



Agenda

Meeting: **Planning and Licensing Committee**
Date: **24 March 2020**
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 5 - 6)**

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

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

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website
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c) voluntary announcements of other interests.

3. **Minutes (Pages 7 - 10)**

To consider and approve, as a correct record, the minutes of the meeting held on 14 January 2020.

4. **Minutes of the Licensing Sub-Committee (Pages 11 - 16)**

To receive and note the minutes of the Licensing Sub-Committee meetings held on 27 January, 17 February and 11 March 2020.

5. **Y16/1017/SH - Coast Drive Car Park, Coast Drive, Greatstone, Kent (Pages 17 - 46)**

A hybrid application encompassing; 1) Outline application for the erection of 20 residential units within Zone A with matters of layout, scale, appearance and landscaping reserved for later consideration 2) Full application of Zone B for the re-provision of a public car park, residential parking for the 20 units and landscaping areas.

6. **Y19/0553/FH - Recreation Ground, Station Road, New Romney (Pages 47 - 74)**

Erection of a two storey community hall and sports pavilion following the demolition of the Maude Pavilion. Refurbishment of the existing nursery building including a new recreational play area and the erection of 34 dwellings with associated landscaping, parking and access in the south west of the recreation ground.

7. **Y19/0080/FH - Shepway Lympne Hill Lympne Hythe Kent CT21 4NX (Pages 75 - 92)**

This application seeks planning permission for the erection of a two-storey detached dwelling with basement within the grounds of another property, known as 'Shepway'. The site is located outside of any established settlement boundary within the open countryside and is also within a designated Special Landscape Area and within the Kent Downs Area of Outstanding Natural Beauty. Given that the dwelling would be set away from local amenities, without easy access to sustainable transport modes, the site is considered to be unsuitable and an unsustainable location for a new dwelling as future occupiers would be reliant on private motor vehicle use to carry out day to day activities. In addition, the erection of a two-storey dwelling in this location would result in the erosion of the rural character of the area, detracting from the tranquil beauty of the wider Special Landscape Area and Kent Downs Area of Outstanding Natural Beauty. There are no public benefits to the application that would outweigh these concerns and on balance it is considered that the scheme would be unacceptable with regard to local and national planning policy. The application is therefore recommended for refusal.

8. **Y19/1213/FH - 32 Harcourt Road Folkestone Kent CT19 4AE (Pages 93 - 102)**

Planning permission is sought for the erection of a single-storey rear extension and a pitched roof over the existing front garage projection. The proposal is considered acceptable with regard to all relevant material planning considerations, including design and appearance, residential amenity and highways issues. The development complies with all current development plan policies and the application is recommended for approval on this basis.

9. **Y19/1377/FH - 10 Vicarage Road, Sandgate, Kent, CT20 3AA. (Pages 103 - 114)**

The application seeks retrospective planning permission for the erection of a suspended car parking area which projects outwards from the hillside, along with some proposed amendments to the design. Its scale, design, and appearance is considered to be harmful to the character of the area, the character and appearance of the Sandgate conservation area and the designated Area of Special Character, and contrary to local and national planning policy. The application is therefore recommended for refusal.

10. **Y19/0890/FH - 9 Naildown Road, Hythe, Kent, CT21 5SY (Pages 115 - 124)**

This report considers whether planning permission should be granted for the increase in length (approximately 980mm) and changes to the design (layout of steps and increase in length of supporting framework) of the elevated decking area to the rear of the host property. Elevated decking was approved in July 2014 under planning reference Y14/0651/SH. The report recommends that planning permission should be granted with conditions as it considered that the amenities of the neighbours to the rear would not be significantly compromised over and above the impact that would have resulted from the original consent.

11. **Y19/1235/FH (Planning Application) & Y19/1236/FH (Listed Building Consent) - 30 Sandgate High Street, Sandgate, Kent, CT20 3AP (Pages 125 - 136)**

Retrospective application for replacement timber first floor front window to match approved adjoining replacement windows together with listed building consent for the same works.

12. **Y19/1370/FH - Beach Chalet 1 - 79 Marine Walk, Folkestone, Kent (Pages 137 - 162)**

This application seeks planning permission for the renovation of 35 existing beach huts and the demolition of 44 huts and installation of 80 new wooden chalets on the promenade below the Lower Leas Coastal

Park. The site is within the built up area boundary of Folkestone and within the Bayle & Leas Conservation area. The renovation works and replacement beach huts are considered to be of a suitable design for the sensitive location, are not considered to give rise to any additional amenity or highway issues and concerns regarding incidences of crime can be addressed by conditions to protect future users of the huts.

The report therefore recommends that planning permission be granted subject to conditions.

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, 14 January 2020
Present	Councillors Danny Brook, John Collier, Gary Fuller, Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Philip Martin (Vice-Chair), Connor McConville, Jackie Meade, Georgina Treloar, Douglas Wade (In place of Jim Martin) and David Wimble
Apologies for Absence	Councillor Jim Martin and Councillor Ian Meyers
Officers Present:	David Campbell (Development Management Team Leader), Kate Clark (Committee Services Officer), Louise Daniels (Senior Planning Officer), Claire Dethier (Development Management Team Leader) and Sue Lewis (Committee Services Officer)
Others Present:	

48. **Declarations of Interest**

Councillor Jackie Meade declared a voluntary announcement in that she is a member of Folkestone Town Councils Planning Committee and was aware of a couple of the applications on the agenda. She remained in the meeting for the discussions and voting on these items.

49. **Minutes**

The minutes of the meeting held on 17 December 2019 were submitted, approved and signed by the Chairman.

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

The minutes of the meetings held on 9 and 16 December 2019 were submitted, approved and signed by the Chairman.

51. **Y190814FH - 7 The Old High Street**

Report DCL/19/31 considered whether planning permission should be granted for a variation to the previously approved scheme which was for the change of use from retail to a mixed use of retail, a drinking establishment and an exhibition space.

Mr Howard Barkley, local resident spoke on the application.

