



Agenda

Meeting: **Planning and Licensing Committee**
Date: **11 June 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);
- c) voluntary announcements of other interests.

Queries about the agenda? Need a different format?

Contact Sue Lewis – Tel: 01303 853265
Email: committee@folkestone-hythe.gov.uk or download from our
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3. **Minutes (Pages 5 - 10)**

To consider and approve, as a correct record, the minutes of the meeting held on 30 April 2019.

4. **Minutes of the Licensing Sub-Committee (Pages 11 - 14)**

To approve the minutes of the Licensing Sub-Committee meeting held on 24 April 2019.

5. **The Folkestone & Hythe (Land at Shelleys Mews, Ingles Road, Folkestone) Tree Preservation Order No 6 of 2019 (Pages 15 - 22)**

Report DCL/19/01 considers the confirmation of the Tree Preservation Order served in respect of two Sycamore trees and the objections relating to it. The objections mainly relate to tree nuisances and tree risk.

6. **Y18.1193.FH The Barnfield, Brabourne Lane, Stowting Common, Ashford, Kent, TN25 6BQ (Pages 23 - 34)**

Report DCL/19/03 – Change of use and conversion of barn to holiday let accommodation.

7. **Y19.0377.FH 1 Varne Road, Folkestone, Kent, CT19 6BE (Pages 35 - 40)**

Report DCL/19/04 - Erection of a two storey side extension along with retrospective consent for the erection of a single storey rear extension and raised terrace area. (A map will be included in the forthcoming supplementary items).

8. **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 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.’

Part 2 – Exempt Information Item

9. **Unauthorised erection of dwelling (Pages 41 - 62)**

Report DCL/19/02 considers the appropriate action to be taken regarding the unauthorised erection of a dwelling house and change of use of land.

*Explanations as to different levels of interest

Planning and Licensing Committee - 11 June 2019

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

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

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

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

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

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Minutes

Planning and Licensing Committee

Held at: Council Chamber - Civic Centre, Folkestone

Date: Tuesday, 30 April 2019

Present: Councillors Alan Ewart-James, Clive Goddard (Chairman), Miss Susie Govett, Mrs Jennifer Hollingsbee, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock, Damon Robinson, Russell Tillson and Roger Wilkins (Vice-Chair)

Apologies for Absence

Officers Present: Robert Allan (Development Management Team Leader), David Campbell (Development Management Team Leader), Kate Clark (Committee Services Officer), Sue Lewis (Committee Services Officer) and Lisette Patching (Development Management Manager)

Others Present:

73. Declarations of Interest

Councillor Dick Pascoe declared a voluntary announcement in respect of the minutes of the meeting held on 19 March 2019, application Y18/0982/FH – Hawkinge Cemetery and Crematorium, as his interest arose due to being the Cabinet Member for Property Management and Environmental Health.

Councillor Len Laws declared a voluntary announcement in respect of application Y18/1580/FH – Bridge Tavern, 129 Station Road, Lydd, as his interest arose due to knowing the original owners of the site. He remained in the meeting during discussion and voting on this item.

74. Minutes

The minutes of the meeting held on 19 March 2019 were submitted, approved and signed by the Chairman.

75. Minutes of the Licensing Sub-Committee

The minutes of the meeting held on 1 April 2019 were submitted, approved and signed by the Chairman.

76. 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.

Mr Kamolofe, the applicant was due to speak in support of the application but the Chairman informed that he was unable to attend the meeting.

A number of issues arose during discussions and these are reported below:

- Gardens too close to the caravan adjacent to the site;
- The applicant has revised the application following original objections but some members still felt more was needed;
- Garden separate from the house isn't an issue;
- Bat survey results are only valid reason for refusal;
- No issues of loss of public house;
- Must get the application right;
- The application is fine as it is and should be approved.

The applicant has resolved a number of issues but there are still 3 outstanding which is why the committee has come to the decision set out below.

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor Roger Wilkins and

Resolved: To defer the application to give the applicant a further opportunity to address the following recommended reasons for refusal with delegated authority given to the Chief Planning Officer to grant planning permission if the following recommended reasons for refusal are overcome:

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.

(Voting: For 11; Against 1; Abstentions 0)

77. 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.

Proposed by Councillor Russell Tillson
Seconded by Councillor Dick Pascoe and

Resolved: 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.

(Voting: For 11; Against 1; Abstentions 0)

78. 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.

Proposed by Councillor Roger Wilkins
Seconded by Councillor Russell Tillson and

Resolved: 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.

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

79. **Appeals Monitoring Information - 4th Quarter 2019. 1st January TO 31st March 2019**

Members noted the Appeals Monitoring Information for the 4th Quarter 2019 – 1st January to 31st March 2019.

80. **Exclusion of the Public**

Proposed by Councillor Paul Peacock
Seconded by Councillor Russell and

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

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

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

(Voting: For 11; Against 0; Abstentions 1)

81. **Enforcement**

The report considered the appropriate action to be taken regarding the enforcement.

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor Dick Pascoe and

Resolved:

1. **To receive and note report DCL/18/40**
2. **That delegated authority be given to the Chief Planning Officer to serve an Enforcement Notice requiring the demolition of the older of the two residential dwellings on the land and the cessation of the use of the land for residential use and storage of domestic items if the Lawful Development Certificate is refused.**
3. **That an Enforcement Notice be served requiring the demolition of the newer of the two residential dwellings on the land**

4. That, if the Lawful Development Certificate for the older dwelling is granted, delegated authority be given to the Chief Planning Officer to serve an Enforcement Notice requiring the cessation of the use of the land for residential use and storage of domestic items where it is considered that the use has not become lawful.
5. That the Chief Planning Officer be given delegated authority to determine the exact wording of the Notice(s).
6. That the period of compliance with the Notices be (six) 6 months.
7. That the Assistant Director - Governance, Law & Regulatory Services be authorised to take such steps as are necessary including legal proceedings to secure compliance with the Notice.

