of the dwellings. Insufficient evidence has been submitted in relation to protected species (bats in this case) to ensure that the development would not cause harm to protected species or their habitats.

RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report.

1.0 THE PROPOSAL

- 1.1 This application is for the conversion of the existing public house (drinking establishment – Class A4) to three residential units (Class C3). The proposal would include two 4-bedroom properties and one 5-bedroom property.
- 1.2 Units ‘a’ and ‘b’ would be accessed from the front of the building with access to unit ‘c’ from the rear. Unit ‘a’ would provide accommodation over three floors (ground, first and loft) with unit ‘b’ providing accommodation over four floors (basement, ground, first and loft) and unit ‘c’ at the rear being a single storey, ground floor unit. Parking for two cars would be provided to the side of the building with four spaces also being provided at the rear. Private gardens would be provided for units ‘b’ and ‘c’ to the north east of the

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building with an enclosed grass area for unit 'a' to the south west, where the existing grassed area is.

- 1.3 The only external alteration proposed is the replacement of the existing front door with two entrance doors to provide access to units 'a' and 'b'.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Within settlement boundary
- Adjacent to area of archaeological potential.

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The application site is a vacant public house that sits on a corner plot between Station Road and Kitewell Lane. Station Road is the main road into Lydd from New Romney. The building itself is a large, three storey detached property with a single storey side and rear projection. The building is of brick construction with the three storey element being painted a light pink colour. Fenestration is white uPVC with two bay windows on the front elevation.

3.2 There is an area of hardstanding to the front of the building and to the side of the building is a grassed area. 'Bridge Home Park', a static caravan site is to the north east of the application site but accessed from the rear of the site and the former ambulance station is to the north west of the site (rear).

4.0 RELEVANT PLANNING HISTORY

4.1 Planning permission was granted in 2001 for the erection of a glazed covered way (ref Y01/0310/SH). There is no other recent 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 Lydd Town Council
Support

5.3 Environmental Health
Recommend contamination condition and condition requiring basement room to have openable window.

5.4 KCC Ecology

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A bat scoping survey has been submitted which advises the need for an emergence survey to be carried out, the results of this survey and any mitigation required must be submitted prior to determination of the planning application. If the application is approved, ecological enhancements should be required by condition.

5.5 Economic Development

Views awaited.

5.6 Merebrook

The likelihood of contamination is considered to be low. Recommend final part of the Council's standard land contamination condition to keep a watching brief during the works for any unexpected land contamination.

5.7 Southern Water

Request an informative if planning permission is granted.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 31.01.2019

7.0 REPRESENTATIONS

7.1 No representations have been 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 HO1 BE1 BE8 TR5 TR12 U1 CO11

8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD SS1 SS3 SS5

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:
HB1 HB3 T2 T5 NE2 C2

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

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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: 92, 127, 175

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this current application are the principle of the change of use, design and layout, residential amenity, parking and highway safety and ecology.

Principle of change of use / loss of public house

- 9.2 The application site is located in north Lydd, close to existing residential development and within the defined settlement boundary. Core Strategy policy SS1 states that additional development should be focused to the most sustainable towns and villages as set out in Policy SS3 which identifies Lydd as a service centre for the district. The priority in policy SS1 is for development which helps to maintain and support the local role of Lydd. Therefore some additional housing in this location would be considered acceptable in principle, subject to other material planning considerations (such as the loss of the public house and residential amenity).
- 9.3 However, the proposed development result in the loss of a public house which the NPPF classes as a community facility. The NPPF at paragraph 92 sets out that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. At the local level, Core Strategy policy SS3 states that development must address social and economic needs in the neighbourhood and not result in the loss of community, voluntary or social facilities unless it has been demonstrated that there is no longer a need or alternative social / community facilities are made available in a suitable location.
- 9.4 Further to this, emerging policy C2 requires an applicant to demonstrate that there is no longer a demand for the facility within the locality. This needs to be supported by evidence that the premises has been actively marketed for a minimum period of 12 months in the recent past prior to submission of the planning application and evidence that the sale price was realistic for the existing use, supported by a written valuation from a commercial estate agent.
- 9.5 The applicant has supplied some information to support the change of use, including a letter from the former landlord of the public house stating that the business was not viable and that it closed in 2011. Additionally, a letter from Fleurets (a leisure property specialist) has been submitted confirming that the property was advertised for sale on the open market from September 2015. It does not say how long the business was advertised for, however 7

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viewings took place and all of the viewers were looking to convert the property to an alternative use, primarily residential. In addition, a list of other public houses in the area has been supplied.

- 9.6 While some evidence of marketing has been supplied, the information provided does not demonstrate marketing of the public house for a period of 12 months. It also does not include evidence that the sale price was realistic for the existing use. In fact, the sales advert says that the site has “potential for alternative uses” so it is not surprising that all viewers were considering putting the site to an alternative use. Due to this, it has not been demonstrated that the site was advertised at a suitable price for its current use and the price that the site was advertised at could have been inflated to account for these “potential alternative uses”, such as residential.
- 9.7 As such, it is not considered that sufficient evidence has been submitted to demonstrate that the site is no longer suitable or viable for a public house or community facility use. Neither has it been demonstrated that alternative social / community facilities have been made available in a suitable location. The proposed loss of the public house has therefore not been demonstrated to be acceptable and as such the proposed development fails to comply with emerging policy C2, Core Strategy policy SS3 and paragraph 92 of the NPPF. The proposed change of use is therefore not acceptable in principle and it is considered that planning permission should be refused for this reason.

Design and Layout

- 9.8 Saved policy BE1 requires a high standard of layout, design and choice of materials for all new development and emerging policy HB1 requires development to make a positive contribution to its location and surroundings.
- 9.9 The only external alteration proposed is the replacement of the existing entrance door with two external doors to provide access to units ‘a’ and ‘b’ which would be located in the front of the building. The doors have been shown on the proposed elevations, however, details of the doors haven’t been submitted. If planning permission were to be granted, in order to ensure the doors are appropriate, a condition could be imposed requiring details to be submitted. With an appropriately worded condition, ensuring the doors reflect the character of the existing building, the proposed external alterations to the building are considered to be acceptable.
- 9.10 In terms of site layout, the enclosed garden area for unit ‘a’ would be long and narrow, with a width of over 18 metres but a depth of only approximately 4.75 metres. This is considered to constitute poor layout and is likely to result in this space being of poor quality garden space and therefore would get little use from the future occupants. It is considered that the site could be better arranged to provide usable amenity space for all the dwellings and the proposed layout is of poor design, contrary to saved policy BE1.