Proposed by Councillor Danny Brook
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 with the following changes:**

That the opening hours be restricted to 08.00 – 01.30am Friday – Saturday and Bank Holiday Mondays / 31st October, Christmas Eve, New Years Eve;

That a noise limiter must be installed before the change in hours takes place;

That a three year temporary condition be amended to one year with a review.

- 2. That delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

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

52. Y19-0781-FH Oak Ryse

This application seeks planning permission to convert a modern agricultural barn in the open countryside to a residential dwelling.

Mr Durrant, local resident spoke on the application.
Mrs C Moss, applicant spoke on the application.

Claire Dethier, Development Management Team Leader, referred members to the letter they had all received from the agent and corrected an error in the report explaining that some of the boundary treatments between the application site and Oak Ryse had been removed, however, this was since 2016 and informed Members that the lawful use of the site is agricultural and not residential as claimed in the letter.

Proposed by Councillor John Collier
Seconded by Councillor Georgina Treloar and

Resolved:

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

(Voting: For 9; Against 0; Abstentions 2)

53. **Y190947FH Apple Tree Farm**

Report DCL/19/34 considered whether planning permission should be granted for the erection of solar array within the grounds of Apple Tree Farm, Stelling Minnis.

Cllr Laszlo Dudas spoke on the application on behalf of Stelling Minnis Parish Council

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor Philip Martin 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 officers add a condition requiring landscaping around the site be strengthened.**

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

54. **Y19-1075-FH 4 Marine Terrace**

Report DCL/19/33 considered whether planning permission should be granted for the change of use and conversion of the existing building to five self-contained flats, together with the erection of a five storey rear extension and extension and alterations to the existing roof at 4 Marine Terrace, Folkestone, previously known as the Chelsea Hotel.

Proposed by Councillor David Wimble
Seconded by Councillor Philip Martin and

Resolved:

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

(Voting: For 9; Against 0; Abstentions 2)

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Minutes

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date Monday, 27 January 2020

Present Councillors John Collier and Mrs Jennifer Hollingsbee

Apologies for Absence

Officers Present: Tim Hixon (legal Specialist), Sue Lewis (Committee Services Officer), Jack Pearce (Legal Trainee) and Briony Williamson (Senior Licensing Officer)

21. **Adjournment of meeting**

As per part 5, paragraph 13 of the constitution, the meeting was adjourned as a quorum could not be reached.

The panel will be reconvened and the remaining business will be considered on 17 February 2020 at 10am.

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Minutes

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Monday, 17 February 2020

Present: Councillors John Collier, Mrs Jennifer Hollingsbee and David Wimble

Apologies for Absence:

Officers Present: Tim Hixon (legal Specialist), Sue Lewis (Committee Services Officer), Jack Pearce (Legal Trainee) and Briony Williamson (Senior Licensing Officer)

Others Present: Mr Peter Blach, film maker.

22. Election of Chairman for the meeting

Proposed by Councillor David Wimble
Seconded by Councillor John Collier and

Resolved: To appoint Councillor Mrs Jenny Hollingsbee as Chairman for the meeting.

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

23. Declarations of interest

There were no declarations of interest.

24. Exclusion of the public

Proposed by Councillor David Wimble
Seconded by Councillor John Collier and

Resolved:
To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 –

“Information relating to the financial or business affairs of any particular

person (including the authority holding that information) ‘Financial or business affairs’ includes contemplated as well as current activities.”

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

25. **Classification of a film - Seagull**

Folkestone & Hythe District Council has been asked to classify a film so that it can be shown at the Silver Screen Cinema in Folkestone and/or the Harbour Arm Cinema in the summer.

Proposed by Councillor David Wimble
Seconded by Councillor John Collier and

Resolved:

1. **To receive and note Report DCL/19/35.**
2. **To receive the application for film classification.**
3. **To classify the film – Seagull as 15, suitable only for 15 years and over.**

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

Minutes

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Wednesday, 11 March 2020

Present: Councillors Gary Fuller, Mrs Jennifer Hollingsbee and Philip Martin

Apologies for Absence

Officers Present: Tamzin Dunstone (Legal Specialist), Tim Hixon (legal Specialist), Sue Lewis (Committee Services Officer) and Briony Williamson (Senior Licensing Officer)

Others Present: The applicant was in attendance for minute 29.

26. Election of Chairman for the meeting

Proposed by Councillor Philip Martin
Seconded by Councillor Gary Fuller and

Resolved: To appoint Councillor Mrs Jenny Hollingsbee as Chairman for the meeting.

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

27. Declarations of interest

There were no declarations of interest.

28. Exclusion of the Public

Proposed by Councillor Philip Martin
Seconded by Councillor Gary Fuller and

Resolved: To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraphs 2 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972 –

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

and

“Information relating to the financial or business affairs of any particular person (including the authority holding that information) ‘Financial or business affairs’ includes contemplated as well as current activities.”

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

29. Application from a new Private Hire Driver

Report DCL/19/37 considers whether the application to be a Private Hire Driver should be accepted.

Members considered the Council’s policies, the representations and in accordance with the Institute of Licensing Guidance the following decision was made.

Proposed by Councillor Philip Martin
Seconded by Councillor Gary Fuller and

Resolved:

- 1. To receive and note Report DCL/19/37.**
- 2. To grant a private hire driver licence for a period of 12 months.**

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

30. Classification of a film

Proposed by Councillor Gary Fuller
Seconded by Councillor Philip Martin and

Resolved:

- 1. To receive and note Report DCL/19/36.**
- 2. To receive the application for film classification.**
- 3. To classify the film Ghosts and Whispers as 12, suitable only for 12 years and over.**

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

Agenda Item 5

DCL/19/38

Application No: Y16/1017/SH

Location of Site: Coast Drive Car Park, Coast Drive, Greatstone, Kent

Development: A hybrid application encompassing; 1) Outline application for the erection of 20 residential units within Zone A with matters of layout, scale, appearance and landscaping reserved for later consideration 2) Full application of Zone B for the re-provision of a public car park, residential parking for the 20 units and landscaping areas.

