



Agenda

Meeting: **Planning and Licensing Committee**
Date: **23 July 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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website
www.folkestone-hythe.gov.uk

c) voluntary announcements of other interests.

3. Minutes (Pages 3 - 6)

To consider and approve, as a correct record, the minutes of the meeting held on 2 July 2019.

4. Y19/0272/FH - Hillcroft, School Road, Saltwood, Hythe, Kent, CT21 4PP (Pages 7 - 20)

Report DCL/19/08 Section 73 application for variation of conditions 2 and 9 of planning permission Y15/0514/SH (Erection of a detached two storey dwelling) to enable an increase in ridge height, additional fenestration, revisions to the ground floor layout and external materials.

5. Y18/1097/FH - 19 St Nicholas Road, Hythe, CT21 6JQ (Pages 21 - 32)

DCL/19/09 Erection of a two-storey dwelling.

6. Appeals Monitoring Information - 1st Quarter 2019 1 April - 30 June 2019 (Pages 33 - 44)

7. Supplementary Information (Pages 45 - 46)

*Explanations as to different levels of interest

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

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

(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



Minutes

Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 2 July 2019
Present	Councillors Danny Brook, Miss Susan Carey (In place of Mrs Jennifer Hollingsbee), John Collier, Ray Field (In place of Connor McConville), Gary Fuller, Clive Goddard (Chairman), Jim Martin, Philip Martin (Vice-Chair), Jackie Meade, Ian Meyers, Georgina Treloar and David Wimble
Apologies for Absence	Councillor Mrs Jennifer Hollingsbee and Councillor Connor McConville
Officers Present:	Claire Dethier (Development Management Team Leader), Sue Lewis (Committee Services Officer), Llywelyn Lloyd (Chief Planning Officer), Lisette Patching (Development Management Manager) and Adam Tomaszewski
Others Present:	

9. **Declarations of Interest**

Councillor Ian Meyers declared a voluntary announcement in respect of application Y19/0231/FH – 20 Encombe as he was known to one of the speakers. He remained in the meeting during discussion and voting on this item.

10. **Minutes**

The minutes of the meeting held on 11 June 2019 were submitted, approved and signed by the Chairman.

11. **Y19/0231/FH - 20 Encombe, Sandgate, Folkestone, Kent, CT20 3DE**

Report DCL/19/05 Erection of a three storey block of five (two-bedroom) apartments following the demolition of No. 20 Encombe with associated parking and landscaping.

Darin Marwood, local resident, spoke against application.

Guy Valentine-Neale, Sandgate Parish Council, spoke against the application.
Alister Hume, agent, spoke on the application.

Proposed by Councillor Ms Susan Carey
Seconded by Councillor Philip Martin and

Resolved: That the application be deferred for officers to seek clarification on the changes to the plans relating to the room layout.

(Voting: For 12; Against 0; Abstentions 0)

12. **Y18/0948/FH - Land Adjoining Holme View Farm, Dengemarsh Road, Lydd, Kent**

Report DCL/19/06 Change of use of land from agricultural to B1 (business) / B2 (general industrial) / B8 (storage and distribution) purposes, including retention of access, and car park and erection of industrial unit.

Mrs Severn, local resident, spoke against the application.
Mike Simmonds, agent, spoke on the application.

Proposed by Councillor David Wimble
Seconded by Councillor Ms Susan Carey 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 8; Against 0; Abstentions 4)

13. **Y18/1033/FH - The Paddocks, Dengemarsh Road, Lydd**

Report DCL/19/07 Erection of a two-storey dwelling related to proposed equestrian facility, together with installation of a mobile home for users of the equestrian facility, the formation of a sand school, erection of a tack/feed shop, associated car parking and proposed commercial storage of horse boxes and lorries.

Mark Hall, agent, spoke on the application.

Proposed by Councillor David Wimble
Seconded by Councillor Clive Goddard

That the application be approved as it is considered a viable business in this location.

Following discussions this was withdrawn.

Proposed by Councillor Ms Susan Carey
Seconded by Councillor Jim Martin and

Resolved: That planning permission be refused for the reasons set out at the end of the report and that delegated authority be given to the Chief Planning Officer to add any additional grounds for refusal if necessary following the receipt of comments from Natural England.

(Voting: For 9; Against 3; Abstentions 0)

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Application No: Y19/0272/FH

Location of Site: Hillcroft, School Road, Saltwood, Hythe, Kent, CT21 4PP

Development: Section 73 application for variation of conditions 2 and 9 of planning permission Y15/0514/SH (Erection of a detached two storey dwelling) to enable an increase in ridge height, additional fenestration, revisions to the ground floor layout and external materials.

Applicant: Mr Aldo Sassone-Corsi

Agent: Mr Paul Noad

Date Valid: 07.03.2019

Expiry Date: 02.05.2019

PEA Date: N/A

Date of Committee: 23.07.19

Officer Contact: Katy Claw

SUMMARY

This application seeks planning permission for alterations to the previously approved planning permission (Y15/0514/SH) including an increase in ridge height, a change in design of the fenestration and additional fenestration to the front and rear roofslope, alterations to the position of fenestration on the ground floor front elevation, side elevation and rear elevation. There are also revisions to the internal floor layouts and external materials. Additionally the applicant proposes fully opening windows to the bathroom window at first floor to allow for it to be classified as an egress window in accordance with Building Control requirements. The amenities of neighbours and future occupants of the proposed dwelling are considered to be safeguarded, external materials can be controlled by condition and there are no highway safety issues.

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

1.0 THE PROPOSAL

- 1.1 At its meeting on 29th July 2016 the Planning and Licensing Committee resolved to grant planning permission was granted under reference Y15/0514/SH for the erection of a detached dwelling within the garden of Hillgay. Construction of the dwelling has been taking place on site but it is not in accordance with the approved plans. The purpose of this application is to gain planning permission for the dwelling as it is being constructed.
- 1.2 The siting of the proposed dwelling is as per the planning permission and the overall footprint, floor area and position of the proposed dwelling within the site is not shown to increase or alter as part of this application. The dwelling would still be set back from School Road by some 10.7m, it would sit alongside White Brick Cottage and its associated garage and would be located wholly behind Hillgay.