(Voting: For 11; Against 1; Abstentions 0)

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Minutes

Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 24 April 2019
Present	Councillors Michael Lyons, Philip Martin and Roger Wilkins
Apologies for Absence	None
Officers Present:	Kate Clark (Committee Services Officer), Miss Isabelle Hills (Planning Trainee), Alexander Kalorkoti (Senior Planning Officer), David Kelly (Legal Services Manager), Wai Tse (Environmental Protection Officer) and Briony Williamson (Senior Licensing Officer)
Others Present:	Mr and Mrs Shorten (Applicants)

26. **Election of Chairman for the meeting**

Proposed by Councillor Philip Martin
Seconded by Councillor Roger Wilkins

RESOLVED:

That Councillor Michael Lyons be elected as Chairman for the meeting of this Licensing Sub-Committee.

27. **Declarations of interest**

There were no declarations of interest at the meeting.

28. **Declarations of lobbying**

There were no declarations of lobbying. Lobbying forms signed and returned to Committee Services.

29. **An application for a variation of a premises licence in respect of Space Gallery, 7 Old High Street, Folkestone, CT20 1RJ**

Report DCL/18/40 set out the facts for the Licensing Committee to consider in determining a Variation for a Premise Licence in accordance with the Licensing Act 2003. The application was to extend the opening hours on Friday and

Saturday nights and to extend Recorded Music, Late Night Refreshment and Alcohol Sales (both on and off premise) on Friday and Saturday.

The Chairman introduced those present and explained the process to be followed at this committee.

Mrs Briony Williamson, Senior Licensing Officer, presented the Committee with an overview of the report. She advised that representations had been made by the District's Planning Department and Environmental Health Department, there had also been one representation received in support of the application.

Mr Shorten, the applicant, was invited to speak. He outlined his length of experience and commented that all previous conditions had been adhered to. He said that his customers were tending to come into the premises later, however the present closing times meant customers had to leave shortly thereafter. He went on to say that the town needs a night time economy which would mean a more sustainable business.

From using and running events through Temporary Event Notice applications (TENS) he had shown that a later service is needed.

Mr Wai Tse, on behalf of the Council's Environmental Health Department, made the following comments:

- Extending the opening hours on a Friday and Saturday would likely cause a public nuisance
- As the location is a mixed residential and commercial area, perhaps it would be more appropriate to use TENS as and when required. There is a limit of 15 TENS applications per year.

Miss Isabelle Hills, on behalf of the Council's Planning Department, read out the following statement:

The Planning Department objects to the proposed variation of the premises licence on the ground of the prevention of public nuisance. It is considered that the proposed opening hours under this application until 02.30am on Friday and Saturday nights would give rise to unacceptable public nuisance caused by customer arrival and departure and noise generated from the premises.

The planning department therefore ask for the premises licence to reflect the hours permitted within the 2017 planning application (reference Y17/0403/SH). (Details of the current permitted opening hours are shown in the agenda pack).

The Chairman then asked Mr Shorten, the applicant, if he had any further comments to make. He made the following points:

- TENS applications have been used successfully.
- The Police do not have any issues with the running of the business.
- CCTV has been purchased with a view to installing.
- Understands the need for SIA trained staff to be present after 10 pm.

- The popularity of the Harbour Arm potentially affects the applicant's business and believes the extended opening hours would mean a more viable business.

Members noted the points below:

- Sort assurance that any public nuisance problems would be addressed although understood that there had only been one complaint received during the last six events.
- As per Planning recommendations dated 2017 sound proofing measures had been in place which was helping to prevent noise nuisance.
- The Planning team confirmed that planning permission would also be required to extend the opening hours, if the committee granted this application.
- The age group of the clientele ranges from 20 to 60 years with events tending to attract adults in the younger age group. Potentially this could lead to anti-social behaviour. Assurances were made that any problems would be dealt with by SIA trained officers and the applicant in the first instance.
- The committee were advised that correspondence had been received from three residents showing concerns, however not showing any real evidence. One letter of support had been received.

The Chairman then asked those present to sum up. All those present advised they had nothing further to say.

The Sub-Committee then adjourned to make a decision, in private. The legal officer and committee services officer accompanied them.

The Sub-Committee returned to the Chamber and the Chairman read out the decision of the Sub-Committee and were mindful of all four licensing objectives being met, namely:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The Sub-Committee agreed for the application to be granted to extend the opening hours on Friday and Saturday nights from 00:30 to 02:30 and to extend recorded music, late night refreshment and alcohol sales on and off the premises from 0:00 to 02:00 on Friday and Saturday.

An important point to note was that the license extension of hours should not be used until planning permission has been granted, however a Temporary Event Notice (TENS) could still be used for special events that are outside the current licence.

Finally, the Sub-Committee commented that the applicant was a responsible business owner, showing experience as a licence holder.

RESOLVED:

- 1. That report DCL/18/40 be received and noted.**
- 2. That the application be granted.**

This Report will be made public on 3 June 2019



Report Number: **DCL/19/01**

To: Planning and Licensing Committee
Date: 11 June 2019
Status: Non key decision
Responsible Officer: Llywelyn Lloyd, Chief Planning Officer

SUBJECT: THE FOLKESTONE & HYTHE (LAND AT SHELLEYS MEWS, INGLES ROAD, FOLKESTONE) TREE PRESERVATION ORDER NO. 6 OF 2019

SUMMARY: This report considers the confirmation of the Tree Preservation Order served in respect of two Sycamore trees and the objections relating to it. The objections mainly relate to tree nuisances and tree risk.

REASONS FOR RECOMMENDATIONS:

- a) The trees are prominent in the street scene, have high visual amenity value and make an important contribution to the character and appearance of this residential location close to Folkestone Town Centre. As such their retention is important in order to enhance the character and visual amenities of the locality.

RECOMMENDATIONS:

1. To receive and note report
2. To confirm The Folkestone & Hythe (Land at Shelleys Mews, Ingles Road, Folkestone) Tree Preservation Order No 6 of 2019.

