



# Agenda

Meeting: **Planning and Licensing Committee**  
Date: **29 October 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?**

Contact Sue Lewis – Tel: 01303 853265  
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website  
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c) voluntary announcements of other interests.

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

To consider and approve, as a correct record, the minutes of the meeting held on 24 September 2019.

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

To consider and approve, as a correct record, the minutes of the Licensing Sub-Committee meeting held on 30 September 2019.

5. **Y19/0752/FH - Turner Free School, Tile Kiln Lane, Folkestone (Pages 11 - 46)**

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.

6. **Y18/0906/FH - Dance Easy Studio 19 The Bayle Folkestone Kent CT20 1SQ (Pages 47 - 62)**

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).

7. **Unauthorised Erection of Dwelling House Known as Annex, 87 Coast Drive, Greatstone, New Romney (Pages 63 - 90)**

Report DCL/19/17 considers 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 recommends that an Enforcement Notice is served requiring the demolition of the dwelling and the reinstate of the site to the previous ground level

8. **Supplementary Information (Pages 91 - 94)**

## **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, 24 September 2019

Present: Councillors Danny Brook, John Collier, Gary Fuller, Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Jim Martin, Philip Martin (Vice-Chair), Connor McConville, Jackie Meade, Ian Meyers, Georgina Treloar and David Wimble

Apologies for Absence

Officers Present: Claire Dethier (Development Management Team Leader), Sue Lewis (Committee Services Officer) and Llywelyn Lloyd (Chief Planning Officer)

Others Present:

### 25. Declarations of Interest

Councillor Jackie Meade declared a voluntary announcement in that she is a member of the Planning Committee for Folkestone Town Council. She remained in the meeting during discussion and voting on this item.

### 26. Minutes

The minutes of the meeting held on 27 August 2019 were submitted, approved and signed by the Chairman.

### 27. Y18/1617/FH - Three Hills Sports Park, Cheriton Road, Folkestone

DCL/19/14 Installation of athletic running track and field events sports facility, pavilion and associated parking together with the relocation of dog walking facility.

Margaret Irving, local resident spoke against the application  
Danielle Inglestone, local resident spoke in support of the application  
Cllr Richard Wallace, Folkestone Town Council spoke on the application  
Guy Holloway, 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 delegated authority be given to the Chief Planning Officer to hold discussions with the applicant and agent in respect of securing the following:**
  - **Additional cycle spaces**
  - **Additional tree planting**
  - **lighting in respect of the pathway leading to the Morehall site.**

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

28. **Y18/0984/FH - Running Waters, Lydd Road, New Romney, Romney Marsh**

Report DCL/19/15 Change of use from an existing touring and camping caravan park to use for ten mobile chalets and twenty tourers (part of the site previously approved under application Y09/0456/SH).

Jim Smith, agent spoke on the application.

Proposed by Councillor David Wimble  
Seconded by Councillor Philip Martin and

**Resolved:**

**That planning permission be approved for the reasons set out below:**

1. **Policy BE1 – Standards expected for new development in terms of layout, design, materials etc**

**Development is of high quality design.**

**Policies TM4/TM5 – Static caravans and chalet sites/criteria for provision of new or upgraded caravan and camping site**

**The site already has caravans, it is not a greenfield site. Policy TM4 holds less weight due to emerging Local Plan policy. Policies CO1/CO5 – Countryside to be protected for its own sake/protection of local landscape areas**

**The site is not seen to be more intrusive than the existing situation and with landscaping, this would further mitigate harm.**

**Policy SS3 – Place Shaping and Sustainable Settlements Strategy**

**The site is the closest to the town centre and is seen as acceptable in respect sustainability.**

**Policy CSD3 – Rural and Tourism Development of Shepway**

**As already stated above this is seen as an acceptable site which already provides tourism for the area.**

**Policies HB1/NE3/E5 – To protect or enhance the character of the countryside which should be protected for its own intrinsic value, and the character and appearance of Local Landscape Areas**

**The design is seen as high quality, the application is an acceptable addition to the existing site and the tourism is not contrary to policy E5, however, it was agreed that officers work with the applicant to ensure that no harm is brought to the countryside and that there is an acceptable access onto the site with screening and landscaping.**

**2.**

**Members noted that the development was sited within Flood Zone 3 and that the application was not accompanied by a sequential test. Members considered that although the sequential test had been failed, the benefits out-way the harm. The benefits were considered to be to the economy and the development could be made safe by raising the height of the caravans and that the application should be approved.**

**3.**

**That delegated authority be given to the Chief Planning Officer to grant planning permission subject to any conditions that he considers necessary.**

**(Voting: For 7; Against 2; Abstentions 3)**

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# Minutes

## Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Monday, 30 September 2019
Present	Councillors Danny Brook, Gary Fuller and Ian Meyers
Apologies for Absence	None.
Officers Present:	Nicola Everden (Solicitor), Jemma West (Senior Committee Services Officer) and Briony Williamson (Senior Licensing Officer).
Others present:	Andrew Rush (Corporate Contracts Manager) and Sarah Pinkstone (Environmental Health and Licensing Team Leader)

### 1. **Election of Chairman for the meeting**

Proposed by Councillor Meyers,  
Seconded by Councillor Brook; and

#### **RESOLVED:**

That Councillor Fuller be elected as Chairman for the meeting.

### 2. **Declarations of interest**

There were no declarations of interested.

### 3. **Declarations of lobbying**

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

### 4. **Exclusion of the public**

Proposed by Councillor Meyers,  
Seconded by Councillor Brooks; and

#### **RESOLVED:**

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

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

(Voting figures: 3 for, 0 against, 0 abstentions).

**5. Review of whether any action should be taken against a Private Hire driver's licence**

The report considered whether any action should be taken against badge PD182 following a complaint by a member of the public.

**RESOLVED:**

1. That Report DCL/19/17 be received and noted.
2. That the Private Hire Driver be given the benefit of the doubt, but that the sub-Committee wish to give guidance, via a written warning, with the caveat that should this happen again, the consequences would be more severe.

(Voting figures: 3 for, 0 against, 0 abstentions).

**6. Review of whether any action needs to be taken against a Hackney Carriage Driver's licence.**

The report considered whether any action should be taken against badge HD114 following the addition of 8 points to the driver's DVLA driving licence.

**RESOLVED:**

1. That report DCL/19/16 be received and noted.
2. That no action further action be taken against the Hackney Carriage Driver.

(Voting figures: 3 for, 0 against, 0 abstentions).

# Agenda Item 5

## DCL/19/19

**Application No:** Y19/0752/FH

**Location of Site:** Turner Free School, Tile Kiln Lane, Folkestone, Kent, CT19 4PB

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

**Ward:** Cheriton

**Development:** 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.

**Applicant:** Department Of Education / Bowmer & Kirkland Ltd

**Agent:** Mr Bob Robinson, DPP Planning

**Officer Contact:** Isabelle Hills [Isabelle.hills@folkestone-hythe.gov.uk](mailto:Isabelle.hills@folkestone-hythe.gov.uk)

### SUMMARY

Full planning permission is sought for the demolition of the former Pent Valley Technology College secondary school buildings and for the erection of a replacement three storey school building. The application also seeks permission for refurbishment works to the existing sports hall, the provision of a 3 court multi-use games area (MUGA), playing pitch, car parking, landscaping, new pedestrian access and ancillary works.

### 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 it is for a major development raising sensitive issues which the Chief Planning Officer considers should be considered by the Planning and Licensing Committee.

### 2. SITE AND SURROUNDINGS

- 2.1. The application site comprises the former Pent Valley Technology College, and currently contains several part-two storey part-three storey school buildings in the southern part of the site and a sports hall in the north west

part, along with an associated car park. Temporary classrooms are currently located to the west of the existing sports hall, which provide the teaching accommodation for the Turner Free School which now occupies the site. The temporary units have provided accommodation for four forms of entry (120 year 7 pupils) which started in September 2018, and in September 2019 a further 6 forms of entry (180 year 8 students) were introduced.

- 2.2. The site is located within the defined settlement of Folkestone, within the Cheriton Ward, and to the south of Shearway Business Park - an area of commercial and industrial uses. The buildings within Shearway Business Park are generally of an insulated metal construction approximately 8m high which reflects their commercial uses. Between the Business Park and the application site is Tile Kiln Lane from which the school is accessed. To the east, west and south of the site are areas of residential development comprised of larger 2 storey dwellings in a red brick construction. Please see **Appendix 2**.
- 2.3. The application site sits 3m lower than Tile Kiln Lane from which it would be primarily viewed. The northern boundary, formed by Tile Kiln Lane, consists of a 2m high galvanised palisade fence. The remaining boundaries are formed by the residential rear gardens of Wells Road, Postling Lane and Surrenden Road. These boundaries generally comprise of 1.8m high fences with some intermittent boundary landscaping. An aerial photograph of the site and its surrounds is shown below in **Figure 1**.



*Figure 1 Aerial Photograph of site and surrounds*

- 2.4. Access to the site is currently gained via the two northern existing vehicular access points off Tile Kiln Lane. There are two further existing vehicular access points off Postling Road and Surrenden Road.
- 2.5. 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 detached three storey secondary school building to replace the existing teaching building and provide permanent accommodation for the Turner Free School.
- 3.2 The existing teaching buildings with the exception of the sport halls are proposed to be demolished. The applicant considers that the existing buildings are not fit for purpose due to their poor state of repair, asbestos contamination, inefficient design, poor energy efficiency and unsuitable layout.
- 3.3 The Turner Free School is currently scheduled to open to accommodate a full school cohort in September 2020. In order to achieve this the applicant has advised that planning permission needs to be granted for the works by the end of October 2019. The applicant has advised that failure to gain planning permission by this date would have significant implications on the build programme and would result in further temporary accommodation having to be installed on the site to house the new students due to arrive in September 2020.
- 3.4 Officers have, through negotiations, secured enhancements to the design of the building and refined the landscaping approach to ameliorate views from neighbouring properties. See **Figures 3, 4, 5 & 6** for the proposed elevations.
- 3.5 The Turner Free School is proposed to be a non-selective mixed secondary school for students aged 11-18 years, and would provide 1260 new places overall. Of this 900 places would be for years 7-11 and 360 places for the sixth form. There would be 180 students per year group, with class sizes of 30 students.
- 3.6 The building is proposed to be three storeys and approximately 12.3 metres in height.
- 3.7 The building would be located adjacent to the existing sports hall, with the main entrance being orientated towards Tile Kiln Lane with the School's logo and main entrance readily visible providing a legible and clear access.
- 3.8 The proposed building would be located, at its closest point, approximately 17 metres from the rear boundary of the properties along Surrenden Road and approximately 35.5 metres from the rear elevation of the closest properties along Surrenden Road – numbers 109 & 111.
- 3.9 The proposal seeks to relocate the school building from its existing position in the south of the site to the north east of the site where the playing fields are currently positioned. The applicant highlights that the advantage of this is that



it would result in the school building being situated outside of Flood Zones 2 & 3. The location of the new building is shown below in **Figure 2**.



**Figure 2 Site Layout**

3.10 The new school building would be finished in buff facing brickwork with the addition of smooth render to the first and second floors to the south, east and west elevations. A varied window form is proposed, with some windows having been grouped to give a vertical emphasis and add visual interest and variety across the façade.



**Figure 3 Indicative View from the north**

- 3.11 The new building has been located to the east of the existing sports block to create a strong relationship between the two buildings which as the sports block is visible from Tile Kiln Lane. The proposed new entrance from Tile Kiln Lane comprises both steps and ramps, with shrub planting and a small avenue of trees which would guide users into the entrance plaza for the school.
- 3.12 From the plaza the central avenue would lead between the two buildings. Specimen tree planting and lawn areas have been designed into the layout to help direct users into the site with the layout designed to encourage access into the site and main social play space, whilst working with the natural desire lines between the buildings.
- 3.13 The main social space for students is proposed to be a concrete paved area to the side and rear of the proposed new school building and the existing sports hall. Between the residential properties of Surrenden Road and the eastern parts of the building, two lines of trees are proposed to provide visual baffles between the dwellings and new school. These are specifically placed to ameliorate and soften the views of the closest parts of the building from the rear of the dwellings.
- 3.14 Following negotiation by officers, the applicant proposes hedge planting behind the existing Tile Kiln Lane palisade fence to enhance the quality of this boundary. Weldmesh fencing is proposed to be installed internally on the site to ensure safety and security and make it easier to supervise students across the site. 3 metre high sports fencing is proposed around the three MUGAs to avoid ball loss from it.



**Figure 4** Indicative Site Masterplan

- 3.15 The elevations and impressions of the internal spaces are provided at **Figures 7 & 8** below.

### Access

- 3.16 The existing Tile Kiln Lane vehicle entrance points and the separate pedestrian access into the school are proposed to remain and would serve as access points into the school.
- 3.17 An additional access is proposed in the north eastern corner of site to provide an additional pedestrian and cycle point of access into the school. The existing vehicular access from Surrenden Road is proposed to remain for sports pitch maintenance access only.
- 3.18 The existing pedestrian access points from Surrenden Road and Postling Road are proposed to be removed. Following dialogue with KCC Highways and Transportation and local residents the decision to reduce the use of the Postling Road access was taken to help ease local congestion.

### Parking

- 3.19 The existing 9 bay car park to the northwest corner of the site (fronting Tile Kiln Lane) is proposed to be retained. The existing main car park is proposed to be re-used, with an additional 30 standard car parking spaces, 7 disabled car parking bays and 1 mini-bus space provided. An additional car park is also proposed which would provide 97 standard car parking spaces.
- 3.20 The proposal would therefore provide a total of 136 standard car parking bays including two loading bays; one for the kitchen and one for school / sports hall deliveries.
- 3.21 90 sheltered cycle spaces are proposed for staff and pupils plus 10 visitor cycle spaces.