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- 9.11 Further, the proposed block plan shows the bins for each unit being stored externally, with the bins for units 'a' and 'b' being in front of the principle elevation of the building. These are shown to be positioned in front of a bedroom and lounge window but in reality, the future occupants of these units would not be likely to store their bins in front of windows of habitable rooms. Without a bin enclosures and a designated collection point, the bins could be left anywhere on the area of hardstanding to the front of the building, resulting in a cluttered appearance when viewed from the streetscene. It is considered this would have a detrimental visual impact on the quality of the site and enclosed bin storage should be provided in less prominent locations within the site. However, as there is a principle objection to the proposal, as well as other concerns, details of bin storage and an alternative location for this within the site has not been requested. As proposed, the bins being located in front of the principle elevation of the building, adjacent to the highway, is considered to result in a harmful visual impact on the character and appearance of the site and the proposal therefore does not make a positive contribution to its location and surroundings, contrary to emerging policy HB1.
- 9.12 Overall, the development is considered to represent poor quality design and layout with a narrow, enclosed garden area for unit 'a' to the side of the building and unenclosed bins being located to the front of the building. The proposal therefore fails to comply with saved policy BE1 and emerging policy HB1 and should be refused as such.

Residential Amenity

- 9.13 Saved policy SD1, emerging policy HB1 and paragraph 127 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupants of a development.
- 9.14 In terms of neighbouring occupants, the proposal would not increase the footprint or height of the existing building and would therefore not result in any increased overshadowing. The proposal also wouldn't include any additional windows and would therefore not result in increased overlooking. In terms of noise and disturbance, three residential units are considered to be less of a disturbance to neighbouring residents than the existing public house use which could have large numbers of customers, resulting in high vehicle movements, playing of loud music and noise from customers leaving possibly late in the evening. As such, the proposed change of use would be a betterment in terms of the amenity of neighbouring residents.
- 9.15 In terms of the amenity of future occupants, emerging policy HB3 sets internal and external space standards for new and converted dwellings. The proposal would include two 4-bedroom dwellings and one 5-bedroom dwelling. For 4-bedroom, 3 storey properties, emerging policy HB3 requires internal space of 121 sqm. Unit 'a' would provide approximately 189 sqm and unit 'b' would provide approximately 201 sqm of internal space. Both units 'a' and 'b' would therefore provide sufficient internal space, complying with emerging policy HB3. For unit 'c' which would provide five bedrooms over one floor of accommodation, HB3 requires 121 sqm of internal space

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for five bedrooms properties, which the proposal would again exceed as the flat 'c' would provide approximately 180 sqm of internal space.

- 9.16 However, the technical guidance that supports the internal space standards also says that in order to provide one bedspace, a single bedroom should have a floor area of at least 7.5sqm and be at least 2.15m wide. In this case, bedroom 2 of units 'a' and 'b' located at first floor level would have a width of 1.8 metres and 1.9 metres, respectively. Therefore, even though each bedroom is over 7.5sqm, these two bedrooms do not provide the internal width to provide suitable levels of amenity for the future occupants of these bedrooms. Even if a single bed were to be used, these bedrooms would not provide enough space for other necessary furniture such as wardrobes and would feel cramped to the future occupants. These therefore represent a poor level of amenity for the future occupants of these dwellings.
- 9.17 HB3 also requires the provision of an area of private garden for the exclusive use of an individual dwelling house of at least 10m in depth and the width of the dwelling. The proposed block plan shows private garden space for units 'b' and 'c' to the north east of the dwelling, each with a depth of approximately 12.75 metres and a minimum width of 12.75 metres and 11.25 metres, respectively. However, as set out above, due to the poor layout of the site, it is considered that the proposed garden space for unit 'a' is of poor layout which would mean the future occupants of this unit are unlikely to use this garden space, resulting in poor amenity due to a lack of high quality, useable external amenity space.
- 9.18 Additionally, unit 'b' would include one bedroom at basement level with no details being provided of a window serving this bedroom or excavations being made to provide an area of open space adjacent to the building to allow natural light and ventilation into this bedroom. As such, this basement bedroom is considered to represent a poor level of amenity for the future occupants of the dwelling. Further, the proposed parking for unit 'c' would be located immediately outside a window serving one of the ground floor bedrooms of unit 'a'. This is considered to represent a poor level of amenity for the future occupants of unit 'a' with vehicles for unit 'c' causing noise disturbance and a poor outlook for this bedroom.
- 9.19 Overall, the proposed development is considered to result in poor amenity for the future occupants of the proposed dwellings, with poor external amenity space for unit 'a', no windows serving the basement bedroom for unit 'b' and poor outlook and noise disturbance to the ground floor bedroom of unit 'a' from the adjacent vehicle parking serving unit 'c'. As such, the proposal is considered to fail to comply with saved policy SD1, emerging policies HB1 and HB3 and paragraph 127 of the NPPF and it is recommended that planning permission is refused for these reasons.

Parking and Highway Safety

- 9.20 Saved policy TR12 and emerging policy T2 require the provision of suitable off street parking in accordance with the parking requirements of Kent Highways IGN3. IGN3 requires 2 independently accessible spaces per unit

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for 4+ bedroom dwellings in suburban areas. The submitted block plan shows 2 parking spaces to the side of the property and 4 to the rear, totalling the 6 required.

- 9.21 However, KCC Vehicle Parking Standards (SPG4) recommends a width of 6 metres to give access to parking in layouts such as this to allow for vehicles to reverse out of spaces. In this instance, of the four proposed parking spaces along the North West boundary of the site, none of these spaces would have a distance of 6 metres between the parking space and the rear wall of the building. As such, it is considered that these spaces would not be accessible in reality and therefore the scheme comprises a poor layout with inaccessible parking spaces and as a result, does not actually provide two spaces per unit and is therefore deficient in parking requirement for the site.
- 9.22 Emerging policy T5 requires the provision of 1 cycle parking space per bedroom for new development which would result in a need for 13 cycle spaces. The submitted proposed block plan shows bicycle storage along the south western boundary of the site, adjacent to the garden area of unit 'a'. Although this area doesn't show space for 13 bicycles, due to the large garden areas for units 'b' and 'c', it is considered that there is sufficient space within these two garden areas to provide secure cycle parking. Therefore if planning permission were to be granted, it is considered reasonable to impose a condition which required details of secure cycle parking to be submitted which could be included in the enclosed garden areas for units 'b' and 'c'. The proposal therefore could comply with emerging policy T5 and is therefore acceptable in this regard.

Ecology

- 9.23 Saved policy CO11 states the District Planning Authority will not give permission for development if it is likely to endanger plant or animal life (or its habitat) protected under law unless (i) there is a need for the development which outweighs these nature conservation considerations and (ii) measures will be taken to minimise impacts and fully compensate for remaining adverse effects. Emerging policy NE2 states "Development proposals that would adversely affect European Protected Species (EPS) or Nationally Protected Species will not be supported, unless appropriate safeguarding measures can be provided".
- 9.24 A bat scoping survey was submitted with the application which details that bat droppings were recorded within the loft space and that there are suitable features for roosting bats on all elevations of the building. The report advises that there is a need for an emergence survey to be carried out with at least 3 visits to fully assess the presence of bats within the site. These surveys are required to fully assess how bats are utilising the building and to consider the impact that the proposed development will have on protected species when determining the planning application.
- 9.25 KCC Ecology has advised that the results of these surveys and details of any mitigation required must be submitted prior to determination of the application. While this information would normally be requested during the

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application process, as this application is being recommended for refusal on other grounds, it was considered unreasonable to add additional expense to the applicant when it would not result in permission be granted due to the other planning concerns as set out above.