1. BACKGROUND

- 1.1 The purpose of this report is to consider the objections to the Tree Preservation Order made on two Sycamore trees situated to the south of 4 Shelleys Mews and the car parking area associated with 1-4 Shelleys Mews, a terrace of four modern cottage style dwellings located on the south side of Ingles Road, Folkestone. The trees are located at the rear of the dwellings adjacent to the designated parking bays. To the rear of the trees there is a row of garages associated with 22 Manor Road.
- 1.2 The two trees were identified for retention under planning permission 95/0726/SH which granted consent for the erection of four terraced dwellings (1-4 Shelleys Mews). The site is not located within a conservation area, nor was a tree preservation order made when the application was determined. A condition of that permission required the replacement of any trees which were removed or died within a period of 5 years from the completion of the development; consequently there was nothing to prevent the trees being removed or managed after that period.
- 1.3 The TPO was served on 19th February 2019 in response to a letter from a neighbour asking for the Council to consider making a TPO on two mature Sycamores which were due to be felled on 21st February 2019. A site visit was made to assess the amenity value of the trees and it was considered that they are prominent in the street scene, being visible from Ingles Road, Manor Road and Cheriton Gardens, and as such make an important contribution to the character and appearance of the area. It was considered that the trees meet the criteria for inclusion in a TPO and that it would be appropriate to make an order to secure their retention.
- 1.4 Seven objections were received from the owners or occupiers of adjoining properties. The concerns raised are as follows:
 - Trees are too close to properties
 - Trees overhang parking bays and drop debris
 - Leaf debris creates slippery path and slipping hazard
 - Trees create shade in the small gardens, drop leaf litter, branches and debris and prevent the establishment of a healthy garden
 - Trees are too close to boundary wall, could cause damage and collapse of wall
 - Concerns over safety of all people on properties overhung by trees
 - Possible damage and subsidence to all properties and vehicles overhung by trees
 - Owners disinterested in maintaining trees
 - House insurance is expensive
 - Trees provide little visual impact

2. APPRAISAL

- 2.1 The Sycamore trees subject of the Tree Preservation Order are valuable in terms of their visual amenity and contribution to the character and appearance of this attractive urban location set on the outskirts of Folkestone

Town Centre. Ingles Road is a tree lined street characterised by a mix of elegant period semi and detached properties, many divided into flats, interspersed with large modern apartment blocks. The trees are prominent in the street scene when viewed from various points along Ingles Road, Manor Road and Cheriton Gardens, and are considered to make an important contribution to the amenities of the area.

- 2.2 The trees were shown to be retained as part of the development scheme for Shelleys Mews and appear to have co-existed with the occupants of the dwellings since they were erected around twenty years ago and as such were not considered to be at risk from felling. There is evidence that the smaller of the two trees may have been pollarded at some point in the past and there is no reason why the trees cannot now be retained and managed in a similar way. Nevertheless, it is still considered appropriate for the TPO to remain on the trees so that their long term retention can be secured, given their prominence in the street scene.
- 2.3 With regard to the concerns relating to the trees being too close to the properties, it is not known in what respect this causes an issue to the residents. It is acknowledged that trees growing closer to a property than half full height can cause anxiety, and potentially be a barrier to light. However works to reduce the size of the trees and/or thin the canopies (subject to the necessary consent) would help to alleviate these concerns and the TPO will not prevent this.
- 2.4 Common law rights allow neighbours to prune back trees that are not protected by a Tree Preservation Order to their boundary without the consent of the tree owner. This includes pruning of branches which extend over neighbouring property. As the trees in question are now subject to a tree preservation order, an application to the Council would be required.
- 2.5 Though it is acknowledged that the trees are quite close to Shelleys Mews and the garages on adjoining land, this would not be a reason for excluding them from a preservation order providing that there is no evidence to suggest that the trees could be posing a significant risk to the structures or occupants of the properties, and no evidence has been provided to demonstrate that this is the case.
- 2.6 Turning to concerns that the trees overhang the parking bays and drop debris on vehicles below, with the potential to cause damage, provision was made for the retention of the trees in the proposed development at Shelleys Mews and the applicant demonstrated that they could be retained adjacent to the car parking bays. The approved plans show nine parking bays between 4 dwellings, of which three are in close proximity to the easternmost tree. Aerial photographs taken between 2006 and 2015 and Google maps show only a handful of vehicles parked in the bays at any one time, suggesting that the need to park under the trees is not a regular occurrence. As mentioned above, removal of dead wood together with cyclical pruning of the trees would help to alleviate this problem.
- 2.7 With regard to concerns over leaf debris causing a slipping hazard, the clearing of leaves is considered to be a general household maintenance task

and it is assumed that the requirement to deal with this on a regular basis would be taken into account when purchasing or renting a property with large trees in the vicinity. It is not sufficient justification for not confirming the TPO or allowing the removal of the trees.

- 2.8 Turning to the negative effects of the trees on the enjoyment of the surrounding gardens, the orientation of the sun in relation to the dwellings means that No 4 Shelleys Mews is likely to be most affected by loss of direct sunlight from midday onwards, the other three dwellings probably only losing sunlight during the latter part of the day. Pruning of the trees to allow light to filter through the canopy together with the planting of shade tolerant plants would help to alleviate the shading issues.
- 2.9 Large trees in gardens have and always will generate complaints from residents in relation to leaf litter blocking drains and gutters, blocking out light, preventing the establishment of planting and causing general nuisance, all of which can usually be remedied by routine household maintenance and careful pruning carried out at reasonable intervals, and do not pose a nuisance sufficient to warrant the felling of the tree.
- 2.10 Any nuisance needs to be weighed up against the benefits connected with trees within the urban environment. Trees play an important role in enhancing our quality of life and this is acknowledged in the Government's Sustainable Development Strategy. Not only do they have a visual quality, but they also enhance the environment by improving air quality, and reducing the 'Greenhouse' effect by removing carbon dioxide from the air and releasing oxygen. Trees are also an effective sound barrier, provide shade, can limit noise pollution and recent research shows that they also help reduce the stress of modern life. In addition trees benefit the environment and the landscape, and are an integral part of the ecosystem providing benefits to wildlife and biodiversity.
- 2.11 With regard to the perceived tree risks identified by the objectors as: possible damage to the boundary wall, surrounding property; people; vehicles and footpath, no evidence has been produced to confirm that the trees are currently causing a danger or damage. The responsibility for the trees rests solely with the tree owner and it is down to them to ensure that the trees are inspected periodically (duty of care). It is possible to manage the trees to reduce the risk to people in adjoining properties (subject to consent), such as the removal of crossing /rubbing branches and dead wood from time to time, and/or the overall reduction of the crown to reduce the loading in canopy.
- 2.12 It is recognised that the land owner and residents are seeking to avoid the risks laid out above by felling the trees and as such it is recommended that in the first instance they engage a qualified arboricultural consultant to assess the trees to identify any structural issues and make recommendations based on their findings. Should it be found that the trees are dangerous, or that they are causing structural damage which cannot be resolved by pruning or other methods, then the Council would consider favourably an application for their removal based on such evidence.

