



# Agenda

Meeting: **Planning and Licensing Committee**  
Date: **26 November 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 (Pages 3 - 4)**

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

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

## **Queries about the agenda? Need a different format?**

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Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

c) voluntary announcements of other interests.

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

To consider and approve, as a correct record, the minutes of the meeting held on 29 October 2019.

4. **Y19/0409/FH - Redlynch House, 19 Hillcrest Road, Hythe (Pages 9 - 26)**

Section 73 application to vary condition 2 of application Y18/0215/SH to enlarge the lower ground floor and enlarge the first floor, increase of balcony sizes, alterations to and additional windows, enlargement of front entrance, roof design altered to pitched roof with a concealed flat roof, dormer height increased, 1 additional parking space provided and other external alterations.

5. **Y19/0490/FH - Manor Court, 38 Manor Road, Folkestone, Kent, CT20 2SE (Pages 27 - 56)**

Erection of a four storey and roof terrace mixed use development comprising 7 self-contained apartments and flexible A1/A2/A3/A4/B1/D1 commercial space.

6. **Y19/0313/FH - Shepherds Meadow Woodland Road Lyminge Folkestone Kent CT18 8DW (Pages 57 - 74)**

Erection of a replacement dwelling following demolition of existing dwelling.

7. **Appeals Monitoring - 2nd Quarter 1.7.2019 - 30.9.2019 (Pages 75 - 86)**

8. **Supplementary Information (Pages 87 - 88)**

## **Declarations of Interest**

### **Disclosable Pecuniary Interest (DPI)**

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

### **Other Significant Interest (OSI)**

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

### **Voluntary Announcement of Other Interests (VAOI)**

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

#### **Note to the Code:**

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; 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. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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# Minutes

## Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 29 October 2019
Present	Councillors Danny Brook, John Collier, Ray Field (In place of Connor McConville), Gary Fuller, Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Jim Martin, Philip Martin (Vice-Chair), Jackie Meade, Ian Meyers, Georgina Treloar and David Wimble
Apologies for Absence	Councillor Connor McConville
Officers Present:	David Campbell (Development Management Team Leader), Miss Isabelle Hills (Planning Officer), Sue Lewis (Committee Services Officer), Llywelyn Lloyd (Chief Planning Officer) and Lisette Patching (Development and Enforcement Manager)
Others Present:	

### 30. **Declarations of Interest**

Councillor Georgina Treloar declared a voluntary announcement in respect of application Y18/0906/FH – Dance Easy Studio in that she is friends with some of the members of The Bayle Residents Association. She remained in the meeting during discussion and voting on this item.

Councillor Jackie Meade declared a voluntary announcement in respect of planning application Y18/0906/FH – Dance Easy Studio in that she had prior knowledge of the application as a member of Folkestone Town Council Planning Committee. She remained in the meeting during discussion and voting on this item.

Councillor Jim Martin declared a voluntary announcement in respect of planning application Y19/0572/FH – Turner Free School in that he had previously worked for KCC on similar applications. He remained in the meeting during discussion and voting on this item.

31. **Minutes**

The minutes of the meeting held on 24 September 2019 were submitted, approved and signed by the Chairman.

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

The minutes of the meeting held on 30 September 2019 were submitted, approved and signed by the Chairman.

33. **Y19/0752/FH - Turner Free School, Tile Kiln Lane, Folkestone**

Report DCL/19/19 Demolition of existing school buildings and erection of new 3 storey school building, refurbishment of existing sports hall, provision of 3 court multi-use games area (MUGA), playing pitch, car parking, landscaping, new pedestrian access and ancillary works.

The Planning Officer drew Councillors attention to the additional information sheet.

Dr Jo Saxton, member of public, spoke in support of the application.  
Bob Robinson, agent, spoke on the application.

Proposed by Councillor John Collier  
Seconded by Councillor Mrs Jenny Hollingsbee and

**Resolved:**

1. **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.**
2. **That a further condition be added requiring the provision of 2 metre high boundary fencing adjoining the properties in Surrenden Road.**
3. **That an informative be added requesting the provision of 9 disabled parking spaces, instead of 7.**

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

34. **Y18/0906/FH - Dance Easy Studio 19 The Bayle Folkestone Kent CT20 1SQ**

Report DCL/19/18 The erection of a three-storey block of six self-contained flats plus accommodation in the roofspace, including a new community room to the ground floor, together with the provision of a rear refuse store, following demolition of the existing dance hall and garage (Resubmission of planning application No.Y16/1391/SH).

The Development Management Team Leader proposed an additional condition requiring the provision of facilities for the storage of refuse if Members resolve to grant planning permission.

Mark Hourahane, member of the public, spoke against the application.  
Ms C Charlier, applicant spoke in support of the application.

Proposed by Councillor David Wimble  
Seconded by Councillor Philip Martin and

**Resolved:**

That planning permission be granted subject to the conditions set out at the end of the report; an additional condition requiring the provision of facilities for the storage of refuse; 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 4; Abstentions 0)

35. **Unauthorised Erection of Dwelling House Known as Annex, 87 Coast Drive, Greatstone, New Romney**

Report DCL/19/17 considered the appropriate action to be taken regarding the unauthorised erection of an independent dwelling and the raising of ground levels within the rear garden of 87 Coast Drive Greatstone. No planning permission has been granted for the erection of this dwelling or the raising of land levels. This report recommended that an Enforcement Notice is served requiring the demolition of the dwelling and the reinstate of the site to the previous ground level.

Proposed by Councillor John Collier  
Seconded by Councillor Jim Martin and

**Resolved:**

1. **To receive and note Report DCL/19/17.**
2. **That delegated authority be given to the Chief Planning Officer to serve an Enforcement Notice requiring the demolition of the single storey residential dwelling on the land and the lowering of the raised land back to the original land level that existed before the unauthorised development began, if the current application for a certificate of lawful development (existing) for the use of a building as annex accommodation is refused.**
3. **That the Chief Planning Officer be given delegated authority to determine the exact wording of the Notice.**
4. **That the period of compliance with the Notice be (twelve) 12 months.**
5. **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 12; Against 0; Abstentions 0)



# Agenda Item 4

## DCL/19/22

**Application No:** Y19/0409/FH

**Location of Site:** Redlynch House, 19 Hillcrest Road, Hythe

**Parish/Town Council:** Hythe Town Council

**Ward:** Hythe

**Development:** Section 73 application to vary condition 2 of application Y18/0215/SH to enlarge the lower ground floor and enlarge the first floor, increase of balcony sizes, alterations to and additional windows, enlargement of front entrance, roof design altered to pitched roof with a concealed flat roof, dormer height increased, 1 additional parking space provided and other external alterations.

**Agent:** Mr Leo Griggs, Alliance Building Company Contracts Ltd

**Officer Contact:** Louise Daniels

**Site Area (ha):** 0.11 ha

### SUMMARY

This report considers whether planning permission should be granted for a variation to the previously approved scheme which was for the erection of a replacement building to accommodate 8 apartments following demolition of the existing residential care home. The report recommends that planning permission be granted as it is considered that the amenities of existing and future occupants would be safeguarded and that the design, materials and layout of the proposed building would still reflect the neighbouring properties and would be in keeping with the streetscene of Hillcrest Road.

### 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. INTRODUCTION

1.1. The application is reported to Committee due to the objection from Hythe Town Council and because of a call-in request by Cllr Whybrow should the application be recommended for approval.

## 2. SITE AND SURROUNDINGS

- 2.1. The application site previously accommodated a vacant 2 storey residential care home converted from a large detached house, located on the south side of Hillcrest Road, midway between Brockhill Road to the west and Castle Road to the east. The site sits within an elevated section of Hythe with dwellings running generally laterally across the slope of the hillside, benefiting from views of Hythe and the English Channel. Since the previous application was granted, the care home has been demolished and development has commenced on site.
- 2.2. The site is located within a predominantly residential area and within a designated Area of Special Landscape Character. Before development commenced, the front of the property incorporated a separate in and out vehicular access and a garden to the rear, beyond the end boundary of which slopes steeply downwards to Quarry Cottage on Quarry Lane.
- 2.3. A site location plan is attached to this report as **Appendix 1**.

## 3. PROPOSAL

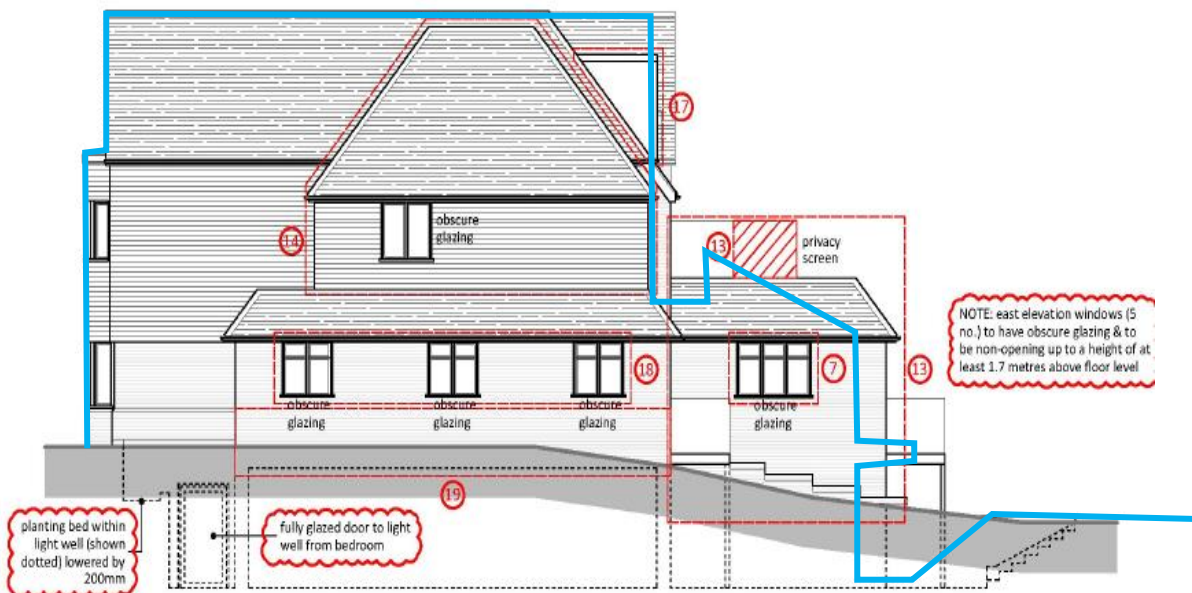
- 3.1. The previous planning permission (Y18/0215/SH) was granted for the demolition of the existing care home building and the erection of a 4 storey building to accommodate 8 flats. When viewed from Hillcrest Road the approved building would be 3 storeys high with the third floor within the roof space and from the rear, the building would be 4 storeys due to the lower ground floor being set within the slope.
- 3.2. This current application is also for 8 flats but seeks to vary the previously approved development to enlarge the overall footprint from 850 square metres, as previously approved, to 856 square metres. The building would be extended in depth slightly to the rear elevation by 25cm to the lower and upper ground floors. The plans below (Figures 1-3) shows the proposed changes and includes the proposed side elevation and the outline of the previously approved side elevation in blue. The roof of the two-storey rear projection is proposed to be changed from an approved pitched roof with concealed balconies to a concealed flat roof, with a shallower pitch, and two larger balconies to the first floor and the roof lights would be omitted. The depth of the two rear balconies to Units 06 and 07 (first floor) would be increased to 3m from 1.5m as previously approved.



Figure 1 - Block plan (upper ground floor) as approved under Y18/0215/SH



Figure 2 - Block plan (upper ground floor)



east elevation

Figure 3 - Proposed side elevation and outline of Y18/0215/SH in blue.