### Sports and playing fields

- 3.22 To the rear of the existing sports hall, three Multi Use Games Areas (MUGA's) with permeable surfaces are proposed. These would have a total approximate area of 2,217m<sup>2</sup>.
- 3.23 A full size senior football pitch with an approximate area of 5,667 m<sup>2</sup> is also proposed and would be located to the south of the site, approximately 2.9 metres from the rear garden boundaries along Wells Road, in a similar position to the existing games court.
- 3.24 The existing sports hall is proposed to remain, however some external alterations to this building are proposed to improve its appearance. The northern façade (facing onto Tile Kiln Lane) is proposed to be rendered white to help modernise its appearance and tie it visually to the new school building. A covered walkway is proposed to link the existing sports hall to the proposed new school building. This building would be internally refurbished and contain



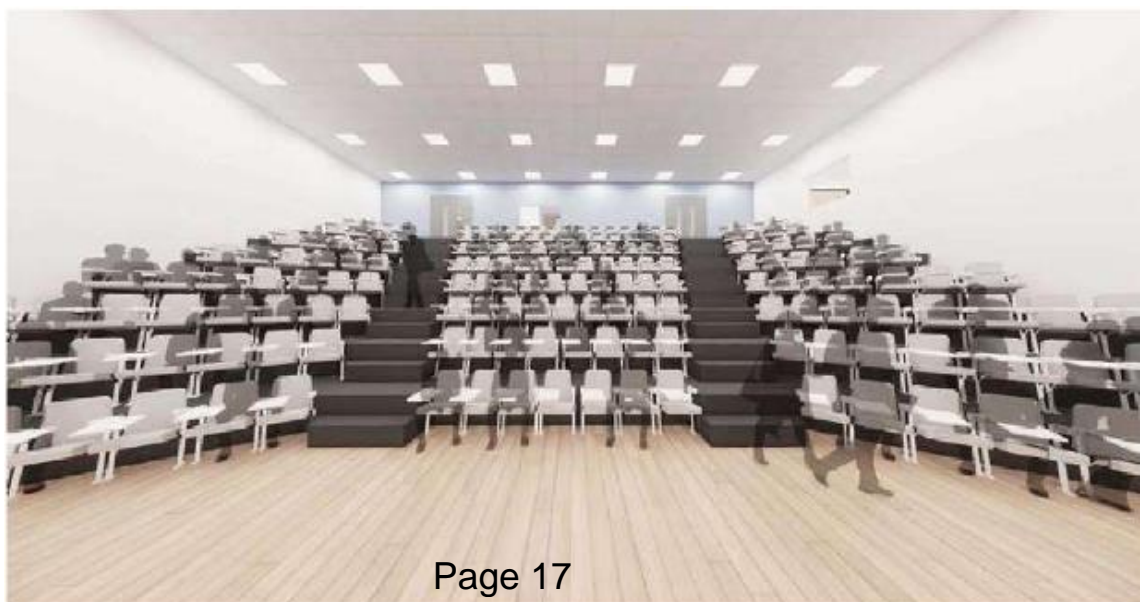
sports facilities, dining and catering facilities, sixth form spaces and would be reconfigured to support its proposed community use.



**Figure 5** Revised Elevations - Proposed October 2019



**Figure 6** Indicative Front (North West) Revised Elevations - Proposed October 2019



**Figure 7** Indicative Lecture Theatre



**Figure 8** Indicative Proposed Family Dining in the Teaching Block

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

Ashley Avenue Automatic Traffic Counter Analysis (received 20.08.2019).

3.26 This report provides an analysis of the evaluation of road traffic speeds on Ashley Avenue which was carried out from the 8th – 14th July 2019.

3.27 The report concludes that average recorded vehicle speeds on Ashley Avenue were less than 24mph in both directions and, therefore, subject to further consultation with KCC in relation to matters of speed limit signage, Ashley Avenue is considered suitable for the introduction of a 20mph speed limit.

BREEAM Pre-assessment Tracker & Action List (received 25.06.2019)

3.28 This report provides a pre-assessment and an action list to Design Team members to ensure that BREEAM options and requirements are considered at every stage of development in the interests of the sustainability of the scheme. (BREEAM is a leading sustainability method for master planning projects, infrastructure and buildings).

3.29 The report concludes that the project currently targets a score of 56.1% which equates to a VERY GOOD rating and the minimum standards to achieve this rating have been met.

Acoustic Assessment (received 25.06.2019)

3.30 The acoustic assessment provides detail of noise generation by the proposed development and the impact of the development on the neighbouring area.

3.31 The assessment concluded:

- All of the site can be used for outdoor play areas, but only the south of the site, which is quieter than the north, should be used for outdoor learning activities.
- For retained / refurbished blocks the majority of classroom types can be ventilated naturally using open-able windows and still achieve required internal ambient noise levels as defined by BB93.
- To protect local residents from noise generated within the classrooms, the applicants have recommended the use of passive ventilation in combination with non-openable windows.

### Environmental Report (received 25.06.2019)

- 3.32 This report was carried out to appraise the environmental ground conditions and obtain data on chemical parameters at the site. The report provides the findings from a desk study and fieldworks comprising soil sampling on the application site, with monitoring of the site for water levels and concentrations of hazardous ground gas also being carried out.
- 3.33 The findings identified detectable concentrations of contamination within the soils, however this was considered low risk given the site will be almost entirely covered in hardstanding in that part of the site.
- 3.34 The report identified that a clean layer of topsoil will be required in the proposed landscaped areas to act as a suitable cover layer. The amount of proposed hardstanding is considered to mitigate the risk of infiltration and mobilisation of contamination into groundwater
- 3.35 The following measures were recommended:
- An asbestos survey be undertaken prior to demolition of the existing buildings.
  - Additional investigation of beneath current building footprints following demolition
  - Ground gas protections measures to be carried out
  - Any topsoil imported onto the site or re-used from the existing site to be tested to confirm suitability, prior to, and once placed, in landscaped areas
  - Appropriate 'hotspot' protocol to be in place for ground workers to act upon should contamination be identified during construction process
  - Ground workers working below sub-surface be made aware of known contaminants
  - Confirmation to be sought from Local Water Authority as to whether they will require upgraded pipework to be installed for new service installations

### Arboricultural Report (received 25.06.2019)

- 3.36 This report provides information on the species, dimensions, health and structure of the existing trees and their appropriateness for retention, offers recommendations regarding the management of the trees and determines the Construction Exclusion Zones (CEZ) to comply with British Standard BS 5837:2012. The trees were inspected on site on the 23rd May 2019.
- 3.37 The survey recorded 22 individual trees and 2 groups. The application proposed the removal of 5 individual category C trees and 1 category U group to facilitate the development. In addition, as an indirect result of the development it is proposed that a further 2 individual category U trees be removed. These identified trees are considered to be of a low value and quality and their removal considered acceptable subject to their replacement.

CCTV Report (received 07.10.2019)

- 3.38 This report provides details of the existing drainage on site, its current condition and suitability to accommodate water drainage from the proposed development.

Biodiversity Net Gain Report (received 25.06.2019)

- 3.39 The government requires developments to ensure habitats for wildlife are enhanced and left in a measurably better state than they were pre-development. This is measured by a metric devised by DEFRA used to determine biodiversity units.

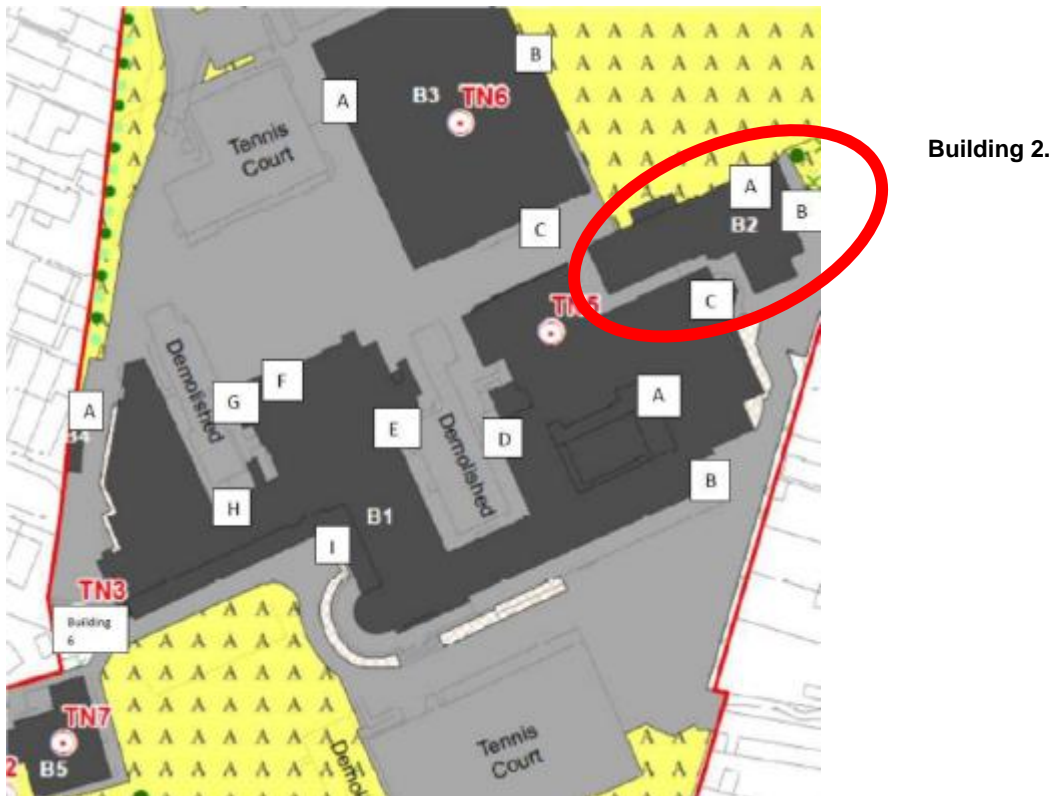
The area, distinctiveness and condition of each of the existing habitats on the site were assessed against Appendix 1 of DEFRA Technical Note (DEFRA, 2012) which allocates a distinctiveness score for each habitat. The condition of each habitat was determined using the relevant condition assessment methodology for the habitat within the Higher Level Stewardship Farm Environmental Plan (FEP) Manual (NE, 2010).

The expected area, type and condition of the habitats on site post development were then determined. This was then compared to the baseline biodiversity units for each habitat with the expected biodiversity units for each habitat post development to determine the intended biodiversity net gain or loss for each habitat. 2018 DEFRA guidance indicates that net gain is met when a 10% increase in biodiversity units is achieved.

- 3.40 The submitted report demonstrates that the proposed development would result in a net gain of biodiversity. The report concludes that the existing biodiversity units for habitats of the site is 3.82. The proposed landscaping plans, providing the habitats reach the predicted conditions, would increase the biodiversity units from 3.82 to 7.35. This is a net gain of 3.53 units which is a 92% net gain.

Ecology Reports (Reptile, Bat, Great Crested Newt Surveys received 25.06.2019)

- 3.41 Investigations were carried out on the application site for reptiles, bats and Great Crested newts. The surveys confirmed that in the months of May/June 2019 no reptiles were found.
- 3.42 The bat survey concluded that the works are unlikely to affect the favourable conservation status of the species. However, a single dusk emergence survey is required for Building 2 (see diagram below).



**Figure 9** Phase 1 Habitat Map showing location of buildings subject to the bat survey.

3.43 Proposed ecological mitigation includes:

- Provision of a tool box talk prior to works commencing
- Timing demolition works between March to May and between September and October, outside the sensitive period.
- Erection of three bat boxes and three bird boxes on retained mature trees
- Within the meadow plantation include two reptile refugia/hibernacula that can be created using materials from vegetation clearance
- Install at least two bug hotels near the meadow plating area to increase habitat diversity for invertebrates, an important food source for reptiles
- Plant night-flowering species within the meadow planting, and also use of indigenous species suitable for invertebrates within introduced shrub areas.

- 3.44 The report indicated that the existing pond had average suitability for supporting great crested newts. Therefore no further survey work or mitigation/compensation work is proposed for this species.

Energy Statement (received 25.06.2019)

- 3.45 This statement identifies the energy efficiency measures of the proposed building. The report concludes that the project has been designed to meet Part L of the 2013 Building Regulation. The proposed energy measures would help achieve a reduction of CO2 emissions for the building.

Drainage Strategy (received 20.08.2019)

- 3.46 The Drainage Strategy confirms that due to the existing levels of hard standing the existing surface water run off rate is 20.85 l/s.

- 3.47 The applicant has stated that in order to comply with local plan policy and accord with KCC's Drainage and Major Development Policy Statement 2017, which seek to reduce surface water run-off, a number of surface water attenuation methods are proposed. These are:

- Roof drainage from the sports block would remain connected to 5. soakaways
- Surface water run-off from the new building and redeveloped paved areas is proposed to be discharged to the culverted main river
- Proposed car park spaces to the west of the sports hall would allow infiltration for up to the 1 in 30 years storm event through the introduction of overflows
- The provision of two interconnected underground attenuation tanks, permeable car park spaces and a permeable surface to the MUGAs.

- 3.48 As a result the applicant considers the surface water run off rates would be significantly reduced to 13 l/s, which would in turn reduce the likelihood of localised or downstream flooding.

Preliminary SuDS Operations & Maintenance Manual (received 22.08.2019)

- 3.49 The applicant has supplied a surface water management plan, which sets out how the Surface Water attenuation measures would be managed and maintained.

Visual Impact Appraisal (received 04.10.2019)

- 3.50 The Visual Impact Appraisal sets out the landscape and visual impact likely to result from the development proposals. Six key viewpoints were considered which are as follows -

- The Kent Downs AONB



- Residential properties along Wells Road
- Residential properties along Surrenden Road
- 83 Surrenden Road
- 103 Surrenden Road
- 109 Surrenden Road

3.51 The report concludes that the impact on these viewpoints ranged between minor adverse and moderate adverse. The viewpoint from 109 Surrenden Road was considered to be subject to 'substantial' visual change.

### Flood Risk Assessment (received 25.06.2019)

3.52 This report investigated potential risks of flooding and its impact on and off the site and recommended mitigation measures. The report makes the following conclusions:

- The Environment Agency's flood map shows the site to be in Flood Zones 2 & 3 around the southern extremity of the site, above a culverted main river.
- The surface water flood map shows a small area of the site in the south-western corner at low risk of flooding and there are no historical records of such flooding, at or adjacent to the site.
- The onsite drainage design will ensure that the 100 year plus climate change event runoff from the site is reduced and stored on site
- The site is at low risk of groundwater flooding.
- The risk of sewer flooding is considered medium within the lower lying areas of the site within Flood Zones 2 & 3.
- The overall flood risk associated with the proposed building is deemed low as the proposed building and infrastructure would not be affected, being situated within Flood Zone 1, therefore the site is considered appropriate for the proposed development.

### Noise Impact Assessment (received 25.06.2019)

3.53 The report details the noise impact upon the proposed development from the existing noise climate as well as the potential noise impact of mechanical plant and equipment. The school must comply with the requirements set in the 'Acoustic design of schools: performance standards. Building Bulletin 93'.

3.54 The report concludes that a minimum 2 metre high masonry and / or solid wood wall should be provided to screen the external play and classroom areas

and the noise generated is not expected to unduly increase the existing ambient noise levels at the nearest noise sensitive receptors. It is expected that the noise impact associated with outdoor play areas is the same or less than the current ambient noise level and it is not expected that the play areas would create any significant noise level of disturbance. The potential noise impact is therefore considered acceptable.

### Geo-Environmental Report Geotechnical Category 1 (received 25.06.2019)

3.55 This report was carried out in accordance with British Standard BS 5930:2015 (Code of Practice for site investigations) to appraise the geo-environmental ground conditions on the site. The key conclusions of the report are as follows

- No evidence was observed of potential contamination from fuel tanks, hazardous material stores or invasive plants
- Off-site potential contaminative land uses within 250m include Marsh Motors (Garage Services & commercial services) located 10m northwest of the site, manufacturing and production relating to unspecified works / factories 30m southwest of the site and public infrastructure located 95m west of the site relating to waste storage, processing and disposal
- Underlying natural soil was encountered in all exploratory holes and comprised; soft dark brown sandy lay to a depth of 2.30 m bgl; orangish brown fine to medium sand to a depth of 2.50 m bgl, brown slightly clayey fine to medium sand with nodules of coarse sandstone to a depth of 2.9 m bgl; greyish green silty/clayey fine sand with nodules of flint and sandstone at varying horizons to depths between 3.80 m bgl and 7.20 bgl; greenish grey medium to coarse sand to a depth of 8.00 m bgl; and moderately strong grey sandstone to completion of the boreholes between depths of 4.45 bgl and 8.50 m bgl.
- The site does not have a clearly identified significant former industrial land use and there are no related key contaminants. However, a former sand pit is present in the northern area of the site related to the brick works immediately off-site to the east
- Asbestos fibres were not detected in the samples tested

### Sunlight & Daylight Assessment (received 25.06.2019)

3.56 The submitted assessment, supported by the diagrams extracted and provided in **Appendix 3** of this report, sets out that the proposed development:

- Is a sufficient distance from all existing adjacent residential properties that it is unlikely to affect the access to skylight and sunlight currently enjoyed by the existing buildings.