- 2.13 With regard to the claims that the tree owner is not interested in maintaining the trees, as mentioned above, the tree owner has a duty of care with regard to their trees and neighbours are able to undertake works to overhanging trees subject to consent from the Council. Regardless of whether or not the trees are protected by a TPO, the costs and logistics of undertaking such works would need to be discussed and agreed between the neighbours and the tree owner and again, may need to be born in mind before entering into a sale or rental agreement of a property where there are large trees nearby.
- 2.14 Turning to claims that house insurance is expensive due to the presence of the trees, it is not clear why this has now become a problem. As mentioned above, the trees and the dwellings have co-existed for around twenty years, indicating that home insurance has probably not been an issue up until now.
- 2.15 With regard to claims that the trees possess little visual impact, as set out above, the assessment of the trees revealed that they are prominent in the street scene when viewed from Ingles Road and visible from surrounding streets, being among only a handful of large mature trees in this urban location. Notwithstanding their visual amenity value, the benefits to the environment in this location are many. In addition to those mentioned above, the trees help to soften the urban environment in general as well as complementing the 'cottage' style setting of the mews.

3. CONCLUSION

- 3.1 In conclusion, the Sycamore trees play a key role in the street scene and are considered to be valuable in terms of their visual presence in the public realm and for the positive contribution they make to the amenities of the locality and of the character and appearance of the area. The Tree Preservation Order seeks to ensure the retention of the trees, ensure that future works to them can be controlled and their future health safeguarded in the interests of the visual amenity of the locality. It is recommended that on these grounds the Tree Preservation Order is confirmed without modification.
- 3.2 This application has been reported to committee at the request of Cllr Monk.

4. RISK MANAGEMENT ISSUES

- 4.1 Risk management is considered to be as follows:

Perceived risk	Seriousness	Likelihood	Preventative action
Tree may be felled if TPO not confirmed	High	High	Confirm TPO

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments (NE)

There are no direct legal implications arising from the recommendations in this report.

7.2 Finance Officer's Comments (LK)

There are no financial implications arising directly from this report

7.3 Diversities and Equalities Implications (GE)

There are no equalities implications directly arising from this report

8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

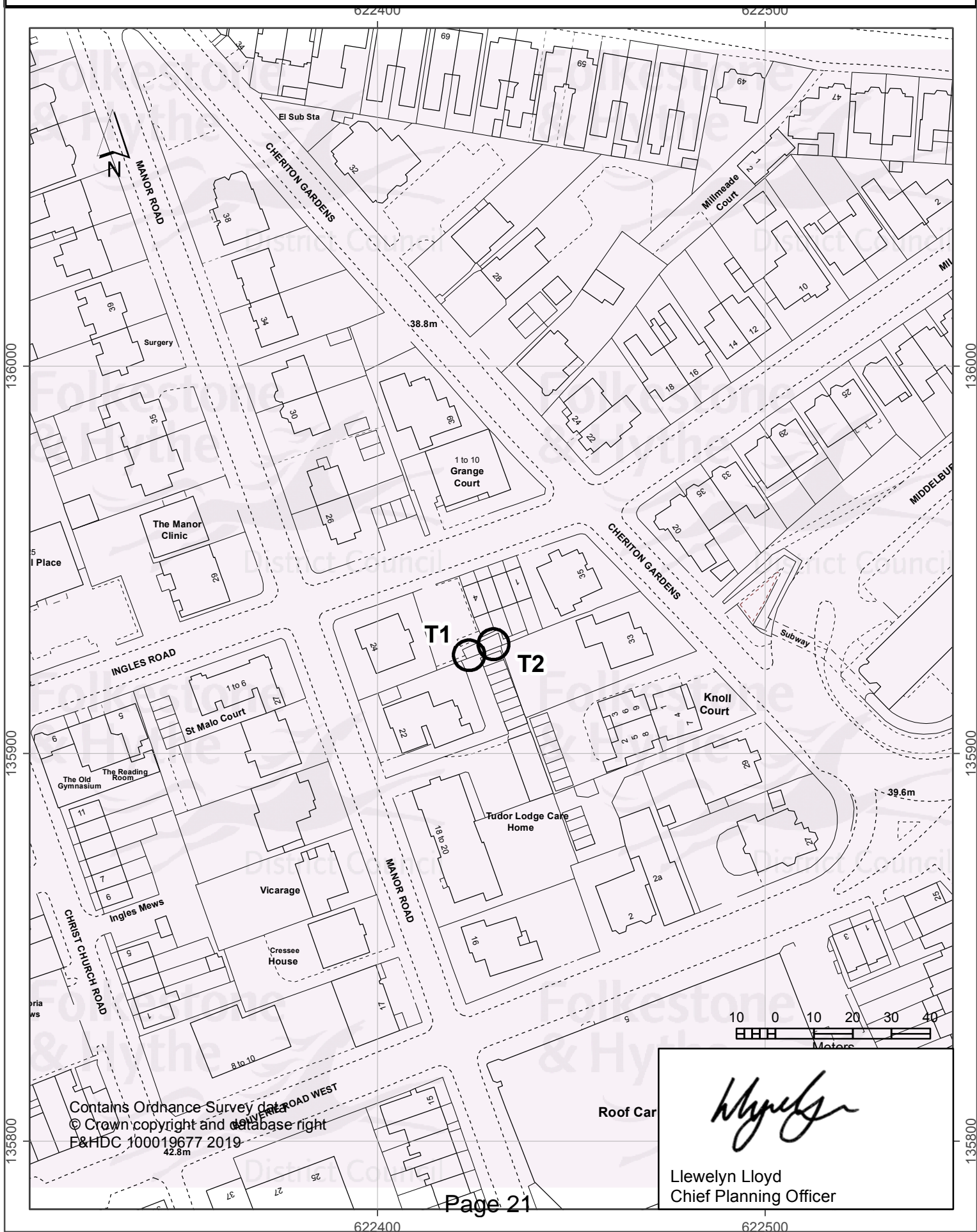
Jo Daniels Planning Technician
Telephone: 01303 853458
Email: jo.daniels@folkestone-hythe.gov.uk