- 1.3 The application seeks an increase of the ridge height of the dwelling by approximately 1m, taking the overall height from 6.3m to 7.3m.
- 1.4 A change in the finished design of the fenestration throughout is now proposed. Where the original application proposed mock grilles on the windows to give the appearance of multiple panes of glass. These grilles are now omitted.
- 1.5 Additional fenestration is proposed within the roof form to include two additional roof light windows in the rear roof slope, increasing the number from three to five in total, and one additional roof light window to the front roof slope. An increase in size of the dormer window on the front roof slope is also sought.
- 1.6 Alterations to the front elevation include changes to the position and size of the fenestration at ground and first floors. On the south eastern elevation facing Hillgay, it is proposed to have one door and one window in place of two windows, whilst to the rear elevation the previously approved door and two windows are now proposed to be a six-panel full length sliding door.
- 1.7 The application also seeks to vary condition 9 of Y15/0514/SH. That condition sought to ensure that obscure glazing was used in the windows serving the bathroom and shower room of the proposed dwelling. The bathroom was to be located at the ground floor rear elevation and the shower room was to be located at the first floor front elevation (partly within the proposed front dormer). The current application proposes to relocate the bathroom at ground floor to the middle of the dwelling with its associated window to the south east elevation. At first floor the bathroom would still be located within the front dormer window.
- 1.8 There are also minor revisions to the internal floor layouts although the overall layout remains the same with living space and one bedroom at ground floor and two bedrooms and a bathroom at first floor.
- 1.9 Finished materials for Y15/0514/SH were approved under conditions monitoring application Y18/1469/FH as white render and mixed brindle clay plain tiles and white uPVC fenestration. Changes have been made to the proposed materials and they are now proposed to be a roof tile in natural Spanish slate with grey uPVC fenestration. The current application also proposes white render to the walls, timber horizontal cladding to the front dormer window and white uPVC fascia boarding and rainwater goods. Hard landscaping to the front elevation would be Tegula block paving of mixed sizes in 'Autumn Gold'.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Within the settlement boundary

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site lies on the south western side of School Road (which is a classified road) some 100m south east of the junction with Brockhill Road and opposite the pedestrian access to Saltwood Primary School. School Road appears to have no parking restrictions generally, but there are yellow keep clear markings in front of pedestrian walkway to the school and a sign which prohibits parking within the marked area Mondays to Fridays within the hours of 8am to 5pm.
- 3.2 The area is predominantly residential in character but with no uniform design or scale of property. Plot sizes also vary along the road, as does the location of the properties with their plots. There are large detached houses within large plots such as Beckley Cottage and 49

School Road which is a corner plot. There are also other much smaller plots along School Road where the width of the plot is essentially taken up by the dwelling. These include White Brick Cottage, its neighbour Tythe Cottage and several plots on the opposite side of School Road.

- 3.3 The main part of the application site is roughly rectangular (approximately 16m by 7m) and measures some 135sqm.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Y03/1489/SH - Outline application for the erection of a detached dwelling.
Withdrawn 10th May 2004.
- Y04/0600/SH - Outline application for the erection of a detached dwelling.

Refused 1st July 2004. Reason for refusal "*The proposed development would result in the intensification of a substandard access with restricted visibility to the south onto a classified road and as such is contrary to policy TR3 of the Shepway District Local Plan and TR11 of the Shepway District Local Plan Review (Revised Deposit Draft), which only permit the intensification of use of an existing use where the access would not be detrimental to highway safety*".
- Y04/1605/SH - Erection of a detached dwelling. Withdrawn from the statutory register 2nd April 2013.

This application was a resubmission of Y04/0600/SH and sought to overcome the reason for refusal on that application by including visibility splays to the east and west of School Road. The application was considered at Planning Committee on the 31st July 2007 Members resolved to grant planning permission subject to a S106 agreement to secure the required sightlines (as part of the splay would be on an adjoining neighbours' land) in perpetuity. The agreement was never signed and in 2013 the Council wrote to the applicant advising that given the length of time that elapsed since the submission of the original application, the application would be withdrawn from the statutory register.
- Y15/0514/SH - Erection of a detached two storey dwelling. Approved with conditions at the Planning and Licensing committee held on 26th July 2016. The decision was formally issued on 29th July 2016.
- Y18/0051/NMA - Non material amendment for planning application Y15/0514/SH to incorporate a single storey flat roof extension to the rear elevation, revision of the floor layouts and fenestration, and the installation of additional roof lights.

Refused on 15th October 2018 on the grounds that the proposed changes were 'material considerations' that required the submission of a planning application.
- Y18/1488/FH - Section 73 application for variation of conditions 2 and 9 of planning permission Y15/0514/SH (Erection of a detached two storey dwelling) to enable additional fenestration, revisions to the ground floor layout and the inclusion of a single storey extension to the rear.

Withdrawn on the advice of the planning officer who indicated that the application would be refused on the grounds that the proposed rear extension would compromise the usability of the rear garden.

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 Hythe Town Council

Offered no objection to the proposal

5.3 Saltwood Parish Council

Application Y15/0514/SH was approved subject to precise conditions that the building must be constructed in "complete accordance" with the submitted plans. The Parish Council cannot condone putting the neighbouring properties to any further disadvantage.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 11.04.2019

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 4 letters/emails received objecting on the following grounds:

- Application has been made for three independent rooms, these could each involve parking of a car, potentially up to six cars and lead to increased parking on the road which is dangerous.
- School Road is a busy thoroughfare and often blocked with parking cars waiting to pick up children
- Approval for seven flats down the road will cause extra cars near the school entrance.
- Cars travel at speed along the road despite being a 20mph zone, perhaps pinch points, road humps or cameras should be introduced to the road
- Illegal parking by parents during school hours, more cars parked overnight will hinder access to neighbours driveways
- The proposed scheme conflicts with conditions placed upon Y15/0514/SH. Condition 11 refers to no additional windows and condition 12 removes permitted development rights. These steps were taken by the Council due to the sensitive relationship of the development with the neighbouring properties.
- Development should be carried out in complete accordance with the approved plans of Y15/0514/SH
- The proposed materials are not acceptable given the significant visual impact of the property and its location in the setting of a conservation area. Original proposal was designed to blend seamlessly with the surrounding properties

- The applicant is now proposing windows without bars. All-bar casement windows fit the traditional architecture. Removal of the window bars is not minor in nature, in combination with the other amendments.
- The proposed amendments are so substantial that this is not a 'minor' material amendment and therefore the S73 route cannot be used.
- The application must be determined in the light of the conditions attached to the original permission.
- The emerging local plan is a very relevant change in material consideration.
- Additional rear facing windows at ground and first floor would increase overlooking and loss of privacy.
- Proposed rear windows would be 13 metres from the first floor habitable room window of properties in Brockhill Road.
- No changes in circumstances that warrant this amendment being approved.
- Large bi-fold doors would lead to significant light spill onto the rear garden. Kent Wildlife Trust state in their original ecology survey that additional lighting to the rear is likely to negatively affect the foraging behaviour of bats. A significant line of trees beyond the site boundary acts as a functional corridor and would be harmed.
- It is not clear if the cill height remains at 1.8m. This is important in terms of overlooking and privacy.
- The proposed dwelling is less than 1m from the side boundary and is contrary to policy BE8.
- The footprint of the building has increased generally, meaning the amenity space is reduced on this very tight plot.
- No details on daylight and sunlight have been submitted.
- The dwelling would be 1.125m taller than the approved dwelling and the increase in height would result in overbearing development upon neighbours, not in accordance with policy HB1.
- No details provided as to whether the revised floor plans meet the technical requirements for space standards.
- The 'proposal as previously approved' plan on the current file is incorrect. The public must be clear what the approved baseline is before they consider proposed variations
- The location plan submitted under the current application is larger than approved under Y15/0514/SH, particularly at the site entrance.
- Request that all conditions (on Y15/0514/SH) remain as stated
- The current application is significant with regards the increase in size of the development