- The shadow study undertaken for 21st June (summer solstice) demonstrates that the new development would result in minor shadowing to the adjacent residential gardens for an hour from 18.00 to 19.00.
- On 21st December (winter solstice), no shadowing is expected to the amenity areas as a result of the proposed development.
- BRE 209 guidance states that “Conversely in December even low buildings will cast long shadows. In a built up area it is common for large areas of the ground to be in shadow in December”
- The report concludes that the effects of the proposed development on sunlight and daylight availability are negligible for all adjacent properties and the amenity areas included in the school.

### Travel Plan (received 25.06.2019)

3.57 A Travel Plan has been submitted as part of the application. The plan seeks to encourage sustainable travel modes.

3.58 An Annual travel survey of staff and students will be conducted to monitor travel behaviours, and following completion of the development, the travel survey that is undertaken in the autumn term of the 2020/2021 academic year will be submitted to KCC for monitoring.

3.59 Turner Free School’s key objectives are as follows:

- Staff, students and parents / guardians would support the aims of the STP to reduce trips by private car to and from TFS by using alternative modes of transport;
- Reduce congestion on surrounding roads to improve road safety and minimise harmful emissions;
- Maximise opportunities for the use of alternative modes of travel;
- Increase awareness of the health benefits of walking and cycling to TFD; and
- Raise awareness of road safety and environmental issues.

### Transport Statement (received 25.06.2019)

3.60 The transport statement sets out the level of proposed development and its impact on the functioning of the local highway network. The following are the key conclusions:

No net increase in pupil numbers. Pent Valley Technology College operated with a capacity of 1,404 pupils, and the proposed Turner Free School would offer 1,260 spaces.

The existing access and egress points from Tile Kiln Lane would be retained and the access from Surrenden Road would be used for pedestrians only.

Supplementary Planning Guidance SPG4 – Kent Vehicle Parking Standards states maximum vehicle parking standards of 1 space per staff member +10% for Primary and Secondary School developments. 1 space per 7 students are applicable for pupils of Further or Higher Educational facilities.

At full capacity the school would operate with up to 150 full-time equivalent (FTE) staff members. This equates to a maximum parking requirement of 165 parking spaces, whilst adding 1 space per 7 Sixth Form students equates to a maximum requirement for a further 51 spaces.

The proposed development would provide 150 parking spaces this is considered sufficient for staff and student needs whilst actively discouraging use of the private car, given the accessibility credentials of the site.

SPG4 recommends provision of 9 spaces for disabled users (based on car parking provision of between 50-200 spaces). It is recognised that the provision of 7 spaces represents a shortfall on the 9 spaces required. However the school is committed to monitor the use of disabled spaces and there is the potential to convert a further 2 standard spaces within the car park through re-marking.

## Cycle Parking

- 3.61 SPG4 standards (2004) set a minimum requirement of 1 cycle parking space per 7 pupils. This equates to a requirement for 180 cycle parking spaces. The proposed development would provide 100 spaces. The provision of cycle parking would be phased such that 50% provision would be provided at the outset of the permanent school operation, whilst the remainder would be delivered in line with increased Turner Free School pupil intake over time.

## Air Quality Assessment (received 20.08.2019)

- 3.62 The Trilex Productions facility (a food packaging manufacturing factory) is located to the north of the site and therefore its impact upon the proposed Turner Free School was assessed. It was concluded that the impacts of the facility on air quality for future users of the school would be 'not significant'.

## **4. RELEVANT PLANNING HISTORY**

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

97/0905/SH	Erection of a two storey building to provide sports, catering and associated facilities.	Approved
Y05/0506/SH	<u>Regulation 3 Application</u> Consultation in respect of variation of condition of planning Y03/0837/SH to allow extension of sports centre opening hours to 7am to 10pm	SDC raised no objection

	Monday to Friday, 8am to 10pm Saturday and 8.30am to 10pm Sunday.	
Y06/1666/SH	<u>Regulation 3 Application</u> Consultation for Pent Valley Leisure Centre in respect of renewal of the temporary planning permission to allow current opening hours of the leisure centre to continue.	SDC raised no objection
Y18/0883/FH	Certificate of lawful development (proposed) for the erection of a single storey building to accommodate two classrooms.	Lawful
Y19/0576/FH	Erection of 2 x two storey modular classroom buildings for a temporary period of 2 years.	Approved

## 5. CONSULTATION RESPONSES

- 5.1 As a result of negotiations with the applicant to address officers and resident concerns with the proposals, amended plans have been submitted by the applicant and have been subject to separate re-consultation. The responses of both consultations are summarised below.

### FIRST CONSULTATION

#### Consultees

**Ward Member:** In light of the concerns raised by local residents the ward member has requested the application be considered by the Planning and Licensing Committee.

**Folkestone Town Council:** Raises no objection but make the following comment:

- Concerned about the potential for overlooking from the third floor. In this case the Town Council recommends opaque windows.
- Concerns about the effect of any floodlights.
- Highlight the concerns raised by Sport.
- Comment that a development of this size should be considered by District Committee.

**KCC Highways and Transportation:** Raises no objection and make the following observation.

KCC:H&T note that whilst the onsite parking allocation is slightly lower standards set out in SPG4. The SPG4 standards are maxima where lower standards can be acceptable subject to site considerations. The site is in a reasonably sustainable location and the travel plan encourages sustainable travel and the cycle parking provision and staged delivery is acceptable. Therefore no objection raised subject to conditions.

**KCC: Biodiversity:** Raises no objection subject to conditions.

**KCC Public Rights of Way:** No comments..

**KCC Flood and Water Management:** Raises no objection subject to securing the recommended conditions.

**Natural England:** Recommend assessing the application for impacts on protected species against the Natural England Standing Advice.

**Environment Agency:** Raises no objection subject to conditions.

**Kent Downs AONB Unit:** Object for the following reason:

The proposed development is visible from the AONB to the north and it is considered imperative that materials, which are recessive in colour are utilised on the northern elevations and roofs of the buildings. Careful consideration needs to be had to the lighting scheme in line with policy SD7 of the AONB Management Plan.

**Contamination Consultant:** Raises no objection subject to securing the recommended conditions.

**Arboricultural Manager:** Raises no objection subject to securing the recommended conditions.

**Sports England:** Holding objection; insufficient information to adequately assess the proposal.

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

## **Local Residents Comments**

### **First Consultation**

- 5.2 105 neighbours directly consulted. 18 letters of objection, 8 letters of support received and 3 letters neither supporting nor objecting to the application.
- 5.3 I have read all of the letters received. The key issues are summarised below:

## Objections

- 1 Loss of outlook and loss of light/overshadowing to neighbouring properties due to 3-storey height.
- 2 Overbearing impact to neighbouring residents due to the height of the proposed building and large number of windows.
- 3 Loss of privacy from the proposed grass mounds which would provide an elevated platform, the 2m high boundary would not be sufficient to block any views.
- 4 Landscaping proposed would not reduce the visual impact of the building and would block light and sunshine from the rear gardens.
- 5 Extensive consultation with residents did not take place.
- 6 Building has not been built in the same location as the existing school when there is room to do so, instead it is closer to neighbouring residential properties.
- 7 3-storey building is out of character.
- 8 The siting of an additional pedestrian entry on a blind corner on Tile Kiln Lane is likely to cause accidents.
- 9 No parking area for the new pedestrian entrances, double yellows would be ignored by parents and would park over resident's driveways.
- 10 An additional entrance will encourage more traffic on Surrenden Road.
- 11 No bus stop on Tile Kiln Road or Surrenden Road to support additional pedestrian access.
- 12 Increase in noise and disturbance to local residents.
- 13 Lack of site notices posted around the site.
- 14 Materials would be out of keeping resulting in a detrimental visual impact.
- 15 Travel Plan does not mention the 7.5 tonne maximum weight limit imposed on the surrounding roads so construction vehicles could not use this.
- 16 The existing fencing to neighbouring boundary (2.4 metres in height) is overgrown – this should be replaced.
- 17 No flood lighting proposed for the MUGA pitch or playfield would want any lighting in the future to be refused.
- 18 Reported £15 million was spent refurbishing the premise a few years ago and this is a poor investment from the Education Budget.
- 19 Concerns with noise during construction

- 20 Height of building would allow students to look straight into rear bedrooms
- 21 Lack of information concerning the disposal of surface water and no consideration of the effects on the surface water flooding risks in Cherry Garden Lane
- 22 Want to know where construction traffic will wait to gain access onto the site.
- 23 The proposed windows would be intrusive and an invasion of privacy.
- 24 Concerns with exterior lighting shining directly into bedrooms of neighbouring properties.
- 25 There isn't a need for a new school in this area.
- 26 Consideration has not been given to limited pavements in Ashley Avenue.
- 27 Existing iconic yellow brick building is part of Cheritons history – the distinctive circular frontage should be preserved as an example of 20th Century design.
- 28 Concerns with the impact on existing wildlife on and around the site
- 29 Concerns with the existing sewers being able to cope

### Support

- 1 Reduction in speed to 20mph is a positive but concerns as to how the traffic will be calmed outside the school.
- 2 Architects have put together a plan that tries to accommodate all.
- 3 School was oversubscribed when it opened, evidence of a shortage of secondary school places.
- 4 A need for this school in Folkestone, opportunity to build a school that will be fit for purpose and give pupils access to the best education they can get in an appropriate, well designed and thought out building.
- 5 This development will benefit the community and the children
- 6 Not all students able to go to a grammar school and the Folkestone/Cheriton area cannot just have one secondary school
- 7 Amazing opportunity for local young people to have a fit for purpose school
- 8 The site was already a site so it can work
- 9 The school is much needed as current local schools are overcrowded

### General Comments

- 1 Suitable conditions should be imposed to limit the hours of use and a planning application to be submitted for any future installation of floodlighting.
- 2 Further consideration should be given to placing the entrance/exit further along the road towards the existing entrance/exit.
- 3 Queried whether the school could be re-built on the site of the existing.

## **SECOND CONSULTATION**

- 5.4 The consultation on the amended scheme closes 21 October 2019. The section below sets out the comments received to date. Further comments will be reported on the Supplementary Sheets and any issues not already raised will be addressed in the Supplementary Sheets

### **Consultees**

**Folkestone Town Council:** Support the improved school in general terms, but the light and overlooking from the upper floors must be considered and opaque glass used at times.

**Kent Downs AONB Unit:** Remains of the view that a darker coloured material should be utilised on the north elevation of the proposed building. It is unacceptable to justify inappropriate materials on the basis of existing detracting materials.

**Contamination Consultant:** Raises no objection subject to securing the recommended conditions.

### **Local Residents**

- 5.5 No responses have been received at the time of writing this report. Any comments received will be reported on the Supplementary Sheets.
- 5.6 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:-

### Shepway District Local Plan Review (2013)

- SD1 – Sustainable Development
- LR12 – Protection of school playing fields and criteria for redevelopment
- BE1 – Layout, design, materials of new development
- BE16 – Requirement for comprehensive landscaping schemes
- 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
- TR13 – Travel Plans

### Shepway Local Plan Core Strategy (2013)

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

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

- HB1 – Quality Places through Design
- HB2 – Cohesive Design
- C1 – Creating a Sense of Place
- C3 – Provision of Open Space
- T1 – Street Hierarchy and Site Layout
- T2 – Parking Standards
- T4 – Cycle Parking
- NE2 – Biodiversity
- NE5 – Light Pollution and External Illumination
- NE7 – Contaminated Land
- CC1 – Reducing Carbon Emissions
- CC2 – Sustainable Design and Construction
- CC3 – Sustainable Drainage Systems (SuDS)
- HW2 – Improving Health & Well Being
- HW4 – Promoting Active Travel

### Core Strategy Review Submission draft (2019)

- SS1 – District Spatial Strategy



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

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

## **Supplementary Planning Guidance/Documents**

Playing Pitch Strategy (PPS) June 2018  
Sports Facility Strategy (SFS) May 2018

## **Government Advice**

### National Planning Policy Framework (NPPF ) 2019

- 6.6 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 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

Flood Risk and Coastal 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) The Councils sustainable development objectives.
- b) Highways, parking and cycle parking provision.
- c) Design and layout
- d) Residential amenity
- e) Flooding
- f) Ecology and biodiversity
- g) Community benefits

### **a) Principle of development and sustainability**

- 7.2 The proposed development would be located on the previously developed Pent Valley Technology College site, which is situated within the existing built-up urban area. 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.
- 7.3 The BREEAM Pre-assessment Tracker & Action List report and Energy Statement received June 2019 confirm that the development would achieve a 'Very Good' BREEAM rating as required by local policy and the DfE. As a result it is considered that the proposed development would meet the Council's sustainable design and construction aims as set out within emerging local plan policy CC2 and would help contribute to reduced carbon emissions.
- 7.4 I note the concerns of Sports England concerning the loss of the sports pitch. Their concerns relate to the phasing and provision of replacement facilities. The applicant has suggested that a phasing plan would be submitted as part of any approval to be secured by conditions. I am satisfied that adequate replacement sporting facilities are being provided within the development and subject to an appropriate phasing condition no loss of playing facilities would occur.

## **b) Highways, parking and cycle parking provision**

- 7.5 Kent Highways and Transportation raises no objection to the proposal on highway safety grounds subject to the conditions attached in the recommendation at the end of this report.
- 7.6 In terms of parking provision the proposal seeks to provide 150 parking spaces. The maximum standard as set out in SPG4 is limited to 165 spaces. However, as these are maximum standards there is scope to drop from this level, where it is considered that other transport options are available. Given the location of the site within a residential area of the town, its bus, cycle and footway connections and a general drive towards advocating sustainable modes of transport it is considered that the provision of 150 parking spaces is acceptable and would not result in adverse harm to the local highway network due to unacceptable levels of off-site parking within the local streets.
- 7.7 Turning to cycle parking SPG4 stipulates that cycle provision for a development of this scale should be 180 spaces. The proposal would provide 100 cycle spaces. This would be phased such that 50% provision would be provided when the permanent school begins to operate, with the remainder being delivered in line with increased pupil intake over time. It is acknowledged that this provision is lower than would normally be required for a development of this type. KCC Highways have raised no objection to the level of cycle parking, there is adequate space within the remainder of the site should further cycle parking be required in time. On balance I am satisfied that the level of cycle parking is appropriate in this instance.
- 7.8 The scheme results in the access to the south (from Posting Road) being closed to traffic except in emergencies. Whilst this would reduce the number of pedestrian connections into the site, it is considered on balance that this would see a reduction in congestion in this road to the benefit of existing local residents. Access by all means is considered appropriate.
- 7.9 In light of the above it is considered that the proposal would not give rise to any adverse highway safety impacts.