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

Appendices:

Appendix 1:

Map referred to in the Folkestone & Hythe
(Land at Shelleys Mews, Ingles Road, Folkestone)
Tree Preservation Order No. 6 of 2019



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Agenda Item 6

DCL/19/03

Application No: Y18/1193/FH

Location of Site: The Barnfield, Brabourne Lane, Stowting Common, Ashford, Kent, TN25 6BQ

Development: Change of use and conversion of barn to holiday let accommodation

Applicant: Mr James Short

Agent: N/A

Date Valid: 08.10.2018

Expiry Date: 03.12.2018

PEA Date: N/A

Date of Committee: 11.06.19

Officer Contact: Alexander Kalorkoti

SUMMARY

This application seeks planning permission for the conversion of a barn to a single unit of holiday let accommodation. It is considered to be unacceptable due to the isolated location of the site which gives rise to concerns regarding the sustainability of the development outside of the identified settlement boundaries and the insufficient evidence submitted to demonstrate that the proposed holiday let represents the optimum reuse of the building to minimise intrusion into the historic fabric of the barn and preserve its long term future. As a result of the above, the application is recommended for refusal.

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

1.0 THE PROPOSAL

- 1.1 The proposal comprises the conversion of a barn to a single unit of holiday let accommodation. Internally, the proposal includes the creation of a new mezzanine floor with existing mezzanine floor area to be removed. Externally, the proposal includes the insertion of a single window to the north elevation, patio doors and a window to the west and east elevations, and three windows to the south elevation.
- 1.2 The proposal would create a three-bedroom holiday let with open-plan living room/kitchen, utility room, wet room and two bedrooms at ground floor level, with a bedroom and en-suite at first floor. In terms of materials, the proposed window and door units would be timber finished in black to match the weatherboarding of the building, with the parking area formed in gravel and demarked by the re-siting of the existing chestnut boundary fence. The

proposal also includes renewing the thatched roof of the barn with matching material.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Outside of the settlement boundary
- Special Landscape Area
- Kent Downs Area of Outstanding Natural Beauty
- Area of Archaeological Potential

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The barn which is subject to this application is located between the main house of The Barnfield and the lane. The main barn is of timber frame construction comprising three and a half bays on a low brick plinth has a pitched and barn-hipped thatched roof with walls finished in overlap timber weatherboarding with corrugated iron in parts. There is a long subservient element to the side of this which has a tiled roof and ragstone walls.
- 3.2 To the side/west of the barn is a ragstone stable block with pitched roof. The land between the barn/stable block and the lane is currently used for the keeping of horses. The main house of The Barnfield, located to the north of the barn and stable block is a two storey dwellinghouse with hipped tiled roof, finished with timber window units, facing brickwork at ground floor and horizontal timber cladding at first floor.
- 3.2 The barn is identified as a non-designated heritage asset which contributes to the local distinctiveness and rural character of the district, and is believed to date from the 18th century. The neighbouring dwelling, Park Farm is a Grade II listed building and the barn historically formed part of its farmstead. The barn is no longer within the ownership or physical curtilage of Park Farm but this does not preclude it from being curtilage listed.

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 Stowting Parish Council

Voted in support of the proposal, however concerns were raised with regard to neighbouring amenity balanced against the desire to securing investment to preserve the character and appearance of the barn.

5.3 KCC Archaeology

Heritage Statement provides little information on the fabric of the barn, its significance or how the proposed works affect that its significance. Raised the balance of generating revenue to ensure the upkeep of the building against the impact of the conversion on the historic fabric of the building. Advised that if planning permission is granted then a condition should be applied requiring a programme of building recording.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 05.11.18

7.0 REPRESENTATIONS

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

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

Responses are summarised below:

7.2 4 representations were received objecting to the proposal. The main points raised are summarised below

- Impact of the conversion on the character and appearance of the building
- Impact on neighbouring amenity
- Increased traffic, parking and highway safety concerns

7.3 1 representation was received in support of the proposal. The main points raised are summarised below

- Support as the conversion will ensure the preservation of the building.

8.0 RELEVANT POLICY GUIDANCE

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

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE5, CO1, CO4, CO19, SD1, HO1, TR11, TR12

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, CSD3

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 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 (PPLP) Submission Draft apply: HB1, HE1, HE2, E3, E7.

- 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, SS3, CSD3.

- 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.
189, 190, 192, 197 – 199 – Heritage Assets

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The main considerations in the determination of this application are the principle of the proposed use, the impact of the conversion on the historic significance of the non-designated heritage asset, design and visual appearance, neighbouring amenity, parking and highways and ecology.

Principle of Development

- 9.2 Paragraph 83 of the NPPF supports “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”. Although the application is within a rural area, this proposal is for a new business and is not part of an existing rural tourism business.

- 9.3 Policy CSD3 of the Core Strategy states that tourist, recreation and rural economic uses will be allowed within defined settlements in the Settlement Hierarchy. Where sites are unavailable within these settlements such uses may be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and Primary Villages. Paragraph 4.62 of the Core Strategy states that the Settlement Hierarchy provides a framework for the planning system to concentrate development in selected locations across the district, and can maximise the efficient use of existing infrastructure and support business and community facilities. The application site is outside any settlement boundary and the barn is not located within a rural centre or primary or secondary village. The Settlement Hierarchy seeks to maintain the character and integrity of the countryside, and protect small rural places with the extent of settlements defined through boundaries separating settlements from open countryside. Focusing attention on these existing places underpins not only the protection of the district's open countryside, but also seeks the achievement of sustainable places. Therefore, this unsustainable location for holiday let/tourist accommodation is not supported by local policy as there are other sites in more sustainable locations which could accommodate this type of tourist accommodation.
- 9.4 The sequential approach for locating such tourism facilities is further echoed in the emerging policy E3 in the Places and Policies Local Plan Submission Draft which states that planning permission will be granted in or on the edge of centres in the settlement hierarchy for proposals to provide new tourism development including hotels, guest houses, bed and breakfast, self-catering accommodation and new visitor attractions where the location is well related to the highway network and is accessible by a range of means of transport, including walking and cycling and by public transport. The policy further states that new tourist accommodation in the countryside will only be permitted in exceptional circumstances where it can be demonstrated that available sites within or on the edge of settlements are not suitable and an open countryside location is needed. This application is for new guest accommodation in an isolated rural location and it has not been demonstrated within the application why the accommodation cannot be located within or on the edge of a settlement. The only justification provided with the application is that the tourist income will enable the preservation of the barn. This needs to be balanced against the impact of the unsustainable location and the impact of the conversion works and use on the historic fabric and appearance of the building, which will be discussed later in the report.
- 9.5 Core Strategy policy CSD3 states that proposals for new development outside of the Settlement Hierarchy may be allowed where a rural location is essential. As such, a strong justification would be required as to why a rural location is required for the single holiday let unit. The holiday let use would only contribute in a small way to the wider rural economy and this in itself would not outweigh the sustainability concern regarding the new holiday let and associated parking in the open countryside. The application includes a

business plan which seeks to demonstrate that the proposed holiday let use would be viable and would not therefore result in unnecessary development in the countryside.