- 9.26 As set out above, saved policy CO11 requires there either to be a need for the proposal which outweighs the harm to protected species or suitable measures taken to minimise the impact. In this case, there is not considered to be an overriding need for the development – as set out above, it has not been demonstrated that there is no longer a need for the public house and as the District can demonstrate a five year housing land supply, there is not considered to be an overriding need for housing, in planning terms. Also, no details of proposed mitigation has been provided and therefore it cannot be concluded that measures are being taken to minimise the impacts on protected species. As such, the proposal fails to comply with saved policy CO11.
- 9.27 Similarly, emerging policy NE2 states development which would adversely affect protected species will not be supported. As insufficient information has been submitted to determine the impacts on protected species (bats in this instance), it cannot be concluded that the proposal complies with emerging policy NE2 as it has not been demonstrated that the proposal would not adversely affect protected species.
- 9.28 As such, the information submitted fails to demonstrate that the proposal would protect protected species and there is considered to be insufficient information submitted to conclude that the proposed development would not have a significant impact on protected species, failing to comply with saved policy CO11 and emerging policy NE2 and should therefore also be refused on this basis.

Environmental Impact Assessment

- 9.29 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

- 9.30 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.
- 9.31 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme,

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which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new residential floor space.

- 9.32 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 £3,818 for one year and £15,271 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

- 9.33 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.
- 9.34 This application is reported to Committee as the views of the Town Council differ from the recommendation of the officer.

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 refused for the following reasons:

1. The use of the building as a public house is considered to be a community and social facility and therefore in the absence of sufficient supporting evidence relating to the viability of the business, trade potential and attempts to market the public house as its existing use at a realistic price, it has not been satisfactorily demonstrated that the public house is not viable or such a facility is no longer required in this locality and community. Neither are alternative social and community facilities being provided elsewhere. As such the loss of the public house is therefore considered to be unsustainable development contrary to paragraph 92 of the National Planning Policy Framework, the aims and objectives of Shepway Core Strategy Local Plan

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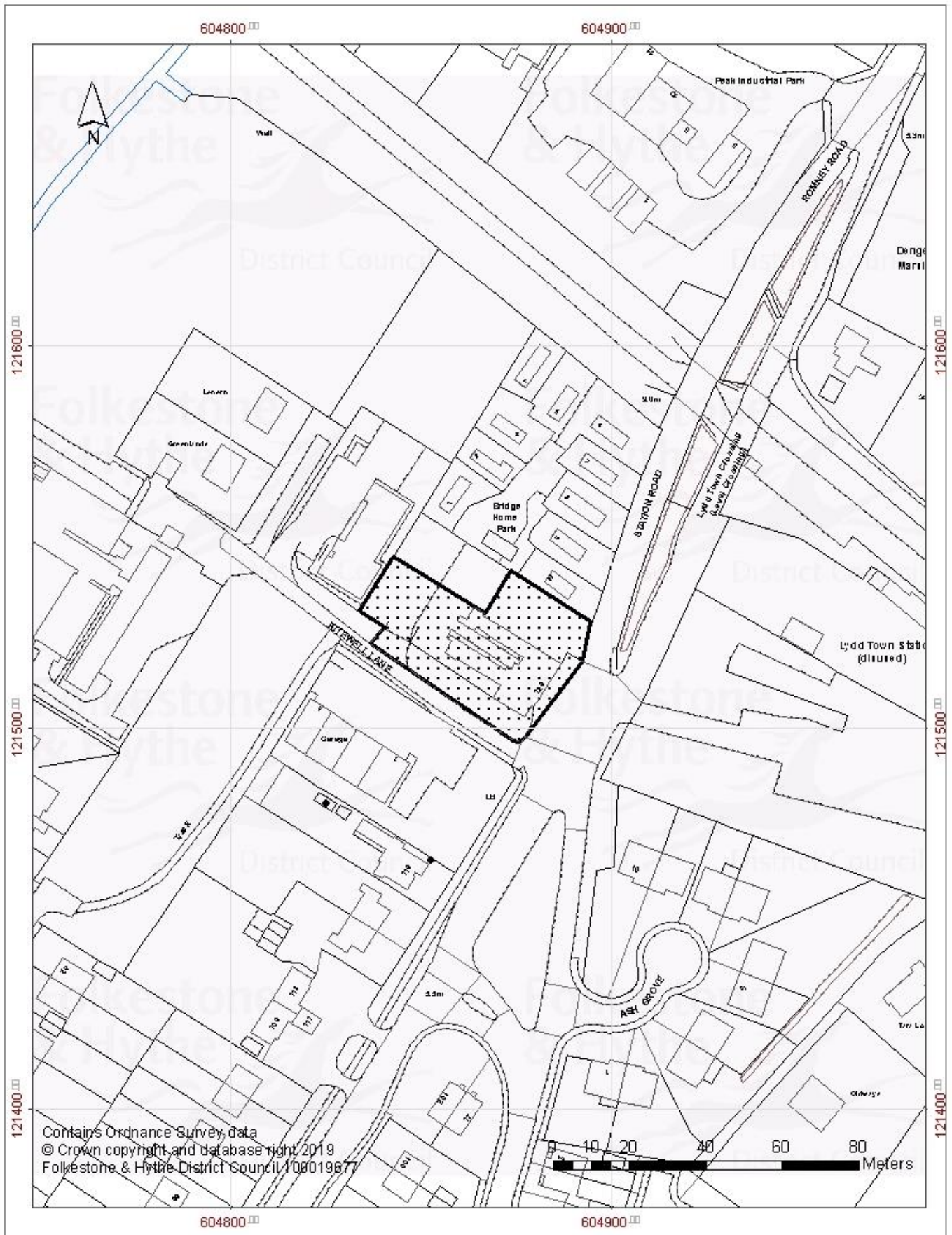
2013 policy SS3 and emerging policy C2 of the Places and Policies Local Plan which seek to retain community facilities such as public houses and prevent their unnecessary loss.