## **c) Design and layout**

- 7.10 In terms of the new school's scale, this is largely derived from the number of school places that are to be provide, the facilities needed and economies of scale. A lower building would have a greater site coverage which would bring it closer to neighbouring properties, result in less open space, landscaping and outdoor facilities and would also have cost implications, thus prejudicing the deliverability of the project.. At three storeys and approximately 12.3 metres in height the building is commensurate in height and scale with the existing

sports hall (being approximately 12 metres in height to its ridge). In this context the scale is not out of character with the existing site. Furthermore it is important to consider the impact from the street where it will be viewed from. Given the difference between the street level and site level the building would be viewed from the road as effectively 2 storey. This would significantly reduce its impact from the street. The height of the building is also commensurate with that of the buildings within Shearway Business Park and as a result would not look out of context in the wider area.

7.11 In terms of its relationship with neighbouring residential properties, most of the neighbouring houses are two storey with generous roof structures (totalling approximate height of 8m to their ridge). Given the separation distances between the building and surrounding residential the development would not have an overbearing impact on neighbouring properties. Overall I am satisfied that the height and scale is not so different that it would result in visual harm and it is considered acceptable in the overall context of the site.

7.12 The relocation of the school to the north east of the site, next to the existing sports hall, would consolidate the buildings on the site and would provide a better relationship between the school and Tile Kiln Lane.

The northern elevation has been designed to serve as a clear entrance into the school, with the school logo being located to right corner of this elevation. It is felt that the relocation and design of the building has resulted in a clear and legible development that is easier to locate and access for visitors, pupils and teachers. This results in a significant improvement over the existing situation where the school building is hidden and it is not clear how to access the site.

7.13 The scheme would result in a clear distinction between public and private realm. The relocation of the main entrance and principal elevation closer to the street would result in an increased level of natural surveillance, which would improve safety and help contribute to the prevention of crime.

7.14 Officers have secured amendments to the elevations to break up the horizontal mass of the building. This has been achieved through the introduction of breaks in the parapet line over the curtain walling. Further officers have secured a more varied and visually rich and therefore interesting elevation to the street. This has been achieved through the introduction of an asymmetrical and varied window pattern to break up the former monotonous approach and through the introduction of a texture brick detail.

- 7.15 The AONB is located to the north of the application site and as such it is important to consider the impact of the development in views from the AONB. The AONB Unit raised no objection to the height or scale of the proposed building, however, they did raise objections to the visual prominence of the render to the north elevations and requested that materials be recessive in colour. To overcome this, the amended plans have omitted the render from the north elevation of the main building, which would now be facing brickwork. Whilst the brickwork would be light in colour, this is not too dissimilar to the existing palette of materials on the existing buildings and would be more muted than white render and less prominent in longer distance views.
- 7.16 The proposed use of facing brick is considered to be acceptable, with this reflecting the local vernacular. The exact brick, colour of mortar and pointing details would need to be secured via planning condition. I am content with the use of white render to the southern parts of the building as natural sunlight will help ensure limit green algae growth. It is recommended that the type and colour of render to be used on the proposed building and on the existing sports hall be conditioned to ensure that this is of a high quality. It is also recommended that details of the movement joints are also secured by condition.
- 7.17 Therefore on balance I am satisfied that the use of brick to the north elevation of the building and render to the north elevation of the sports hall would allow the proposed building to sit comfortably within the surrounding townscape when viewed from the AONB. In light of the above, I am satisfied that the proposal is of a high standard of design which would improve the character and quality of the streetscene, subject to the recommended conditions aforementioned being applied.
- 7.18 Turning to landscaping, a high quality landscaping scheme is proposed to assist in the enhancement of the site and wider area and to ameliorate the initial impact of the development.
- 7.19 The existing grass bank and trees to Tile Kiln Lane would remain unchanged, and additional shrub planting and a small avenue of trees would be located to the entrance of the site, leading users to the entrance plaza. The meadow buffer planting behind the existing palisade fencing fronting Tile Kiln lane is considered would uplift the appearance of the site when viewed from the streetscene.
- 7.20 Meadow buffer planting would also be erected along the boundary shared with Surrenden Road which would minimise some of the impact of the development on these dwellings and improve the appearance of the existing boundary treatment.

- 7.21 The 8 trees proposed to be lost are of a low quality and would be replaced with a greater number of new trees, with 47 new trees proposed to be planted. The Councils Arboricultural Manager is content with the proposal subject to conditions, which are included in the recommendation at the end of this report.
- 7.22 I am therefore satisfied that the proposed landscaping for the site is of a high quality, which would both protect and enhance the appearance of the site when viewed internally and from outside and would enhance the visual amenity of the area. As such the proposal accords with the overall aims and objectives of the NPPF.

## **d) Residential amenity**

- 7.23 The proposal is located on an existing secondary school site in a built up area and the submitted Noise Impact Assessment has confirmed that noise generated by the outdoor areas would be the same or less than the current ambient noise level and that the nature of the noise sources is transient and temporary in nature due to only being during break-times. I am therefore satisfied that the proposal would not result in adverse additional noise and disturbance to neighbouring occupants.
- 7.24 In light of the proposed recommendations for mechanical ventilation and non-openable windows to be installed to the building I am satisfied that the proposal would not adversely impact neighbouring amenity.
- 7.25 The concerns of local residents in respect of noise during construction is noted, however, this is not a material planning consideration and planning permission cannot be refused on that basis. However, given the number of residential properties surrounding the site and the scale of the building works to be undertaken it is considered reasonable to include a condition requiring the submission of a Construction Management Plan to ensure that noise and disturbance are minimised as far as reasonable practicable.
- 7.26 The distance from the closest point of the new school building to the rear of residential properties in Surrenden Road would be approximately 37.5 metres. This is considered to be a sufficient enough distance to ensure there would not be a significant or adverse loss of privacy through overlooking and inter-looking. Landscaping is proposed along this boundary which would create a buffer. The building is considered to be a suitable distance from existing residents. Loss of a view is not a material planning consideration, however, it is recognised that there would be a change in outlook for residents. However it is considered that the tree planting proposed in key areas would help break up and soften views of the building from the properties in Surrenden Road closest to the building.

- 7.27 The submitted landscape drawings demonstrate that the closest point of the proposed grass mounds, as raised by residents, to the boundary shared with Surrenden Road Properties would be approximately 6 metres away. This may provide some opportunities for a degree of interlooking however, given the distance between the mounds and the most private parts of the rear gardens affected it is not considered that these grass mounds would result in an unacceptable loss of privacy.
- 7.28 The Daylight / Sunlight assessment demonstrates that on the 21<sup>st</sup> June (summer solstice) the proposed building would result in minor shadowing to the adjacent residential gardens along Surrenden Road between 18.00 and 19.00 hours but not on the dwellings themselves. No shadowing is expected to neighbouring amenity areas in the month of December. The hour of additional shadowing in the evening in June to some neighbouring gardens, whilst it may be of concern to residents is overall considered to be a negligible impact and as such it is considered that the building would be a sufficient distance away from neighbouring properties to not give rise to a significantly detrimental loss of daylight and sunlight such as to justify a refusal of planning permission.
- 7.29 Proposed external lighting would be controlled by a photocell timeclock arrangement. The clock would be set so that all external lighting is off between 2300 hours and 0700 hours and it is recommended that this is secured by condition. This application does not currently include proposals for any flood lighting to serve the sports pitch or MUGAs. If this is required in the future it would be subject it would need to be subject to a separate planning application.
- 7.30 Overall, I am satisfied that the development would not result in a significant adverse harm to the residential amenities of neighbouring properties.

### **e) Flooding**

- 7.31 The proposal seeks to relocate the main school building to the north east of the site which would position it outside of Flood Zones 2 and 3 which the southern portion of the site falls within. As a result the building would be at less vulnerable to flooding than the existing school building. The Environment Agency does not object and it is considered that risks of flooding have been satisfactorily mitigated in this regard.
- 7.32 In term of surface water and localised flooding, the proposal seeks to utilise a combination of infiltration and discharge to watercourse at a reduced rate compared with the existing flows. The MUGAs, which are a large area of

hardstanding are proposed to be constructed of a porous material. Additionally, the discharges to combined sewer would be reduced. Overall the level of surface water flow from this site is proposed to be significantly reduced over the existing situation

- 7.33 KCC Flood and Water Management, in their role as lead local flood authority, consider the proposal provides a significant improvement on the existing situation and that it ensures compliance with the discharge hierarchy. The proposed surface water drainage is therefore considered to be acceptable subject to the recommended conditions.

### **f) Ecology and Biodiversity**

- 7.34 No reptiles or Great Crested Newts were found to be present on site and therefore no further mitigation is required in this instance. The Bat Survey recommended that a single dusk survey be carried out on Building 2 along with other mitigation measures. This can be secured by condition.
- 7.35 The proposal seeks to provide significant enhancements to biodiversity on the site by means of an extensive landscaping plan. The Biodiversity Net Gain report concludes that the development would result in a net gain of 3.53 biodiversity units which equates to a net gain of 92%. DEFRA guidance indicates that a 10% increase would result in a net gain and therefore an increase of 92% is considered to be a considerable improvement for biodiversity on the site which is supported.
- 7.36 I am therefore satisfied that the proposed development would not result in harm to protected species and that it would provide sufficient ecological enhancements which would result in an improvement on the existing situation and would ensure the protection of wildlife subject to the recommended conditions being imposed.

### **g) Community Use**

- 7.37 The existing sports hall is currently being utilised as additional teaching accommodation for the temporary school on site. The provision of a new, permanent school building would free up the sports hall and allow this to be opened up to the public again to use as a leisure facility. The submitted Design and Access Statement also indicates that dining space is proposed adjacent to the sports facilities, which could be used as an out of hours café / foyer for community use. While the building has been designed to incorporate community uses in the future, these uses have not been proposed under this application. The community use of the proposed building would therefore have to be considered in detail under a future planning application, however I



am satisfied that the proposed building could suitably incorporate community uses.

## **Environmental Impact Assessment**

- 7.38 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**

- 7.39 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. There is no CIL requirement for this development.

## **Human Rights**

- 7.40 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**

- 7.41 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.
- 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.

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

## **Public Sector Equality Duty**

- 7.43 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:

## **8 Conclusion**

- 8.1 Policy SD1 of the Shepway District Local Plan Review (2013) states that one of the key development principles is that proposals should take account of the broad aim of sustainable development, reducing the need to travel by car, locate development on previously developed sites, promote a high quality of design and safeguard and enhance the amenity of residents.
- 8.2 The relocation of the school would consolidate the existing buildings on site and would provide a better relationship between the school and Tile Kiln Lane. The main comments raised by officers relating to the initial design of the building have been addressed in the amended plans, and subject to securing conditions relating to materials, the development is considered to be of a high quality design, which would uplift the appearance of the site itself and Tile Kiln Lane. The proposal would provide a clear and welcoming entrance to the site which the current site does not benefit from.
- 8.3 The school building would be relocated to north east of the site would result in the school being far less prone to suffering in terms of flooding which would be beneficial. A comprehensive landscaping scheme is proposed which is considered to be both visually beneficial and also beneficial to biodiversity.
- 8.4 The proposed vehicle parking satisfies the requirements of the school and is acceptable to KCC Highways subject to securing the recommended conditions. The closure of the existing access from Posting Road is considered would see a reduction in congestion along this road which would be beneficial to local residents. The existing site has good transportation links and the Turner Free School has a general drive towards advocating sustainable modes of travel; therefore the proposal is not considered would result in adverse harm to the local highway network.
- 8.5 A three storey building in this location would be commensurate with surrounding development and would not pose as a significantly 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. The location of the associated external recreational areas would be a sufficient distance away from neighbouring residents to not have any adverse impact.

- 8.6 On balance, it is considered that the proposal complies with the Council's development plan and is considered acceptable subject to securing the recommended conditions.

### **9. Background Documents**

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

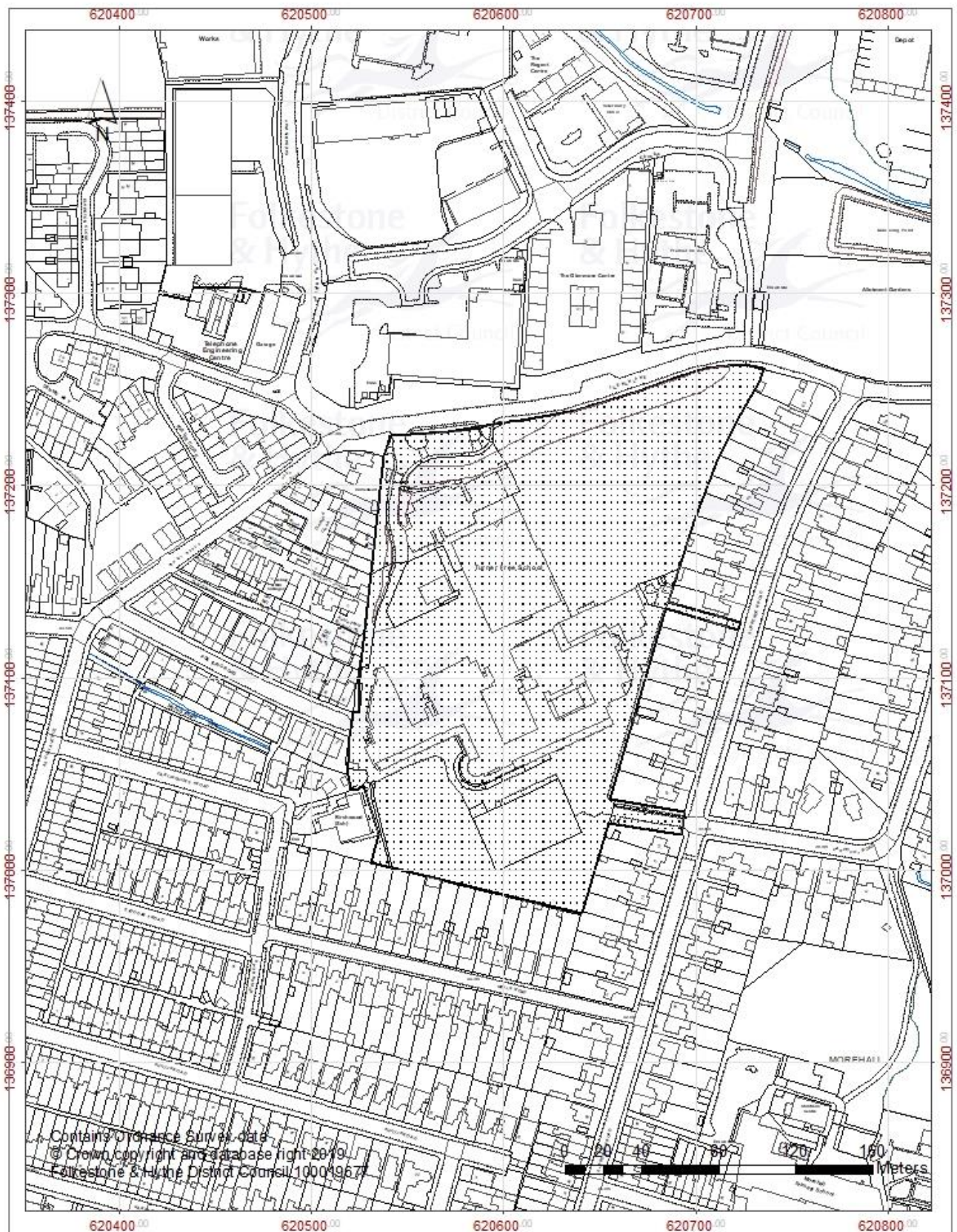
### **10 Recommendation**

- 10.1 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. Sustainable Construction
5. Vehicle and Cycle Parking
6. Construction Management Plan
7. Site Personnel and Visitor Parking During Construction
8. Architectural Detailing
9. Landscaping
10. Surface Water Drainage
11. Contamination
12. Site Remediation Strategy
13. Asbestos Survey
14. Protection of Public Sewers
15. Ecology
16. Piling Risk Assessment
17. Travel Plan
18. Tree Removal, Retention and Protection Measures
19. Sports Hall Hours of Operation