Applicant: Mr David Weir, On Architecture,
on behalf of Folkestone and Hythe District Council

Officer Contact: Robert Davis Robert.davis@folkestone-hythe.gov.uk

SUMMARY

The proposal is for a hybrid application encompassing;

- 1) Outline application for the erection of 20 residential units within Zone A with matters of layout, scale, appearance and landscaping reserved for later consideration
- 2) Full application of Zone B for the re-provision of a public car park, residential parking for the 20 units and landscaping areas.

It is considered that the principle of development is acceptable in this location; that benefits would be brought forward of affordable housing, a financial contribution to local play areas and bio-diversity enhancements; and that the development would be in accordance with the site's allocation in the emerging Places and Policies Local Plan. As such it is considered that the proposal accords with the existing and emerging policies of the Development Plan and is consistent with the requirements of the National Planning Policy Framework.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing affordable housing consisting of 5 two bedroom units and 1 three bedroom units and financial contributions towards open space provision of £41,185; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.

1. INTRODUCTION

- 1.1. The application is reported to Committee because it has been submitted on behalf of Folkestone and Hythe District Council.

2. SITE AND SURROUNDINGS

- 2.1. The application site is located to the north of the Varne Boat Club and to the rear of dwellings and a restaurant on Coast Drive. Vehicular access is from Coast Drive opposite the junction with Clark Road. The 0.6ha site is currently used as a car park.
- 2.2. The main part of the site is a narrow strip of land approximately 200m in length and with a width of 30m. The dwellings to the west of the site are predominantly of modern construction with heights of two storeys. To the south of the site is a boat store area with the Lifeboat Station beyond. To the north is the Seawatch Hut which is used by the New Romney Sea Cadets. Beyond this is a recreation and play area and a parade of beach huts. The boundaries of the Dungeness, Romney Marsh and Rye Bay Ramsar site, Special Protection Area and Special Area of Conservation, nature sites of international importance, are sited approximately 15m to the east. Sections of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest lie adjacent the northern boundary and to the east of the site.
- 2.3. The majority of the site is also a Mineral Safeguarding Area for storm beach gravel. The site is also at risk of flooding with most of the site designated as Flood Zone 3 by the Environment Agency, with lesser areas designated as being within Zone 2.
- 2.4. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought to replace the current informal parking arrangements with a surfaced and marked out public car park located in an L shape within the northern part of the site with access from Coast Drive. To the south of the public car park would be a private car park to be associated with the future residential development, subject of the outline application. The development would be set back from the current eastern extent of the car park. Public access would be provided from the parking areas to the beach.
- 3.2 There would be a total of 49 public parking spaces located within the northern part of the site. The private parking component would consist of 39 spaces and this would be located to the west of the proposed residential development within Zone A.

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is not possible to precisely determine the exact capacity of the existing vehicle parking area. The proposed development, by virtue of the residential component would result in a reduction in the quantum of parking available. Data from FHDC Parking Spaces in the form of weekly income from the pay and display machine, and the RingGo payment service, and average transaction data for each financial year was used to determine the weekly usage and from that data the daily average use over the course of a week.

- 3.6 The data shows a maximum average daily use over the three year period of 91 during late August/Early September 2017 period with most of the other weekly averages being much lower. The assessment concluded that although it was not possible, from the data available, to determine the peak period within a particular week, it was considered that the availability of the proposed 49 public car parking spaces, at any particular moment in time, would provide a more than adequate replacement for the existing car park given the level of usage over the three year period assessed.

Habitat Regulations Assessment Outline Report

- 3.7 A Habitat Regulations Assessment (HRA) Outline Report December 2018 by Ecological Planning and Research has been included as the application site is near European designated (Natura 2000) sites and has the potential to affect their features of interest.
- 3.8 The report outlines the specific sensitivities of the designated sites and details what biophysical changes could be generated by the proposals. It details what effects such changes would be likely to have on the qualifying features of these designated sites. Impact avoidance and mitigation measures are then recommended where required, to address potential contributions towards likely significant adverse effects.
- 3.9 The report concluded that a) mitigation measures were required to avoid likely significant effects on the nearby International Sites; and b) further information on wintering birds (particularly Sanderling) was required to inform the assessment associated with this qualifying feature.

Information to Inform a Habitat Regulations Assessment

- 3.10 This document has been submitted as after the HRA Outline Report was issued the European Court of Justice made the following ruling in a case commonly referred to as People over Wind, which stated :
- 'Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.'*
- 3.11 The additional document provides an appropriate assessment of whether the application would result in a significant adverse effects on the International Site's integrity and is to be read in conjunction with the HRA.

Winter Bird Report (Coastal)

3.12 The winter bird survey by LLoydbore, January 2019, focussed on use of the shingle beach and sand flat adjacent to the site, and the coastal shingle beach areas within 400m north and south of the site that lie within the Dungeness, Romney Marsh and Rye Bay Ramsar and Special Protection Area. It recorded the location, number and behaviour of winter sanderlings during six visits between December 2017 and March 2018. Other species were also noted. It also recorded 'disturbance events' and human activity. Mitigation measures are recommended within the report and the implementation of these should be considered to reduce the likelihood of disturbance of wintering sanderlings. With these measures it was considered unlikely that the proposed development would result in a likely significant effect upon the wintering sanderling population.

Ecological Impact Assessment

3.13 This document is a revision (LLoydbore, January 2019) of a report submitted with the original development proposal. It has been updated to reflect the results of the botanical surveys, the winter bird survey and the contents of the outline HRA and ITHRA reports. The objectives of the document are to:

- Record the existing habitats on-site
- Identify habitats and/or structures that are suitable for legally protected species
- Identify any invasive plant species present within the site, and make recommendations for management where required
- Make recommendations, if required, for additional protected species surveys, avoidance measures, mitigation or, if necessary, compensation measures
- Identify statutory and non-statutory designated sites within the Zone of Influence of the proposed development
- Determine the ecological importance of the site where it is possible to do so
- Identify potential enhancement measures that could improve the ecological importance of the site for priority habitats and species

3.14 The document provides an evaluation of the impact of the development and makes recommendations for mitigation measures. Provided these measures are adopted and effectively implemented, it concludes there would be no adverse impact on neighbouring ecological sites. It considers that the development site itself is of low ecological importance at a 'Local' level.