2. The proposed development is considered to amount to poor layout and design with an enclosed garden area for unit 'a' being long and narrow and likely to be an unusable space, with better alternative areas for external amenity space within the site. Further, the lack of enclosed bin storage with bins being sited in front of the principle elevation of the building, would result in a harmful visual impact to the character and appearance of the site, thereby having a detrimental impact on the streetscene. The proposal is therefore contrary to saved policy SD1 of the Local Plan Review which requires a high standard of layout and design and emerging policy HB1 of the Places and Policies Local Plan which requires development to make a positive contribution to its surroundings.
3. The proposed development would result in poor amenity for the future occupants of the proposed dwellings, with a poor external amenity space for unit 'a' being a long and narrow enclosed garden which is not likely to be a practical usable space as well as inadequate internal space for bedroom 2 in units 'a' and 'b'. Further, no windows are proposed to serve the basement bedroom for unit 'b' resulting in no natural light or ventilation and no outlook to this habitable room. Additionally, the proposal would result in unacceptable noise disturbance and poor outlook to the ground floor bedroom of unit 'a' from the adjacent vehicle parking serving unit 'c'. As such, the proposal fails to comply with saved policy SD1 of the Local Plan Review, emerging policies HB1 and HB3 of the Places and Policies Local Plan and paragraph 127 of the NPPF.
4. The proposed development, due to its poor layout, would provide parking spaces along the north western boundary of the site which are inaccessible due to their proximity to the rear elevation of the main building. As such, the proposal would fail to provide sufficient off street parking, contrary to saved policy TR12 of the Local Plan Review and emerging policy T2 of the Places and Policies Local Plan, which both require the provision of off street parking for new dwellings; and constitutes a poor layout of the site, contrary to saved policy BE1 which requires a high standard of layout.
5. The submitted Bat Preliminary Roost Assessment identified a number of bat droppings and potential roost features on all elevations of the building and therefore concludes that there is a high potential for roosting bats and recommends further work is undertaken to establish the presence, or means of mitigating potential impacts on protected species (in particular bats). This has not been submitted to the Local Planning Authority. Consequently, it has not been satisfactorily demonstrated that protected species will not be harmed by the proposed development, contrary to saved policy CO11 of the Local Plan Review, emerging policy NE2 of the Places and Policies Local Plan and paragraph 175 of the NPPF, which seek to conserve and enhance biodiversity through resisting development if it is likely to endanger plant or animal life (or its habitat) protected under law and/or identified as a UK Biodiversity Action Plan priority species.

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Y18/1580/FH
Bridge Tavern
129 Station Road
Lydd



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Agenda Item 6

Report DCL/18/42

Application No: Y18/1075/FH

Location of Site: Land Adjoining 141 Coast Drive, Lydd On Sea, Romney Marsh, Kent, TN29 9PD

Development: Erection of a detached dwelling with associated car parking, following the demolition of a garage

Applicant: Mrs T Luetchford

Agent: Mr James Smith
Drawing Services Ltd
Hydene
Barrack Hill
Hythe
Kent
CT21 4BY

Date Valid: 28.11.18

Expiry Date: 23.01.19

PEA Date: 08.05.19

Date of Committee: 30.04.19

Officer Contact: Alexander Kalorkoti

SUMMARY

The proposal for a single new dwellinghouse with parking following the demolition of a garage is considered to be acceptable in principle within the settlement boundary and with a low risk of flooding. The simple pitched roof design and choice of materials, which closely mirrors neighbouring development is considered to be acceptable with regard to visual impact and it is considered that the proposal would not bear any significant or detrimental impact on the amenities enjoyed by neighbouring occupiers. The proposed layout provides for off-street parking to meet the relevant standards and is considered to be acceptable with regard to parking and would not give rise to any issues of highway safety. As a result of the above, the application is recommended for approval subject to conditions.

<p>RECOMMENDATION: That delegated authority be given to the Chief Planning Officer to grant planning permission subject to the conditions set out at the end of the report; and to agree and finalise the wording of the conditions and add any other conditions that he considers necessary following the expiry of the notification period to the Romney Hythe and Dymchurch Railway, subject to no objection being received from them.</p>
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1.0 THE PROPOSAL

- 1.1 The proposal comprises of the erection of a detached dwelling with associated car parking, following the demolition of an existing garage.
- 1.2 The proposed dwelling would be a chalet bungalow with a simple pitched roof, front porch and front rooflights.
- 1.3 In terms of materials, the proposed dwelling would be finished with facing brickwork at ground floor, cladding to the side gable ends and inter-locking tiled roof. The proposal also includes uPVC windows and doors for the new dwelling, a 1.5m high close-boarded boundary fence and tarmac vehicular access.
- 1.4 Internally, the proposed dwelling would have a hallway, lounge/dining room, bathroom, bedroom and kitchen at ground floor, with two further bedrooms at first floor level.
- 1.5 Two off-street parking spaces would be provided to the front of the new plot.
- 1.6 In terms of amenity space, the proposed dwelling would have a rear garden of 7.6m in depth, reducing to 6.3m in depth across the width of the proposed dwelling.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:
 - Lydd Settlement Boundary
 - Area of interest to the Romney Marshes Area Internal Drainage Board
 - SSSI Risk Impact Zone

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is a corner plot of Coast Drive and Williamson Road, and is bound on the western boundary by the Romney, Hythe & Dymchurch Railway.
- 3.2 In terms of designations, the opposite/east side of Coast Drive from the site is within a National Nature Reserve, Special Area of Conservation, Special Protection Area, Ramsar and the Dungeness, Romney Marsh and Rye Bay SSSI.
- 3.3 The main building of the existing corner plot is a chalet bungalow finished in painted render, a tiled roof and uPVC windows, with a flat-roofed rear extension, detached rear garage and facing brick boundary walls. The application site would be created by subdividing part of the rear garden of the existing plot.

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4.0 RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history in relation to this proposal.

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 Lydd Town Council
Support the application.

5.3 The Environment Agency
Assess the application as having a low environmental risk.

5.4 Natural England
No objection as it is considered that the proposed development would not have significant adverse impacts on statutorily protected sites.

5.5 Romney, Hythe & Dymchurch Railway
Awaiting comments

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 07.01.19

7.0 REPRESENTATIONS

7.1 No representation responses were received in relation to this application.

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, U1, TR5, TR11, TR12, CO11.

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, CSD5.

8.4 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

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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.

The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, HB3, NE2, HB10

- 8.5 The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. 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, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

The following policies of the Core Strategy Review Submission Draft 2019 apply: SS1.

- 8.6 The following Supplementary Planning Documents apply:
Kent Design Guide: Interim Guidance Note 3
- 8.7 The following paragraphs of the National Planning Policy Framework 2019 apply in particular:
- 8 & 10 – Achieving sustainable development.
 - 70 – Identifying land for homes
 - 122 – Achieving appropriate densities

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this current application are the principle of development, design and visual appearance, amenity for future occupiers, amenities of neighbouring occupiers, parking and highways, and nature conservation.

Principle of Development

- 9.2 Saved policy HO1 of the local plan sets out that infill development within existing urban areas may be permitted subject to environmental and highway safety considerations. The site is located within Lydd on Sea residential area which is recognised in the settlement hierarchy as a primary village in Core Strategy Table 4.3, as being within the Greatstone-On-Sea

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settlement boundary, and is defined as a settlement 'which contributes to strategic aims and local needs and as a settlement has the potential to grow'. As such in this location, the principle of infill residential development within a primary village is acceptable subject to all other material planning considerations being satisfactorily addressed. Whilst garden land is not classified in the NPPF as brownfield land, there are no local or national policies restricting development on garden land in principle.