## Annexe 1 – Site Location Plan

Y19/0752/FH  
Turner Free School  
Tile Kiln Lane  
Folkestone





Appendix 2 – Surrounding residential architecture/character



Existing View from Surrenden Road



Existing View from West of Tile Kiln Lane



Existing View from Harcourt Road



Proposed View from Surrenden Road



Proposed View from West of Tile Kiln Lane



Proposed View from Harcourt Road



Existing View from East of Tile Kiln Lane



Existing View from West of Tile Kiln Lane



Existing View from Postling Road



Proposed View from East of Tile Kiln Lane



Proposed View from West of Tile Kiln Lane



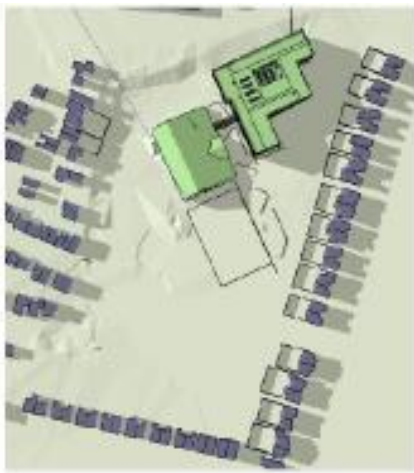
Proposed View from Postling Road

Appendix 3 – Shadow plots

21st June (summer solstice)



17:00

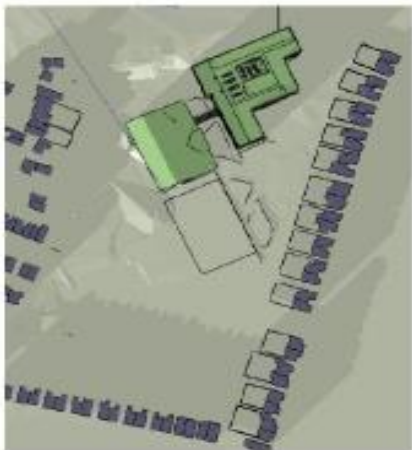


18:00



19:00

21st December (winter solstice)



15:00



16:00

# Agenda Item 6

## DCL/19/18

**Application No:** Y18/0906/FH

**Location of Site:** Dance Easy Studio 19 The Bayle Folkestone Kent CT20 1SQ

**Development:** 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).

**Applicant:** Mrs Christine Charlier

**Agent:** Mr Stuart Ingleston

**Date Valid:** 19.07.2018

**Expiry Date:** 13.09.2018

**PEA Date:**

**Date of Committee:** 29.10.2019

**Officer Contact:** David Campbell

### SUMMARY

The demolition of the building and its replacement with a residential development has been granted planning permission on a number of previous occasions. More recently application Y16/1391/SH was refused as it was considered that the loss of the community use had not been addressed, the proposed building design was inappropriate, and that proposed north facing windows would result in harmful overlooking. Under the current application, a replacement community facility is proposed, the building design has been amended and is now considered to be appropriate, and the proposed north-facing side windows are to be obscure glazed.

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

### 1.0 THE PROPOSAL

- 1.1 It is proposed that the existing dance hall building and garage be demolished, and be replaced with a three-storey building plus accommodation in the roof. The building would comprise a ground floor community room to the front of the building with a one bedroom flat to the rear, two No. two-bedroom flats at

first and second floors and a one-bedroom flat at roof level, creating 6 flats in total.

- 1.2 The proposed building is of traditional design style, with a painted render finish, and a plain clay tiled hipped roof, with central flat roofed section. Timber framed sliding sash windows are proposed. To the front roof slope two roof dormers are proposed, with four rooflights to the rear. A rear balcony is proposed across the building at first floor level, split into two areas and accessed by timber framed glazed doors from the living rooms of the first floor flats. An obscure glazed privacy screen to a height of 1.8 metres is proposed to the rear of the balcony, with solid walls to the side of the balcony.
- 1.3 To the rear curtilage of the building a refuse store is proposed, flanked by brick wall enclosures, along with access to the proposed flats and an internal cycle store. A small patio is proposed to serve the ground floor flat, accessed by timber framed glazed doors. A walkway access across the rear of the site would be maintained. Access to the rear of the building from The Bayle is via the access to St. Eanswythe's School alongside the site to the north.
- 1.4 During the course of the application, following comments from the Heritage Consultant, the building design has been revised. The proposed roof dormers have been set further down from the ridge of the roof, arch details have been introduced above the ground floor front windows, the ground floor front windows have been moved up slightly, the doorhead has been raised up from the soffit of the front doorway, and a rusticated finish has been introduced to the render to the front of the building at ground floor level.

## 2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Within the settlement boundary
- Folkestone Conservation Area
- Within the setting of Grade II listed buildings (Nos. 5-13 The Bayle and Nos. 30-40 The Bayle)
- Folkestone Town CPZ (permit / pay and display parking 8am-6pm every day)
- Area of identified archaeological interest
- Asset of Community Value (added to list 12/05/2017)

## 3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The application relates to the 'Dance Easy Studio' located on The Bayle, in the centre of Folkestone Town. The premises is a single storey building



located upon the west side of the street approximately mid-way within the Bayle. The site gently rises to the west. Located adjacent to the north is the four-storey block of flats 'Glendale', to the south is three storey terraced residential development, to the rear is a small garage and St Eanswythe's School Playground, and opposite is the Bayle pond and three storey terraced properties. There is an access to the school playground immediately alongside the site to the north. The application site is within the Folkestone Conservation Area, it is also within an area of identified archaeological interest.

- 3.2 The existing building dates from the 1930's, originally operating as a traditional dance hall. The building is positioned in line with adjacent properties and addresses the street scene, sited upon the back edge of the pavement. The existing building is built of red brick with a parapetted flat roof and has a certain architectural quality, with a unified painted masonry cill line and cornice fascia linking the windows which appear to be old timber replacement windows with top hung vents. The building was previously used as a local entertainment venue as well as a venue for a variety of social and community events including dance, yoga and comedy. On this basis, the building was added to the list of Assets of Community Value 12/05/2017. The building is currently unused / vacant.
- 3.3 On the same side of the street as the application property, Nos. 5-13 The Bayle are Grade II listed buildings. On the opposite side of the street, Nos. 30-40 The Bayle are also Grade II listed.

## 4.0 RELEVANT PLANNING HISTORY

- 4.1 **Y16/1391/SH:** Erection of a three-storey block of six self-contained flats, together with the erection of a detached cycle and refuse bin store, following demolition of the existing dance hall & garage. Refused.

**Y11/0063/SH:** Extension to the time limit of planning permission Y06/1454/SH for the erection of a three-storey block of 6 self-contained flats, together with the erection of a detached cycle and refuse bin store, following demolition of existing dance hall and garage. Approved with conditions.

**Y07/1462/SH:** Erection of a three storey block of five self-contained flats, together with the erection of a detached cycle and refuse bin store, following demolition of existing dance hall and garage. Approved with conditions.

**Y06/1454/SH:** Erection of a three storey block of 6 self-contained flats together with the erection of a detached cycle and refuse bin store, following demolition of existing dance hall and garage. Refused and subsequently allowed on appeal.

**Y04/0783/SH:** Erection of two semi-detached dwellings and formation of a vehicular access following demolition of existing dance hall and garage. Withdrawn.

**Y04/1523/SH:** Erection of two semi-detached dwellings following demolition of existing dance hall and garage (resubmission of planning application Y04/1250/SH). Approved with conditions.

**Y04/1250/SH:** Erection of two semi-detached dwellings following demolition of existing dance hall and garage (resubmission of planning application Y04/0783/SH). Refused.

## 5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

5.2 Folkestone Town Council

Comments 09/08/2019: Object but would be prepared to reconsider if adequate parking is provided and a meaningful size community room is provided.

Comments 20/09/2019: Previous objections upheld as the comments of the Town Council have not been addressed.

5.3 KCC Highways and Transportation

The Bayle suffers from residential parking pressure but is within the Folkestone Town Controlled Parking Zone (CPZ) and on-street parking is therefore by permit or pay and display only. The proposed development would have no greater traffic or parking impact than the previously approved schemes for 5/6 residential units. A small community room is proposed; this is unlikely to generate significant vehicle movements and parking demand given the sustainable location of the site.

No objection to the proposal, subject to the following being secured by condition:

- Construction Management Plan
- Provision and retention of the proposed cycle parking provision.

5.4 KCC Archaeology

The site has the potential to contain archaeological items of significance. No objection to the proposal, subject to the following being secured by condition:

- Method Statement for demolition
- Programme of archaeological work
- Details of foundation designs

5.5 Environmental Health

No objections. There are no plans for green space / garden areas, therefore there is no need for a contaminated land assessment.

## 6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 03.09.2019

6.2 Press Notice. Expiry date 23.08.2019

6.3 Site Notice. Expiry date 23.08.2019

## 7.0 REPRESENTATIONS

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

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

Responses are summarised below:

7.2 35 letters/emails received, including from the Primary School, objecting on the following grounds:

- The existing dance hall building is historic, and should be retained and reopened.
- The proposed development would result in overlooking of the school playground to the rear of the site.
- The proposed building design is uninspiring / not of an acceptable standard. The character of the conservation area would be harmed.
- The proposed roof dormers would be an unwelcome addition to the street scene.
- The proposed community space is smaller than the existing dance hall space and is insufficient for viable use. There is no storage space for the community space, which would limit its functionality.
- The proposed development would result in increased overshadowing of neighbouring sites.
- No on-site parking is proposed.
- The proposed development would result in additional on-street parking pressure, and increased vehicular movements. On-street parking is already in high demand.
- The proposal represents an overdevelopment of the site.
- The proposed refuse storage may be insufficient and should not be located alongside the school entrance.
- The construction works required could endanger children entering and leaving the school.
- The construction works required would cause noise and dust.
- The proposed building should have a lift.
- Noise and disturbance.
- The gap proposed to the left of the building would be harmful to the street scene.
- It is not clear that wheelchair users would be able to turn at the top of the proposed ramp to access the building.

- Use of the proposed community room could cause noise disturbance for residents of the proposed flats.
- The proposal would result in the loss of the existing dance / music venue which is registered as an Asset of Community Value. Folkestone has already lost a number of music venues.
- Future residents may complain about noise from the school and playground alongside the site.

## 8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.
- 8.2 The following saved policies of the Local Plan Review apply: SD1, BE1, BE4, BE5, BE16, TR5, TR11, TR12, HO1, U2, U10a
- 8.3 The following policies of the Core Strategy Local Plan apply: DSD, SS1, SS2, SS3, SS5, CSD6
- 8.4 The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection. The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, HB3, RL2, T2, T5, C2, HE1, HE2
- 8.5 The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection. The following policies of the Core Strategy Review Submission Draft 2019 apply: SS1, SS2, SS3, CSD6
- 8.6 The following Supplementary Planning Documents apply:

Kent Design Guide

The Folkestone Conservation Area Design Appraisal- Character Area 4

- 8.7 The following paragraphs of the National Planning Policy Framework 2018 apply: 12, 56-76, 102-110, 124, 127, 189-196

## 9.0 APPRAISAL

### Background

- 9.1 In 2004 permission was granted for the demolition of the dance hall and the erection of two semi-detached dwellings (Y04/01523/SH). In 2006 a proposal for a three storey building comprising 6 flats (Y06/1454/SH) was granted planning permission at appeal. This was followed by the approval of an alternative scheme of 5 flats (Y07/1462/SH), and the extension of the time limit of this permission in 2011 (Y11/0063/SH). Therefore, whilst there is no extant permission for the redevelopment of the site, weight is given to the fact that permission has been granted on a number of occasions for the demolition of the dance hall and the erection of a building for residential use of a similar design to that which is now proposed. The proposed scheme must however be considered afresh in the current legislative and national and local policy context, and in the context that the dance hall is now registered as an Asset of Community Value.

### Relevant Material Planning Considerations

- 9.2 The key issues of consideration for this application are the loss of the existing dance hall / community use, the proposed residential use, the demolition of the existing building in a conservation area setting, the appearance of the proposed building, the impact of the proposed building upon the conservation area and the setting of listed buildings, the standard of accommodation which the proposed development would provide, impacts upon neighbouring amenity, archaeology, and highways / parking impacts.

### Principle of Development

- 9.3 The proposed development would result in the loss of the existing building and its use as a dance hall / community room. It is proposed that a community room be incorporated into the proposed building. There would therefore be a re-provision of the community use, albeit at a smaller scale. The diminished scale of the community use must therefore be considered.
- 9.4 The site is registered as an Asset of Community Value (ACV). This regime primarily applies restrictions to the sale of the premises, whereby in the circumstances that the property is listed for sale, a moratorium applies within which the community can bid to purchase the premises. The fact that the property is registered as an ACV also provides an indication of the value of the premises to the community and this is given material weight in the consideration of the application.
- 9.5 The NPPF identifies that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this

would reduce the community's ability to meet its day to day needs. Core Strategy Policy SS3 states that development must not result in the loss of community, voluntary or social facilities unless it has been demonstrated that there is no longer a need or alternative social/community facilities are provided in a suitable location. Emerging Places and Policies Local Plan Policy C2 states that planning permission for development leading to the loss of an existing community facility will be granted where a series of criteria can be demonstrated which include demand, evidence to support the demand and whether an alternative facility could be provided. It is also noted that the Council have received three objections to policy C2 of the emerging Places and Policies Local Plan (PPLP). Paragraph 48 of the NPPF (2019) advises that decision-takers may give weight to relevant policies in emerging plans according to: the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the emerging policies in the plan to the policies in the NPPF. Given the emerging PPLP is at a relatively advanced stage of preparation. The Plan and policy C2 was discussed at the EiP hearings in May. No modifications have been advised by the inspector as being necessary to make the policy 'sound'; as such it can be assumed that objections have been resolved and the policy is consistent with national policy. It is therefore considered that significant weight can be applied to Policy C2.