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, BE16, U1, TR5, TR11, TR12
- 8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, CSD2, CSD4, 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 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, HB8, HB10, T2, T5

- 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: DSD, SS1, SS2, SS3, SS4

- 8.6 The following paragraphs of the National Planning Policy Framework 2019 apply: 8, 11, 38, 47, 48, 58

9.0 APPRAISAL

Background

- 9.1 Planning permission has been granted for a single detached dwelling on this site under Y15/0514/SH, therefore the principle of a residential dwelling on the site has been established.

Procedural Matters

- 9.2 Concern has been raised by residents about the process, as they consider that the proposed changes are so substantial that they cannot be considered via a minor material amendment application.
- 9.3 The application has been made under Section 73 of the Town and Country Planning Act 1990, which can be used to vary or remove conditions associated with a planning permission. Where an application under Section 73 is granted, the effect is granting of a new planning permission, sitting alongside the original permission, which remains intact and unaltered. The government introduced the minor material amendment procedure under S73 of the Planning Act in order to enable such changes to be made, where the original planning permission includes a condition requiring the development to be built in accordance with the approved plans.
- 9.4 There is no statutory definition of a 'minor material amendment' but it is generally taken to mean any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. This has been established in planning case law.
- 9.5 In this case the proposal is still seeking planning permission for a single dwelling, the overall scale, form and design of which is similar to that previously approved. As such it falls within the accepted definition of a S73 application. The only matters for consideration are whether the changes being proposed are acceptable. No other matters, including the principle of the development on the site, can be considered.
- 9.6 Concern has also been raised that planning permission should be refused because the dwelling has not been built in accordance with the planning permission previously granted. This is not a

valid planning reason for refusing planning permission and this cannot be taken into account when assessing the application. Neither is it unlawful to carry out works not in accordance with a planning permission.

Relevant Material Planning Considerations

9.7 Given the above, the relevant issues for consideration with regard to this application are design, visual amenity and neighbouring amenity.

Design and visual impact

- 9.8 Beginning with the proposed increase in height by approximately one metre, the proposed dwelling is set back from the highway by approximately 15.8m. Whitebrick Cottage (to the immediate northwest) is a two storey property, as are the immediate neighbours to the rear of the site. Hillgay (to the southeast) is single storey in appearance but has rooms in the roof. Drawing number 18.27.01A shows the proposed ridge height of the dwelling in relation to Hillgay, with Hillgay shown to be marginally taller when compared. Overall it is considered that the proposed dwelling would sit comfortably within the context of the street scene and that the increase in height would have minimal visual impact over and above what has already been approved.
- 9.9 The enlarged front dormer has been positioned lower on the roof slope to that previously approved but would still sit approximately one metre above the eaves. Whilst the dormer is large it does not dominate the front roof slope to such a degree as to be considered unacceptable due to the catslide design of the main roof presenting a larger roof area to the street. The dormer itself and the use of timber cladding as an external material adds interest to what could otherwise be a large expanse of plain roof.
- 9.10 The changes to the fenestration are as detailed in section 1.0 above, with the most noticeable from the public realm being those within the front elevation. However, these changes are considered minor and would not impact significantly or detrimentally upon the finished appearance of the front elevation, or compromise the finished appearance of the building as a whole to such a degree as to warrant a reason for refusal on the grounds of poor design. The use of clear glass is acceptable and would mirror that of a number of other properties in the nearby vicinity. Overall, the fenestration changes are considered to be acceptable in terms of design and visual impact.
- 9.11 With regard to materials, those proposed differ to those approved as set out under section 1.9 above. The extant permission (Y15/0514/SH) proposed off-white painted render and red clay tiles with a condition requiring samples of these subsequently approved. The applicant wishes instead to use a darker grey tile and following discussion with the planning officer, it was agreed that the use of a real Spanish slate with dark grey ridge tiles would be acceptable.
- 9.12 The houses in the area all differ in external finish, with properties finished in white render and slate roofs to be found in the wider area. Consequently, the proposed external materials are considered to be acceptable and would not appear incongruous within the context of the wider street scene.
- 9.13 In respect of the hardstanding, proposed to be block paving, the areas of hardstanding associated with the neighbouring dwellings include the use concrete, tarmac and paving stones within a few metres of the application site and the proposed materials are considered unlikely to appear incongruous in this context. For the rear garden area, whilst the lack of grass is not ideal, it is accepted that a small garden area may present maintenance issues and that a hard patio would be easier to maintain. This has no impact on the visual amenity of the streetscene and no objections are therefore raised to this change.

Neighbouring amenity

- 9.14 With regard to the increased ridge height, given the position of the application property to the north west of Hillgay, there would be no significant shadow cast toward this property. Any additional loss of light to Whitebrick Cottage to the north west would extend to the side elevation of the main dwelling of which there is only one obscure glazed window at ground floor level, with no significant additional harm over and above the approved scheme considered likely. The space separation between the proposed dwelling and the neighbours to the rear, fronting Brockhill Road, would ensure that any impact to these neighbours through loss of light is negligible. The additional overall height would also result in additional mass being added to the roof form. However, given that the roof form is tapering, the additional height and mass is not significantly greater than that approved. It is not considered that the increase in roof height will result in any impacts on neighbours significant enough to justify refusing planning permission when assessed against the approved development.
- 9.15 The roof light in the front roof slope at first floor would serve the hallway and stairwell, with no impact upon neighbouring amenity given the window would look out over School Road, with views toward Hillgay precluded by the presence of the dormer window and views toward Whitebrick Cottage being over the front parking area.
- 9.16 The enlarged dormer would propose a fully opening window to comply with Building Regulation requirements. This window was originally conditioned to be non-opening up to a minimum of 1.8m above the internal finished floor level. It is accepted that there does need to be suitable fire safety escape measures at first floor. The window is to a bathroom and the likely positioning of a basin and toilet on this wall will make leaning out of the window difficult. Furthermore the plans show that the opening window would open on the left hand side (as you face the property), this, together with obscure glazing would reduce the perception of overlooking to the neighbour of Hillgay but still allow egress in line with Building Regulations requirements. The window can still be required by condition to be obscure-glazed.
- 9.17 The window and door at ground floor level in the south east side elevation would result in no overlooking, with the 1.8m high boundary fence ensuring no loss of privacy.
- 9.18 The rear sliding patio doors at ground floor would have no detrimental impact upon the neighbours with regards to overlooking as they are at ground floor and would be separated from the neighbours by the 1.8m high close boarded fence.
- 9.19 Four of the first floor roof light windows in the rear roof slope would serve the two bedrooms and one a bathroom. Three roof light windows to bedrooms have already been approved under Y15/05148/SH and these window cills, along with the cills of the proposed additional roof lights, would be set at the same height as previously approved in order to preclude ready views from these. Concerns with neighbouring amenity have already been addressed and considered to be acceptable under the approved scheme and this proposal does not represent a departure from this position, with the imposition of a suitably worded condition. It is noted that there are windows in the upper floor of the rear of Hillgay and White Brick Cottage which look towards the rear gardens of the properties in the Brockhill Road and such a situation in a built up area is not uncommon. It would therefore be unreasonable to refuse this application with reference to the additional first floor windows given that three of the windows were in the previous approved development. It is noted that the foliage that was present during the assessment of the approved scheme has since been removed, but the proposal has been assessed without this vegetation and considered to be acceptable due to the distances from the properties to the rear and the existing level of overlooking between existing properties.
- 9.20 The removal of the vegetation was investigated by Council Officers and was found to have taken place prior to formal commencement of works on site, so was not in breach of any condition. The trees that were removed were not covered by a Tree Preservation Order and the