- 9.3 With regard to flood risk, the site has previously been identified as being within Flood Zone 3a by the Environment Agency. However following an update of the EA's flood map the site is no longer shown as being within a flood zone. The site is also not shown as being at risk of flooding on the hazard maps contained with the Shepway Strategic Flood Risk Assessment (SFRA). The EA has previously advised that 'more vulnerable' residential development in this area should be subject to both the sequential and exception tests, however given the change in flood risk classification it is considered that the aforementioned tests are not applicable in this case. The site is considered to be of low environmental risk, as confirmed in the EA's consultation response, and therefore consistent with the aim of steering new development to areas with the lowest probability of flooding. In light of the above, the proposal is considered to be acceptable with regard to flood risk to life and property for the lifetime of the development.
- 9.4 In light of the above, the principle of residential development in this location is considered to be acceptable.

Design & Visual Appearance

- 9.5 The proposed dwelling is simple in design with openings on the ground floor and front roof slope. A porch canopy would be provided above the front door which would create a focal point and some architectural interest. The basic design premise is appropriate for the site and while not of outstanding design quality, it reflects the appearance of existing dwellings in the locality, particularly the dwelling directly opposite, and is in keeping with the area.
- 9.6 Although it is acknowledged that the properties in the area typically have longer gardens than the proposed dwelling, the width of the plot is comparable to the surrounding development so that it would not appear out of keeping in the streetscene. The width of the surrounding plots also dictate the modest size of the small dwellings that are sited upon them.
- 9.7 As referenced above, the palette of materials and grouping is also simple and logical, with facing brickwork at ground floor, cladding to the side gable ends and an interlocking tiled roof.
- 9.8 In light of the above, the proposal is considered to be acceptable with regard to design and visual appearance.

Amenity for Future Occupiers

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- 9.9 It is acknowledged that the size of the proposed plot is limited, a constraint which was identified in relation to the plot opposite, subject of application Y14/0114/SH. Given the dimensions and parallel boundaries of this site, this plot is more constrained in terms of space than the plot opposite which has been subdivided and developed for a single new dwelling under permission Y14/0114/SH. In terms of space standards, emerging policy HB3 of the Places & Policies Local Plan sets out the nationally described technical housing space standard. In the case of a three-bedroom dwelling arranged over two storeys, as included in the proposal, the space standards set out a minimum internal space of 84 sq m.
- 9.10 From the submitted plans, the internal floor area of the new dwelling would measure 81 sq m and although this falls short of the space standard stated in the emerging policy, it is considered that the extent of the shortfall is minor in this case and would not significantly or detrimentally compromise the amenity enjoyed by future occupants of the dwelling.
- 9.11 Although it is noted that the resultant plot would provide a garden with a depth of 7.6m narrowing to 6.3m across the width of the proposed house, as opposed to the recommended depth of 10m set out in emerging policy HB3, it is considered that this would provide a useable garden space in close proximity to additional amenity provided by the coastline, and in spite of the reduction in external space for the existing house (141 Coast Drive) would leave the main house with adequate outdoor amenity space in the form of a rear garden with a maximum depth of 13.3m reducing to 6.5m as a result of the layout of the main house. In light of the above, it is considered that a variation to the space standards set out in emerging policy HB3 is acceptable in this case and that the proposal is in accordance with emerging PPLP policy HB10 in relation to development within residential gardens. It is not considered that the development would result in an overdevelopment of the site and sufficient amenity space would be provided for both the proposed and existing dwelling. In terms of amenity for future occupiers, the planning agent has confirmed that the rooflights which would provide natural light and outlook to the proposed bedrooms at first floor level would be set at a maximum of 1.05m above finished floor level. As such, it is considered that the rooflights would provide acceptable outlook to the bedrooms, which constitute principal habitable space within the proposed dwelling.
- 9.12 In light of the above, the proposal is considered to be acceptable with regard to the space standards and amenity for future occupiers.

Amenities of Neighbouring Occupiers

- 9.13 The dwelling has been carefully designed to overcome any overlooking issues by limiting openings to the front elevation and ground floor at the rear such that there would be no overlooking onto private amenity areas of the adjacent properties. Given the scale and relative location of the proposed bungalow within the subdivided plot, it is considered that the retained separation distances would ensure that a significantly detrimental overshadowing or overbearing impact is not created by the proposal on

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either the neighbouring boundary to the rear or the side boundary shared with the rear of the corner plot (141 Coast Drive).

- 9.14 The site is otherwise separated from the neighbour to the west by the RHD Railway line. It is therefore considered that there would be sufficient separation between dwellings that the proposal would not cause any discernible impact on the nearest neighbouring property to the west by way of overlooking, overshadowing or overbearing.
- 9.15 While it is acknowledged that the site is adjacent to the light railway track which might cause some disturbance to future occupants, this is not a mainline train track but a tourist/leisure feature. The trains are slower and less frequent in comparison to a normal rail line and it is worth noting that the railway is not operational at night. In addition, it is noted that the side elevation facing directly on to the railway line includes a single external door to the kitchen only to further limit any impact on the amenity enjoyed by future occupants. In this respect, it is considered that this feature of the area would not cause demonstrable harm to amenity.

Parking & Highways

- 9.16 The proposed layout allows for an extended vehicular access to serve the property and two independently accessible off-street parking spaces to the frontage of the property. The access is some distance from any junction and has good visibility. The parking arrangement would meet the recommended provision set out in the Kent Design Guide: Interim Guidance Note 3. It is therefore considered that the proposal is acceptable with regard to highway safety parking provision and would not result in any associated issues of highway safety subject to a condition to ensure the laying out and retention of the parking spaces shown on the submitted plan.
- 9.17 The development is not considered to adversely affect the adjacent Romney Hythe and Dymchurch Light Railway track visibility and level crossing warning lights.
- 9.18 In light of the above, the proposal is considered to be acceptable with regard to parking and highway matters.

Nature Conservation

- 9.19 As referenced above the application site, formed through the subdivision of the existing rear garden of no.141, would fall outside of statutorily protected sites. In terms of designations which are in close proximity to the application site, the opposite/east side of Coast Drive falls within a National Nature Reserve, Special Area of Conservation, Special Protection Area, Ramsar and the Dungeness, Romney Marsh and Rye Bay SSSI. As the site falls within the Risk Impact Zone in relation to the nearby SSSI, Natural England were consulted and raise no objection as they considered that the proposed development would not have significant adverse impacts on statutorily protected sites.