3.3 The lower ground floor would be enlarged to provide a third bedroom and bathroom to Unit 02 and a store/utility room to Unit 01. A fully glazed door to the front part of the building onto a light well for Unit 02 is also proposed which

would have a recessed planting bed at ground floor level to the light well area to serve the additional bedroom. Steps are proposed to the rear from the private terrace area of Unit 02 up to the rear garden.

- 3.4 To the upper ground floor level, an additional window to the east facing elevation, and an additional window to the west facing elevation are proposed, these would be obscure glazed and non-opening up to 1.7m from the finished floor level and can be restricted as such by condition. One of the windows to Unit 03 would be increased in width to a double casement. To the front elevation (north facing), the projecting front entrance would be increased in width by 225mm together with other alterations to the fenestration. However the overall width of the building remains as previously approved. The window approved to the front elevation would be altered to suit the landing heights.
- 3.5 To the first floor level, a new window to the rear elevation (south facing) is proposed to Unit 06 and the window positions altered from those positions approved previously. The side projecting element would be enlarged to increase the floor area to Unit 07 to provide a larger kitchen layout. The entrance into Unit 08 is shown relocated to the first floor level from the previously approved location on the second floor.
- 3.6 To the second floor level, the folding doors to the balcony of Unit 08 would be increased in width from 3.3m to 4m and the balcony depth increased to 1.9m from 1.5m. Glazing would be added rather than the balcony being set behind the roof slope as previously approved. The dormer height would also be increased to accommodate a double Juliet balcony with glazing added.
- 3.7 To the front of the site, an additional parking space is proposed, increasing provision from 7 parking spaces to 8 parking spaces. To accommodate this some of the grassed area previously proposed would be replaced with hardstanding and a proposed tree omitted.
- 3.8 Figures 4 - 7 below show a dotted black line which indicates the outline of the original care home building on the site, which has now been demolished.

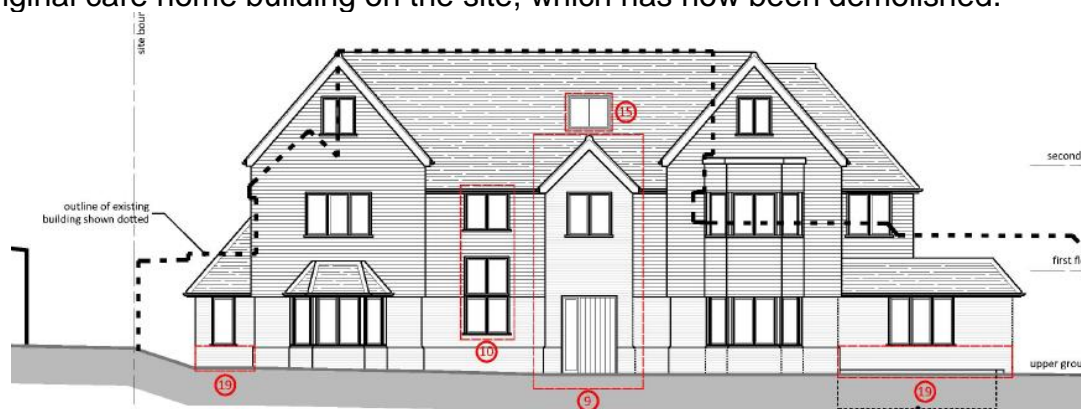


Figure 4 - North facing elevation as proposed.



Figure 5 - North facing elevation as approved under Y18/0215/SH



Figure 6 - South facing elevation as proposed.



Figure 7 - South facing elevation as approved under Y18/0215/SH

3.7 The building design would retain its asymmetrical appearance, as approved, in the street scene to the front elevation with two gable roofs which would be tile hung. Bay windows are proposed to one of the gable projections and would be 2-storey high and finished with a parapet roof. A two-storey square bay incorporating the entrance door is proposed which would be off-centre and a plinth brick feature is proposed to the buildings perimeter. The building would be set down slightly within the site and the single storey elements to the side would be similar to the neighbouring buildings which have single storey side projections. The overall ridge height of the building would be lower than both the neighbouring properties.

## 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y18/0215/SH	Demolition of existing building (former residential home) and erection of 8 new apartments with associated car parking and amenity areas (resubmission of application Y16/0866/SH).	Approved with conditions.
Y16/0866/SH	Demolition of existing building (former residential home) and erection of 9 new apartments with associated car parking and amenity areas. The application was dismissed at appeal.	Refused

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are available in full on the planning file and are summarised below.

**Hythe Town Council:** Object on the grounds of the local objections and concerns regarding the enlargement of balconies and windows and that there may be a violation of policy BE12.

**KCC Highways and Transportation:** No objection subject to a condition requiring the permanent retention of the vehicle parking spaces prior to the use of the site commencing. An additional parking space is being proposed which will mean a total of 8 parking spaces are now being provided on site.

**KCC Archaeology:** No archaeological measures required.

**Southern Water:** The comments dated 23.08.18 remain unchanged and valid.

Comments dated 23.08.18 under Y18/0215/SH stated that a formal application for a connection to the public sewer would be required.

## 6. REPRESENTATIONS

6.1 17 neighbours directly consulted. 9 letters of objection received.

6.2 I have read all of the representations received. The key issues are summarised below:

Objections:

- Balconies doubled in size to 3m overlooking surrounding properties and dominating outlook.
- The increase in number of windows would increase overlooking.
- No privacy screens shown
- Contrary to policy SD1 which seeks to safeguard and enhance the amenity of residents and policy BE12 which seeks to ensure development does not harm the character of the area especially in relation to important skylines or a greater visual impact of buildings and proposals will only be permitted if design, scale, mass and architectural details blend with the character of the surrounding area/buildings.
- When viewed from Hythe town proposal would look like a huge modern block with many windows, out of character with the Edwardian houses on the skyline.
- Planning Inspector previously refused an application on the grounds of privacy, “this along with the number of large window openings and balconies, would mean that the existing occupiers of Quarry Cottage would experience an uncomfortable perception of being observed when using their outdoor space”. Little difference between current application and this refusal.
- Change from the sloping roof design to the more pronounced pitched design will further increase the size and bulk of the ground floor extension when viewed from the east of west elevations.
- Development as previously approved was too large for the site and this application is worse.
- Cars would have to back out of the parking spaces onto the busy hill.
- Development has started and there is disregard for the approved construction phase plan.
- Development creep.

6.3 Responses are available in full on the planning file on the Council’s website:

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

## 7 RELEVANT PLANNING POLICY

- 7.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)
- 7.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded some weight, according to the criteria in NPPF paragraph 48.

7.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

7.4 The relevant development plan policies are as follows:-

#### Shepway District Local Plan Review (2013)

SD1 - Sustainable Development  
BE1 - Layout, design, materials of new development  
BE12 - Areas of Special Character  
TR5 - Cycling facility provision for new developments  
TR11 - Access onto highway network  
TR12 - Vehicle parking standards  
HO1 - Housing land supply  
U2 - Five dwellings or more or equivalent to be connected to mains drainage  
U4 - Protection of ground and surface water resources  
U10a - Requirements for development on contaminated land

#### Shepway Local Plan Core Strategy (2013)

DSD - Delivering Sustainable Development  
SS1 - District Spatial Strategy  
SS2 - Housing and the Economy Growth Strategy  
SS3 - Place-Shaping and Sustainable Settlements Strategy  
SS5 - District Infrastructure Planning  
CSD1 - Balanced Neighbourhoods for Shepway  
CSD2 - District Residential Needs  
CSD7 - Hythe Strategy

#### Places and Policies Local Plan Submission Draft (2019)

HB1 - Quality Places through Design  
HB2 - Cohesive Design  
HB3 - Internal and External Space Standards  
C1 - Creating a Sense of Place  
C3 - Provision of Open Space  
T1 - Street Hierarchy and Site Layout  
T2 - Parking Standards  
T5 - Cycle Parking  
NE7 - Contaminated Land

#### Core Strategy Review Submission draft (2019)

SS1 - District Spatial Strategy  
SS3 - Place-Shaping and Sustainable Settlements Strategy



CSD4 - Green Infrastructure

- 7.5 The following are also material considerations to the determination of this application.

## **Government Advice**

### National Planning Policy Framework (NPPF) 2019

- 7.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 102 to 107 - Promoting sustainable transport.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 178 to 183 - Ground conditions and pollution

### National Planning Policy Guidance (NPPG)

Design: process and tools

### National Design Guide October 2019

C1 – Understand and relate well to the site, its local and wider context

I2 – Well-designed, high quality and attractive

Paragraph 53 *‘Well designed places are visually attractive and aim to delight their occupants and passers-by’.*

## **8. APPRAISAL**

- 8.1 The application is a variation of the previously approved application Y18/0215/SH. The block of 8 flats has already been approved and therefore the principle is acceptable and only the changes proposed are for consideration in relation to the following criteria:

- a) Residential amenity
- b) Design and visual appearance
- c) Highways and transportation

### **a) Residential Amenity**

- 8.2 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of

residents. Paragraph 127 of the NPPF sets out that decisions should seek to secure a high standard of amenity for existing and future users.

- 8.3 The closest residential properties are Nos.17 and 21 Hillcrest Road situated either side of the application site and Quarry Cottage sited at the bottom of the steep slope to the southern boundary of the application site.
- 8.4 The width of the proposal at lower ground floor remains at 22m wide and in the same position as the previously approved application. It is acknowledged that the first floor side projection would be extended further to the rear than previously approved, however, this would not extend any closer to No.21 than as previously approved and would be no taller, and as such, it is not considered that this would have any greater impact upon this neighbouring dwelling in terms of overshadowing or loss of light.
- 8.5 The two-storey rear projection (to the lower ground floor and upper ground floor) would be extended further to the rear than previously approved, and the balconies would be enlarged within the concealed flat roof. It is not considered that the additional 25cm in depth would have a sufficiently detrimental impact upon the neighbouring properties (Nos.17 and 21 Hillcrest Road) to warrant refusal on neighbouring amenity grounds.
- 8.6 The balconies to the rear would be enlarged in depth, however, privacy screens are proposed and would also be conditioned to ensure they are installed to the side of the balconies and as such there would be no greater impact in terms of loss of privacy to either No.17 or No.21 Hillcrest Road.
- 8.7 The additional windows to the upper ground floor to the east and west facing elevations would be obscure glazed and non-opening and as such would not cause loss of privacy to No.17 and No.21.
- 8.8 Regarding the neighbouring dwelling to the rear of the site, Quarry Cottage, although the proposals would move the rear two-storey projection 25cm closer to Quarry Cottage from that previously approved, as the building would be partially set within the site, the first floor would be at a similar level to that of the neighbouring properties No.17 and No.21 Hillcrest Road. The first floor and second floor of the proposed building would therefore be more visible from Quarry Cottage than the floors below. The two-storey rear projection would be positioned 25cm closer than previously approved and the balconies to units 06 and 07 on the flat roof of the two storey rear projection would also extend closer being enlarged from 1.5m in depth to 3m and increased in width from 4.6m to 5m. Although the balconies are proposed to be larger to the first floor, it is not considered to be such an increase that would result in a detrimental impact upon neighbouring amenity to Quarry Cottage, either on grounds of being overbearing or loss of privacy, sufficient enough to warrant refusal on amenity grounds. This is due to the distance between the properties and the fact that Redlynch is at a higher level on the hillside so views out are more likely to be over the top of Quarry Cottage towards the sea, rather than down into the garden and windows of that property. Similarly, the enlargement of the balconies to the second floor, within the roof slope and to serve Unit 08,

are not considered to be sufficiently detrimental to the amenity of Quarry Cottage.

- 8.9 As such, the proposals are not considered to have a negative impact in terms of overshadowing or loss of privacy to the neighbouring residential properties and as such are considered to be acceptable.
- 8.10 In terms of residential amenity for the future occupants of the apartments, all the apartments would be in excess of the minimum space standards as set out with policy HB3 of the PPLP and therefore a good standard of amenity would be achieved.
- 8.11 As part of the proposals Unit 02 would be enlarged to include an additional bedroom increasing the apartment to 3 bedrooms and a light well is proposed to ensure this bedroom would have daylight as well as an outlook onto the raised garden.