Botanical Survey Report

3.15 A full botanical survey (Mason, June 2018) of the development site was undertaken during May and June 2018 as the site is close to the boundary of a designated site – the Dungeness Special Area of Conservation (SAC) which includes the shore area to the east of the site. The survey also included land adjacent the SAC for approximately 400m to the north and south. The report included all vascular plant species observed during the survey visits, highlights any legally protected, notable or invasive plant species and evaluates the conservation importance of the botanical habitat and species currently present at the site. Reference is also made to a previous survey undertaken in June 2017.

3.16 There were 140 plant species recorded during the survey visits. The majority of the car park site had habitats and species of conservation interest although no legally protected plant species as listed in Schedule 8 of the Wildlife and Countryside Act 1990 were found. Bur medick and wild clary were identified within the site, which are listed as species vulnerable and nationally threatened according to IUCN criteria. Three

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nationally scarce species (toothed medick, bulbous meadow grass and suffocated clover) were also identified within the site.

Biodiversity Management Plan (Flora)

- 3.17 This report (LLoydbore January 2019) sets out a framework for the implementation of habitat management measures which have been devised to ensure management of post-development habitats in a manner that delivers long term benefits for biodiversity. It sets out a timetable and measures to be undertaken for a period of five years post the construction phase.
- 3.18 Monitoring will be undertaken of the application site and adjacent areas to locate non-native invasive plants with spot treatment by a glyphosate herbicide applied by hand. Given the likely dominance by annual weeds around the parking area strimming and herbicidal use would be undertaken as required. To maintain floral diversity an annual 'haycut' of an area comprising c.480m² of established but degraded sand dune grassland to the south of the application site will be undertaken during late July/August after the main flowering period.

Outline Construction Environmental Management Plan (Biodiversity)

- 3.19 This plan (LLoydbore January 2019) was commissioned to minimise and manage the risk of adverse ecological impacts occurring during the construction stage of the proposed development. It sets out project specific works management measures to be provided for prospective site purchasers/companies tendering for the construction of the proposed development to ensure that ecological constraints are fully understood. The report references the other submitted reports that have been submitted relating to ecological matters.
- 3.20 The working area will be restricted to within the red boundary of the application site and any changes would need to be considered by a suitably qualified Ecological Clerk of Works (ECoW). The appointed ECoW will monitor compliance with all relevant conditions or obligations relating to ecology/wildlife and to all relevant wildlife-related legislation. A full list of the duties required of the ECoW have been included in the report. A timetable for ecological mitigation and the methodology to be adopted is included. These adopt a precautionary approach to ensure the protection of any reptiles, ground nesting birds and native plant species.

Phase 1 Desk Study Report - Contamination

- 3.21 This report (Southern Testing, October 2018) was carried out to assess the ground conditions on the site and carry out an assessment of any contamination risks. It assessed historical data and mapping as well as undertaking on site investigations. The report identified two potential on site sources of contamination comprising the sites use as a public car park and potential presence of made ground associated with the raising of levels on site, although this may be due to the natural deposition of beach deposits. Two potential off site sources of contamination were identified comprising the historical garage and infilled boating lake located approximately 10m to the west and 24m to the south-west respectively.
- 3.22 It concluded that the risks to human health and controlled water receptors from potential on site and off site sources of contamination are low to moderate however it is recommended that an intrusive investigation be carried out to better assess the risk.

Flood Risk Assessment

- 3.23 A Flood Risk Assessment (Herrington Consulting Ltd., September 2016) has been submitted in accordance with requirements of the National Planning Policy Framework (NPPF) and Planning Practice Guidance. It identifies that most of the site designated as Flood Zone 3 by the Environment Agency with smaller areas designated as Zone 2 and to be partially benefitting from existing flood defences. Reference is made to the revised maps contained within the Strategic Flood Risk Assessment (SFRA) that identifies the site to be considered at low risk from flooding.
- 3.24 The report assesses the impact of climate change, the probability and consequence of flooding from all sources, offsite impacts and other considerations, flood mitigation measures and provides a surface water management strategy.
- 3.25 The risk of flooding was considered across a wide range of sources and it is only the risk of coastal flooding that has been shown to have any bearing on the development. When this risk is examined in detail, with appropriate mitigation, the development would be safe and not increase flood risk elsewhere.
- 3.26 In addition the FRA also demonstrates that the development would not increase the risk of flooding elsewhere. The Surface Water Drainage Strategy achieves the objective of reducing peak discharge rates to the greenfield run-off value by discharging the entire site to ground, via permeable paving and a soakaway. Other opportunities to incorporate SuDS measures within the scheme were also explored.
- 3.27 In conclusion the report concludes that the development is suitable for its location in a flood risk zone and would not exacerbate the risk of flooding elsewhere, and therefore would meet the requirements of the NPPF

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
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5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

New Romney Town Council: Recommend refusal. Contravenes Policies CSD3, SD1, BE13 and TR11. Concerns were again raised regarding flooding issues, access/egress and the loss of an amenity area that is well used during the summer months and any loss would impact on tourism for the area. Ant development would likely impact on the

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local Indee Rose Trust (facility for sick children). Coast Drive Car Park is currently outside the building line. The Town Council would draw FHDC's attention to the covenant in the First Schedule of the Transfer Conveyance document dated 12 January 1952 in respect of the car park in Coast Drive, i.e. No building or erection (except a wall or fence) shall at anytime be erected beyond the building line now or for the time being prescribed by the Local Authority.

KCC Archaeology: No measures required

KCC Highways and Transportation:

KCC Ecology: Conditions recommended regarding construction and native flora planting.

KCC Flood and Water Management: No objection in principle. Conditions recommended.

Natural England: Concurs that the proposed project would not have an adverse effect on the integrity of the Dungeness SAC and the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site provided that mitigation measures are appropriately secured.