- 9.6 The submitted business plan sets out that the estimated cost of conversion works, including timber frame repairs and a new thatched roof would cost in the region of £300,000 and the operation of the holiday let unit would have an annual income of approximately £25-30k. The business plan also includes reference to an East Kent Rural Development Leader grant which has been secured subject to planning permission being granted. The business plan includes a letter of support from the AONB unit, a letter from Sykes Holiday Cottages, which identifies a strong market demand for the proposed holiday let unit and a letter from Mulberry Cottages, which provides an estimated income for the holiday let unit. On the basis of the submitted business plan, it is accepted that there would likely be demand for the holiday let which would generate a revenue stream which could support the restoration and conversion works to the barn. As such, the benefit of preserving the character and appearance of the non-designated heritage asset is central to the acceptability of the principle of the development, weighed against the sustainability issue set out above.
- 9.7 In terms of the condition of the existing barn, site photos taken in 2016 by the planning officer for application Y16/0569/SH, show the thatched roof in what appears to be very good condition and it appears that the roof has not been sufficiently maintained since this time. NPPF Paragraph 191 states that 'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'. It appears that the barn has been allowed to deteriorate over recent years, and as such the need for work to repair it should not be a material consideration in assessing the acceptability of the proposed scheme. Furthermore, no evidence has been provided as to how the £300,000 figure for the works to the barn has been arrived at and, as this figure also includes the works to convert the building to a holiday let, how much carrying out works necessary to retain the barn in its current form would be, or what those works are. It is not considered that it has been sufficiently demonstrated that the proposed use is the only way of preserving the barn and therefore that there is insufficient justification for allowing this holiday use in an unsustainable location.
- 9.8 Saved policy CO19 of the Local Plan Review and policy E7 of the PPLP Submission Draft set out criteria for the re use of the buildings in the countryside where the development contributes to the rural economy or tourist industry (including visitor accommodation. These are addressed below:
- The barn appears to be of permanent and substantial construction; it is in keeping with its surroundings; and a structural report submitted with the application concludes that it is suitable for conversion, although it does require extensive works, including underpinning.
 - Overall it is considered that the conversion is sympathetic to the building's character, appearance and setting. Internal partitions are retained and the existing barn door openings used. Additional windows are proposed but

these are considered acceptable subject to joinery details, as set out later in the report.

- The change of use will not prejudice a farm unit
- Adequate provision is available for access, servicing and parking
- There is not considered to be an Impact on residential amenity and this is covered later in this report
- There is not considered to be any detrimental impact on protected species or nature conservation interests and this is covered later in the report
- The proposal is for visitor accommodation which is a rural tourism use.

9.9 Therefore, in respect of the policies concerning the reuse of rural buildings the proposal is considered acceptable. However, notwithstanding this, it is considered that the proposed holiday let use in this location constitutes unsustainable development in the countryside and as such would be contrary to Core Strategy and Core Strategy Review policies SS1, SS3 and CSD3 and it has not been satisfactorily demonstrated that this use is the only means of safeguarding the building. As a result, the principle of the proposal is considered to be unacceptable.

Design & Visual Appearance

9.10 As referenced above, externally, the proposal includes the insertion of a single window to the north elevation, patio doors and a window to the west and east elevations, and three windows to the south elevation, with parking to be provided on a patio area to the front of the barn. It is acknowledged that the proposed alterations, particularly the large glazed areas to the west and east elevations of the barn would create a domestic appearance to the barn. However these use existing openings and given that the proposal would retain the frame, thatched roofed appearance with timber weather-boarded walls, in conjunction with the built profile and form of the barn which would be retained unaltered, it is considered that the proposed alterations to the barn would not result a significantly detrimental visual impact on the character or appearance of the barn or the wider site within the open countryside.

9.11 It is acknowledged that the associated hard surfacing to the front of the barn would further add to the domestic paraphernalia associated with a residential/holiday let use, which would be generated by the proposal. Notwithstanding this, it is considered that the use of a gravel surfaced and the reuse and continuation of the existing chestnut fencing would be relatively visually unobtrusive and it is considered that the proposed holiday let use would not generate a level of frontage parking so as to substantially urbanise the site in views from the public realm.

9.12 In light of the above, the proposal is considered to be acceptable with regard to design and visual impact on the character and appearance of the barn and the street scene, and would preserve the natural beauty of the Special Landscape Area and Kent Downs Area of Outstanding Natural Beauty.

Amenities of Neighbouring Occupiers

- 9.13 With regard to overlooking, it is considered that this would be of principal concern to the occupiers of the neighbouring properties, Park Farm and the existing main house of The Barnfield. The only new window proposed to the north elevation of the barn, which faces towards The Barnfield, would serve a utility room at ground floor. Therefore, it is considered that the proposal would not result in undue loss of privacy for the neighbouring occupiers, with any additional overlooking falling to the front of the house which is not considered to constitute principal private amenity space.
- 9.14 Turning to the proposal's impact on the amenity enjoyed by the occupiers of Park Farm, it is noted that the proposed east elevation facing towards the neighbouring plot includes four full height glazing panels serving the living area and a window which would serve the dining room/kitchen. As all of these openings would be at ground floor level only, and given the relative location and staggered alignment of the barn and the neighbouring house within their respective plots, it is considered that any additional overlooking would likely fall to the common boundary, which in this area of the site demarks the front garden area, which is not considered to constitute private amenity space.
- 9.15 The proposal includes a first floor bedroom window to the south elevation. However it is considered that additional overlooking from this window would fall directly towards the public street scene of Brabourne Lane. It is considered that the new openings proposed to the south and west elevations would overlook the application site and would not result in any discernible overlooking impact on neighbouring plots. In light of the above, the proposal is considered to be in accordance with saved policy BE8(e) and is acceptable with regard to overlooking.
- 9.16 In light of the above, the proposal is considered to be acceptable with regard to impact on the amenities of neighbouring occupiers.