- 9.6 The Planning Statement submitted in support of the application details that the use of the building as a dance hall ceased in 2000. Following this the building was used as a Yoga Studio under a yearly lease which ceased in March 2017. Since this time the building has been unoccupied. Representations received suggest that a range of events were taking place at the premises prior to the current period of vacancy. It is stated that the building is beyond economic repair, however no evidence has been submitted to support this claim or to confirm whether the building has been actively marketed as available for a social/community use. Therefore, it has not been demonstrated through the submission of evidence that there is no demand for the building as a social/community use, and it has not been demonstrated that the building is beyond economic repair. The AVC status of the building and the representations received indicate that the building is valued by the community for the uses it facilitated in the past.
- 9.7 While these facts weigh against the proposed development, weight is also given to the following factors. The building has been vacant since March 2017 and there is no indication that the site owner intends to facilitate a social/community use of the existing building. The loss of the existing building would not therefore result in an existing use being forced to seek new premises. Some works are likely to be required to bring the internal accommodation up to an acceptable/modern standard. The proposed development includes the provision of a community room. Whilst this community room appears to be a speculative proposal in that no specific end user is identified, it would provide a facility for the local community which could be booked for social/community events.
- 9.8 It is acknowledged that the proposed community room is smaller than the existing facility and therefore would facilitate a more limited range of events.

Furthermore, the specific existing dance hall facilities such as a sprung dance floor would not be available. It would however be a modern room with W.C. facilities, and full details of the management of the community room, booking arrangements and booking fees can be secured by planning condition. The control of the use as a community / function room only, can also be secured by condition, meaning that any proposals for an alternative use of the space in the future would require an application for planning permission.

- 9.9 On a number of occasions previously the demolition of the building to enable residential redevelopment of the site has been granted planning permission. More recently under application Y16/01391/SH planning permission was refused in part due to the failure to justify the loss of the existing use, and the failure to re-provide a community use.
- 9.10 The primary factor in the current application to address this issue is the provision of a community room to mitigate the loss of the existing use. Whilst the loss of the existing facility in its current form would be regrettable, it is considered that the re-provision of a smaller community room, fitted out to modern standards and available to be booked for community events, would represent a significant benefit to the community, and addresses the NPPF and policies SS3 and C2 to some extent.
- 9.11 The proposed development would also deliver six residential units in a sustainable location on a brownfield site, and this is a benefit which weighs in favour of the proposal. Overall, having regard to the benefits of the scheme in the form of a replacement community facility, and six residential units in a sustainable location, it is considered that the principle of the development of the site is acceptable.

## **Appearance and Heritage Impact**

- 9.12 The application site is within the Folkestone Conservation Area and forms part of the setting of listed buildings on both sides of The Bayle. As such there is a requirement that development should preserve or enhance the character of the conservation area and not cause harm to the special character of the listed buildings.
- 9.13 Under the previous application Y16/01391/SH the principle of the demolition of the existing building was accepted on the basis that whilst it has some architectural merit, it does not relate well to the scale and character of the adjacent three storey buildings and does not make a positive contribution to the character of the conservation area. The scale of the building previously proposed was considered acceptable, concerns were however raised regarding the detailing of the design and the roof form proposed, the passageway proposed alongside the building was also of concern.
- 9.14 The current application proposal has been designed to address these concerns, with a revised roof form and revised detailing. The ground floor façade is also significantly different in that a recessed double door access to the community room is now proposed. The Heritage Consultant raised some

minor concerns relating to the design originally submitted under the current application, and in response to this further amendments have been submitted. The Heritage Consultant now considers that the design proposed would result in an appropriate appearance which would fit in to the character of The Bayle, and enhance the character of the area.

- 9.15 The scale form and design of the proposed building would be in keeping with the established buildings along this section of The Bayle. The proposed detailing is appropriate for the conservation area; traditional timber sash windows, small conservation style dormers, appropriate detailing around doors and windows. Whilst a gap would be formed between the proposed building and the buildings alongside to the south, this factor is not considered harmful to the street scene to an extent which warrants the refusal of planning permission. Overall it is considered that the proposed development addresses the concerns previously raised, an appropriate appearance would result, and the character of the conservation area and neighbouring listed buildings would be preserved. It is recommended that large scale design detail drawings be secured by condition, and subject to these the development would fulfil the criteria of saved policies BE4 and BE5 as well as the NPPF with regards to heritage issues.

## **Standard of accommodation**

- 9.16 Whilst the proposed community room is smaller than the existing facility, it would provide a usable space and has a W.C. and a small kitchen facility. It does appear that some storage space would be beneficial, this could be incorporated within the main room. It is considered that this element of the application is acceptable and would provide a modern community facility that would replace that being lost. There are therefore no objections on these grounds.
- 9.17 Draft policy HB3 gives the room and flat sizes that would normally be expected of conversions to residential use. The proposed ground floor one-bedroom flat (51.8sqm approximately), is somewhat cramped and would have a small living room/kitchen, this unit would however benefit from a small outdoor patio area to the rear of the building and does achieve the 50sqm required. The proposed first and second floor flats are also small and are approximately 58sqm each, short of the 61 sqm required by HB3, with small living room/kitchens to serve the two-bedroom layouts proposed. The first floor flats would however have access to rear balcony areas which would improve the standard of accommodation they would provide, however they would fall slightly short of the 1.5m depth required. The proposed roof level flat would provide an adequate layout and adequate usable headroom with a floor space above the 50sqm needed for a one bed flat.
- 9.18 Whilst a number of the flats proposed are smaller than would normally be expected, particularly in regard to their living room / kitchen areas, weight is given to the fact that three of the units would benefit from some outdoor space and due to the central location of the site, future occupants would have convenient access to the amenities of Folkestone centre and the seafront. Overall therefore it is concluded that future occupiers would benefit from an



acceptable standard of amenity. On balance it is considered that the units would be acceptable.

## **Neighbouring Amenity**

- 9.19 The proposed residential use would be of an appropriate nature given the surrounding uses. The proposed community use has some potential to cause noise and disturbance due to activity within the building and comings and goings associated with events which would take place. This activity, pedestrian and vehicular movements would however be on a smaller scale than would be associated with the current building were it to be bought back into use. It is considered that subject to appropriate management, given the scale of the use proposed, it is unlikely that significant harm to neighbouring amenity would be caused sufficient to refuse the community element of the proposal.
- 9.20 Under the previous application Y16/01391/SH the bulk of the building was considered to have an acceptable impact, and the bulk of the current proposal is comparable. It is considered that the building would not have an overbearing impact and harmful overshadowing would not result. The primary concern raised previously was that north facing side windows proposed could result in harmful overlooking of the neighbouring property alongside. It is now proposed that these windows would be obscure glazed and only openable above 1.7 metres above internal floor level. It is recommended that this be secured by planning condition.
- 9.21 Representations received raise concerns that the rear windows and balconies of the proposed development would result in overlooking of the school playground and consider this to be a safeguarding issue. As identified at the time of the previous application, the playground is already overlooked by existing neighbouring properties and this matter is not considered to represent grounds which warrant the refusal of planning permission. The proposed rear balconies are to be screened to a height of 1.8 metres which would restrict overlooking from within the first floor flats and from seated users of the balconies.
- 9.22 Overall it is considered that the proposed development would have an acceptable impact upon neighbouring amenity and as such would meet the criteria of saved policy SD1 and policy HB1 of the Places and Policies Local Plan Submission Draft in this respect.

## **Archaeology**

- 9.23 The application site is located within an area of identified archaeological interest. The County Archaeologist has commented upon the application and advised that the site has the potential to contain items of interest. The County Archaeologist has advised that there are no objections to the proposed development subject to details of the method of demolition, details of the proposed foundation design, and a programme of archaeological works being secured by planning condition. Subject to this, it is considered that the application would be acceptable on these grounds.

## Highway Safety, parking and access

- 9.24 No on-site vehicular parking is proposed. An internal cycle store is proposed to the rear of the building with capacity for six cycles indicated. The community room proposed would be accessed by an inset stepped entrance to the front of the building, and a ramped wheelchair access to the southern side of the building. The proposed six flats, refuse store and cycle store would be accessed from the rear of the site, which requires access along the school entrance to the north of the site.
- 9.25 Regarding access, the proposed main access to the community room is not ideal being stepped, a ramped side access is however proposed, and whilst it appears that the ramp would be cramped at its top end to provide turning space for a wheelchair, overall the standard of access proposed is considered to be acceptable given the restrictive nature of the site. The proposed rear access to the flats, cycle store and refuse store is reliant upon access along the school entrance to the north of the site. The agreement of access across this private land would be a private matter, however the applicants have confirmed that they do have a right of access over the land.
- 9.26 Regarding traffic generation and vehicular parking, the site is located on the edge of Folkestone town centre and, as such, is considered to represent a highly sustainable location with good access to amenities and public transport modes. Walking and cycling to local amenities are both feasible. Both the community room and the proposed flats could generate some demand for parking. The site is located within a Controlled Parking Zone (CPZ) and therefore parking is restricted to permits and pay and display between 8am and 6pm every day. KCC Highways and Transportation note that schemes for 5/6 flats have been granted permission previously and consider that the proposed flats would not generate greater traffic and parking demand than these previously approved schemes. KCC Highways and Transportation consider that the proposed community room is unlikely to generate significant vehicular movements and parking demand given the sustainable location of the site.
- 9.27 On this basis, and given that any parking demand which is generated would be controlled to some extent by the permit system which is in place, it is considered that the proposed development would result in an acceptable transport impact. It is recommended that a Construction Management Plan and the provision and retention of the cycle parking provision which is proposed be secured by planning condition.

## Environmental Impact Assessment

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

## Local Finance Considerations

9.29 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

9.30 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new residential floor space.

## Human Rights

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

## Public Sector Equality Duty

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

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

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

## 10.0 BACKGROUND DOCUMENTS

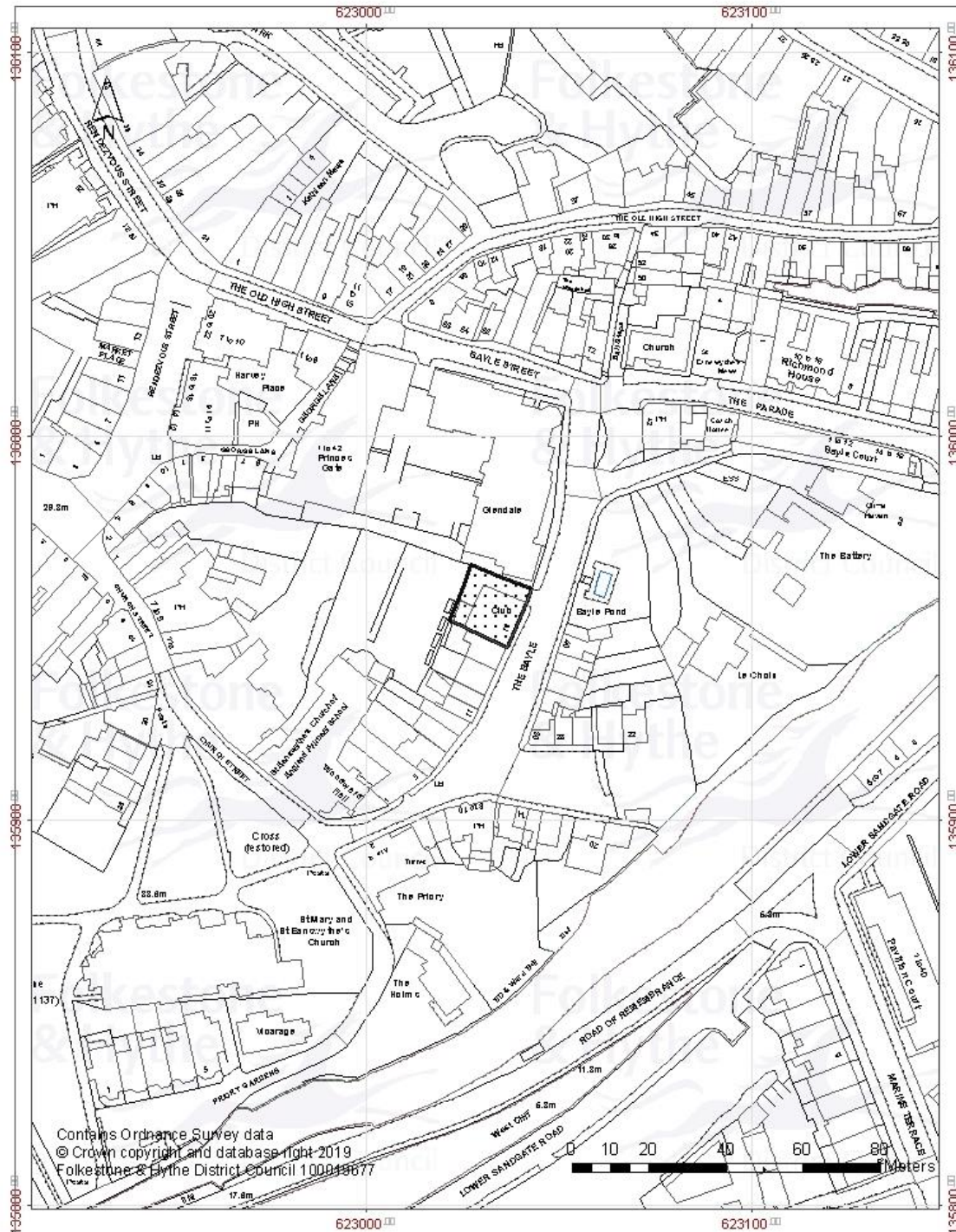
10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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

1. Development to be carried out within three years.
2. Development must be in accordance with the submitted plans.
3. Construction Management Plan submitted and agreed prior to commencement.
4. Provision and retention of cycle parking.
5. Demolition scheme, details of foundations, and scheme of Archaeological works submitted and agreed prior to commencement.
6. Details of:
  - Stonework and render details of string course, mouldings to door heads, window sub cills, window recesses, roof eaves and cornice gutter, ridges and hips (which should be bonnet tiles not roof tiles) at 1:5 or 1:10 scale
  - Joinery details of doors, windows, rooflights and dormers at 1:1, 1:2, 1:5 or 1:10
  - Samples of brickwork for rear walls, roof tiles, and render finish and method of forming angles and arrises
  - Positions of all vents and outlets
  - Details of service connections and communal TV receiver submitted and agreed prior to commencement.
7. Management Plan for the Community Room including details of booking arrangements and costs submitted and agreed prior to commencement.
8. Restrict use of non-commercial element to a community / function room only and no other use within Use Classes D1 / D2.
9. North facing windows to be obscure glazed and only openable above 1.7m from internal floor height.
10. Implementation of privacy screens to balconies prior to first occupation.

Y18/0906/FH  
Dance Easy Studio  
19 The Bayle  
Folkestone



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This Report will be made  
public on 21 October  
2019

Report **DCL/19/17**

**To:** Planning and Licensing Committee  
**Date:** 29 October 2019  
**Status:** Non key Decision  
**Responsible Officer:** Llywelyn Lloyd, Chief Planning Officer

**SUBJECT:** UNAUTHORISED ERECTION OF DWELLINGHOUSE  
KNOWN AS ANNEX, 87 COAST DRIVE, GREATSTONE,  
NEW ROMNEY.



## 1.0 SUMMARY

- 1.1 This report considers 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 recommends that an Enforcement Notice is served requiring the demolition of the dwelling and the reinstatement of the site to the previous ground level.