Environment Agency: No objection subject to recommended conditions

Environmental Health: No further comments

Southern Water: Can provide foul sewage disposal to service the proposed development. There are no dedicated public surface water sewers in the area to serve the development. Alternative means of draining service water are required.

Local Residents Comments

Initial Proposal

- 5.2 Neighbours were originally consulted by letter dated 29th September 2016 in relation to a proposal described as "Outline application for the erection of 20 units consisting of 13 apartments, 4 detached houses, a terrace of 3 townhouses, with matters of appearance and landscaping reserved for future consideration. Included are 6 affordable housing units (5 apartments and one townhouse), resident's car parking, 60 public car parking spaces and both pedestrian access points to the beach".
- 5.3 Revised drawings were received on the 28th July 2018. All the neighbours originally consulted and any other interested parties who had written in were consulted on the 28th August 2018.

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5.4 29 neighbours were originally consulted. The initial application and subsequent amendment received a significant public response objecting to the proposal with 151 representations received. In summary the objections relate to the following matters:

- Irresponsible development
- Outrageous idea
- Eyesore will be blight on views over sea
- Sensitive flood risk area
- Shingle beach first defence against flooding
- Impermeable surfaces will lead to run off towards lower Coast Drive properties
- Car park regularly floods
- Sewers unable to cope
- Car park is a community asset, unique and highly flexible
- Supports local businesses – less spaces would affect viability
- Provides unique access for disabled people to beach and coastal path
- Used by many groups - sea cadets, RNLI fundraising, water sports enthusiasts
- Car park accommodates larger recreational vehicles/windsurfers/coaches
- Parking provision inadequate will lead to overspill on nearby roads
- Poor access to site and dangerous busy road
- Loss of privacy/overlooking
- Density far greater than surrounding properties
- Negative impact on residents
- Site acts as buffer between sea and built environment
- Significant impact on wildlife/SSSI
- Impact on English Coastal Path
- No good reason to support application
- Better places to build on other than here
- Likely to be purchased as holiday homes
- Affordable housing required but not here
- Insufficient infrastructure, doctors and school places to cope with extra housing

Final Proposal

5.5 An amended and final proposal for a hybrid scheme, as considered within this report, was received on the 4th February 2019 and all the neighbours and previous respondents were consulted by letter dated 15th February 2019. Six responses received objecting to the application.

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

Objections

- Still object
- Hybrid scheme little different to earlier scheme
- Inappropriate and should not be allowed
- Land not suitable for development

- Denys me privacy and light
- Little variation in housing density and other features from original application

5.5 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 (PPLP) Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant 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)

DSD – Delivering Sustainable Development

BE1 – Standards Expected for New Development in Terms of Layout, Design, Materials etc.

TR5 – Provision of Facilities for Cycling in New Developments and contributions Towards Cycle Routes

TR12 – Vehicle Parking Standards

U4 – Protection of Ground and Surface Water Resources

U10a – Land Contamination

C011 - Protection of Protected Species and their Habitat

Shepway Local Plan Core Strategy (2013)

SD1 – Sustainable Development

SS1 – District Spatial Strategy

SS2 – Housing and the Economy Growth Strategy

SS3 – Place Shaping and Sustainable Settlements Strategy

CSD1 – Balanced Neighbourhoods

CSD2 – District Residential Needs

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

CSD5 – Water and Coastal Environment Management in Shepway

Places and Policies Local Plan Submission Draft (2019)

RM11 – Coast Drive Car Park

HB1 – Quality Places through Design
HB3 – Internal and External Space Standards
E8 – Provision of Fibre
C3 – Provision of Open Space
T2 – Parking Standards
T5 – Cycle parking
NE2 – Biodiversity
CC2 – Sustainable Design and Construction

Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy
SS2 – Housing and the Economy Growth Strategy
SS3 – Place Shaping and Sustainable Settlements Strategy
CSD1 – Balanced Neighbourhoods
CSD2 – District Residential Needs
CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation
CSD5 – Water and Coastal Environment Management in Shepway

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

Supplementary Planning Guidance/Documents

Affordable Housing

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 8 – Three overriding objectives, economic, social and environmental

Paragraph 11 - Presumption in favour of sustainable development.

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

Paragraph 48 – Giving weight to emerging plans.

Paragraphs 59 to 66 – Delivering a sufficient supply of homes

Paragraph 104 to 106 – Promoting sustainable transport

117 to 118 – Effective use of land

127 to 131 – Achieving well designed places

149 to 154 – Climate change, flooding and coastal change

165 – Sustainable urban drainage systems

170 to 177 - Conserving and enhancing the natural environment and habitats and biodiversity.

178 to 181 – Contamination and air quality

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) Principle of development and sustainability
- b) Ecology and biodiversity
- c) Parking and highway safety
- d) Design/layout/visual amenity
- e) Residential amenity
- f) Affordable Housing
- g) Flood Risk and Drainage
- h) Infrastructure provisions
- i) Other Matters

a) Principle of development and sustainability

7.2 The Core Strategy identifies that the strategic priority for the Romney Marsh Area is to accommodate development in the towns of New Romney and Lydd and at sustainable villages. Greatstone is identified in the Core Strategy as a primary village. Such villages are able to contribute to strategic aims and local needs; and as settlements with the

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potential to grow and serve residents, visitors and neighbourhoods in the locality with rural business and community facilities.

- 7.3 Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. An exception is made where this would conflict with other policies, including causing harm to designated sites of importance for biodiversity. This report will consider the impact on biodiversity and in noting the consultation responses from Natural England and Kent County Council Ecology, find that no significant harm to designated sites would result.
- 7.4 Paragraph 118 of the NPPF, in subsection d), promotes and supports the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. The paragraph identifies building on or above car parks. It is considered that land available within the Greatstone area is constrained by the potential for flood risk and that the proposal would represent a suitable development on under-utilised land.
- 7.5 Policy RM11 of the Places and Policies Local Plan allocates the site for residential development with an estimated capacity of 16 dwellings. The criteria of the policy in relation to the proposed scheme is addressed below, however the more detailed elements are also discussed in the subsequent sections of this report:

1. *A traffic assessment is undertaken to assess the loss of part of the car park on this site. This should demonstrate the impact on local roads in the vicinity. There must be a commitment to retention and improvement of the access to the eastern part of the existing car park for continuing public use and a further 50 public parking spaces within the allocation site.*

An assessment has been provided to demonstrate that a car park with marked spaces for 49 vehicles would be sufficient to meet the demand. KCC Highways and Transportation have been consulted and have no objection to the development.