Parking & Highways

- 9.17 The access would be via a shared farm track, which currently serves the main house of The Barnfield, where a marginal increase in activity would occur but with no detriment to highway safety. Although the submitted layout plan shows space for one car, it is considered that the proposed gravel surface to the front of the barn would be more than sufficient to allow for two cars to park safely clear of the highway and egress in a forward gear. This would meet the parking standard recommended within the Kent Design Guide: Interim Guidance Note 3 to serve the three-bedroom unit.
- 9.18 As such, it is considered that sufficient parking is proposed within the site and the proposal is acceptable in transport terms in accordance with saved policies TR5, TR11 and TR12 and emerging PPLP policy T2. As adequate provision would be made to meet access, servicing and parking requirements without detriment to the visual or other amenities in the locality, as set out above, it is considered that the proposal is also in accordance with saved policy CO19(d).

- 9.19 In light of the above, the proposal is considered to be acceptable in terms of parking and highways matters.

Ecology

- 9.20 The application includes a preliminary ecological appraisal which identifies protected species under relevant wildlife legislation and policy and makes recommendations particularly in relation to mitigating light disturbance to bats and the timing of works on suitable habitat for breeding birds, located on the site. Subject to the works being carried out in accordance with the Bat Conservation Trust's recommendations and outside of the bird nesting season (March - August), it is considered that the proposal's impact on protected species can be considered to be acceptable subject to appropriately worded conditions to ensure the recommendations contained within the preliminary ecological appraisal are adhered to.
- 9.21 As the fabric of the barn building would be substantially retained in certain areas, ecological impact is considered to be particularly pertinent to the proposed renewing of the thatched roof. In addition, the ecological appraisal states that enhancements should where possible be incorporated into the proposed development to contribute towards the objectives of the NPPF to incorporate biodiversity enhancements into new developments. In this regard the ecological appraisal indicates that bird boxes, provision of bat roosting spaces, barn owl boxes, owl boxes in trees, climbing plants and wildflower planting could form part of the biodiversity enhancements delivered by the scheme. It is considered that these matters can be satisfactorily handled by appropriately wording planning conditions requiring the approval of full details and the implementation of the agreed biodiversity enhancements. In light of the above, the proposal is considered to be acceptable with regard to ecological impact subject to conditions.

Other Issues

- 9.22 An area of existing bin storage in close proximity to the barn is shown on the submitted plans which currently serves the main house of The Barnfield. It is considered that this storage area could be enlarged as required to accommodate the refuse/recycling storage from the proposed holiday let unit without existing collection arrangements being altered. It is considered that this matter could be satisfactorily handled through an appropriately worded planning condition. As such, the proposal is considered to be acceptable with regard to bin storage.
- 9.23 The site is located within an area of archaeological potential. KCC Archaeology raised the balance of generating revenue to ensure the upkeep of the building against the impact of the conversion on the historic fabric of the building. KCC Archaeology advised that if planning permission is granted then a condition should be applied requiring a programme of building recording. Subject to an appropriately worded condition being applied, as recommended by KCC Archaeology, it is considered that the proposal can be considered to be acceptable with regard to archaeology.

Environmental Impact Assessment

9.24 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

9.25 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.

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

9.27 New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

9.28 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

9.29 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.

9.30 This application is reported to Committee at the request of Cllr Hollingsbee due to the sustainability issues raised by the application.

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 reason:

The proposed development, due to being outside any defined settlement boundary and not within a rural centre or primary village, as set out in the Settlement Hierarchy of the Core Strategy and Core Strategy Review Submission Draft, would result in an unsustainable tourism facility with poor access to services contrary to Core Strategy and Core Strategy Review Submission Draft policies SS1, SS3 and CSD3 and policy E3 of the Places and Policies Local Plan Submission Draft and paragraphs 83 and 84 of the National Planning Policy Framework, which seek to protect the countryside by requiring new tourism accommodation to be located in sustainable places which are well related to the highway network and are accessible by a range of means of transport, including walking and cycling and by public transport. It has not been satisfactorily demonstrated that this use is the only means of safeguarding the building and as such the application does not provide sufficient justification for overriding the policy objection on sustainability grounds of a holiday let use in this isolated location unsustainable location.

Y18/1193/FH
The Barnfield
Brabourne Lane
Stowting Common



Application No: Y19/0377/FH

Location of Site: 1 Varne Road, Folkestone, Kent, CT19 6BE

Development: Erection of a two storey side extension along with retrospective consent for the erection of a single storey rear extension and raised terrace area

Applicant: Mr T Hixon

Agent: Mr J Brooks
Kent Building Control Ltd
134 High Street
Hythe
CT21 5LB

Date Valid: 01.04.2019

Expiry Date: 27.05.2019

PEA Date:

Date of Committee: 11.06.2019

Officer Contact: Isabelle Hills

SUMMARY

This application is for the erection of a two storey side extension along with retrospective consent for the erection of a single storey rear extension and raised terrace area. The proposal has been assessed in terms of its impact on the character and appearance of the streetscene, host property and the living conditions of neighbouring properties and has been found to be acceptable on these grounds. It is considered that the proposal is acceptable, subject to the conditions set out at the end of this report.

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

1.0 THE PROPOSAL

- 1.1 This application is for the erection of part two storey and part single storey side extension along with retrospective consent for the erection of a single storey rear extension and raised terrace area.
- 1.2 The side extension would accommodate a dressing room and an en-suite to serve an existing bedroom at first floor and would create a study to the ground floor. The extension would be set back from the front elevation of the property, above the existing single storey garage, and would have an approximate width of 2.8 metres and approximate length of 7.6 metres. The roof would be set down from the main roof with an approximate height of 7.8 metres. The two storey element would have a hipped roof form to match the roof of the host property and the part single storey element would have a lean-to roof. This extension is proposed to be finished with plain roof tiles and white render to match the existing property. 1 ground floor window, rooflights, and 1 first floor obscured glazed window are proposed to be installed to the rear elevation, along with the installation of 1 window to the first floor front elevation. These are proposed to be grey aluminium to match existing windows on the property.