### **b) Design and Visual Appearance**

- 8.12 The appearance of the scheme would be very similar to the previously approved scheme when viewed from Hillcrest Road, with only slight alterations to window positions, fenestration and the addition of a light well to the front, which wouldn't change the overall appearance of the scheme from that which has been previously approved.
- 8.13 From the rear, the building would also appear similar in appearance to the previously approved scheme. It is acknowledged that there would be more glazing to the rear rather than balustrading as previously approved, however, this is not considered to be a detrimental change in terms of the visual impact. In addition, the two-storey rear projection would be enlarged by extending an additional 25cm into the rear of the site and the roof form would change from a pitched roof with concealed balconies to a concealed flat roof, with a shallower pitch, and two larger balconies to the first floor. It is accepted that this change would be more visually prominent than the previously approved scheme, however, it is not considered that this would have a detrimental impact upon the character and appearance of the scheme as it would still relate to the whole building design and the flat roof would not be visible from wider views. The dormer windows to the roof slope would be enlarged, but there are separations of roof slopes between them, and as such they would not appear unbalanced or dominant in the roof slope and it is not considered that this would have a detrimental impact upon the character and appearance of the overall scheme.
- 8.14 The proposal would retain a similar ridge line to the care home building as did the previous scheme and the rear gable projection would be retained which was considered to be an important feature on the previously approved scheme to ensure it didn't have an overly dissimilar appearance to the previous care home building. Therefore the proposals, when considering the previously approved scheme and the previous care home building, would not result in harm to the existing character of the area by reason of either loss of existing

vegetation or by the proposal having a greater visual impact and as such would be acceptable in accordance with policies BE1, BE12, BE16 and HO1 of the Local Plan Review.

### **c) Highways and transportation**

- 8.15 Kent Highways previously raised no objection to the scheme subject to conditions safeguarding visibility splays, a construction management plan, provision and retention of cycle and vehicle parking, measures to prevent discharge of surface water onto the highway and a use of a bound material for the first 5m of the access and parking and turning areas. This current proposal increases the parking provision by 1 space, increasing the number of parking spaces to 8 and Kent Highways still raise no objection to the scheme with sufficient parking proposed and the visibility splays being acceptable. Therefore there are no highway grounds for refusing planning permission.

### **Environmental Impact Assessment**

- 8.16 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**

- 8.17 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.
- 8.18 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.

### **Human Rights**

- 8.19 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.

### **Working with the applicant**

8.19 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

### **Public Sector Equality Duty**

8.20 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.

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

## **9. Conclusion**

9.1 The proposed changes from the scheme previously approved under Y18/0215/SH, are not considered to be so great that they would be significantly detrimental to neighbouring amenity, or that they would change the overall character and appearance of the development within the streetscene and the Area of Special Landscape Character from what was previously approved. As such, the application is recommended for approval with the same conditions as previously applied unless already discharged, in which case the details of those approvals would be conditioned. In addition, details of the underground pumping station which did not form part of the previous application but is now on site, following the start of development, would be conditioned to regularise the situation.

## **10. Background Documents**

10.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

**11. Recommendation**

**11.1 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 he considers necessary:**

1. Time
2. Materials
3. Construction Management Plan
4. Visibility splays
5. Parking and cycle parking
6. Surface water measures
7. Completion of bound access
8. Contamination
9. Obscure glazing
10. Privacy screens
11. Soil stability/latchgate
12. AOD levels and height of building
13. Details of pumping station to be submitted

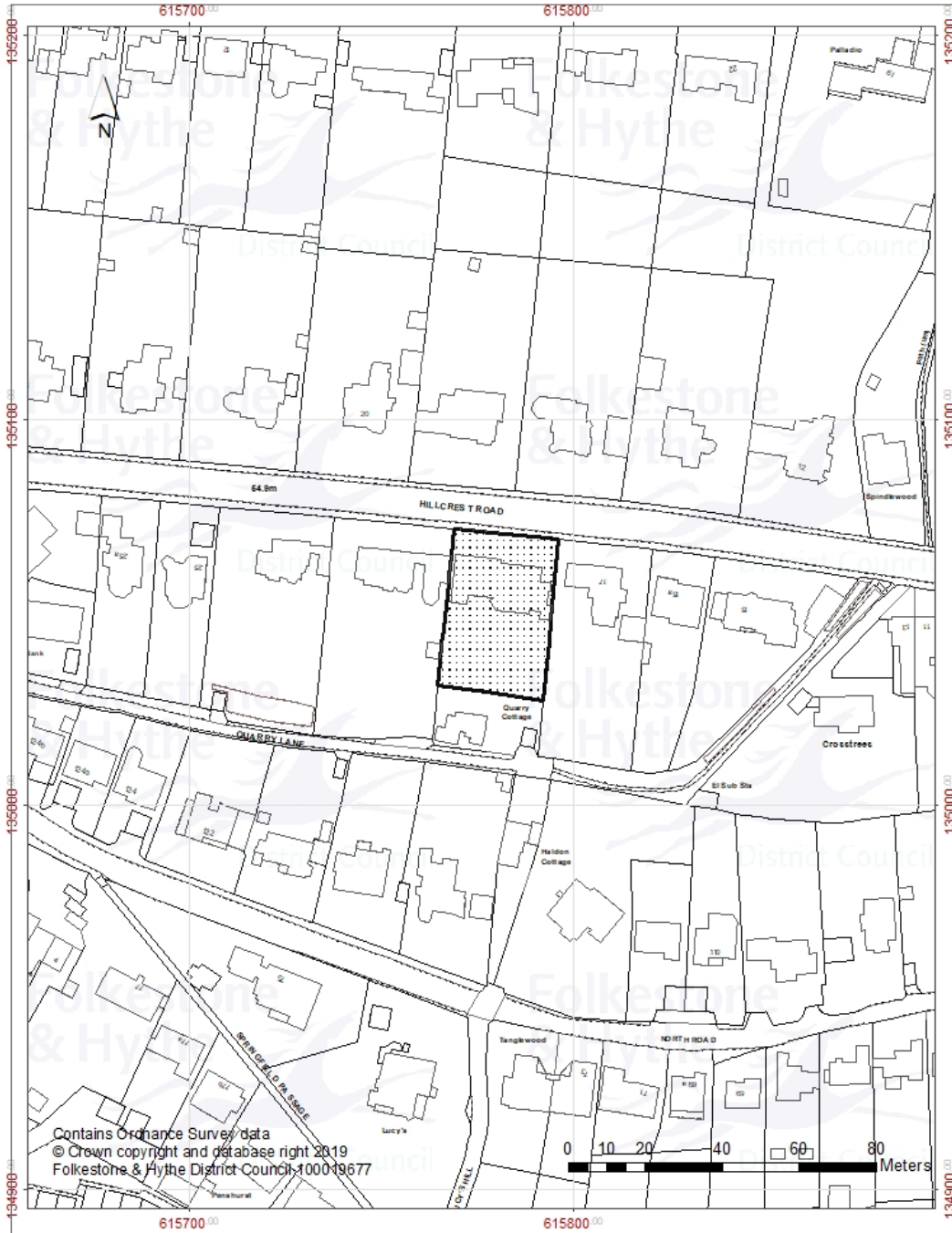


Hillcrest Road

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Y19/0409/FH  
Redlynch House  
19 Hillcrest Road  
Hythe



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**Application No:** Y19/0490/FH

**Location of Site:** Manor Court, 38 Manor Road, Folkestone, Kent, CT20 2SE

**Parish/Town Council:** Folkestone Town Council

**Ward:** Folkestone Central Ward

**Development:** Erection of a four storey and roof terrace mixed use development comprising 7 self-contained apartments and flexible A1/A2/A3/A4/B1/D1 commercial space.

**Applicant:** Mr John Owens

**Agent:** Ansham Associates Ltd

**Officer Contact:** David Campbell [david.campbell@folkestone-hythe.gov.uk](mailto:david.campbell@folkestone-hythe.gov.uk)

**Site Area (ha):** 0.1135

**SUMMARY**

Full planning permission is sought for the erection of a mixed use development comprising 7 self-contained apartments and flexible A1/A2/A3/A4/B1/D1 commercial space comprised of two separate but linked buildings with associated landscaping, car parking and pedestrian access.

**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. INTRODUCTION

- 1.1. The application is reported to Committee because there are objections from Folkestone Town Council and it is a distinctive development in a prominent position which the Chief Planning Officer considers should be considered by the Planning and Licensing Committee.
- 1.2 **Ward Member:** there are three ward members for the application site, Cllr. Davison, Cllr Monk and Cllr Brook. Cllr Brook is also a member of the Planning and Licensing Committee.

## 2. SITE AND SURROUNDINGS

- 2.1. The application site is a narrow triangular shaped plot situated at the convergence of Manor Road and Cheriton Gardens (A2034) where they join Shorncliffe Road on the outskirts of Folkestone town centre. It comprises an existing block of apartments known as 'Manor Court' at the southern base of the site and car parking for Manor Court and a grassed space in the north of the site. Manor Court is outside of the red line area of the application site but is within the ownership of the applicant. Manor Court would remain as it currently is, with an adjustment to the existing parking arrangements and access from Manor Road. The proposed development would be sited on the northern part of the site currently shown as car parking and grass in Figure 1 below.
- 2.2. The site is located within a predominantly residential area but with a number of commercial uses and offices close by. It is also within the Folkestone settlement boundary and within close walking distance of the town centre and Folkestone Central Railway Station. Opposite the site is the café 'Brew' which is on the ground floor of a building with apartments/offices above. Both Manor Road and Cheriton Gardens are one way for vehicular traffic in a south-east to north-west direction as they pass the site.



*Figure 1 Aerial Photograph of site and surrounds*

2.3. A site location plan is attached to this report as **Appendix 1**.

### **3. PROPOSAL**

3.1 Full planning permission is sought for the erection of a mixed use development comprising seven self-contained apartments on the upper floors and flexible A1/A2/A3/A4/B1/D1 commercial space on the ground floors, comprised of two separate but linked buildings. The northern building would be five storeys plus a roof terrace. It would comprise a single flexible use

commercial unit on the ground floor (A1, A2, A3, A4, B1, D1 uses) and C3 residential use on the upper floors, comprising four apartments. The southern building would comprise four main storeys with a further two additional storeys above to provide circulation and access to the upper floors of the northern building. There would be three small commercial units on the ground floor (A1, A2, A3, A4, B1, D1 uses) with three apartments in the upper storeys.



Figure 2 Proposed Site Plan

### 3.2 The northern building would accommodate the following:

#### Ground Floor

Unit A – Commercial unit providing 44.1m<sup>2</sup> of floorspace

First Floor

1 bedroom apartment, shower room, lounge/kitchen/diner and balcony (50.4m<sup>3</sup>).

Second Floor

1 bedroom apartment, shower room, lounge/kitchen/diner and balcony (50.4m<sup>3</sup>).

Third Floor

1 bedroom apartment, shower room, lounge/kitchen/diner and balcony (50.4m<sup>3</sup>).

Fourth Floor

1 bedroom apartment, shower room, lounge/kitchen/diner and balcony (50.4m<sup>3</sup>).

Fifth Floor

Roof terrace

3.3 The southern building would accommodate the following:

Ground Floor

Unit B – Commercial unit providing 17.8m<sup>2</sup> of floorspace

Unit C – Commercial unit providing 17.7m<sup>2</sup> of floorspace

Unit D – Commercial unit providing 7.4m<sup>2</sup> of floorspace

Cycle and bin store

Lift access and stair core

First Floor

3 bedroom apartment (master ensuite), bathroom, lounge/diner and kitchen (86.2m<sup>3</sup>).

Second Floor

3 bedroom apartment (master ensuite), bathroom, lounge/diner and kitchen (80.9m<sup>3</sup>).