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- 9.20 In line with Natural England's advice, due to the nature of the proposal for the subdivision of the existing plot and the erection of a single new dwellinghouse, it is considered that the impacts of the proposal beyond the site's boundaries would be relatively minor and would not bear a significantly detrimental impact upon the diverse coastal landscape, which is recognised as a nationally and internationally important site of coastal geomorphology.
- 9.21 Given the scale and extent of the proposal as outlined above and its relative location to the Natura sites (Special Area of Conservation and Special Protection Area), it is considered that the proposal would not have a 'likely significant effect' on a Natura site and as such an appropriate assessment/Habitats Regulations Appraisal (HRA) under the Habitats Regulations is not required.
- 9.22 As a result, the proposal is considered to be acceptable with regard to nature conservation.

Environmental Impact Assessment

- 9.23 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

- 9.24 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.
- 9.25 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 £0 per square metre for new residential floor space.
- 9.26 New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

- 9.27 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

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individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

9.28 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

9.29 This application is reported to Committee as the applicant is an employee of the 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 Chief Planning Officer to grant planning permission subject to the conditions set out at the end of the report; and to agree and finalise the wording of the conditions and add any other conditions that he considers necessary following the expiry of the notification period to the Romney Hythe and Dymchurch Railway, subject to no objection being received from them.

Conditions

1. Standard Time Condition
2. Approved Plan Numbers
3. Materials
4. Water Efficiency
5. Hard & Soft Landscaping
6. Removal of PD Rights
7. Car Parking Laying Out and Retention for Parking Purposes

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8. Cycle Parking Laying Out and Retention
9. Surface Water Disposal

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Y18/1075/FH
141 Coast Drive
Lydd on Sea



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Agenda Item 7

Report DCL/18/43

Application No: Y19/0302/FH

Location of Site: Land Rear Plot 15, Collins Road, New Romney, Kent

Development: Formation of new vehicular access to serve the future employment site at Mountfield Road, New Romney, on land located to the west of Mountfield Road, south of Collins Road and the north of Church Lane - Mountfield Road Phase IV.

Applicant: Mrs Katharine Harvey

Agent: Mr David Shore
Folkestone & Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent
CT20 2QY

Date Valid: 28.02.19

Expiry Date: 25.04.19

PEA Date: 08.05.19

Date of Committee: 30.04.19

Officer Contact: Adam Tomaszewski

SUMMARY

Planning permission is sought for the construction of an access road off Mountfield Road, New Romney to serve an extension to the Mountfield Road Industrial Estate. The assessment of the application set out below considers that the proposal is in accordance with the policy designation of the site as an employment opportunity site as this proposal would facilitate the access to Phase IV of the Mountfield Industrial Estate and is acceptable with regard to principles of the proposed use, highway matters, drainage and ecology. The development is therefore considered to be sustainable and as required by the provisions of the NPPF should be approved, subject to appropriate conditions.

1.0 THE PROPOSAL

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1.1 The proposed development is for the construction of an access road off Mountfield Road to serve an extension to the Mountfield Road Industrial

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Estate. The proposed access road would allow Phase IV of the Mountfield Road Industrial Estate to be developed.

- 1.2 The proposal includes the creation of a 6.75m wide carriageway with a 2m footway to both sides using pre-cast concrete kerbs and edgings to delineate the carriageways and footways. A pedestrian crossing point would also be provided on the proposed access road. The access road has been designed to allow a 15m separation between the access and the proposed access to the Business Hub opposite (approved by planning permission reference Y18/0976/FH).
- 1.3 The road would allow access for 16.5m long articulated heavy goods vehicles (HGV) with two turning heads provided to allow HGVs of this length to turn at the end of each access road spur. It will also allow for turning movements between the new access road and the neighbouring household recycling centre for refuse vehicles measuring 11.22m in length which is considered the largest vehicle likely to make this manoeuvre.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Inside settlement boundary
- Area of archaeological potential
- Area of interest to the Romney Marshes Area Internal Drainage Board
- Employment Opportunity Site (saved policy E2 of the Shepway District Local Plan Review)

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is the location for Phase IV of the Mountfield Road Industrial Estate and is currently greenfield agricultural land located to the south of existing industrial units on Collins Road, west of the Business Hub (Y18/0976/FH) on Mountfield Road and the New Romney Household Refuse & Recycling Centre. The southern boundary is formed by Church Lane beyond that is open countryside and the western boundary marks the edge of the settlement of New Romney.
- 3.2 The proposed access road would allow the Phase IV of the Mountfield Road Industrial Estate (totalling 4.36 hectares) to be developed out to provide space for existing businesses and inward investors to help compensate for the loss of jobs, currently and programmed, at the Dungeness power stations. The masterplan for the development envisages the overall site to be capable of accommodating up to 14,636m² of new floor space for employment use. It is anticipated that this site is capable of generating some 480 jobs over a ten year period following the initial construction of industrial estate buildings. This application for the industrial estate access road forms the basis for the necessary enabling works to facilitate the development of the industrial estate expansion and associated job creation.

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4.0 RELEVANT PLANNING HISTORY

4.1 There is no relevant planning history in relation to this application.

5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

5.2 New Romney Town Council

No objection.

5.3 Kent Highways and Transportation

Raised no objection subject to conditions outlined in the appraisal below.

5.4 Environment Agency

No comment.

5.5 Environmental Health

No objection.

5.6 KCC Archaeology

No archaeological measures required.

5.7 KCC Ecology

Raised no objection subject to conditions outlined in the appraisal below.

5.8 KCC - Lead Local Flood Authority

Raised no objection subject to conditions outlined in the appraisal below.

6.0 REPRESENTATIONS

6.1 None received.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

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<https://www.folkestone-hythe.gov.uk/planning/planning-policy/local-plan>

<https://www.folkestone-hythe.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

7.2 The following saved policies of the Shepway District Local Plan Review apply:

SD1, E2, BE1, BE16, TR6 & TR11

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS3, SS4, CSD8

7.4 The following policies of The Places and Policies Local Plan Submission Draft apply:

E1, CC3

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.

7.5 The following policies of the Core Strategy Review Submission Draft 2019 apply:

CSD8, SS4

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. 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, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

7.6 The following paragraphs of the National Planning Policy Framework 2019 are of particular relevance to this application:

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- 7. Achieving Sustainable Development
- 80 - 82. Building a Strong, Competitive Economy
- 163. Planning and Flood Risk (sustainable drainage systems)

7.7 Kent Design Guide

8.0 APPRAISAL

Relevant Material Planning Considerations

- 8.1 The main considerations in the determination of this application are the principles of the proposed use, highway matters, drainage, archaeology and ecology.