2. *Extra flood resistant and resilient construction measures are incorporated into the design of the development to reduce the risk of life to occupants in an extreme flood event and improve flood risk management.*

A Flood Risk Assessment has identified that the scheme would incorporate the required measures and, in terms of the residential component, these would be further addressed in the detailed designs at the reserved matters stage, The Environment Agency, Southern Water and Kent County Council, as the Lead Local Flood Authority, have no objection to the development.

3. *A surface water drainage strategy forms a fundamental constituent of the design concept for the site, and is submitted to the satisfaction of the statutory authority.*

The Flood Risk Assessment incorporates a surface water drainage strategy. As noted above The Environment Agency, Southern Water and Kent County Council, as the Lead Local Flood Authority, have no objection to the development.

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4. *Biodiversity enhancement measures are put in place to minimise any effects on the Special Protection Area and wetland of international importance and Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest.*

A comprehensive series of reports have been submitted with recommendations to be put in place, minimising any effects to the nearby international sites, to be secured by condition. Natural England and Kent County Council Ecological Advice Service have been consulted and concur with the findings of the submitted reports in that the development would not have an adverse impact on the integrity of the sites.

5. *Mitigation and enhancement measures are incorporated in to the design of the development to minimise effects on the local Biodiversity Action Plan Priority Habitat*

A Construction Environmental Management Plan and a Biodiversity Management Plan to incorporate measures post construction have been submitted to satisfy this criteria.

6. *The archaeological potential of the land is properly considered and measures to monitor and respond to any finds of interest; and*

Kent County Council Archaeology have been consulted on the application and consider that the site's location is on a shingle beach ridge of relatively modern origin and that no archaeological measures are required.

7. *The England Coast Path is accommodated in the site layout to ensure permeability throughout and beyond the site.*

This has been accommodated within the site layout and users of the path would be unaffected by a minor diversion to the route as defined on the Public Rights Of Way mapping.

- 7.6 Overall given the site's allocation in the emerging Places and Policies Local Plan and that the relevant criteria have been addressed it is considered that the principle of development would be acceptable and that the three principles of sustainability (economic, social and environmental) would be achieved.

b) Ecology and Biodiversity

- 7.7 The site is adjacent the boundaries of the Dungeness, Romney Marsh and Rye Bay Ramsar site, Special Protection Area and Special Area of Conservation, sites of international importance are sited approximately 15m to the east. Sections of the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest lie adjacent the northern boundary and to the east.

- 7.8 Regulation 63 of The Conservation of Habitats and Species Regulations 2017 requires a competent authority to make an appropriate assessment of the implications of a plan or project for a site where development may have a significant effect on a European site. In accordance with the regulation, and having consulted Natural England and Kent County Council Ecological Advice Service, Folkestone and Hythe District Council formerly concluded, in a decision dated 18th July 2019 that *"this project alone or in-combination will not have an adverse effect on the integrity of the Dungeness, Romney*

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Marsh and Rye Bay Special Area of Conservation (SAC), the Dungeness, Romney marsh and Rye Bay Special Protection Area (SPA), the Dungeness, Romney Marsh and Rye Bay Ramsar site and the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI) provided the works area carried out as set out in the application and the planning conditions and mitigation measures in the methodology statement provided by the applicant”.

- 7.9 The following documents relating to biodiversity have been submitted - Habitat Regulations Assessment (HRA) Outline Report, Information Towards a Habitat Regulations Assessment (ITHRA), Winter Bird Report (Coastal), Ecological Impact Assessment (EIA), Botanical Survey Report, Biodiversity Management Plan and an Outline Construction Environmental Management Plan (Biodiversity)
- 7.10 Kent County Council's Ecological Advice Service have considered the submitted documentation and consider that sufficient information has been provided to enable the applicant to demonstrate that the proposed development will not result in a likely significant effect on the designated sites.
- 7.11 Natural England concurs with the submitted documents that the proposed will not have an adverse effect on the integrity of the Dungeness SAC and the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site. This is subject to the following mitigation measures.
- A detailed Construction Environmental Plan (CEMP) to mitigate potential adverse effects during the construction phase of the development.
 - A detailed planting and on-going maintenance schedule and soft landscaping scheme to mitigate against potential adverse effects during the construction and operation phases of the development.
- 7.12 The EIA identifies that an area of degraded and relict sand dune grassland c.0.25ha will be lost to the development. The sand dune grassland sections within the Coast Drive car park are subject to significant and varying levels of nutrient enrichment and disturbance from local residents' vehicles and trampling by visitors and dogs. The habitats within the application site are not currently managed for wildlife. The scheme would provide an opportunity to manage public access to the adjacent sections of coastal habitat. This would include in particular educating visitors through signage and controlling access to areas supporting habitat of principle importance, qualifying features of the adjacent designated sites and winter high-tide roosts containing sanderling and other shore birds. This can be secured by condition.
- 7.13 The Outline Construction Environmental Plan (CEMP) proposes that Heras (or similar) fencing with debris netting would be used to minimise the risk of materials, machinery and debris entering adjacent habitats, and to minimise the risk of disturbance of roosting sea birds. Ecological protection signage would be attached to the fencing. Waste arising from the construction activities would be removed from the site and taken to appropriate waste-disposal locations. Any shingle within the working area, required for access or parking, would need to be covered with a temporary trackway to prevent rutting of the shingle. Post development the fencing and any building debris would be carefully removed. It is recommended that the provision of a final CEMP be secured by condition.
- 7.14 The Biodiversity Management Plan sets out measures to secure long terms benefits for bio-diversity including setting out a timetable for and measures to be taken over a