Third Floor

2 bedroom apartment (master ensuite), bathroom, lounge/diner/kitchen (68.7m<sup>3</sup>).

Fourth Floor  
Lift access and stair core

Fifth Floor  
Lift access and stair core

- 3.4 The two buildings would be connected by open glazed link bridges from the first floor upwards, to provide stairway and lift access from the southern building to the northern building. There would be an open air pedestrian access at ground floor under the link bridges. The building itself would have the following dimensions
- The elevational length of the north block on Manor Road would be 10m.
  - The elevational length of the south block on Manor Road would be 19.8m.
  - The elevational length on Cheriton Gardens of the north block would be 13.9m.
  - The elevational length on Cheriton Gardens of the south block would be 15.5m.
  - The buildings would have a maximum height of 15.82m
- 3.5 The northern building is triangular in shape and the southern building is an asymmetrical rectangular shape stepped on the Manor Road façade. The buildings on Manor Road are generally set back with small front gardens hence the stepped approach on this elevation to maintain the existing character. The irregular triangular shape of the plot has led to the two buildings being staggered so that when viewed from either the north or south the building line appears as one despite the fact that they are two separate, albeit linked, buildings.
- 3.6 The apartments in the northern building would have balconies within the apex of the building overlooking Manor Road and Cheriton Gardens.
- 3.7 The rear façade of the southern building, closest to the existing Manor Court, would be a green wall.
- 3.8 Revised car parking and landscaping arrangements would be provided between the southern building and the existing Manor Court flats. The vehicular access to the car park would remain on Manor Road but will move further to the south closer to Manor Court, as shown on Figure 2. The car park would remain for the exclusive use of Manor Court residents.



3.9 Part of the area for the proposed development is currently used as amenity space for the residents of Manor Court which would be lost as a result as would the existing brick wall that surrounds the site. However, these residents would be compensated by virtue of access to the new roof terrace.

3.10 The following reports were submitted by the applicant in support of the proposals:

Design and Access Statement

3.11 The Design and Access Statement sets out the design principles behind the proposal and outlines matters including the use, amount, layout, scale, landscaping, appearance and access of the development.



*Figure 3 Visual representation from corner of Cheriton Gardens*



*Figure 4 Visual representation from corner of Shorncliffe Road*

#### **4. RELEVANT PLANNING HISTORY**

4.1 There is no recent planning history.

**5. CONSULTATION RESPONSES**

5.1 The consultation responses are available in full on the planning file and are summarised below.

**Folkestone Town Council:** Raises objection on the grounds of unsafe parking provision, modern and unsympathetic design. The Town Council also considers that there is no need for more commercial space when Sandgate Road is vacant and considers that ground floor flats for the elderly would be better.

**KCC Highways and Transportation:** Raises no objection subject to the inclusion of the following conditions:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - (a) Parking and turning areas for construction and delivery vehicles and site personnel
  - (b) Timing of deliveries
  - (c) Provision of wheel washing facilities
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and maintenance of the visibility splays shown on the submitted plans DWG 2D with no obstructions over 1.05metres above carriageway level within the splays, prior to the use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans DWG 2D prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans DWG 3C prior to the use of the site commencing.
- Closure of the existing access and reinstatement of full height kerbing prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local

**Environmental Health:** Raises no objection subject to the inclusion of the following conditions:

Noise

The ceiling and floor separating the residential and commercial unit shall resist the transmission of airborne sound (Dnt, W + Ctr) which shall not be less than 53 decibels according to BS EN ISO 10140; 2011

This will require an Acoustic consultant's report, detailing the method, showing charts and certifying that it meets the standard. We would also advise not to permit the commercial units to be allowed to operate 24hrs. Standard hours: Monday – Saturday 8.00am – 18:00hrs. Closed Sundays and Bank holidays.

Reasons: Protect the amenities of future occupiers.

Contamination

Due to no green open spaces and ground level recreation area, we would state; should any contamination be found, work must cease, a full investigation undertaken and a remediation strategy to be produced and agreed by the LPA. Upon agreement to remedial works shall be carried out in full, and certification provided to the LPA, before any further works on the site continue.

Reason: Protect the welfare of future ground operators on site.

**Environment Agency:** No comments.

**Kent Police:** Raise no objection subject to a condition that requires the submission of details to demonstrate the development complies with 'Secured by Design'.

**Contamination Consultant:** Raises no objection subject to the imposition of the standard land contamination condition.

**Southern Water:** Raises no objection subject to securing the recommended conditions.

## 6. REPRESENTATIONS

6.1 60 neighbours directly consulted. 13 letters of objection and 1 letter of support were received. A letter of objection from the New Folkestone Society was also received.

6.2 I have read all of the letters received. The key issues are summarised below:

Objections

- Loss of light
- Residents of the Manor Court have a lease over the land to be development for over 900 years, there is no right to build on this land
- Overshadowing
- Overlooking/loss of privacy
- Insufficient/loss of parking
- Loss of green space
- Concern over the maintenance of the green wall
- Potential for crime in the area between the two buildings
- Car parking closer to existing apartments/increase in fumes
- The building would be too large

## Support

- The regeneration of this area will help to increase the look of this main thoroughfare into and from the town

## General Comments

- Why were no planning site notices put up to advertise the development?

6.3 Responses are available in full on the planning file on the Council's website:

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

**7. RELEVANT PLANNING POLICY**

7.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

7.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded some weight, according to the criteria in NPPF paragraph 48.

7.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

7.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013)

- SD1 – Sustainable Development
- BE1 – Layout, design, materials of new development
- BE16 – Requirement for comprehensive landscaping schemes
- HO1 - Housing Land Supply
- U2 - Connections to mains drainage
- U15 – Criteria to control outdoor light pollution
- TR5 – Cycling facility provision for new developments
- TR6 – Provision for pedestrians in new developments
- TR11 – Access onto highway network
- TR12 – Vehicle parking standards

Shepway Local Plan Core Strategy (2013)

- DSD – Delivering Sustainable Development
- SS1 – District Spatial Strategy
- SS2 - Housing and the Economy Growth Strategy
- SS3 - Place-Shaping and Sustainable Settlements Strategy
- SS5 - District Infrastructure Planning
- CSD1 - Balanced Neighbourhoods for Shepway
- CSD2 - District Residential Needs

Places and Policies Local Plan Submission Draft (2019)

- HB1 – Quality Places through Design
- HB2 – Cohesive Design
- HB3 – Internal and External Space Standards
- C1 – Creating a Sense of Place
- T1 – Street Hierarchy and Site Layout
- T2 – Parking Standards
- T4 – Cycle Parking
- NE7 – Contaminated Land

Core Strategy Review Submission draft (2019)

- SS1 – District Spatial Strategy
- SS3 – Place-Shaping and Sustainable Settlements Strategy
- CSD4 – Green Infrastructure



7.5 The following are also material considerations to the determination of this application.

**Government Advice**

National Planning Policy Framework (NPPF ) 2019

7.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 91 to 95 - Promoting healthy and safe communities. NPPG

Paragraphs 102 to 107 - Promoting sustainable transport.

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 178 to 183 - Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

National Design Guide October 2019

C1 – Understand and relate well to the site, its local and wider context

I2 – Well-designed, high quality and attractive

Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'.*

**8. APPRAISAL**

8.1 In light of the above the main issues for consideration are:

- a) The principle of the development.
- b) Design and visual impact
- c) Neighbouring amenity
- d) Highways, parking and cycle parking provision
- e) Landscaping
- f) Other issues

**a) Principle of development**

8.2 Saved policy HO1 supports residential development on previously developed sites or infill plots within existing urban areas. The application site meets both of these criteria and the proposal for residential development is therefore supported in principle by saved policy HO1.

8.3 Core Strategy policy SS1 states additional development should be focused on the most sustainable towns and villages as set out in policy SS3 (which identifies a settlement hierarchy) in which Folkestone is identified as a Sub-Regional Town with an aim to accommodate substantial residential development. Subject to other material planning conditions, the proposed residential development of this site is therefore considered acceptable in terms of policies SS1 and SS3.

8.4 There are good existing public transportation links. Further the site benefits from existing pedestrian and cycle routes. The proposal is considered to be situated in a sustainable location.

- 8.5 Four commercial units are proposed for the ground floors of the two buildings, no specific details have been submitted for these units. The largest unit is to be sited in the northern building would likely be a café/restaurant with an outside seating area, similar to the Brew café sited on the opposite side of Cheriton Gardens. The Brew café building is also mixed use with apartments and offices in the upper floors.
- 8.6 The proposed mixed use nature of the development is considered compatible with the existing uses in the area and with the principles of the NPPF with particular reference to paragraph 8a. There are also no objections to a range of potential uses being considered in the commercial elements of the building as this should ensure that tenants are secured for these unit and the use classes proposed are compatible with residential use subject to appropriate conditions relating to noise levels internally and hours of operation.
- 8.7 Paragraph 8 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets a presumption in favour of sustainable development with three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- a) Economic objectives – to help build a strong, responsive and competitive economy to support growth, innovation and improved productivity;
  - b) Social objectives – to support strong, vibrant and healthy communities by fostering a well-designed and safe built environment with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;
  - c) Environmental objectives – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land.
- 8.8 Therefore, subject to all other material planning considerations as set out below, the proposed development of the site for residential and commercial purposes is acceptable in principle with regard to national and local planning policy.

**b) Design and visual impact**

- 8.9 The design of the buildings has been carefully considered and incorporates arches in the design as a reference to the existing vernacular architecture within Folkestone, i.e. the viaduct, and as used on buildings further north on Cheriton Road. The current use of the site does not make the best use of it and the site under developed and in a somewhat shabby condition. However it is sited in a prominent location on the main pedestrian route to the town centre from Folkestone Central Railway Station, and as such it can carry the proposed design which would result in a 'striking' and 'landmark' development for the site.
- 8.10 In order to address the triangular nature and the narrow northern tip of the site, the design approach was to conceal this face of the building when viewed from the north and north-east by creating an 'impossibly thin' appearance. The building would then widen along with the site when heading south along Manor Road and Cheriton Gardens, which allows the building line to mirror the existing development. This approach enables the development to not look out of context with the character of the existing area but at the same time creating a prominent and distinctive set of buildings on a fairly restricted and, in places, narrow site.