## 2.0 REASONS FOR RECOMMENDATIONS

- 2.1 The Committee is asked to agree the recommendations set out below because:

The development has an adverse impact on the visual amenity of the area due to its location in the rear garden of the existing dwelling, immediately fronting Greatstone Dunes, contrary to saved policy BE1 of the Local Plan Review and policies HB1 and HB10 of the Places and Policies Local Plan Submission Draft.

The development has an adverse impact on the amenity of residents due to loss of privacy, overbearing impacts and increased activity on the overall site contrary to saved policy SD1 of the Local Plan Review and policies HB1 and HB10 of the Places and Policies Local Plan Submission Draft.

The development is adjacent to a nature conservation site of national and international importance and it has not been demonstrated that it does not result in any adverse impact on that site or that any impacts can be satisfactorily mitigated. As such it is contrary to saved policy CO11 of the Local Plan Review and policy NE2 of the Places and Policies Local Plan Submission Draft.

The development does not provide any off street parking and as such would result in parking on the public highway to the detriment of the free flow of traffic and highway safety. As such it is contrary to saved policy TR12 of the Local Plan Review and T2 of the Places and Policies Local Plan Submission Draft.

- 2.2 For these reasons it is considered to be expedient and in the public interest to issue an enforcement notice requiring the dwelling to be removed and the land reinstated to its former level.

### **3.0 RECOMMENDATIONS**

- 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.**

### **4.0 LOCATION AND DESCRIPTION OF SITE**

- 4.1 The site is at 87 Coast Drive, a detached dwelling house within the village of Greatstone. The rear garden has been subdivided into two separate areas by a concrete breeze block wall and wooden close boarded fencing. There are a set of steps leading to the terrace from the garden of 87 Coast Drive but there is a gate restricting access between the two properties onto the terrace. The eastern part of the subdivided plot now contains a bungalow. The land within



the sub-divided rear garden has also been raised. Part of the remaining garden area of No. 87 has been fenced off to provide pedestrian access from Coast Drive to the new property to the rear. There is also a separate pedestrian access from the newly created plot through a gate in the eastern boundary onto Greatstone Dunes and the beach. To the north of the site is a public footpath leading from Coast Drive to Greatstone Dunes and the adjoining beach. To the north of the footpath is another detached dwellinghouse. To the south of the site is a detached dwellinghouse.

- 4.2 The rear garden, now containing the new dwelling, borders Greatstone Dunes which have the following nature conservation designations: RAMSAR, Site of Special Scientific Interest (Dungeness, Romney Marsh and Rye Bay), Special Protection Area and Special Area of Conservation. Beyond Greatstone Dunes is the English Channel. The site is within an area of archaeological potential. The site is not within a Flood Risk zone on the Environment Agency's flood maps or the Council's Strategic Flood Risk Assessment.

## **5.0 PLANNING HISTORY**

- 5.1 Y02/0616/SH Erection of replacement holiday chalet holiday accommodation to include temporary retention of boundary fence – Withdrawn 6 August 2002
- 5.2 WE/2/64/86 Use of existing domestic building for the sale of teas and the provision of dressing facilities for bathers. Refused 5 November 1964

## **6.0 THE BREACH OF PLANNING CONTROL**

- 6.1 On 26 August 2015 a complaint was made to the Council about extensive building work taking place at 87 Coast Drive. The Planning Enforcement Officer investigated the development and was advised by the owner that a swimming pool and new boundary walls were being constructed, together with the redevelopment of an outbuilding. Photographs were taken by The Planning Enforcement Officer on 28.09.2015 of the construction work which is shown in Figs. 1, 2 and 3 below:



Fig 1



Fig 2



Fig 3

- 6.2 Further photographs were taken by the Planning Enforcement Officer on 24.11.2015 of the outbuilding which are shown at Figs 4 & 5 below:



Fig 4





Fig 5

- 6.3 The date of the photographs confirm that works were not substantially completed within the last 4 years so the building is not immune from enforcement action. The building known as 'The Annex' was brought into the Council Tax register on 1 April 2017. So it was substantially completed sometime between those two dates, which is within the 4 year period when enforcement action can be taken against unauthorised residential development and operational development.
- 6.4 The owner has claimed that there was an existing 'chalet' on the land and his intention was to repair it. The owner states when he began the work he discovered the floor of the 'chalet' was rotten and the whole building had to be demolished. The photograph at Fig 3 shows the area where the chalet previously existed and now clearly shows concrete foundation piles that have been placed into the ground in the same area as the former 'chalet'.
- 6.5 The photograph below (Fig. 6) dated 14 April 2015 shows an outbuilding (outlined in red) in the rear garden of 87Coast Drive. This building has a floor area of approximately 25m<sup>2</sup>.



Fig 6

- 6.6 A subsequent aerial photograph (Fig 7) below taken on 2 August 2018 shows the development as it is now (outlined in red) in the rear garden. This new building has a floor area of approximately 88m<sup>2</sup>. The unauthorised raised terrace to the west of the new building can also be seen.



Fig 7

- 6.7 Examination of the photographs at Figs. 6 and 7 clearly shows the increase in the footprint of the development that now occupies almost the full width of the plot and has a 63m<sup>2</sup> increased the footprint. It is clear from the photographic evidence of the site and the increase in footprint of the building that there has been no repair or renovation of the original building, but that a new and larger building has been constructed.
- 6.8 The authorised use of the land is one single residential planning unit within Class C3 of the Use Classes Order 1987 (as amended). Wooden fencing and concrete breeze block walls have been constructed to subdivide the original rear garden into two distinct areas. The new dwelling can be accessed independently of the original dwelling from the east through an entrance gate from Greatstone Dunes. There is another narrow pedestrian access along the southern side of 87 Coast Drive from the main road that leads into the fenced off area containing the new dwellinghouse. The Planning Enforcement Officer confirms that the new dwellinghouse has all the services and facilities that enable it to be used as an independent unit of self-contained residential accommodation. The current occupants of the original dwellinghouse at 87 Coast Drive do not have access to the new dwellinghouse or the subdivided part of the garden. No. 87 and the new dwelling are within the same ownership but 87 is rented. The owner of the land has informed the Council's Planning Enforcement Officer that the new dwellinghouse will be for his personal use. The owner has not demonstrated any functional link between the new dwellinghouse and the main dwellinghouse.
- 6.9 The original land level in the rear garden of 87 Coast Dive site rose up from the house towards the Greatstone Dunes. This was similar to the gardens at 85 and 89 Coast Drive. Examination of the photographs taken in 2015 shows construction of foundations, walls and what appears to be a swimming pool. At the time of the Enforcement Officer's inspection in April 2019 the area where the swimming pool was situated has been filled in and a terrace had been constructed as shown in Fig 8 below, with a retaining wall shown in Fig 9 below. A wooden fence separates the original garden behind the raised patio, which can be seen in Fig 7 above. The boundary with the footpath is now marked by a retaining wall on top of which is fencing. This boundary wall is retaining land made up to form the terrace and the base for the new dwellinghouse as shown in Fig 10 below.

New terrace





Fig 8

Retaining wall for terrace with steps down towards the house and narrow access beside 87 Greatstone Road.



Fig 9

North boundary retaining wall with footpath alongside



Fig 10.

### **Pre-existing uses.**

- 6.10 There was a building on the land prior to the construction of the new dwelling that the owner claimed was a chalet which had pre-existing authorised uses, one as a tea room and the other as an independent dwelling in its own right.
- 6.11 Council records show that on 15<sup>th</sup> September 1964 an application for the use of an existing domestic building for the sale of teas and provision of dressing facilities for bathers, under reference WE/2/64/86. This was refused on 5 November 1964. This refusal indicates that any sale of teas from the previous building and land would have been unauthorised. Therefore the only lawful use of the building would have been as either an incidental or ancillary building.
- 6.12 On 10 June 2002 an application was received by the Council, Y02/0616/SH, for the erection of replacement chalet for holiday accommodation to include temporary retention of boundary fence. This application was withdrawn on 5 August 2002. There is no planning permission for the use of the 'chalet' as holiday accommodation or residential accommodation. The only lawful use to which the previous building could have been put was as incidental or ancillary accommodation to No.87.
- 6.13 During the course of the investigation of the alleged breach of planning control the owner's agent submitted a copy of a letter sent to the Council in March 2003 which sets out that the intention is that the beach chalet is to be renovated as distinct from reconstruction and demolition.
- 6.14 A further letter submitted by the owner's agent, to the Council in June advises that work was taking place in connection with restoration/renovation of the beach chalet. Neither of these letters confirmed the use of the 'chalet'. The 2002 withdrawn application refers to a use of holiday accommodation for a replacement chalet. However it does seem likely there was a chalet from photographic evidence but it could have been used ancillary or incidental to



the use of the existing dwellinghouse. There is no evidence that it was used as a dwelling.

- 6.15 If the premis, as put forward by the owner, is correct that there was a building used for holiday, then provided it was used ancillary to the main dwelling this use would be a C3 use. The lawful use of the land at 87 Coast Drive is C3 and therefore there is no change of use of the land. This premis is not accepted because the Council has no record for the use of the land as a holiday chalet.
- 6.16 A application has been submitted to the Council for 'certificate of lawful development (existing) for use of a building to the rear garden as annex accommodation' under reference Y19/0843/FH. A Certificate of Lawful Development is determined on the balance of probability from evidence submitted by the applicant and evidence held by the Council. If Members resolve to serve an enforcement notice it will only be served if the application is refused. It is requested delegated authority be given to the Chief Planning Officer to serve an enforcement notice in that event.

### **Permitted development**

- 6.17 The permitted development rights given to a dwellinghouse permit the construction of buildings within its curtilage pursuant to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2 Article 3 PART 1 Class E. This permits outbuildings that are incidental to the enjoyment of the dwellinghouse, such as garages and sheds. The Order restricts the size of the outbuildings and their proximity to boundaries.
- 6.18 The newly constructed building is considered by officers to be a separate dwelling house as it is self-contained, comprising a bedroom, kitchen/lounge/dining area and a bathroom, which are all found within the existing dwelling house at 87 Coast Drive. Therefore, the building is not incidental to the original dwellinghouse, therefore permitted development does not apply.

## **7. Relevant Planning Policy Guidance**

- 7.1 The following saved policies of the Shepway District Local Plan Review apply: SD1, HO1, BE1, U1, CO11 and TR12.
- 7.2 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, CSD1, CSD4 and CSD5
- 7.3 The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan

Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

- 7.4 The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, HB3, HB10, HE2, NE2 and TR2.
- 7.5 The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.
- 7.6 The following policies of the Core Strategy Review Submission Draft 2019 apply: SS1, SS2, SS3, CSD1, CSD4 and CSD5.
- 7.7 The following Supplementary Planning Documents apply: Kent Design Guide: Interim Guidance Note 3 - Parking
- 7.8 The following paragraphs of the National Planning Policy Framework 2019 apply in particular: 8 & 10 – Achieving sustainable development. 58 – Enforcement, 70 – Windfall sites –resist development of residential gardens and 170 – Conserving and enhancing the natural environment

## **8. APPRAISAL**

### **Relevant Material Planning Considerations.**

- 8.1 When deciding whether or not it is expedient to serve an enforcement notice it is necessary to consider whether planning permission would be granted for the unauthorised development were an application to be submitted. The relevant main material planning considerations in this case are the principle of development having regard to planning policy, location, design and visual appearance, amenity for future occupiers, amenities of neighbouring occupiers, conservation of archaeology, nature conservation and highway safety.

### **Principle of the development**

- 8.2 Saved policy HO1 of the Local Plan Review sets out that infill development within existing urban areas may be permitted subject to environmental and highway safety considerations. The site is located within Greatstone-on-Sea which is recognised in the settlement hierarchy as a primary village in Core Strategy Table 4.3, as a settlement 'which contributes to strategic aims and local needs and as a settlement has the potential to grow'. As such in this location, the principle of residential development is considered acceptable subject to all other material planning considerations being satisfactorily addressed.

- 8.3 Core Strategy and Core Strategy Review policies SS1 and SS3 seek to direct development to the most sustainable towns and villages, which are identified in policy SS2. Greatstone-on-Sea is identified as a primary village with potential to grow. Core Strategy Review Submission Draft 2019 policy SS2 sets out the Housing and Economic Growth Strategy and sets out in a table how the housing for the District will be delivered to 2037. This table shows 850 dwellings being provided through windfall sites at 50 units per year. However, the acceptability of the subdivision of the rear garden at 87 Coast Drive as a windfall site is also subject to the relevant policies in the Local Plan Review and the Places and Policies Local Plan Submission Draft, including policy HB10 (Development of Residential Gardens) which seeks to prevent the uncontrolled loss of residential gardens that can lead to a piecemeal pattern of development and lose their health, wellbeing and wildlife benefits. This is supported by Para 70 of the NPPF which requires that local planning authorities should set out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The issue of harm will be considered further within this report.
- 8.4 It is therefore considered that in principle the new dwelling is acceptable but this is subject to the other relevant planning policies in the NPPF and local plans and relevant material planning considerations which are considered below.

### **Design and Visual Appearance.**

- 8.5 Places and Policies Local Plan, Submission Draft, Policy HB2 (Cohesive Design) seeks to integrate development into its surroundings by; having a high standard of design, the choice of materials and sympathetic predominating locally in type, colour and texture. Development should create a sense of place by contributing positively to the landscape, wildlife habitats, existing buildings, heritage assets site orientation and microclimates. The proposed single storey dwelling has a simple design with floor to ceiling windows facing onto Greatstone Dunes and composite white boarding covering the external walls. The roof has two pitched roofs which are hipped at each end. In between the roofs is a small crown roof that joins them together. This complicated roof form gives a dominant, complicated and unbalanced appearance to the development. The basic design premise is not appropriate for the site as it fails to reflect the appearance of existing dwellings in the locality, particularly 87 Coast Drive, and it is not in keeping with the area. Although not visible from Coast Drive it is visible from Greatstone Dunes which are publically accessible. The building is very visible from there as is right on the boundary. Given its overall size and design it appears as prominent and intrusive feature in the landscape as there are no other such buildings at the ends of gardens, with the predominant pattern of development being dwellings fronting Coast Drive and separated from the dunes by gardens.
- 8.6 Adjacent gardens are raised towards the Greatstone Dunes and gently fall away back towards their respective dwelling houses. The raising of the land levels on the site to enable a level platform for the new building and a terrace is not in keeping with the local area and serves to accentuate the prominence

of the building. The development is therefore considered unacceptable on design and visual appearance grounds.