- 1.3 The existing single storey rear extension which also forms part of this application has a flat roof and measures approximately 3.9 metres by 8.3 metres. This extension sits above a new terraced area which has replaced an existing terrace. The extension has been finished in white render to match the existing property and has 1 roof lantern, and 2 sets of grey aluminium doors to the rear elevation.
- 1.4 The terrace extends from the rear elevation of the dwelling by approximately 4.5 metres, with an approximate width of 10 metres and extends beyond the existing west (side) elevation of the dwelling by approximately 1.8 metres. Due to the sloped nature of the garden, the terrace measures approximately 0.3 metres in height from the highest point of the land and approximately 0.7 metres from the lowest point of the land.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Inside settlement boundary

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The application site is located on Varne Road which is a residential road characterised predominantly by large detached dwellings set back from the road with areas of hardstanding to the front providing off street parking.
- 3.2 The application property is a detached dwelling set back from Varne Road with a front garden and an area of hardstanding to the front which provides an off street parking space, along with an attached single storey garage with a lean-to roof located to the side of the property. The property has a hipped roof, with a gable ended projection to the front. The property has been rendered white with white uPVC windows to the front elevation and grey windows to the rear elevation.
- 3.3 Varne Road gradually slopes down from Wear Bay Road and therefore the garden of 1 Varne Road is higher than the neighbouring property to the west.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is no relevant planning history for the property.

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 Folkestone Town Council
No comment received

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 25.04.2019

7.0 REPRESENTATIONS

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

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

Responses are summarised below:

7.2 1 email received objecting on the following grounds:

- Incorrect site location plan submitted which does not show the correct rear garden boundary
- The boundary is a further 6 metres plus towards the rear elevation of 1 Varne Road
- Floor level of the rear extension is elevated to the floor level of the existing house with terrace now 0.6 metres above the existing ground level
- With height of boundary fence, this accommodates a direct view into neighbouring property – particularly Autumn to Spring due to loss of foliage

8.0 RELEVANT POLICY GUIDANCE

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

8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE8

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

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, HB8

8.5 The following paragraphs of the National Planning Policy Framework 2018 apply:

- 11 – Achieving sustainable development.
- 127 – Achieving well designed places

9.0 APPRAISAL

Relevant Material Planning Considerations

9.1 The relevant issues for consideration with regard to this current application are design, visual impact and neighbouring amenity.

Design and Layout

9.1 Policy BE8 seeks to resist flat roofed extensions, unless the extension would not be generally visible from a public place and would serve only as an adjunct to the main building. The rear extension is single storey and is considered to appear as a subservient addition to the host property. Moreover, due to being located to the rear of the property it is not visible from within the

public realm and therefore it does not impact upon the character of the streetscene and is considered acceptable in terms of policy BE8(c).

- 9.2 Regarding the terrace, due to sloping ground levels on site, it is approximately 0.7 metres above the ground at its highest point and at its shortest point is approximately 0.3 metres above the ground. The terrace meets the height of the internal finished floor level to provide access from the property into the rear garden and therefore its height is considered acceptable. Whilst this aspect of the application is retrospective, it is noted that a smaller terrace existed in this location. Regarding the size of the terrace, this is considered to be a modest addition to the host property and rear garden and as such there are no objections in design terms.
- 9.3 The proposed two storey side extension would extend up to the boundary shared with the neighbouring property (No. 3 Varne Road). 3 Varne Road has a single storey garage that extends up to the boundary as does the single storey garage of 1 Varne Road. The proposed two storey element would be constructed above the existing garage, up to the boundary, however this would be set down from the main roof and back from the front elevation of the dwelling. Due to this, it is considered that the extension would read as a subservient addition to the host dwelling when viewed from within the streetscene and would consequently not give rise to the creation of a 'terracing effect'. The design and visual appearance of the proposed side extension is therefore considered acceptable in this instance.
- 9.4 The materials used on the single storey rear extension and proposed materials for the side extension match existing materials present on the exterior of the property and are therefore considered acceptable.
- 9.5 For the reasons as set out above, it is considered that the proposed side extension, along with the retrospective rear extension and terrace, do not appear to adversely or detrimentally impact upon the character of the host dwelling and do not pose any harm to the character of the streetscene, complying with saved policy BE8 and emerging policy HB8 and being acceptable in design terms.

Amenities of Neighbouring Occupiers

- 9.6 Saved policy BE8 states that alterations and extensions to existing buildings should not adversely affect the amenity enjoyed by the occupiers of neighbouring properties and paragraph (e) states that alterations or extensions which cause undue loss of privacy for occupiers of neighbouring properties through overlooking windows, doors or balconies should be avoided.
- 9.7 The rear extension and proposed single storey lean-to are at single storey level and are therefore not considered to give rise to overlooking to neighbouring properties. The proposed front and rear first floor windows would be at the same height as the existing first floor windows and are therefore not considered to give rise to significant additional overlooking to neighbouring properties.
- 9.8 A neighbour objection has been received raising concerns with overlooking from the rear terrace. The terrace is the same height as the internal finished floor level of the host property, and is some 16 metres from the rear boundary. Having assessed these grounds on the terrace during the site visit, it was not considered that this gave rise to significant or detrimental overlooking to neighbouring properties to the rear such as to justify refusing planning permission.
- 9.9 The host property is naturally set higher above the neighbouring property to the west, No. 3 Varne Road, due to the variation in land levels. To prevent adverse overlooking to the occupants of 3 Varne Road a condition is included requiring screening to be provided.

Environmental Impact Assessment

- 9.10 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1&2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Human Rights

- 9.11 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 9.12 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.

- 9.13 This application is reported to Committee the applicant is an employee of the Council and an objection has been received from a neighbouring occupant.

10.0 BACKGROUND DOCUMENTS

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

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

1. Standard time condition
2. Approved plan numbers
3. Materials
4. Screening

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By virtue of paragraph(s) 2 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 – 11 JUNE 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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