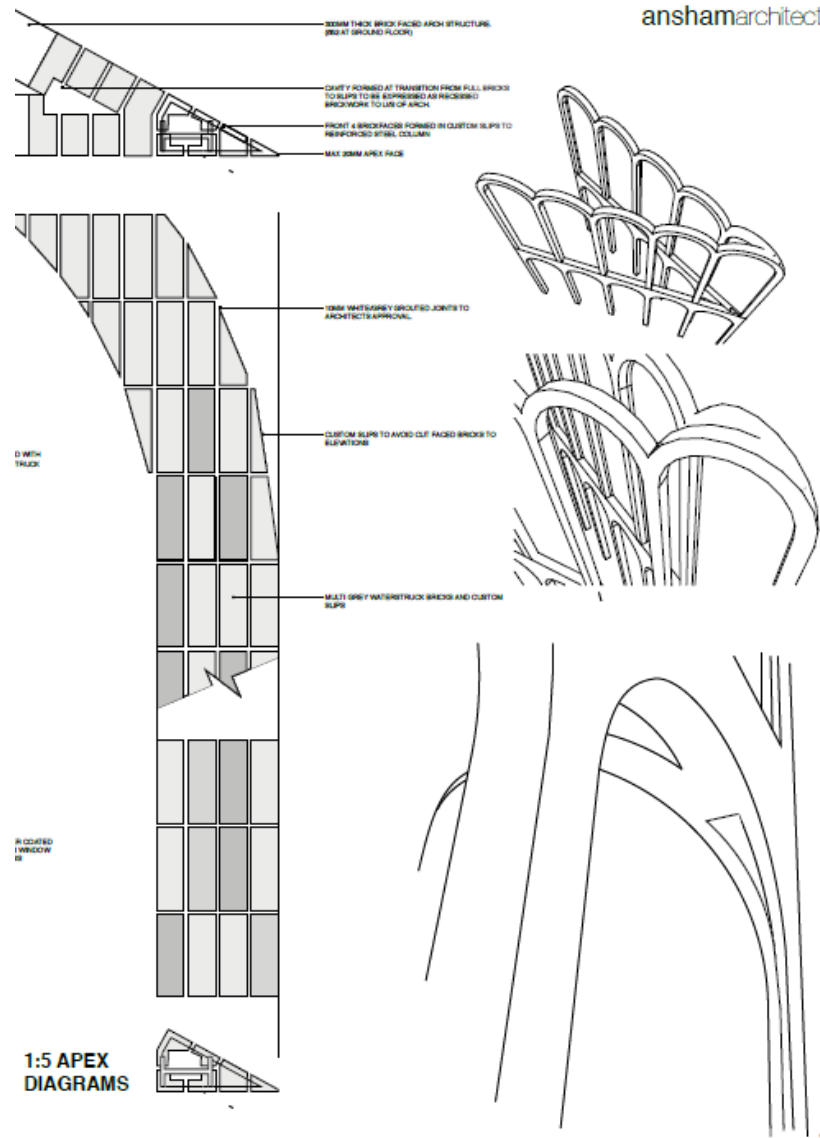


Figure 5 Apex detail

- 8.11 Whilst the northern block would be five stories plus a roof terrace it should be noted that the development would be constructed at a lower level than the existing Manor Court so would in effect not appear to be significantly taller than the neighbouring building. The southern block, which would be closest to Manor Court would only be at the same height of the northern block for a small element of the building in order to contain the stairways and lift, the remainder of the building would be lower. The buildings on Manor Road are generally set back with small front gardens hence the stepped approach on this line to maintain the existing building character line.
- 8.12 The materials for the northern building follow a contemporary design approach with the use of grey handmade waterstruck bricks and custom slips, across both buildings with brick archways forming the roof line of the northern building. Arches would also be incorporated into the second storey of the northern block. The other main material would be glazing, and the thin apex areas for each other upper floor would be balconies.
- 8.13 The southern building would utilise the same brick type, incorporating extruded brickwork panels and raked joints into the larger areas of brick surrounding the lift and stair core sections. The southern elevation would be a green wall, this would be the elevation that would be closest to the existing Manor Court, ranging from 12.8m to 19.10m in distance. It would not be appropriate for this elevation to be broken up by windows and it is considered that the proposed construction method of a green wall over an expanse of brickwork is a more appropriate treatment for this facade. Whilst concern has been raised about the longevity of green walls, it is considered that this can be addressed by a suitably worded planning condition relating to its installation and ongoing maintenance.
- 8.14 It is considered that the contemporary design with its asymmetric form would integrate well within the street scene and the use of architectural features from the wider Folkestone area is a positive approach that contributes to this proposal being a high quality development that would form a landmark pair of buildings on this gateway route into the town centre, that respect the predominantly residential and domestic character of the area and are in keeping with the character of surrounding properties.
- 8.15 Although it is acknowledged that the footprint of the proposal would be larger than the existing building on site, it would not be significantly taller (around 1.5m) and it should be noted that the ridge height of 38 Manor Road, the neighbouring property to Manor Court has a higher ridge height than the proposed development. Therefore, tall buildings are not uncommon in the area.
- 8.16 It is also acknowledged that the design approach which starts very narrow at the northern end of the site and widens through the buildings to the rear, would have a mass which extends throughout the length of the site. However, the five storey and

roof terrace element of the building is set in the north of the site and the buildings reduce in height to the south of the site resulting in the closest part of the new building to Manor Court only being three storeys in height. By widening the buildings from the north to south and using the increasing site width it reduces the dominance of the buildings when viewed from an angle to the north or south and has the effect of continuing the existing building line.

- 8.17 It is considered that the overall scale of the proposal would be in keeping with the prevailing built form of surrounding buildings, taking account of the degree of separation which exists between properties in Manor Road and Cheriton Gardens. As such, the proposed buildings are considered to be an appropriate scale for the street scene and whilst the buildings are of a contemporary design, given the links to the vernacular within the wider Folkestone town centre and the prominent location I am satisfied that this landmark development complies with policies BE1 of the Local Plan and HB1 of the PPLP and is acceptable on design grounds.

### **c) Neighbouring amenity**

- 8.18 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents. Paragraph 127 of the NPPF sets out that decisions should seek to secure a high standard of amenity for existing and future users.
- 8.19 The closest residential properties would be the apartments within Manor Court with elevations that would look out onto the southern façade of the proposed development. In terms of loss of light, due to the orientation of the site with the rear of the site facing south, together with the separation distances, it is not considered the proposed building would have a significantly detrimental impact in terms of loss of light and overshadowing significant enough to warrant refusal on this basis.
- 8.20 The closest element of the southern façade to the neighbouring building would be three floors above ground level, with the ground level being set at a lower level than the ground floor of Manor Court. This façade would be c.13.4m from the closest elevation of Manor Court. The southern building does step up another two storeys in order to allow the stair core and lift circulation areas to provide access to the upper floors of the northern building, however this increased height element of the building would be in excess of 19m from the closest façade of Manor Court. It is therefore considered that the bulk, mass and scale of the southern building would not have an unacceptable impact upon Manor Court in terms of an overbearing

impact given the separation distance and that the car parking area between the two would help to reduce the dominance of the building when viewed from the flats in Manor Court. Furthermore the use of a green wall on the southern façade significantly reduces the impact that a blank façade of brickwork would have on neighbouring residents, and providing the ongoing maintenance of the green wall is required by condition and given the separation distance, I do not consider there to be any unacceptable impacts of an overbearing nature on existing residents.

- 8.21 In terms of loss of privacy, there would be no windows on the southern façade of the new development and on that basis there is not considered to be any loss of privacy to the existing residents of Manor Court. It is acknowledged that the level of the car park for Manor Court would be slightly raised than at present, however, it is not considered that this would present any greater impact on privacy than the current car park. Moreover it could arguably result in less loss of privacy given the eye line of drivers would be above the ground floor window height and below the first floor windows. I am therefore satisfied that there would be no significant loss of privacy as a result of the proposed development that would warrant refusal of the application.

### Standard of Accommodation for Future Occupiers:

- 8.22 The accommodation proposed within the apartments is of a good size and layout. All bedrooms would have windows with an outlook and those apartments in the northern building would have balconies. Given the size of the property footprints and their layout there is no reason to conclude that dwellings with acceptable living conditions for future occupiers could not be achieved and is therefore in accordance with emerging policy HB3 of the PPLP. It is also considered that while a range of potential uses is proposed for the commercial units, it is not considered that any of them would be harmful to the amenities of future occupiers of the building.
- 8.23 In order to mitigate the potential for noise disturbance from the new commercial units and the resident units above, the Environmental Health Officer was consulted and has no objection providing that a condition is imposed restricting the hours of operation to Monday to Saturday 08:00 to 18:00 and closed Sundays and Bank Holidays.
- 8.24 The Environmental Health Officer has requested an Acoustic Consultant's report be required by planning condition, detailing the method for and certifying that it meets the required standard to demonstrate that the ceiling and floor separating the residential and commercial unit shall resist the transmission of airborne sound (Dnt, W + Ctr) at less than 53 decibels



according to BS EN ISO 10140; 2011. It is not considered that the proposed commercial units would have any detrimental impact on the surrounding locality providing the requested conditions are imposed, it should also be recognised that this is an edge of town centre location where there is always going to be attract an element of ambient noise and it is not considered that this proposal would result in any significant levels of noise that would warrant recommending refusal on noise grounds.

### **d) Highways, refuse, parking and cycle parking provision**

- 8.25 Policy TR11 of the Shepway District Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access. Policy TR5 refers to the provision of cycle storage facilities and TR12 refers to car parking standards.
- 8.26 The proposal involves the continued provision of 8 (including 1 disabled space) off-street parking spaces in a new position adjacent to Manor Court accessed by a replacement access onto Manor Road where the existing grass/vegetation and boundary wall would be removed to facilitate the spaces. This parking would remain for the use of residents of Manor Court. Refuse storage and cycle parking would be provided internally within the ground floor of the southern building for the residents of the proposed development. There would also be four outdoor bicycle locking loops for the commercial units.
- 8.27 KCC Highways were consulted and raise no objection to the proposed development on highway grounds and adopted parking standards do not require there to be any parking provision for the new development given its sustainable location within close proximity of the town centre and bus and railway stations and given there is available on street parking in the vicinity.

### **e) Landscaping**

- 8.28 The proposed development would result in a significant change to a prominent location in Folkestone, and has the potential to create a real landmark development on an important approach to the town. Some landscaping proposals have been submitted with the application but prior to any development commencing on site a full landscaping scheme would be required by condition. It is considered that there is significant opportunity to improve the streetscene in this locality by the removal of the existing brick wall and the small and largely unused raised grassed area it would allow for a much superior interaction with the wider public realm. There is a significant area of paved highway land at the road junctions to the north of the site,

and whilst this area is outside of the ownership of the applicant, through careful consideration of the public facing areas to the front of the commercial units it would facilitate further improvement to the development as a whole.

8.29 The careful landscape design of the ground floor area is essential and by successfully marrying new paving areas, and appropriately used quality materials, with appropriate planting and their ongoing maintenance and management it will be possible to enhance this location considerably. Providing a full landscaping scheme is required by condition, I am satisfied that there are no reasons to refuse the application on landscaping grounds.

### **f) Other Issues**

8.30 The building would be connected to mains drainage for both foul and surface water.

8.31 All machinery relating to the lift would be contained within the height of the building and all plant would be hidden behind a parapet wall on the roof of the southern building and would not be visible.

8.32 Objections from a local resident included that site notices were not posted outside the site. The proposal is not classed as 'major development', the site is not within a conservation area, and the adjacent buildings are not listed. Therefore there is no statutory requirement for a site notice. All properties with an adjoining boundary were sent neighbour letters in accordance with the Council protocol, as such a site notice was not required to be posted.

### **Environmental Impact Assessment**

8.33 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**

8.34 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.

8.35 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 £55.58 per square metre for new residential floor space.

## **Human Rights**

8.36 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.

## **Working with the applicant**

8.37 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Public Sector Equality Duty**

8.38 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.

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

## **9. Conclusion**

- 9.1 National and local planning policy seeks to achieve sustainable development. This development would make more effective use of the site and provide houses and jobs in a highly accessible and sustainable location.
- 9.2 A development that in part comprises a five storey plus roof terrace building in this location would be not be out of character with surrounding development and would not be a detrimentally overbearing structure. The location and scale of development is considered to have an acceptable impact on neighbouring properties and would not result in significant or adverse overlooking or overshadowing. Moreover, the high design quality of the building represents a significant improvement to the current underutilised space and would enable this important location to have a landmark building to welcome visitors to the town on this important approach.
- 9.3 The proposal is also considered acceptable by KCC Highways subject to securing their recommended conditions.
- 9.4 It is considered that the proposal complies with the Council's development plan and it is considered acceptable subject to securing the recommended conditions including, amongst others, landscaping, management of the green wall, contamination, materials.