Principle of the Proposed Use

- 8.2 Saved policy E2 of the Shepway District Local Plan Review states that planning permission for business and commercial development or redevelopment will be granted on new employment opportunity sites shown on the Proposal Map. The policy sets out that permissible uses are restricted to Use Classes B1, B2 and B8, and states that development of the Phase IV land will be subject to provision of necessary improvements to the junction of Mountfield Road and Station Road. As the proposed development facilitates the future development of Phase IV, it is considered that the proposal complies with the permissible uses set out within the policy, and as this proposal does not include the development per se of Phase IV land i.e. it is only seeking permission for the access road to the site, it does not trigger the requirement for junction improvements. Therefore, it is considered that the proposed use is in accordance with saved policy E2.
- 8.3 It is considered that the proposed access road is also supported by NPPF Paragraphs 80-82, which seek to create the conditions in which businesses can invest and expand to address the specific locational requirement of different sectors, including making provision for clusters or networks, as it facilitates the future development of Phase IV by providing the necessary access infrastructure to the future employment opportunity sites.
- 8.4 Consequently, it is considered that the proposal would help facilitate the wider development as an Employment Opportunity Site and it complies with the policy designation of the site. It is supported by local adopted policy and national policy in relation to planning policies and decision-making for business space and the associated job generation. On this basis, the proposed development is considered to be acceptable in principle on policy grounds.

Highway Matters

- 8.5 The applicant sought pre-application advice from Kent Highways & Transportation (KHAT) to agree the parameters of the proposed access road. It was established at this stage of the process that the road meets the

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requirement for a Local Distributor Road with a 6.75m carriageway and 2m wide footway as set out in the Kent Design Guide and is able to cater for articulated vehicles that have the potential to use the road. Work has also been undertaken to model vehicle turning movement for articulated vehicles.

- 8.6 The applicant has provided as part of this application a Stage 1 Road Safety Audit which does not raise any highway safety issues and as such KHaT have confirmed that the proposed road is suitable for adoption by Kent County Council. Consequently, KHaT raise no objections to the proposal subject to conditions, including a Construction Management Plan; provision and permanent retention of the vehicle turning space; removal of the existing bell-mouth junction and replacement with full height kerbing within 1 week of opening the new road; and submission of full details of the proposed street lighting design for the new road. On this basis, it is considered that the proposed new access from Mountfield Road would not be detrimental to the safety of vehicle traffic, cyclists or pedestrians and is in accordance with saved policies TR6 and TR11.
- 8.7 Therefore, subject to the conditions outlined above and detailed in the consultation response from KHaT, it is considered that the proposal is acceptable in highway terms and regarding pedestrian access, it is in accordance with the relevant standard and saved policies TR6 and TR11 and would not result in any issues of highway safety.

Drainage

- 8.8 Desk based British Geological Survey information shows that the site is underlain by Hastings Beds of the Sandstone Formation and Tidal Flat Deposits and groundwater is assumed to be less than 3 metres below the surface. There are also significant constraints to infiltration indicated. KCC Flood and Water Management (LLFA) have commented that ground investigation has not been completed and infiltration rates have been derived from a site over 100m west of the site. The LLFA have also commented that the side slopes of any drainage basin should normally be no steeper than 1:3 to allow for vegetative stabilisation and for public safety reasons. However, they do not raise objection to the proposal provided conditions are imposed that cover the following matters:
1. Submission of details of a sustainable surface water drainage scheme that demonstrates the surface water generated by this development can be accommodated and disposed of without increase to flood risk on or off-site.
 2. Prior to the operation of the proposed access road a Verification Report must be submitted and approved that demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed. This Report shall contain information and evidence of earthworks; details and locations of inlets, outlets and control structures; extent of planting details of materials used in construction; full as built drawings; topographical survey; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

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- 8.9 It is considered that the proposed access road is also supported by NPPF Paragraph 163, as it would, following the approval of details, incorporate a sustainable drainage system and therefore be implementing measures to ensure that the development does not increase the risk of flooding.
- 8.10 Subject to the conditions outlined above and detailed in the LLFA's consultation response, it is considered that the proposal is acceptable with regard to drainage.

Ecology

- 8.11 A Phase 1 Ecological Survey has been submitted with the application which identified the site's boundary vegetation as suitable for reptiles. The presence of reptiles in this area has been corroborated by the Kent and Medway Biological Records Centre (KMBRC) biological records. The applicant has confirmed that the boundary areas would be unaffected by the development, however, it is deemed appropriate that a condition is applied to ensure that suitable precautionary protection measures are in place during construction to safeguard the established reptile habitat.
- 8.12 KCC Ecology recommend a condition requiring the submission of a lighting plan to ensure that the impact on bats is minimised in accordance with NPPF Paragraph 180 and The Bat Conservation Trust's UK guidance. A condition to secure opportunities for biodiversity enhancements within the site would also be attached to any subsequent permission in line with advice received from KCC Ecology.
- 8.13 Subject to the conditions outlined above and detailed in KCC Ecology's consultation response, it is considered that the proposal is acceptable with regard to ecological impact.

Archaeology

- 8.14 The site is within an area of archaeological potential and as such it is a material planning consideration. KCC Archaeology have been consulted and have advised that in this instance no archaeological measures are necessary. It is therefore considered that the proposal is acceptable with regard to archaeology.

Local Finance Considerations

- 8.15 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.

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8.16 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. This application would not be CIL liable given development's such as access roads are exempt/zero-rated under the Charging Schedule.

Human Rights

8.17 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.

8.18 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.

PUBLIC SECTOR EQUALITY DUTY

8.19 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

9.0 BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 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 given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