site is not within the conservation area. Therefore the removal of the trees and vegetation was not a breach of planning control.

9.21 A condition on the 2015 planning permission required a tree survey setting out what trees were to remain or be lost. Those details were submitted which showed the trees in question to be removed. The Council's Arboriculture Manager had no objections to this. It is understood that the trees were removed prior to the report being agreed by the LPA and whilst no objections were raised by the Arboricultural Manager to the loss of the trees, officer have agreed with the current owner to plant a heavy standard Holly tree which was not part of the original plan, as part of the conditional approval of the 2015 application. This condition will be repeated on this proposal, with a suitable 'trigger point' in the wording to ensure that the tree is planted at the next available planting season.

Amenity of Occupants

9.22 The proposal still shows 3 usable bedroom spaces as per the original scheme, although it is noted that one of the rooms on the original scheme was labelled as a study/bedroom. Since the previous approval the policy HB3 of the Places and Policies Local Plan (PPLP) has become a material consideration (see section 8.0) and sets out internal and external space standards. The proposed floor space of the dwelling overall would comply with the policy and the bedroom spaces equate to 1 double (at ground floor) and 2 single bedrooms at first floor. Externally the policy sets out that the rear garden should be at least 10m in depth. The proposed rear garden for the dwelling is 7m and so fails to meet the external space standards set out the policy in this regard. Normally this would not be considered to be acceptable but given that planning permission has already been granted for a dwelling with a garden of this depth (as the PPLP was not in place at that time), and that planning permission is still extant and could in theory still be implemented by reverted to the approved plans, it is considered that, in this specific case, it would be unreasonable to now refuse planning permission for that reason alone, as the application is considered acceptable in all other respects.

Highway safety

9.23 The access and parking provision for the dwelling has already been considered and approved under Y15/0514/SH. The access, site layout and parking provision has not been altered as part of this proposal and remains as previously approved. Whilst it is noted that some residents have raised concerns regarding increased traffic and highway safety concerns due to the proximity of the nearby primary school, these issues have already been addressed and deemed acceptable as part of the original scheme. The policy position regarding parking provision and safe access has not altered in its aims since the original scheme and therefore it would be inappropriate to object to the application on the grounds of highway safety.

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 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 £111.15 per square metre for new residential floor space.

Other Issues

9.27 Concern has been raised by residents that the dwelling is not being constructed in the position or to the size originally approved and that part of the land on which the parking spaces are to be located is not within the applicant's ownership. The submitted plans for the dwelling as constructed show it be in the same position on the plot the approved dwelling and the signed ownership certificate on the application form states that the applicant is the sole owner of the land. The applicant has also confirmed that the land in question is under their ownership and. Boundary disputes are a civil matter between the parties concerned and are not a material planning consideration.

9.28 Concern has been raised by residents that some of the works that have been carried out on site are in connection with this current application and the applicant does not have consent. It is not an offence to carry out works without planning permission and this is not a material consideration when determining the application.

9.29 Some of the details required by conditions under Y15/0514/SH have already been approved and some of the conditions on that planning permission are no longer wholly relevant as the development has already commenced. The conditions proposed at the end of this report take account of this.

9.30 This application is reported to Committee at the request of Cllr Treloar on the grounds of neighbouring impact.

Human Rights

9.31 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

9.32 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.

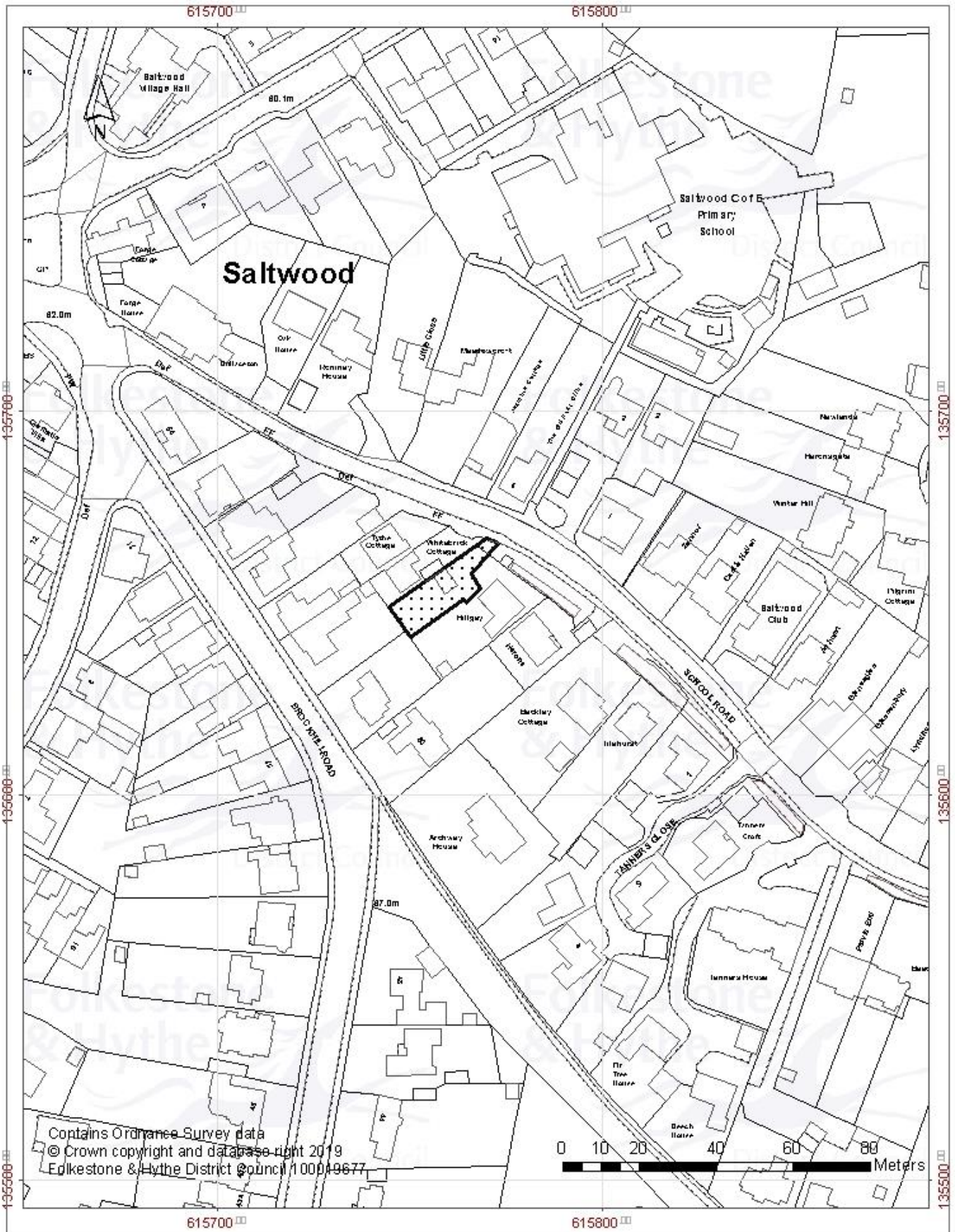
It is considered that the application proposals would not conflict with objectives of the Duty.