### **Amenity for future occupiers**

- 8.7 The resulting size of the plot is less than half the size of adjacent properties. In terms of space standards, emerging policy HB3 of the Places & Policies Local Plan sets out the nationally described technical housing space standards. In the case of a one bedroom dwelling arranged over one storey, the space standards set out a minimum internal space of 50m<sup>2</sup>. The new building meets these space standards. The subdivided garden provides an amenity space on the terrace of 11m x12 m plus where the plot narrows towards 87 Coast Drive of 3.5 x 12.1m providing in total 168m<sup>2</sup> of outdoor amenity space and is compliant with emerging policy HB3.
- 8.8 There has been no provision of a cycle storage space nor for discreetly designed accessible storage for different types of refuse bins. It is therefore not compliant with policy HB3 in this respect. Any cycles or refuse bins could only access the Coast Drive Road via the rough terrain of Greatstone Dunes and the adjacent path. It is considered the access at the front of the site is too narrow for a refuse bin or bicycle to get through. Using this method of accessing Coast Drive with refuse bins or bicycles would not provide a safe solution to future occupiers.
- 8.9 The access points into the development is a narrow entrance beside the flank wall of 87 the other at the rear from Greatstone Dunes an SSSI location. Both access points are considered inadequate due to the narrowness of the front access and the rough ground that at a person has to cross to gain access through the rear gate.
- 8.10 There is no vehicle access to the dwelling and no space to provide off street parking. Given the distance of the property from New Romney and Lydd town centres the occupants are likely to be reliant on a car and this would need to be parked on the public highway.
- 8.11 In the light of the aforementioned reasons the development is considered unacceptable with regard to amenity for future occupiers.

### **Amenity of neighbouring occupiers.**

- 8.12 The new dwelling has been constructed on land that has been raised and then levelled. The raised land is approximately 2m higher than the ground floor level of the adjacent Nos. 85,87 and 89 Coast Drive. The development is 0.75m from its northern boundary with the public footpath and 1.5m from its southern boundary. This increase in land level adversely impacts on the privacy of these adjacent residential gardens and bedrooms of these properties. The distance between the rear of 87 Coast Drive and the raised terrace is approximately 12 metres. The terrace is raised to such an extent that persons standing on the terrace are level with the first floor bedroom windows of 85, 87 and 89 Coast Drive. This results in overlooking and loss of privacy to the occupants of those dwellinghouses.

- 8.13 The retaining wall that has been built facing the rear garden of 87 Coast Drive is 2.9m high including a fence on top of the wall that, due to its height has an over-bearing dominant impact on the garden of 87 Coast Drive. The retaining wall constructed of breeze blocks has, by its size and unattractive block work, harmed the amenity of the occupants of 87 Coast Drive.
- 8.14 The original curtilage of No.87 originally contained one dwelling and now contains two. Although the new dwelling has only one bedroom it will still result in increase in activity on the overall site adjacent to the back gardens of neighbouring properties and given the size of the resultant garden areas this activity is going to be concentrated in a fairly restricted area and as such is likely to give rise to an unacceptable increase in noise and disturbance both to the neighbouring gardens, particularly the one to the south, as well as to each other's gardens
- 8.15 The retaining wall, fence and proximity of the building beside the foot path appears over-dominant to users of the public footpath to the detriment of the visual amenity of the footpath and the amenity of the users of the public footpath.

### **Nature conservation**

- 8.16 Saved policy CO11 of the Local Plan Review and Places and Policies Local Plan, Submission Draft, policy NE2 seek to safeguard designated wildlife sites, of which the neighbouring dunes fall within 4 categories. Development must not result in significant adverse effects and the Council expects development proposals to contribute to appropriate mitigation and management measures to maintain the ecological integrity of the designated sites. No ecological survey has been submitted to demonstrate that the development would not have an adverse impact on the ecological integrity of the sites. The proximity of the new development to Greatstone Dunes and the additional activity on them which is likely to result from the direct access from the dwelling on the to the dunes has potential to adversely affect the habitat and wildlife that the site is designated for due to increased light pollution from the dwelling and increased physical activity within them due to foot traffic along the access across them to and from the dwelling. Therefore the development is considered to be unacceptable as it has not been demonstrated that either impacts have not occurred or that they can be satisfactorily mitigated.

### **Archaeological**

- 8.17 Places and Policies Local Plan Submission Draft policy HE2 seeks to protect and where possible improve important archaeological sites, together with their settings. The site is within an area identified as having archaeological potential. The requirements of policy HE2 have not been met as an assessment of the impact of the development on the significance of the heritage assets has not been provided. However, as the construction of the development has now been completed any damage will already have been carried out and will be difficult to rectify. Therefore, it is not considered reasonable to take enforcement on archaeological grounds.

### **Highway Safety**

- 8.18 The off street parking requirement for a one bedroom dwelling is one space. Given there is not any vehicular access to the new dwelling and that there is no space within its garden to provide a parking space, off street parking cannot be provided. Given the distance of the property from New Romney and Lydd town centres the occupants are likely to be reliant on a car and this would need to be parked on the public highway. This could affect the free flow of traffic and the safety of highway users. Therefore it is considered that enforcement action should be taken on the grounds of lack of parking.

## **Conclusion**

- 8.19 It is considered that the development that has been carried out is unacceptable in terms of the visual amenity of the area, the amenity of neighbouring residents, highway safety and impacts on a designated nature conservation site. For these reasons it is recommended that an enforcement notice be served. In order to allow reasonable time for any occupants to find alternative accommodation a compliance period of 1 year is recommended.

## **9. HUMAN RIGHTS**

- 9.1 In reaching a decision on a planning enforcement matter 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.

## **10. PUBLIC SECTOR EQUALITY DUTY**

- 10.1 In assessing this planning enforcement matter regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.
- It is considered that the proposed enforcement action would not conflict with objectives of the Duty.

## **11. RISK MANAGEMENT ISSUES**

Summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
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The use of the building and land becomes immune from enforcement action	High	High	Serve enforcement notice
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## 12. LEGAL, FINANCIAL AND EQUALITY AND DIVERSITY ISSUES

### Legal Officer Comments (NE)

- 12.1 There are no legal implications arising directly out of this report which are not already stated therein. For the information of the Committee, section 171B of the Town and Country Planning Act 1990 (as amended) states that;

Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed..

Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

The Council is working within those statutory time limits and therefore can take appropriate enforcement action.

Where there is a breach of planning control, failure to take enforcement action within the statutory time limits will result in the unauthorised use becoming immune from enforcement action

### Finance Officer Comments (LK)

The financial implications regarding the issuing of the Enforcement Notice are contained within the Council's budget. However if further enforcement action is required then there may be additional legal costs which may require additional resource.

### Equalities & Diversity Officer Comments (GE)

There are no equalities implications directly arising from this report

## CONTACT OFFICER AND BACKGROUND DOCUMENTS

Councilors with any questions arising from this report should contact the following officer prior to the meeting.

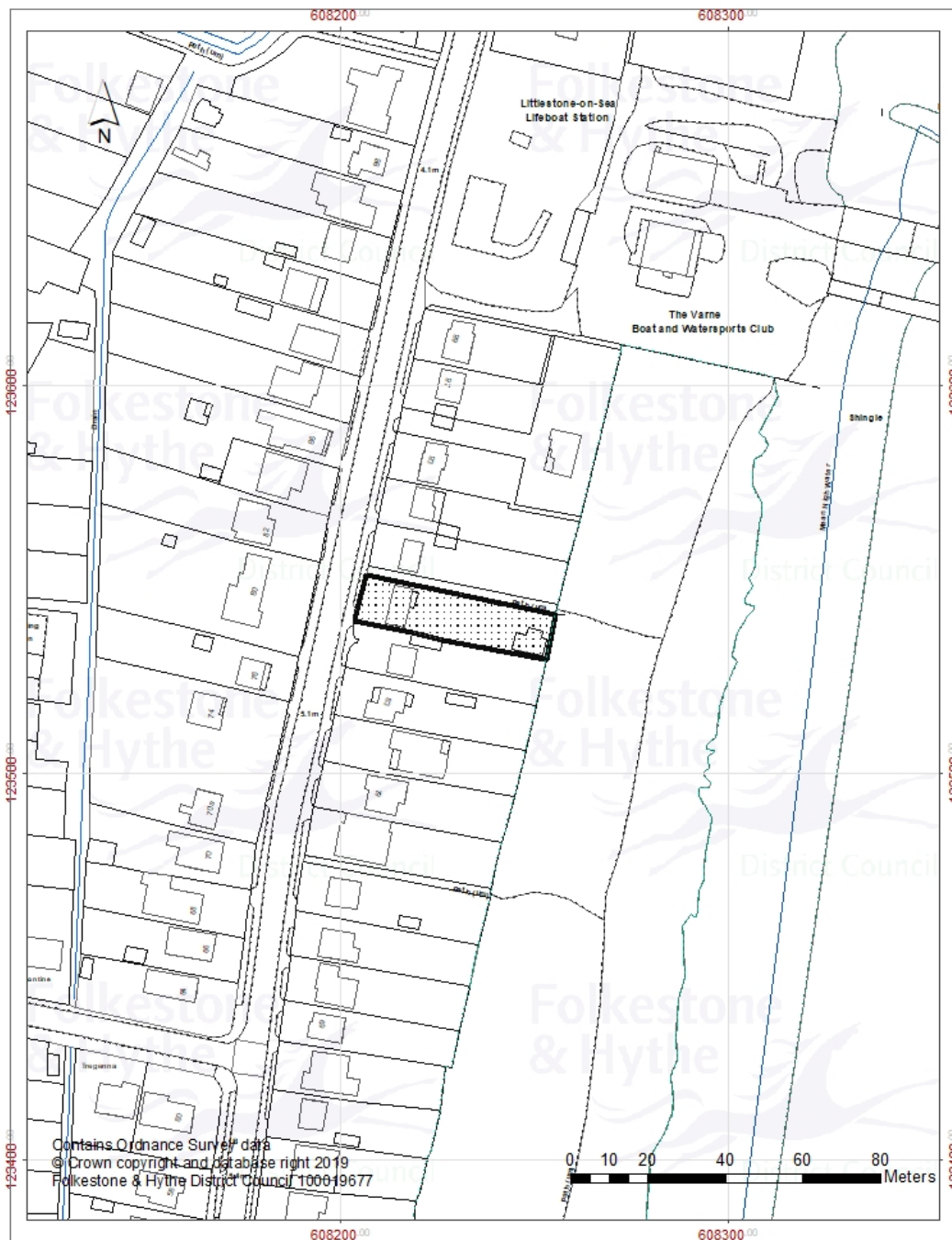
Simon Taylor, Planning Enforcement Officer  
Telephone: 01303 853696  
Email: Simon.Taylor@folkestone-hythe.gov.uk

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

None.



Agenda Item  
Annex  
87 Coast Drive  
Greatstone



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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 – 29 OCTOBER 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

29<sup>th</sup> October 2019

### SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

**1. Y19/0752/FH  
(Page 11)**

**TURNER FREE SCHOOL TILE KILN LANE FOLKESTONE**

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.

**Dr Jo Saxton, member of public, to speak in support of application**  
**Bob Robinson, agent, to speak on application**

**2. Y18/0906/FH  
(Page 47)**

**DANCE EASY STUDIO 19 THE BAYLE FOLKESTONE**

The erection of a three-storey block plus accommodation in the roofspace of six self-contained flats, 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 Refusal No.Y16/1391/SH).

**Mark Hourahane, member of public, to speak against application**  
**Mrs C Charlier, applicant, to speak in support of application**

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**1. Y19/0572/FH  
(Page 11)**

**Turner Free School, Tile Kiln Lane  
Folkestone**

**Consultees:**

Further comments have been received in response to the second consultation which finished on 21<sup>st</sup> October. These are available in full on the planning file and are summarised below.

**AONB Unit**

- Welcome the proposal which replaces the proposed render with a buff blend brickwork on the northern elevation

**Folkestone Town Council**

- Support the improved school in general terms, but light and overlooking from upper floors must be considered and opaque glass used at all times

**KCC Flood and Water Management**

- Satisfied with amended proposal to use a gravity connection instead of pumping to the culvert.

- The associated update to network calculations has resulted in incidences of flooding for 100 year critical rainfall event (40% climate change allowance). Therefore recommend that an exceedance plan is provided to demonstrate flow routes and flooded volume.
- Recommend the conditions proposed in their previous response.

### Sport England

- The existing playing field is in a poor condition as confirmed by the quality assessment report by TGMS, therefore provides minimal benefits to sport at present.
- It has been confirmed that the replacement playing field would be constructed at the same time as the proposed school building, therefore there would be temporary loss of playing at the site
- Given there does not appear to be any current community use of the playing field; the school currently uses another playing field; and the poor condition of the existing playing field, the proposed playing field would represent improved provision for the school and community, Sport England does not wish to raise an objection subject to specified conditions, as the application is considered to broadly meet its Playing Field Policy.

### Local Residents Comments:

Two further objections received from one resident on the following grounds:

- Committee report states that fences are 1.8m high but in section of Surrenden Road most impacted fences are below 1m in height. This is a major inaccuracy.

Two general comments received. These raised the same issues raised during the first consultation, with the only additional comment being:

- Consider 20mph speed limit in Ashley Avenue

### Appraisal

KCC Highways and Transportation request a payment of £948 for the ongoing monitoring of the school travel plan. This can be secured through a S106 legal agreement.

With regard to the comment regarding the fencing. At 2.3 the report states that the boundaries 'generally' comprise 1.8 m high fences. The report is not inaccurate. Due to the length of the boundaries involved and the number of properties bordering the site the specific height of every single fence is not set out.

A detailed assessment of the impacts of the development on the properties in Surrenden Road is set out in sections 7.26 – 7.28 of the officer's report. The report recognises that there will be a change in outlook for residents and that there may be some overlooking. However, loss of, or impact on, a view is not a material planning consideration; the change in outlook is not considered to be so significant as to warrant a refusal of planning permission; and there is a degree of overlooking from the current school layout.

In view of the above consultee comments and the need for a S106 legal agreement to secure travel plan monitoring the following amended recommendation is now proposed

## **RECOMMENDATION:**

That planning permission be granted subject to: the following amended list of conditions; the applicant entering into a S106 agreement to secure a monitoring fee for monitoring the school travel plan and that delegated authority be given to the Chief Planning Officer to negotiate and finalise the wording of the S106 agreement; and to finalise the wording of the conditions and add any other conditions that he considers necessary:

1. Standard time condition
2. Samples of external materials
3. Sustainable Construction
4. Vehicle Parking
5. Onsite parking for out of hours activities and events
6. Cycle Parking
7. Construction Management Plan including site personnel and visitor parking during construction
8. Architectural Detailing
9. Landscaping
10. Tree protection during construction
11. Surface Water Drainage
12. Surface Water Drainage Verification Report
13. Report on condition of culverted section of Pent Stream
14. Contamination
15. Site Remediation Strategy
16. Asbestos Survey
17. Protection of Public Sewers
18. Precautionary reptile mitigation
19. Precautionary bat mitigation
20. Bat sensitive lighting plan
21. Ecological enhancement and management plan
22. Piling Risk Assessment
23. Travel Plan
24. Tree Removal, Retention and Protection Measures
25. Sports Hall Hours of Operation
26. The new playing field hereby permitted shall be provided in accordance with the recommendations set out in the TGMS report titled "A report to Bowmer and Kirkland – A quality assessment of an existing recreation area and a proposed replacement natural turf facility at Turner Free School, Folkestone" and made available for use before the school building hereby permitted is first used.
27. The new Multi-Use Games Area and Sports Block refurbishments hereby permitted shall be designed and constructed in accordance with Sport England's Artificial Surface for Outdoor Sport and Sport Halls Design & Layouts guidance.
28. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports facilities on the school site

and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.