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period of five years upon completion of the development. This includes the planting of native species suitable for coastal habitat and maintenance to control invasive species. This can be secured by condition

- 7.15 The EIA has identified that artificial lighting can have impacts on certain species and that the mitigation be incorporated into the design of the dwellings. Such measures include the use of light cancelling glazing for any windows overlooking the designated site(s) and that any external lighting be directed away from the designated site(s). It is recommended that a Lighting Impact Strategy is submitted, in accordance with paragraphs 8.62 to 8.66 of the EIA, to ensure that appropriate mitigation is secured within the proposed residential development. This can be required by condition
- 7.16 It is considered that subject to the recommended conditions the development would be in accordance with policy CO11 of the Local Plan Review and emerging policy NE2 of the Places and Policies Local Plan. It is also considered that the development would not give rise to any adverse or harmful impacts on the integrity of the Dungeness, Romney Marsh and Rye Bay Ramsar site, Special Protection Area and Special Area of Conservation or on the SSSI. As such, in this respect the application is considered acceptable.

c) Parking, access and highway safety

- 7.17 The vehicle parking bays would meet the required 5m x 2.5m space standard of the Kent Design Guide Interim Guidance Note 3 (IGN3). The site would be able to accommodate turning space for a refuse vehicle/fire tender or similar sized vehicle. The full application would provide 49 public spaces and 39 private spaces.
- 7.18 It is noted that a number of residents have stated that the provision of 49 public car parking spaces would lead to a displacement of vehicles parking on the road, to the detriment of local amenity and highway safety. Notwithstanding these concerns, KCC Highways and Transportation have assessed the application and, based on the submitted car parking assessment, are satisfied that the quantum of public car parking spaces would provide more than adequate capacity for the current demand. It is noted that emerging policy RM11 seeks the provision of 50 public car parking spaces, however a shortfall of one space is not considered to be significant to justify an amendment to the application given the need identified in the car parking assessment. It is also a relevant consideration that the eastern section of the existing car park would be retained with access adjacent the sea cadet hut allowing overspill parking if required. This access would also be available to allow access to the beach for Environment Agency vehicles, for which a minimum width of 5m is required. The plan has also been amended to provide satisfactory surfacing materials and a suitable adoption area provided. Access will continue to be from the existing access point onto Coast Drive. The Highway Authority has no objection to the scheme subject to recommended conditions.
- 7.19 The outline application is for 20 dwellings however details relating to the eventual scale, design and subsequently the number of bedrooms are matters for the reserved matters stage. The IGN3 requirement for a suburban edge/village/rural location is that 1 and 2 bedroom flats are provided with 1 space, 1 and 2 bedroom houses 1.5 spaces per unit with 1 space possibly allocated per unit and 2 spaces for houses of 3 bedrooms or more. It is considered on this basis that the provision of 39 spaces would be an

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appropriate level of parking provision for the quantum of development proposed, namely 20 dwellings.

- 7.20 Provision of a six metre wide access to the Crown Land, as required by the Environment Agency would be provided at the northern end of the site adjacent to the sea cadet hut. This would allow the public full access to the beach and use of the England Coast Path National trail. A secondary access would be provided within the residential part of the site.
- 7.21 For the outline residential scheme a condition requiring cycle parking provision is recommended. As the government has recently announced plans to phase out the sale of non-electric vehicles by 2035 a condition securing an electric vehicle charging points at the ratio of one per dwelling, prior to the first occupation of each dwelling, is recommended as per the requirements of the emerging policy T2 of the Places and Policies Local Plan.
- 7.22 Noting the consultation response from the Highway Authority it is duly considered that the proposal would not result in any detrimental highway amenity or safety issues and that both facets of the proposal would be in accordance with saved policies TR11 and TR12 of the Local Plan Review and to emerging policies T2 and T5 of the Places and Policies Local Plan.

d) Design and Layout

- 7.23 The proposed public and private parking areas to be located within the site would be of a satisfactory layout enabling safe and easy access and egress for the intended vehicles together with turning heads for larger vehicles. Soft landscaping incorporating native species appropriate for the environs adjacent the protected nature sites would be used to provide a break between sections and to soften the appearance of the parking area.
- 7.24 The details pertaining to the proposed residential development within Zone A of the application site would be considered at the reserved matters stage, should permission be granted. This would allow the layout, scale, design and materials of the dwellings and the surrounding landscaped area to be considered in full at that time.
- 7.25 Zone A has an area of approximately 0.2ha and the quantum of development, namely 20 dwellings, would result in a density of 100 dwellings per hectare. This would be above the norm for the Greatstone area, however a development comprising a mix of dwellings including flats is likely and given the 15m depth of the site, this density would be acceptable. Sufficient separation would be able to be accorded to existing dwellings as discussed below.
- 7.26 It is considered that the design and layout of the proposed car parking areas would be in accordance with saved policy BE1 of the Local Plan Review and emerging policies HB1 of the Places and Policies Local Plan. The design and layout of the residential part of the development would be dealt with at the reserved matters stage if planning permission is granted.

e) Residential Amenity

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- 7.27 Emerging policy HB1 of the Places and Policies Local Plan (PPLP) states that development should not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.
- 7.28 There would be an approximate back to back separation distance of 25m between existing dwellings on Coast Drive and the proposed residential development. The Building Research Establishment's document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011) sets out a 25° test to assess whether potential development would lead to overshadowing. If the whole of the development falls below a line drawn at 25° from the horizontal there is unlikely to be a substantial effect on daylight and sunlight. Based on the height of the building mass, as indicated on Drawing Number PR57.12 the residential development would be below such a line, and unlikely to give rise to a substantive effect on daylight and sunlight.
- 7.29 The detailed design, appearance and fenestration arrangements are matters to be considered within the scope of a reserved matters application. The Council supports high quality design in new developments and, in the likelihood that windows would make maximum use of coastal views, it is considered that the development could be designed such that the privacy of existing residents is respected. Given this it is considered that the amount of development proposed can be accommodated on the site without a significant impact on existing residential amenity.
- 7.30 In order to ensure a good quality living environment for future occupiers emerging policy HB3 of the PPLP requires new development to provide sufficient internal floor space, private external space and discrete storage space for refuse bins and cycles. There are not considered to be any constraints preventing the dwellings from being designed to provide a high quality living environment for future occupiers. The policy also requires a minimum of 20% of homes on major new build developments to meet the accessibility and adaptable Building Regulation M4 (2) Adaptable Homes, and this can be secured through the use of a condition.
- 7.31 Subject to the detailed designs within the scope of a reserved matters application it is considered that there would not be an adverse impact on residential amenity resulting from the development and that the development would be in accordance with emerging policies HB1 and HB3 of the Places and Policies Local Plan.