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

1. Development must be in accordance with the submitted plans
2. Materials (including hard landscaping and driveway) to be carried out in accordance with the submitted plans
3. Area shown for parking for new dwelling and Hillgay shall be provided prior to first occupation and adequately surfaced and retained at all times
4. Vehicle turning area shall be provided prior to first occupation
5. Prior to occupation visibility splays shall be provided and maintained
6. Heavy standard Holly tree to be planted prior to occupation of dwelling. Details of completion of planting to be submitted and approved.
7. At the time of construction the first floor bathroom shall be fitted with obscure glass with a left hung openable window and shall be retained as such.
8. Development permitted shall not be occupied until written documentation has been submitted that the development has achieved maximum water usage of 110 litres per person, per day. (First part of condition already approved under Y18/1469/FH).
9. Removal of PD rights for further windows/dormer windows
10. Removal of PD rights for class A, B, C and E of Part 1 of Schedule 2 GPDO
11. Ecological measures and enhancements to be carried out as per the Ecological Walkover Study by Kent Wildlife Trust submitted with Y15/0514/SH. Measures to be submitted and approved prior to occupation
12. 2 secure cycle spaces to be provided
13. Works to be carried out in accordance with construction management plan approved under Y18/1469/FH
14. Surface water drainage to be submitted, approved and installed prior to first occupation.



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DCL/19/09

Application No: Y18/1097/FH

Location of Site: 19 St Nicholas Road, Hythe, CT21 6JQ

Development: Erection of a two-storey dwelling.

Applicant: Mr & Mrs C Ricket

Agent: Keith Barker Design
25 Lucy Avenue
Broadmead Village
Folkestone
CT19 5UF

Date Valid: 18.12.18

Expiry Date: 12.02.19

PEA Date:

Date of Committee: 23.07.19

Officer Contact: Louise Daniels

SUMMARY

The application seeks permission for a new single dwelling within an area at significant risk of flooding as set out within the Council's Strategic Flood Risk Assessment (SFRA). It fails to comply with the sequential test as set out in the NPPF and there is considered to be no benefit to the application that would outweigh the potential harm of the development in posing a potential threat to life and property due to flood risk. The design, detailing and materials proposed for the new dwelling are considered to have a negative impact upon the character and appearance of St Nicholas Road and Boundary Road. The amenity area proposed is unsuitable for a family sized dwelling and does not meet the requirements of the emerging adopted space provision required for new dwellings, resulting in a poor level of accommodation being provided for the future occupants of the dwelling. In addition, insufficient parking and visibility splays are proposed.

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 erection of a two storey, three bedroom dwelling to be attached to 19 St Nicholas Road with the front door fronting onto Boundary Road. The dwelling would have a hipped roof and would extend approximately 4.6m in width at ground floor when viewed from St Nicholas Road at its widest point. It reduces in width towards the centre to accommodate the front door which is recessed under the first floor which projects over. The first floor of the proposed dwelling would over-hang the

ground floor towards the rear to maximise the first floor living accommodation.

- 1.2 The proposed dwelling would be finished with natural slate on the roof, red brick to the ground floor and to the boundary walls with Cedral weatherboarding to the first floor. A glazed balcony is proposed to the elevation fronting onto St Nicholas Road with access out onto the balcony from the master bedroom. High level windows are proposed to the first floor fronting onto Boundary Road.
- 1.3 A 1.2m high brick wall is proposed to the elevation fronting St Nicholas Road to contain the proposed patio area with double doors proposed from the lounge opening into this patio area and fronting St Nicholas Road. The front door facing Boundary Road would have a block paving area in front so that the door is set back from the pavement. A higher boundary brick wall is proposed to the rear of the site, with a maximum height of 1.8m to enclose the rear garden. Towards the rear, the boundary wall is separated by access into the site to provide one rear parking space which would be surfaced in block paving and surrounded by a 1.8m high close boarded fence and access gate into the rear garden. Decking is proposed to the rear garden as well as a timber building for cycle and refuse storage, details of which could be secured by condition.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Settlement boundary
- Environment Agency Flood zones 2 and 3
- Significant risk of flooding in 2115 on the Council's SFRA

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The site is located on the corner of St Nicholas Road and Boundary Road. To the east of the application site is the Hythe Green, and to the south is the site proposed for a mixed use allocation in the draft Places and Policies Local Plan (PPLP), Smiths Medical. To the north and west of the application site are two-storey terraced dwellings with pitched roofs and gable ends. Dwellings in the area are designed largely of facing bricks with some dwellings being rendered. The dwellings along St Nicholas Road (and surrounding roads) are relatively uniform in style, being built in the same period (early 1900's), with bay windows at ground floor and uniform windows at first floor, originally sliding sash with some having been replaced to uPVC casement, but retaining the general appearance, proportions and window sizes within the elevations.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no planning history on 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 Hythe Town Council

No objection

5.3 Environment Agency

Object as the application lies within flood zone 3a and the application fails to demonstrate that all living accommodation will be located the required 300mm above the design flood level. The applicant will need to demonstrate that all living accommodation will be located 300mm above the design flood level in a residual risk scenario (5.1mAOD). All sleeping accommodation must be located on the first floor and above.