## **10 Background Documents**

- 10.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## **11 Recommendation**

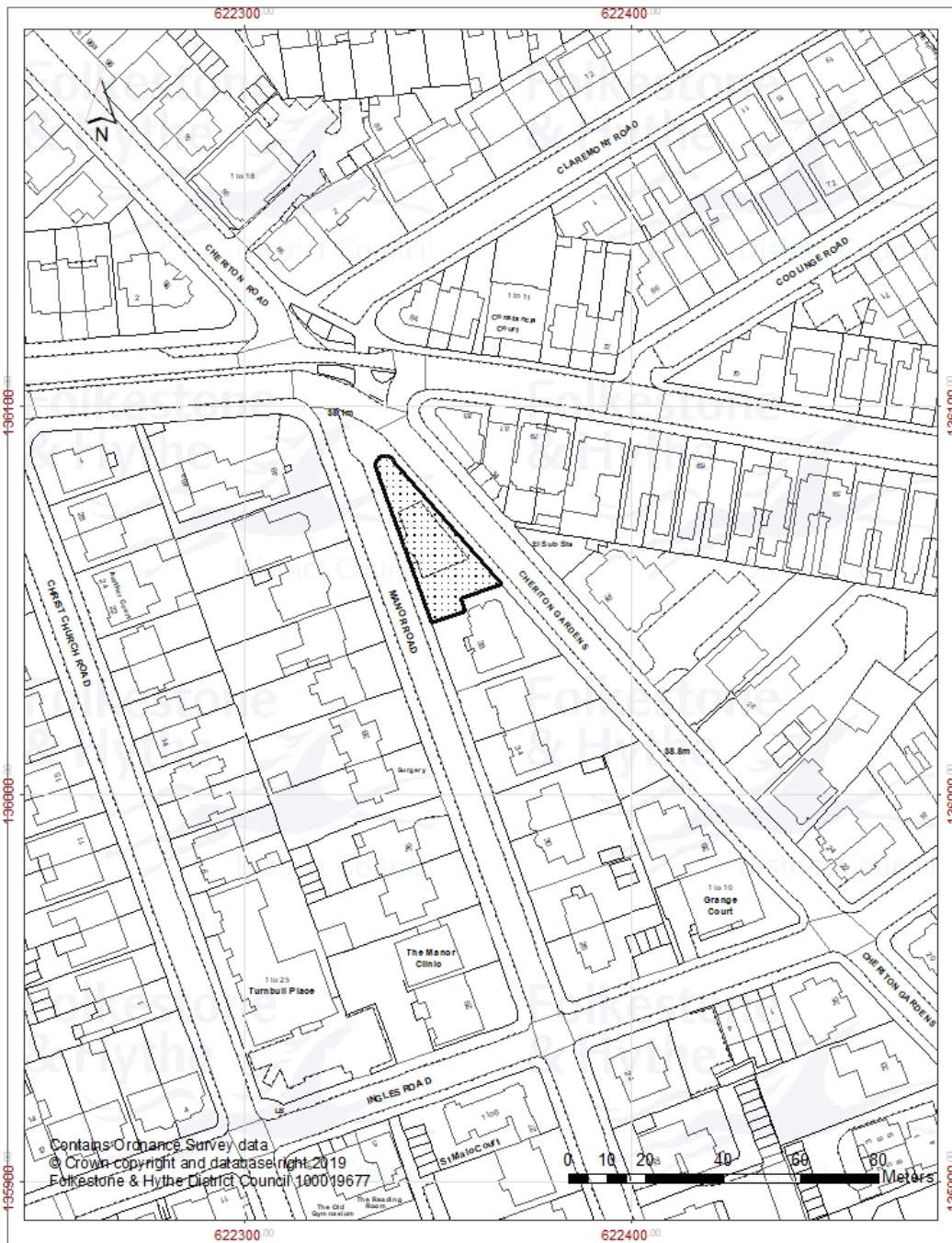
- 11.1 That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary:**

1. Standard Implementation Period
2. Drawing numbers
3. Materials

4. Scaled drawings at 1:10 or 1:20 showing the architectural detailing for the arches, apex of the northern building, windows and brickwork
5. Vehicle and Cycle Parking
6. Construction Management Plan
7. Tree Removal, Retention and Protection Measures
8. No service equipment (full details tbc) to be installed on the roof of the buildings or any elevations.
9. Landscaping scheme
10. Management plan for the green wall
11. Refuse collection for residential and commercial operations
12. Hours of use for commercial buildings
13. Submission of an acoustic report to demonstrate that the transmission of airborne sound will not exceed 53db between the residential and commercial units.

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Y19/0490/FH  
Manor Court  
38 Manor Road  
Folkestone



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# Agenda Item 6

## DCL/19/23

**Application No:** Y19/0313/FH

**Location of Site:** Shepherds Meadow Woodland Road Lyminge Folkestone Kent  
CT18 8DW

**Parish/Town Council:** Lyminge Parish Council

**Ward:** North Downs West

**Development:** Erection of a replacement dwelling following demolition of existing dwelling.

**Applicant:** Mr & Mrs D Best

**Agent:** Miss Karen Banks  
Rebus Planning Solutions 36 Basepoint Business Centre  
Shearway Business Park Shearway Road Folkestone Kent  
CT19 4RH

**Officer Contact:** Louise Daniels

**Site Area (ha):** 0.03

### SUMMARY

This report considers whether planning permission should be granted for the erection of a replacement two-storey dwelling following demolition of the existing chalet bungalow dwelling. The report recommends that planning permission be granted as although the replacement dwelling would be slightly larger in footprint than the existing chalet bungalow, it would comply with policy HB5 (replacement dwellings in the countryside) of the Places and Policies Local Plan, and it is considered that the design would preserve the character of the surrounding countryside, Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area.

### RECOMMENDATION:

<b>That planning permission be approved subject to the conditions set out at the end of the report.</b>
---

### 1. INTRODUCTION

1.1. The application is reported to Committee because of the objection raised by Lyminge Parish Council.

## 2. SITE AND SURROUNDINGS

- 2.1. The application site is situated on the western side of Woodland Road, within the area of Lyminge outside the defined settlement boundary. The application site is within open countryside outside of defined settlement boundaries, within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the locally designated Special Landscape Area (SLA).
- 2.2. The existing dwelling is a small chalet bungalow with a hipped roof set back from the road frontage. There is a 'Nissen hut' outbuilding to the north-west of the existing dwelling. There is a large field to the rear of the existing dwelling, which is under the same ownership, and is used to keep horses. Access to this field is from within the application site, to the south of the Nissen hut. There is a public footpath to the rear of the site which crosses the horse fields to the rear.
- 2.3. A site location plan is attached to this report as **Appendix 1**.

## 3. PROPOSAL

- 3.1 Planning permission is sought for the demolition of the existing chalet bungalow (Fig.1) and for the erection of a replacement two-storey dwelling (Fig.2). The dwelling would be sited in the same location and orientation to the existing dwelling, set at an angle to the road, with a slightly larger footprint than the existing. The proposed roof is of dual-pitched, with half dormers to the front and rear. At ground floor level a hipped canopy roof is proposed above the front entrance door with a window to either side. To the north-west side elevation ground and first floor windows and a glazed door are proposed, to the south-east side elevation only first floor windows are proposed.
- 3.2 The proposed roof and first floor are proposed to be red/orange plain clay interlocking and hanging tiles, with the ground floor being red/brown multi-facing brickwork. Windows are proposed as white powder coated aluminium.
- 3.3 Internally the dwelling would comprise of an open plan sitting room, dining room and kitchen, a study and a W.C. / shower room at ground floor level, and four bedrooms (one en-suite) and a bathroom at first floor level.



(Figure 1) Existing front elevation (north-east)



(Figure 2) Proposed front elevation (north-east)

## 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y18/0364/SH	Erection of a replacement dwelling (resubmission of planning application Y17/0878/SH)	Refused
Y17/0878/SH	Erection of a replacement dwelling.	Refused
Y17/0085/SH	Change of use of agricultural land to the keeping of horses together with the erection of a stable block.	Approved with conditions

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**Lyminge Parish Council:** Object on the following grounds:

- The proposed dwelling represents an overdevelopment in comparison to the existing dwelling.
- The proposed scheme is not significantly improved in comparison to previously refused schemes.
- Overlooking of the adjacent property.
- The increased height would make the dwelling more visible in an AONB.
- Permitted development rights should be removed.

**KCC Ecology:** No objection. Bat surveys were originally required however, after re-reviewing the imagery, as well as reading the description of the existing building on-site (i.e. the brickwork and tiles being in good condition), there is a negligible potential for roosting bats to be present. Therefore no further information is required to be submitted. However, in alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. Therefore, ecological enhancements should be secured by condition.

**Environment Agency:** No objection subject to details of foul and surface water drainage being secured by condition, and a standard contamination condition.

**Southern Water:** There are no public sewers in the area to serve the development. The applicant is advised to explore alternative means of foul sewerage disposal. The Environment Agency should be consulted regarding use of a private wastewater treatment works or septic tank which disposes effluent to sub-soil irrigation. The Council's Building Control Officers should be

consulted as to the adequacy of soakaways to dispose of surface water drainage.

### **Local Residents Comments**

5.2 1 neighbour directly consulted and 1 letter of objection received.

5.3 The key issues are summarised below:

### **Objections**

- The existing bungalow is an example of a 1930's bungalow which contributes to the character of the area.
- It is a prominent and sensitive location and close to a public footpath.
- The proposed dwelling design is not in keeping and will be of less visual presence than the existing building.
- It would be more sustainable to alter / upgrade the existing building, than demolish and replace it.
- No details have been submitted regarding foul sewerage, trees and hedged, and biodiversity. Reports addressing these issues should be obtained.
- The proposed dwelling will be larger and taller than the existing building and will have a more harmful impact upon the AONB.
- A larger dwelling will be less affordable than the existing dwelling, which would conflict with the objective of delivering a mix of housing types.
- The proposed dwelling could be extended in the future; permitted development rights should be removed.

5.4 Responses are available in full on the planning file on the Council's website:  
<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

## **6 RELEVANT PLANNING POLICY**

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded some weight, according to the criteria in NPPF paragraph 48.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public

consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.4 The relevant development plan policies are as follows:-

## Folkestone and Hythe District Local Plan Review (2013)

SD1 - Sustainable Development

BE1 - Standards expected for new development in terms of layout, design, materials etc.

BE16 - Requirement for comprehensive landscaping schemes

HO1 - Housing land supply

CO1 - Countryside to be protected for its own sake

CO4 - Special Landscape Areas and their protection

CO20 - Criteria for replacement dwellings in the countryside

U1 - Criteria to be considered for development proposals relating to sewage and wastewater disposal for four dwellings or less, or equivalent

U15 - Criteria to control outdoor light pollution

TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes

TR11 - Accesses onto highway network

TR12 - Vehicle parking standards

## Folkestone and Hythe Local Plan Core Strategy (2013)

DSD - Delivering Sustainable Development

SS1 - District Spatial Strategy

SS3 - Place-Shaping and Sustainable Settlements Strategy

CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

## Places and Policies Local Plan Submission Draft (2019)

HB1 - Quality Places through Design

HB2 - Cohesive Design

HB3 - Internal and external space standards

HB5 - Replacement dwellings in the countryside

T2 - Parking Standards

T5 - Cycle Parking

NE2 - Biodiversity

NE3 - Protecting the District's Landscapes and Countryside

NE5 - Light Pollution and External Illumination

NE7 - Contaminated Land

CC1 - Reducing Carbon Emissions

CC2 - Sustainable Design and Construction

CC3 - Sustainable Drainage Systems (SuDS)

## Core Strategy Review Submission draft (2019)

SS1 - District Spatial Strategy

SS3 - Place-Shaping and Sustainable Settlements Strategy

CSD4 - Green Infrastructure

### **Government Advice**

#### National Planning Policy Framework (NPPF ) 2019

- 6.5 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 102 to 107 - Promoting sustainable transport.

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 148 to 165 - Meeting the challenge of climate change, flooding

Paragraphs 170 to 177 - Conserving and enhancing the natural environment.

Paragraphs 174 to 177 - Habitats and biodiversity.