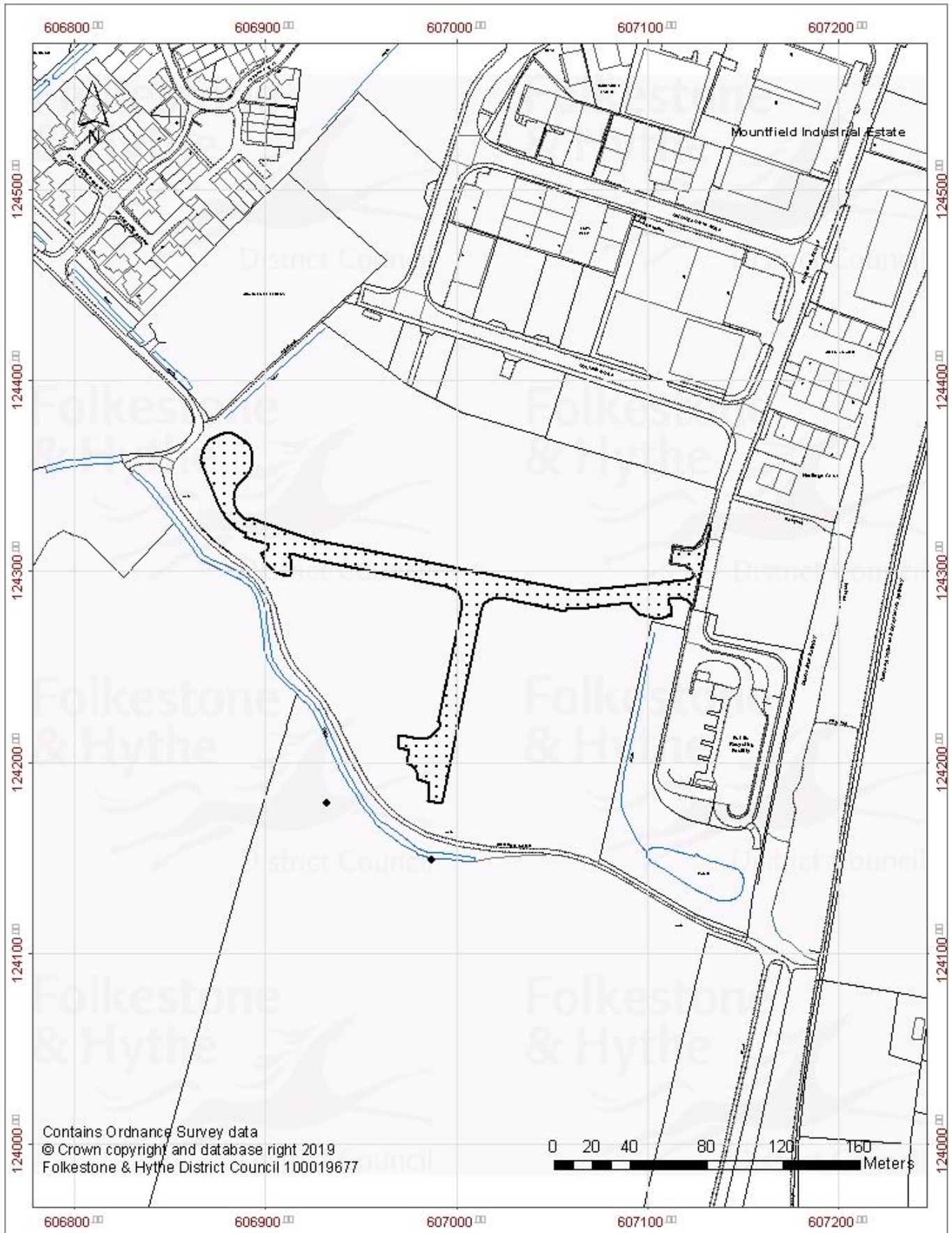
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1. Standard 3 year permission
2. Construction Management Plan
3. Provision and retention of vehicle turning areas
4. Removal of the existing bell-mouth junction and replacement with full height kerbing with 1 week of the opening of the new access road.
5. Sustainable surface water drainage scheme.
6. Verification report pertaining to the surface water drainage scheme.
7. Scheme of proposed street lighting design to include measures to prevent disturbance to bat activity.
8. Details of precautionary mitigation measures for the protection of reptiles.

Decision of Committee

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Y19/0302/FH
Land Rear Plot 15
Collins Road
New Romney



APPEALS MONITORING INFORMATION – 4th QUARTER 2019. 1st JANUARY TO 31st MARCH 2019
Application No: Y17/0045/CM

Site Location: 12A Metropole Court The Leas Folkestone Kent

Proposal: Enforcement notice in relation to the installation of a waste pipe on a Listed Building

Officer Recommendation:		Committee Decision:		Delegated Decision:	-
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Outcome:	Appeal Dismissed	Date of Decision:	4th March 2019	Costs Awarded:	
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Application No: Y15/0210/CM

Site Location: Land adjacent Wooden Dene (Jagdishof) Woodland Road Lyminge Folkestone

Proposal: Enforcement notice in relation to storage of mobile homes, vehicles and miscellaneous items on the land

Officer Recommendation:	Serve Enforcement Notice	Committee Decision:	Serve Enforcement Notice	Delegated Decision:	-
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Outcome:	Appeal Dismissed	Date of Decision:	28th January 2019	Costs Awarded:	
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Application No: Y17/1646/SH

Site Location: Land adjacent 1 Pylon Cottages Guldeford Lane East Guldeford Kent

Proposal: Certificate of lawfulness for continued construction of dwelling approved under planning permission Y06/1083/SH.

Officer Recommendation:	-	Committee Decision:	-	Delegated Decision:	Refused
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Outcome:	Appeal Dismissed	Date of Decision:	1st March 2019	Costs Awarded:	Refused
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Application No: Y17/1502/SH

Site Location: 6 St Denys Road Hawkinge Folkestone Kent

Proposal: Erection of a pair of semi detached two-storey dwellings.

Officer Recommendation:	-	Committee Decision:	-	Delegated Decision:	Refused
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Outcome:	Appeal Dismissed	Date of Decision:	15th March 2019	Costs Awarded:	
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Application No:	Y18/0528/FH		
Site Location:	New Inn 37 High Street New Romney Kent		
Proposal:	Erection of 3 terrace houses with associated landscaping and parking.		
Officer Recommendation:	-	Committee Decision:	-
Outcome:	Appeal Dismissed	Date of Decision:	8th March 2019
		Delegated Decision:	Refused
		Costs Awarded:	

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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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 – 30 APRIL 2019**

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

30 APRIL 2019

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

**1. Y18/1580/FH
(Page 11)**

BRIDGE TAVERN 129 STATION ROAD LYDD

Change of use from Drinking Establishment (Class A4) to 3 residential units (Class C3) comprising two 4 bedroom dwellings and one 5 bedroom dwelling with associated parking and garden areas.

Mr Kamolofe, applicant, to speak in support of application

THE SCHEDULE WILL RESUME IN THE FOLLOWING ORDER:

**2. Y18/1075/FH
(Page 33)**

**LAND ADJOINING 141 COAST DRIVE, LYDD ON SEA,
ROMNEY MARSH, KENT, TN29 9PD**

Erection of a detached dwelling with associated car parking, following the demolition of a garage

**3. Y19/0302/FH
(Page 45)**

**LAND REAR PLOT 15, COLLINS ROAD, NEW ROMNEY,
KENT**

Formation of new vehicular access to serve the future employment site at Mountfield Road, New Romney, on land located to the west of Mountfield Road, south of Collins Road and the north of Church Lane - Mountfield Road Phase IV.

**1. Y18/1580/FH
(Page 11)**

BRIDGE TAVERN 129 STATION ROAD LYDD

Representation

Additional comments received from the applicant, Mr. Komolafe stating that.

- The application satisfies policy
- The business is no longer viable
- The building needs attention
- The Town Council have supported the application
- The site would not be overdeveloped

- A new build proposal could easily incorporate appropriate layouts

Extensive comments were also received refuting the content of the Officer's report in relation to the layout and design issues raised, the absence of a phase 2 ecological survey and requesting a further deferral for this information to be provided.

All comments received are available, in full, on the planning file.

Omission

At paragraph 4.7 of the addendum report, it is stated that the garden area for unit 'a' is 4.75 metres in width. Whilst this is correct for the north western end of the garden, this area widens to 5 metres at the south eastern end.

**2. Y18/1075/FH
(Page 33)**

**141 COAST DRIVE, LYDD ON SEA,
ROMNEY MARSH, KENT, TN29 9PD**

The site location relating to this application should read '141 Coast Drive, Lydd on Sea, Romney Marsh, Kent, TN29 9PD'.