We are awaiting amended comments from the Environment Agency following the agent submitting an amended plan showing the finished floor level of the living accommodation being 5.1mAOD. Members will be updated at the committee meeting.

5.4 Southern Water

A formal application for a connection to the public sewer is required.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 13.02.19

6.2 Site Notice. Expiry date 04.03.19

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 representation received in support of the application for the following reasons:

- There are no other properties on Boundary Road that would be affected by the proposal.
- Regarding flood risk, the Portex site for 90 houses is directly opposite and none of the houses in the surrounding houses have ever flooded.
- The design is charming and will enhance the area.

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, U1, U4, TR5, TR11 and TR12
- 8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, SS5 and CSD7
- 8.4 The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, HB3, HB8, HB10, T1, T2, T3, T5 and CC2
- 8.5 The following paragraphs of the National Planning Policy Framework 2018 apply:
7, 8, 9, 10 – Achieving sustainable development
11 – Presumption in favour of sustainable development
47 – Determining applications
127 – Achieving well-designed places
149, 150 – Planning for climate change
158 – Sequential test
155, 163 – Planning for flood risk

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The main issues for consideration are the principle of a dwelling on this site, flood risk, amenity, standard of accommodation, design and visual appearance and parking and highway safety.

Principle of development

- 9.2 Paragraph 11 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should apply a presumption in favour of sustainable development. Policy SS3 of the Core Strategy states that development should be directed towards existing sustainable settlements. The proposal for a residential dwelling within an existing residential settlement is considered acceptable in principle, subject to other relevant material planning considerations, as set out below.

Flood risk

- 9.3 The site is located within flood zone 3a, an area with a high probability of flooding. The area is identified within the Council's Strategic Flood Risk Assessment (SFRA) as being at 'significant' risk of flooding in 2115, taking account of climate change. Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or

future). This should be assessed by applying the sequential test and then, if necessary, the exception test.

- 9.4 Paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 9.5 The application Flood Risk Assessment incorrectly applies the sequential test, stating that the local plan shows that there is an allocated site for housing located in flood zone 3 about 3.5km southwest of the site and therefore the sequential test is deemed to have been carried out for this area. Firstly, the requirements for undertaking a sequential test for formulating planning policies is different to the requirements for undertaking the sequential test for assessing planning applications. Secondly, the test has to be carried out taking into account the size of the site. On applying the sequential test correctly for the Folkestone and Hythe character area (as required to be considered by policy SS3 of the Core Strategy Local Plan), there are multiple other development sites capable of accommodating a single dwelling that are available and at a lower risk of flooding. The proposal is therefore considered to fail the sequential test as set out in National Planning Policy.
- 9.6 In terms of the exception test, the NPPF requires that this is only to be applied in cases where the sequential test has been passed. However, if it were to be carried out in this case, paragraph 160 of the NPPF states that it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 9.7 In terms of criterion A, the NPPG guidance on sustainability benefits in this context requires a planning application to score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan Policies, or other measures of sustainability. The Local Planning Authority should consider whether the use of conditions could make it do so. Where this is not possible, the exception test has not been satisfied and planning permission should be refused.
- 9.8 No information has been submitted to seek to demonstrate that the proposal would meet the aims of the Local Plan Sustainability Appraisal or that the sustainability benefits are so great, these outweigh the flood risk. Neither has a sustainability appraisal been submitted with the application. The benefits of providing one residential dwelling are not considered to represent wider sustainability benefits to the community that outweigh flood risk over

and above the adopted Local Plan Policies that require development to safeguard and enhance the amenity of residents. The proposal only represents the normal benefits of redevelopment of any brownfield land in any settlement. The site is part of the residential garden of 19 St Nicholas Road and there are no overriding benefits of its redevelopment. Any benefit of providing one residential dwelling is outweighed by the potential serious risk to life due to flood risk and it has not been demonstrated that this dwelling could not be located elsewhere in an area at lower risk of flooding.

- 9.9 In terms of criterion B, the submitted Flood Risk Assessment claims that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, as the owners will be vested with the responsibility of maintaining the mitigation measures periodically, including sewers, sustainable drainage systems and manage the risks during the life time of the development, this includes obtaining of insurance cover as appropriate. This is not relevant to comply with the requirements of criterion B. However, during the processing of the application, the proposed floor levels of the living accommodation have been raised by 100mm to be 300mm above the predicted flood event level to attempt to address the comments from the Environment Agency. Updated comments from the EA on this are awaited and will be reported to Members on the Supplementary Sheets.
- 9.10 In summary, the application fails to demonstrate that the proposed dwelling cannot be located in an area of lower flood risk areas, as required by the sequential test in the NPPF. As such the application is proposed to be refused on flooding grounds.

Visual Impact and Design

- 9.11 The proposed dwelling would be positioned at the end of a row of identically designed modest terraced properties with historic and elegant proportions and detailing. The existing properties are of a simple, yet attractive design set within a grid style street pattern. The proposed dwelling, would fail in many respects to fit in with the surrounding street scene, particularly due to it having a hipped roof rather than a gable end, with a front door that addresses Boundary Road rather than St Nicholas Road. It would feature patio doors opening onto St Nicolas Road with a balcony above and a mid-height boundary wall which would be out of character with the row of terraced properties along this road. In addition, the ridge height and eaves of the proposed dwelling would be lower than 19 St Nicholas Road which would create a poor relationship with the adjoining property, impacting negatively upon the street scene of St Nicholas Road. This combined with the fact that although the width of the proposed dwelling is similar to that of the dwellings within the terrace, it is set lower, and proposes modern rather than traditionally proportioned windows, gives the building a squat like appearance. Non-traditional boarding is proposed to the first floor which is alien within the street scene and wider area and further enhances the difference between the proposed dwelling and the surrounding character of residential dwellings. As such, the design and layout is considered to be inappropriate for the character of the area and would have a negative impact

upon the character and appearance of St Nicholas Road and Boundary Road.

- 9.12 Emerging Policy HB10 of the PPLP sets out criteria where the partial redevelopment of residential garden land would be acceptable; this includes a requirement that development must be appropriate to the character and appearance of the area, as well as the layout and pattern of the existing environment, taking into account views from streets, footpaths and the wider residential and public environment. For the reasons outlined above, the proposal is considered to conflict with this policy.
- 9.13 The proposed dwelling is therefore considered to be unacceptable in design, detailing, and materials, contrary to saved policies SD1 and BE1 of the Local Plan Review and emerging policies HB1 and HB10 of the PPLP which seek proposals to make a positive contribution to their location and surroundings.