Paragraphs 178 to 183 - Ground conditions and pollution

#### National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Natural Environment

#### National Design Guide October 2019

C1 – Understand and relate well to the site, its local and wider context

I2 – Well-designed, high quality and attractive

Paragraph 53 *‘Well designed places are visually attractive and aim to delight their occupants and passers-by’.*

N3- Support rich and varied biodiversity

## **7 APPRAISAL**

- 7.1 In light of the above the main issues for consideration are:

- a) Principle of a replacement dwelling

- b) Visual and landscape impact
- c) Standard of accommodation/ amenity of occupiers
- d) Neighbouring amenity
- e) Transport and highways
- f) Landscaping, trees and biodiversity
- g) Flooding and Drainage
- h) Land contamination

**a) Principle of a replacement dwelling**

7.2 The application site is outside any defined settlement boundary and within the open countryside and therefore policies CO20 of the Local Plan and HB5 of the PPLP apply.

Saved policy CO20 states:

*The District Planning Authority will grant planning permission for a replacement dwelling in the countryside subject to proposals meeting all of the following criteria:*

- a) the dwelling to be replaced is in a lawful residential use;*
- b) development is of a high standard of design and in keeping with the character of the locality and would not damage the quality of the landscape;*
- c) the replacement dwelling is not significantly more intrusive in the landscape than the one it is replacing and in the case of small dwellings, the replacement would also not be substantially larger in size and massing*
- d) the existing dwelling cannot practicably be adapted or extended, in accordance with Policy CO21.*

*Where the siting of a replacement dwelling does not directly result in the demolition of the existing dwelling, a condition may be attached to a permission to require demolition on completion of the new dwelling.*

Emerging policy HB5 states:

*Planning permission will be granted for replacement dwellings in the countryside provided that:*

- 1. The existing dwelling has a lawful residential use;*
- 2. It can be demonstrated that the scale, bulk, massing, external appearance, architectural detailing, materials, lighting and location within the site does not harm the wider landscape, the functioning of neighbouring uses or the amenities of nearby residents; and*
- 3. It can be demonstrated that a suitable access can be achieved.*

Emerging policy HB5 no longer requires the existing dwelling to not be adaptable or extendable.

- 7.3 Application Y18/0364/SH (Fig.4) was for a replacement dwelling and was refused as the proposal was much larger than is currently proposed under this application. The proposed dwelling was considered to significantly increase the visual dominance of the dwelling within the AONB and SLA resulting in harm to the natural beauty, appearance and character of the designated countryside location. It was therefore considered contrary to saved policies CO4 and CO20 of The Shepway District Local Plan Review; policy CSD4 of the Shepway Core Strategy Local Plan; and guidance in the National Planning Policy Framework (paragraph 115) which seek to protect designated landscapes and ensure replacement dwellings are not substantially larger and more intrusive on the landscape than the existing dwelling. The previous application Y17/0878/SH (Fig.3) was refused for the same reasons.



(Figure 3) Proposed front elevation (north-east) as refused under Y17/0878/SH



(Figure 4) Proposed front elevation (north-east) as refused under Y18/0364/SH



(Figure 5) Proposed front elevation (north-east)

- 7.4 This current application by contrast to the previous two refusals is much smaller (Fig.5). In addition, the PPLP is at a much more advanced stage and therefore has significant weight in the assessment of this application whereas previously the emerging policy did not form part of the decision making. The emerging policy is slightly less restrictive than the saved policy and no longer requires replacement dwellings to not be substantially larger in size and massing and instead, has a requirement that the proposed dwelling is not harmful to the landscape in terms of its scale.
- 7.5 The application site has a lawful residential use, and has a suitable vehicular access which it is proposed would be utilised to serve the replacement



dwelling. The existing dwelling is not of a particularly high standard in design terms or of particular architectural merit. As such, it is not considered to be a non-designated heritage asset and its demolition is therefore considered to be acceptable as there are no planning grounds to resist this.

- 7.6 It has been raised in representations that the retention and improvement of the dwelling would be a more sustainable option than its demolition and replacement. This is acknowledged, however there is no policy requirement to first consider renovation and/ or extensions before considering demolition. As such, this is not considered to be a reason warranting the refusal of planning permission.

### **b) Visual and landscape impact**

- 7.7 The existing dwelling is a small chalet bungalow with a hipped roof form oriented at an angle from the road. The proposed replacement two-storey dwelling would be sited in a similar position, with first floor accommodation set partially within a dual-pitched half-hipped roof form. The resulting appearance would be that of a larger dwelling, although the first floor accommodation would be set within the roof and the dual-pitched roof design would result in a reduced ridge height in comparison to a single pitch design.

- 7.8 The existing dwelling has a footprint of 93 sqm, an eaves height of 2.3m and a ridge height of 6m. The proposed replacement dwelling has a footprint of 100 sqm, and eaves height of 3.7m and a ridge height of 7m. It is therefore acknowledged that with a slightly larger footprint, a higher eaves height and a ridge height 1m higher than the existing, the proposed dwelling is larger than the existing dwelling, and would result in some additional visual impact upon the surrounding countryside. However the proposal replacement dwelling is considered to be of a much improved design and of an appropriate and not overly large scale and form, in keeping with the character of the surrounding area. Whilst the replacement dwelling would appear as a larger dwelling than the existing, it is of similar positioning and orientation, and would retain elements of the bungalow character. Overall therefore it is considered that the replacement dwelling would not cause a harmful visual impact upon the landscape and that the character of the site, the surrounding countryside, AONB and SLA would be conserved, in accordance with the aims of saved policies BE1, HB1 and NE3.

- 7.9 It is recommended that permitted development rights for extensions and alterations (Classes A, B and C), and outbuildings (Class E) be removed by condition to ensure that any future development would be controlled so as to not have a harmful visual impact in this sensitive location.

### **c) Standard of accommodation**

- 7.10 The proposed dwelling is a four-bedroom, seven-person, two-storey design. As such, policy HB3 of the PPLP specifies a minimum size of 115 sqm. The proposed dwelling has a floorspace of 176 sqm and therefore exceeds this

standard. The proposed ground floor accommodation is generous and all of the bedrooms comply with the minimum size standards. The garden area for the dwelling is large and would comply with HB3 standards. Therefore, it is considered that the dwelling would provide a high standard of amenity for future occupiers in compliance with policy HB3 and the NPPF.

### **d) Neighbouring amenity**

- 7.11 The closest neighbouring property to the site is Orchard Cottage which is located over 40 metres from the site (boundary to boundary). This is considered to be sufficient distance so that the proposed development would not impact in any significant way on neighbouring residential amenity.

### **e) Transport and highways**

- 7.12 As existing, vehicular parking is provided on a driveway area alongside the dwelling. The submitted drawings do not show a proposed parking layout; the application form details that three car spaces and four cycle spaces would be provided. It is considered that there would be sufficient space to accommodate this provision and it is recommended that full details and implementation be secured by planning condition.

### **f) Landscaping, trees and biodiversity**

- 7.13 No details of a scheme of soft and hard landscaping have been submitted however these details could be secured by condition.
- 7.14 There are trees on site and hedgerows situated along the boundaries. It appears that no removals are proposed or required, however the trees would require protection during construction works and therefore it is recommended that a tree protection scheme be secured by planning condition.
- 7.15 KCC Ecology have considered the nature and condition of the existing building and raise no objection to the proposed development subject to a scheme of ecological enhancements being secured by condition to ensure that a net gain is delivered in accordance with NPPF requirements. Subject to this condition the scheme is considered to comply with saved policy BE16, emerging policy NE2 and the NPPF.

### **g) Flooding and drainage**

- 7.16 The site is within Flood Zone 1 and therefore not at high risk of flooding. There is no connection to the public sewer available, foul and surface water drainage will therefore have to be accommodated within the site. As per Environment Agency advice, it is recommended that full details of a scheme of foul and surface water drainage be secured by planning condition.

### **h) Land contamination**

- 7.17 The Environment Agency recommend a land contamination condition, which would trigger requirements should contamination not previously identified be found to be present.

### **Environmental Impact Assessment**

- 7.18 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**

- 7.19 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. The CIL charge for this site would be £138.94 per sqm of internal floor area (although the existing floor area would be deductible and the development may be eligible for a self-build exemption).

### **Human Rights**

- 7.20 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.

### **Working with the applicant**

- 7.21 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

### **Public Sector Equality Duty**

- 7.22 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.
- 7.23 It is considered that the application proposals would not conflict with objectives of the Duty.

### **Conclusion**

- 7.24 Although the replacement dwelling would be slightly larger in footprint than the existing chalet bungalow, it is considered that it would comply with policy HB5 (replacement dwellings in the countryside) of the PPLP, and it is considered that the design would preserve the character of the surrounding countryside, Kent Downs AONB and SLA in accordance with saved policies BE1, HB1 and NE3. The proposed dwelling is not considered to result in harm to neighbouring amenity and would provide a high level of accommodation for future occupants. Details regarding landscaping, tree protection measures, vehicle and cycle parking, ecological enhancements and drainage could be secured by condition, along with a restriction on permitted development rights for extensions, alterations and outbuildings.

### **8.0 Background Documents**

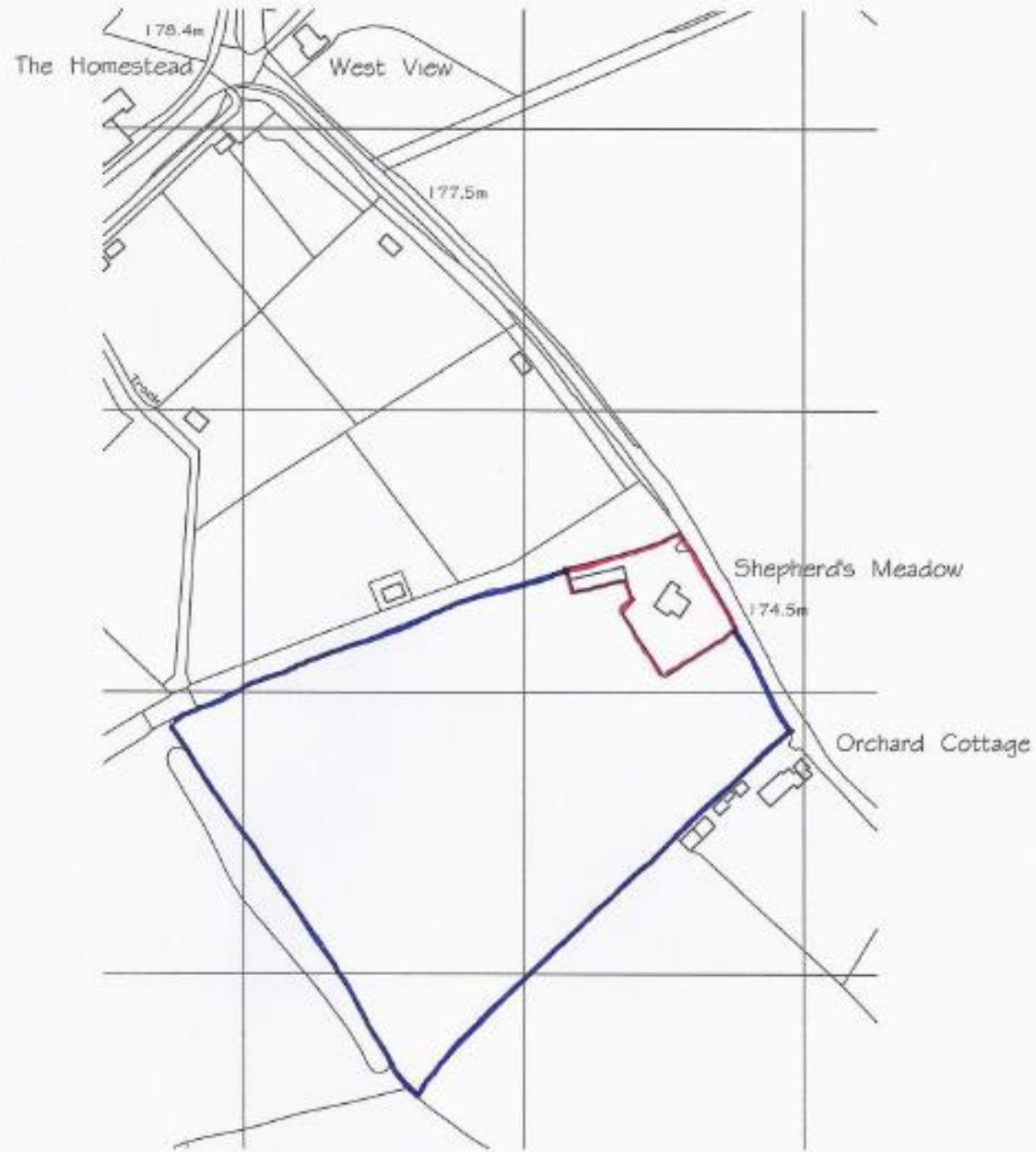
- 8.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

### **9.0 Recommendation**

**9.1 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 he considers necessary:**

1. Standard implementation period
2. Materials
3. Landscaping
4. Vehicle and cycle parking
5. Foul and surface water drainage
6. Contamination
7. Ecological enhancement scheme
8. Tree removal, retention and protection measures
9. Removal of certain permitted development rights
10. External lighting scheme
11. Water efficiency



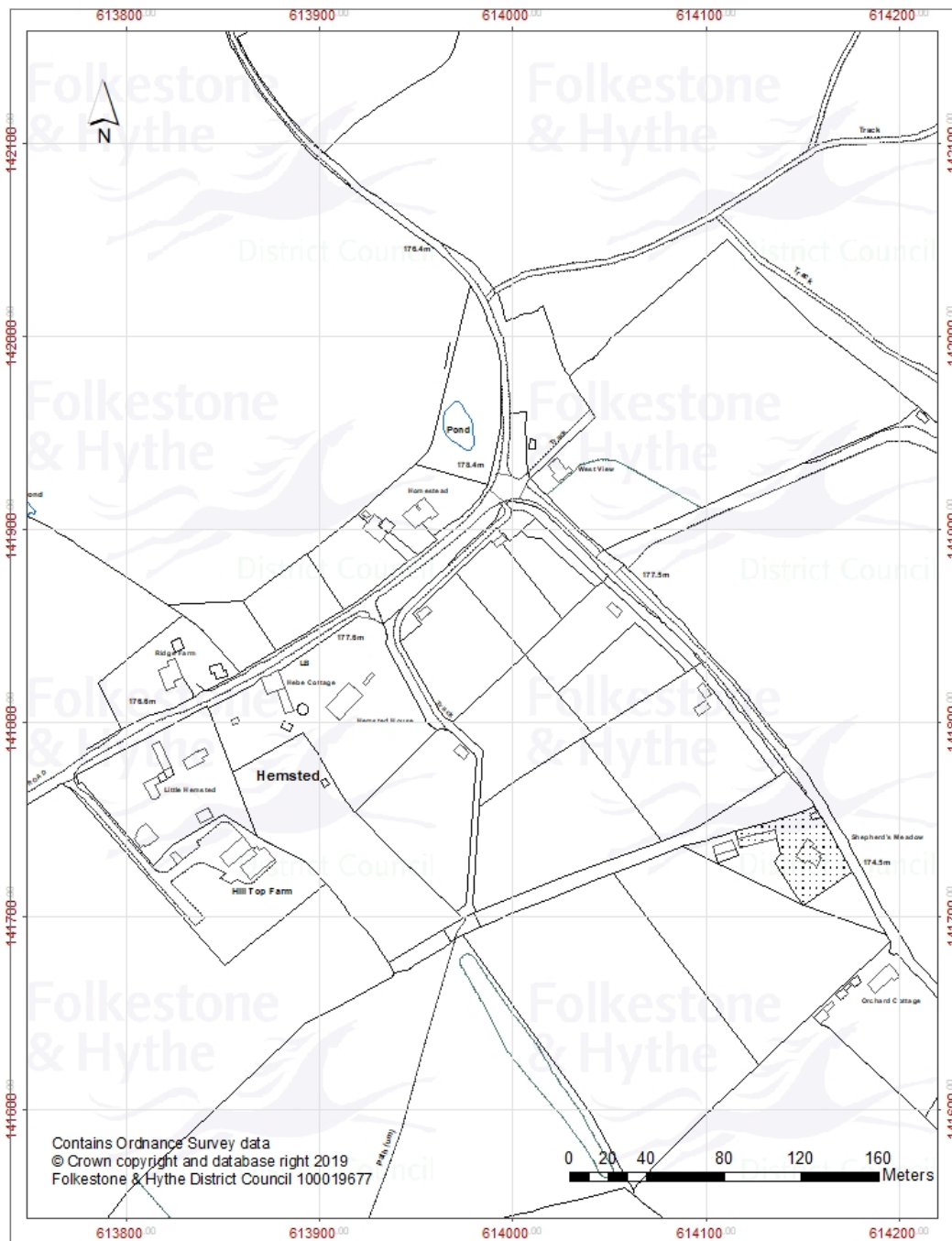




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Y19/0313/FH  
Shepherds Meadow  
Woodland Road  
Lyminge



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**Application No:** Y18/1485/FH

**Site Location:** 3 Cornwallis Avenue Folkestone Kent CT19 5JA  
**Proposal:** Erection of a roof extension, installation of a total of x5 dormer windows, three storey front extension, three storey rear extension and installation of x2 balconies to the rear elevations  
**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused  
**Outcome:** Appeal Dismissed **Date of Decision:** 10th July 2019 **Costs Awarded:** NA

**Application No:** Y19/0055/FH

**Site Location:** 4 Lower Sands Dymchurch Romney Marsh Kent  
**Proposal:** Alterations and extensions to roof, including hip-to gable extensions, installation of a rear dormer with Juliette balcony and increase in height of chimney.  
**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused  
**Outcome:** Appeal Dismissed **Date of Decision:** 10th July 2019 **Costs Awarded:** NA

**Application No:** Y18/0694/FH

**Site Location:** 15 Walton Gardens Folkestone Kent CT19 5PP  
**Proposal:** Erection of part single storey and part two storey rear and side extension following the removal of existing rear conservatory.  
**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused  
**Outcome:** Appeal Dismissed **Date of Decision:** 12th July 2019 **Costs Awarded:** NA

**Application No:** Y18/1130/FH

**Site Location:** Upper Dane Farm Elvington Lane Hawkinge Folkestone  
**Proposal:** Erection of a first floor rear extension, two storey front extension, front dormer extension and the installation of bi-fold doors to the rear elevation  
**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused  
**Outcome:** Appeal Dismissed **Date of Decision:** 16th July 2019 **Costs Awarded:** NA

**Application No:** Y18/0196/SH**Site Location:** The Cottage Hillside Sandgate Folkestone**Proposal:** Erection of a four-storey building containing 6No. 2 bedroom apartments and a two-storey building containing 1No. 2 bedroom apartment together with car parking, cycle and bin storage following removal of the existing house and garage.

<b>Officer Recommendation:</b>	Approve	<b>Committee Decision:</b>	Refused	<b>Delegated Decision:</b>	-
<b>Outcome:</b>	Appeal Allowed	<b>Date of Decision:</b>	9th August 2019	<b>Costs Awarded:</b>	NA

**Application No:** Y18/1167/FH**Site Location:** 3 Castle Hill Avenue Folkestone Kent CT20 2TD**Proposal:** Replacement uPVC windows to flats 1, 2 3 and 4.

<b>Officer Recommendation:</b>	-	<b>Committee Decision:</b>	-	<b>Delegated Decision:</b>	Refused
<b>Outcome:</b>	Appeal Dismissed	<b>Date of Decision:</b>	13th August 2019	<b>Costs Awarded:</b>	NA

**Application No:** Y19/0191/FH**Site Location:** 20 Minter Avenue Densole Folkestone Kent**Proposal:** Demolition of existing free standing garage and timber porch and erection of single storey attached garage (resubmission of Y17/0688/SH and Y17/1434/SH)

<b>Officer Recommendation:</b>	-	<b>Committee Decision:</b>	-	<b>Delegated Decision:</b>	Refused
<b>Outcome:</b>	Appeal Allowed	<b>Date of Decision:</b>	13th August 2019	<b>Costs Awarded:</b>	NA

**Application No:** Y18/1567/FH**Site Location:** Upper Flat Bemhurst St Nicholas Road Littlestone New Romney**Proposal:** Proposed new roof incorporating hipped and gable roof forms to provide additional residential accommodation along with the enlargement of the existing external stairs and landing (Re-submission of Y18/0967/FH)

<b>Officer Recommendation:</b>	-	<b>Committee Decision:</b>	-	<b>Delegated Decision:</b>	Refused
<b>Outcome:</b>	Appeal Dismissed	<b>Date of Decision:</b>	16th August 2019	<b>Costs Awarded:</b>	NA

**Application No:** Y18/1406/FH

**Site Location:** Former Compressor Station Marshlands Dymchurch Kent  
**Proposal:** Change of use from Class B1 (light industrial) to dwellinghouse (Class C3), including erection of a first floor extension.  
**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused  
**Outcome:** Appeal Allowed **Date of Decision:** 16th September 2019 **Costs Awarded:** NA

**Application No:** Y18/0569/FH

**Site Location:** 28 Spanton Crescent Hythe Kent CT21 4SF  
**Proposal:** Felling of a Scots Pine subject of Tree Preservation Order No 2 of 1973.  
**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused  
**Outcome:** Appeal Allowed **Date of Decision:** 24th September 2019 **Costs Awarded:** NA

**Application No:** Y18/1623/FH

**Site Location:** 114 Sandgate Road Folkestone Kent CT20 2BW  
**Proposal:** Erection of first and second floor extension to provide 4 x 2 bedroom residential flats over existing commercial unit.  
**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** R  
**Outcome:** Appeal Dismissed **Date of Decision:** 30th September 2019 **Costs Awarded:** NA

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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 – 26 NOVEMBER 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:

<b>Application No:</b>	<b>Type of Lobbying</b>
	.....
	.....
	.....
	.....
	.....
	.....
	.....
	.....
	.....

SIGNED: .....

**Councillor Name (in CAPS)** .....

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

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## PLANNING AND LICENSING COMMITTEE

26<sup>th</sup> NOVEMBER 2019

### SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

**1. Y19/0409/FH  
(Page 9)**

**REDLYNCH HOUSE, 19 HILLCREST ROAD, HYTHE**

Section 73 application to vary condition 2 of application Y18/0215/SH to enlarge the lower ground floor and enlarge the first floor, increase of balcony sizes, alterations to and additional windows, enlargement of front entrance, roof design altered to pitched roof with a concealed flat roof, dormer height increased, 1 additional parking space provided and other external alterations.

**Mrs Sophie Pettifer, local resident, to speak against application  
Leo Griggs, agent, to speak on application**

**2. Y19/0490/FH  
(Page 27)**

**MANOR COURT, 38 MANOR ROAD, FOLKESTON, KENT,  
CT20 2SE**

Erection of a four storey and roof terrace mixed use development comprising 7 self-contained apartments and flexible A1/A2/A3/B1 commercial space.

**Mr James Dodwell, local resident, to speak against application  
Mr Arthur Wood, agent, to speak on application**

**3. Y19/0313/FH  
(Page 57)**

**SHEPHERDS MEADOW WOODLAND ROAD LYMINGE  
FOLKESTONE KENT CT18 8DW**

Erection of a replacement dwelling following demolition of existing dwelling

**Karen Banks/Mrs Best, agent/applicant to speak on application**

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**3. Y19/0313/FH  
(Page 57)**

**SHEPHERDS MEADOW WOODLAND ROAD LYMINGE  
FOLKESTONE KENT CT18 8DW**

The agent has clarified that aluminium bi-folding doors and white uPVC windows are proposed for the new dwelling.

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