Amenity of Occupants

- 9.14 The proposed dwelling would be in conflict with emerging policy HB3 of the PPLP which requires new dwellings to have a private garden of at least 10m in depth. As the proposed dwelling would be a family sized dwelling featuring 3 bedrooms, it is considered that the rear garden measuring approximately 6.7m in length at the maximum point, reduced to 4m in length when measured to the close boarded fence would be unacceptably small. Therefore the level of amenity for future occupants would be poor and in conflict with policy HB3 of the PPLP. The internal floor area of the proposed dwelling is considered to be acceptable.

Neighbouring Amenity

- 9.15 The proposed dwelling would extend from 19 St Nicolas Road and would be in line with the front and rear elevations of this neighbouring dwelling, therefore there is not considered to be any detrimental impact upon this neighbouring dwelling 19 St Nicholas Road in terms of loss of light or loss of privacy. The dwelling to the rear of the application site, 53 Frampton Road is positioned a sufficient distance away from the proposal to not be significantly impacted.
- 9.16 Due to the site being at the end of a terrace and on the corner of St Nicholas Road and Boundary Road, there would be no other neighbouring properties that would be impacted by the proposed development in terms of loss of light, overshadowing or loss of privacy.

Highways and Transportation

- 9.17 The application proposes 1 parking space for the new dwelling which is considered to be an under provision for the suburban location in accordance with Kent IGN3 parking standards which requires 1.5 parking spaces (rounded up to 2 parking spaces) for a 3 bedroom dwelling. It has not been demonstrated that the 1 parking space is sufficient due to there being

appropriate on-street capacity in the locality to overcome this requirement. Therefore the proposal would be contrary to saved Local Plan policies TR11 and TR12 and emerging policy T2 of the Places and Policies Local Plan which seek to ensure sufficient levels of parking are proposed or that there is appropriate on-street capacity in the locality.

- 9.18 The proposed access to the new dwelling, due to the location of the proposed high wall, would provide insufficient visibility splays for a vehicle to drive in and reverse out of the site, or vice versa, onto the public highway across a pedestrian footpath. As such, it is considered the proposed access and parking arrangements would be of unacceptable risk to both pedestrian and vehicular highway safety, contrary to saved policy TR12 of the Local Plan which seeks to ensure there would be no adverse effect on road safety.

Environmental Impact Assessment

- 9.19 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

- 9.20 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.
- 9.21 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 £111.15 per square metre for new residential floor space.
- 9.22 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £1,337 for one year and £5,349 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.

Human Rights

9.23 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

9.24 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.

Other matters

9.25 The application has been called in by Cllr Martin.

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).

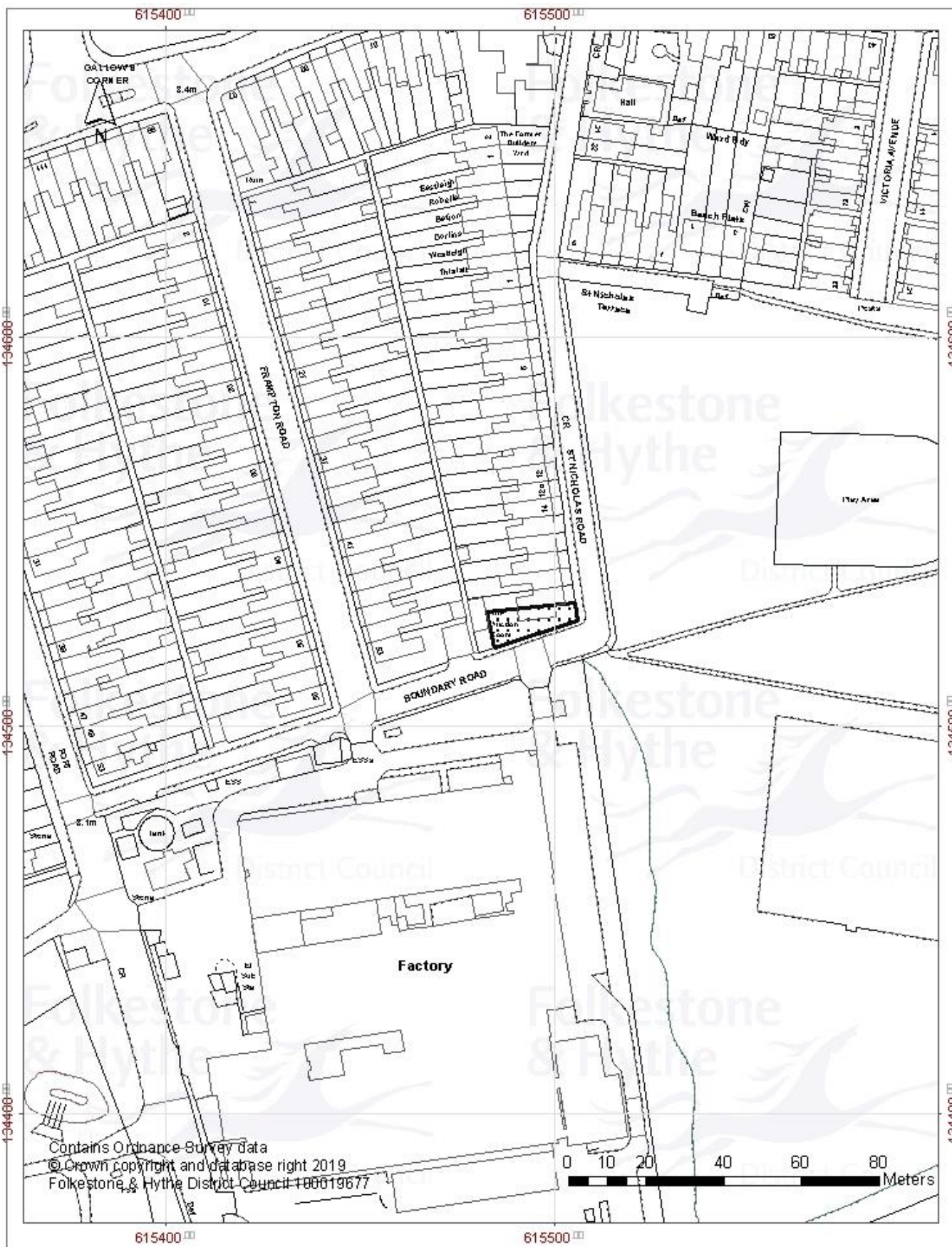
RECOMMENDATION – That planning permission be refused for the following reasons:

1. There are suitable alternative sites within the Folkestone & Hythe character area where the proposed development could be located that are at a lower risk of flooding. The proposal therefore fails the Sequential Test as set out in paragraph 158 of the NPPF which states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. As such, the development is considered to be unsustainable development that would result in an unacceptable risk of flooding both to property and to life,

contrary to paragraphs 157 and 158 of the NPPF and Core Strategy policy SS3.

2. The proposed development, by virtue of its design, detailing and materials would result in a development that is out of character with the surrounding development resulting in visual harm to the character and appearance of the streetscene contrary to saved policy BE1 of the Shepway District Local Plan Review 2006 and emerging policies HB1 and HB10 of the Places and Policies Local Plan Submission Draft which seek for new development to make a positive contribution to its location and surroundings.
3. The proposed amenity area is of an insufficient size for a family sized dwelling, falling significantly short of the required space provision set out within emerging policy HB3 in the Places and Policies Local Plan Submission Draft. As such, the proposed dwelling would result in a poor level of amenity being provided for the future occupants of the dwelling, to the detriment of their residential amenities, contrary to saved policy SD1 (k) of the Local Plan Review, which seeks to safeguard the amenity of residents.
4. The development, due to an under provision of off-street parking; failure to demonstrate sufficient capacity for additional on street parking; and inadequate visibility for vehicles entering and leaving the site, is likely to cause hazards to highway users to the detriment of highway safety. As such the proposal would be contrary to saved Local Plan Review policies TR11 and TR12 and emerging policy T2 of the Places and Policies Local Plan Submission Draft which seek to ensure sufficient levels of parking are proposed or that there is appropriate on-street capacity in the locality and that the new access would not be detrimental to the safety of vehicle traffic, cyclists and pedestrians.

Y18/1097/FH
19 St Nicholas Road
Hythe



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APPEALS MONITORING INFORMATION – 1st QUARTER 2019 1 APRIL – 30 JUNE 2019

Application No: Y18/0958/FH

Site Location: 37 Fort Road Hythe Kent CT21 6JS
Proposal: Erection of single storey rear extension.
Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused
Outcome: Appeal Allowed **Date of Decision:** 12th April 2019 **Costs Awarded:** NA

Application No: Y17/1269/SH

Site Location: 101A Dover Road Folkestone Kent CT20 1LA
Proposal: Certificate of lawful development (existing) for use of coach house as a self-contained residential dwelling (Class C3).
Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused
Outcome: Appeal Dismissed **Date of Decision:** 23rd April 2019 **Costs Awarded:** NA

Application No: Y18/0652/FH

Site Location: The Barn Evington Park Elmsted Kent
Proposal: Construction of a dormer window into northern roof plane.
Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused
Outcome: Appeal Allowed **Date of Decision:** 7th May 2019 **Costs Awarded:** NA

Application No: Y18/0721/FH

Site Location: 31 - 33 Sandgate High Street Sandgate Kent CT20 3AH
Proposal: Increase in roof height to provide second floor living accommodation (re-submission of planning application Y17/1486/SH).
Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused
Outcome: Appeal Dismissed **Date of Decision:** 20th May 2019 **Costs Awarded:** NA

Application No: Y18/0862/FH**Site Location:** Flat 5A 14 Earls Avenue Folkestone Kent**Proposal:** Replacement uPVC windows.**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 20th May 2019 **Costs Awarded:** NA**Application No:** Y17/1505/SH**Site Location:** 11A Church Street Folkestone Kent CT20 1SE**Proposal:** Change of use from offices (Class B1) to provide 2 x 1 bed units and 1 x 2 bed units (Class C3).**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 22nd May 2019 **Costs Awarded:** No (Claim by Council was refused)**Application No:** Y18/0957/FH**Site Location:** Foreshore Coast Road Littlestone New Romney**Proposal:** Change of use from (Class C2) nursing home to (class C1) guest house.**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 4th June 2019 **Costs Awarded:** NA**Application No:** Y18/0793/FH**Site Location:** 15 Raymoor Avenue St Marys Bay Romney Marsh Kent**Proposal:** Erection of a replacement dwelling (re-submission of Y17/1599/SH)**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Allowed **Date of Decision:** 10th June 2019 **Costs Awarded:** NA**Application No:** Y16/0162/SH

Site Location: Flat 10 6 - 8 Clifton Crescent Folkestone Kent

Proposal: Listed Building Consent for the replacement of two windows on the front elevation and one window on the rear elevation with timber double glazed windows.

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Allowed **Date of Decision:** 11th June 2019 **Costs Awarded:** No

Application No: Y18/0182/SH

Site Location: 25 Sandgate High Street Sandgate Kent CT20 3AH

Proposal: Listed Building Consent for the retention of existing single-storey rear extensions, removal of existing first floor decking/balcony and associated steps and installation of replacement doors and a Juliette Balcony

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 11th June 2019 **Costs Awarded:** NA

Application No: Y18/1127/FH

Site Location: 5 - 6 Lennard Road Folkestone Kent CT20 1PD

Proposal: Change of use from C2 (residential care home) to C1 (guest house) with no external alterations.

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 11th June 2019 **Costs Awarded:** NA

Application No: Y18/0784/FH

Site Location: 21 Station Road Lyminge Folkestone Kent

Proposal: Erection of a two-storey building to accommodate 3 apartments together with underground parking and cycle stores following removal of existing garages (re-submission of application Y18/0126/SH)

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 13th June 2019 **Costs Awarded:** NA

Application No: Y18/0824/FH

Site Location: 159 Canterbury Road Hawkinge Folkestone Kent

Proposal: Erection of detached dwelling (re-submission of Y17/1383/SH).

Officer Recommendation: Refuse

Committee Decision: Refused

Delegated Decision: -

Outcome: Appeal Dismissed

Date of Decision: 13th June 2019

Costs Awarded: NA

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 – 23 JULY 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

23th JULY 2019

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

1. Y19/0272/FH
(Page 7)

**HILLCROFT, SCHOOL ROAD, SALTWOOD, HYTHE,
KENT,**

Section 73 application for variation of conditions 2 and 9 of planning permission Y15/0514/SH (Erection of a detached two storey dwelling) to enable an increase in ridge height, additional fenestration, revisions to the ground floor layout and finished materials.

Richard Jones, local resident, to speak against the application
Aldo Sassone-corsi, applicant, to speak on application

2. Y18/1097/FH
(Page 21)

19 ST NICHOLAS ROAD, HYTHE, CT21 6JQ

Erection of a two-storey dwelling.

Kate/Mandy Rickett, applicant, to speak on application

2. Y18/1097/FH
(Page 21)

19 ST NICHOLAS ROAD, HYTHE, CT21 6JQ

Erection of a two-storey dwelling.

Two additional representations have been received in support of the application for the following reasons:

- There may be suitable sites above sea level but the reason this site was chosen was so that the applicant's daughter was able to have a house close to her mother for many reasons not least to help her with her husband's decreased mobility.
- There are other houses in the area that have a different style.
- The outside area is less than optimum but The Green and play areas are close by.
- There is plenty of street parking available and there are currently three garages which open onto Boundary Road.
- Totally unjust considering there are plans to build houses on the Medical factory site.

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