f) Affordable Housing and Infrastructure Provision

- 7.32 CSD1 of the Core Strategy requires that new housing developments of 15 or more units should provide 30% affordable housing on site or through a financial contribution of broadly equivalent value off site, subject to viability. The proposal would require the provision of 6 affordable dwellings and this can be secured within the provision of a S106 agreement. The Council's Housing Officer considers this should be through the provision of five 2 bed units and one 3 bed unit.
- 7.33 In accordance with policy C3 (Open Space) of the Places and Policies Local Plan the open space requirement amounts to 1,385m². This is based on a total requirement of 3.01 hectares per 1,000 population, which translates to 30.1m² per head of population. The application proposal is predicted to give rise to a resident population of 46 persons. Policy C3 allows for the payment of an off-site contribution and, given the proximity of the site to the area of open space and play space located immediately to the north of

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the application site it is reasonable and appropriate for an off-site contribution to be sought. Based on the housing mix information drawn from the planning application form, the proposal would be required to provide for an off-site open space contribution of £25,345.50.

7.34 Policy C4 (Children's Play Space) applies to proposals of 10 or more family dwellings (2 or more bedrooms) and generates a play space need of 79m² for the development proposal. This calculation is based on the number of units with 2 or more bedrooms, meaning 1-bed units are not counted as part of the calculation. As the generated play space requirement falls below the smallest category of play space provision it is appropriate for an off-site contribution play space to be sought, equating to £15,839.50.

7.35 Taken together, the combined off-site contribution required to meet the policy requirements for open space and play space amounts to £41,185. The secured contributions would be spent to address the areas for improvement to the nearby area of open and play space that runs alongside Grand Parade, which was assigned site ID 79 - The Greens as identified within the open space and play space audits undertaken on behalf of the District Council. This contribution can be secured through a S106 agreement.

g) Flood Risk and Drainage

7.36 The majority of the site is within Flood Zone 3a with lesser areas within Zone 2. A site specific Flood Risk Assessment has been submitted in accordance with the requirements of the NPPF.

7.37 Emerging policy RM11 requires development on the site to incorporate extra flood resistant and resilience construction measures into the design of the development to reduce the risk of life to occupants in an extreme flood event and improve flood risk management. As the application for residential development is in outline form the details of the design of the dwellings, to include the flood resilience measures, would be considered at the reserved matters stage. The Environment Agency recommends that the minimum floor level of buildings at risk from flooding should be 300mm above the design flood level, which is the 1 in 200 year extreme water level plus the appropriate allowance for climate change. The guidance also requires all sleeping accommodation to be set 600mm above the design flood level. The submitted FRA indicates that the design flood level for the development is 5.0m AODN. A condition is recommended to ensure that the floor levels of the residential development exceed 5.3m AODN for living accommodation and 5.6m for sleeping accommodation and that flood resistance and resilience measures are incorporated into the design of the development.

7.38 Paragraph 165 of the NPPF requires major developments to incorporate sustainable drainage systems. Policy RM11 also states that a surface water drainage strategy forms a fundamental constituent of the design concept for the site.

7.39 The Lead Local Flood Authority has reviewed the Surface Water Drainage Strategy – Herrington Consulting (June 2019) and has no objection in principle to the proposed drainage arrangements for the car parking area and have recommended conditions be attached for the site as a whole. Subject to the recommended conditions the scheme is considered acceptable with regard to flood risk and drainage issues in accordance

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with saved policy U4 of the Local Plan Review, emerging policy CC3 of the Places and Policies Local Plan

h) Other Matters

- 7.40 Policy CSD5 of the Core Strategy requires that all developments should incorporate water efficiency measures. New dwellings should include specific design features and demonstrate a maximum level of usage to meet the higher water efficiency standard of the Building Regulations to achieve a maximum use of 110 litres per person per day. This can be secured by planning condition.
- 7.41 Emerging policy E8 of the PPLP requires all major development within the district to enable Fibre to the Premises (FTTP). This can be secured by planning condition.
- 7.42 KCC Archaeology have been consulted on the application and consider that no archaeological measures are required.
- 7.43 The Phase 1 Desk Study Report by Southern Testing and Environmental concluded that the risk to human health and controlled water receptors from potential on site and off site sources are low to moderate. The Council's contaminated land adviser considers the report to be of suitable scope and standard. A condition is recommended, such that if any contamination is found during the course of the development, an investigation and risk assessment is undertaken and where remediation is necessary a remediation scheme be prepared. This would ensure compliance with saved Local Plan Review policies SD1 and U10a and the NPPF.

Environmental Impact Assessment

- 7.44 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

- 7.45 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.
- 7.46 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £57.86 per square metre for new residential floor space with the exception of the 6 No. affordable housing units which are exempt.

Human Rights

7.47 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

7.48 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:

- i) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- j) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- k) 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.

Working with the applicant

7.49 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.

8. CONCLUSION

8.1 The proposal is a hybrid application encompassing full planning permission for the development of a car park and outline application, with all matters reserved, for a residential development of 20 dwellings.

8.2 The proposal would incorporate the provision of six affordable housing units and provide a financial contribution towards improving facilities at nearby play areas.

8.3 It is considered that the proposal accords with existing and emerging policies of the Development Plan and is consistent with the requirements of the National Planning Policy Framework.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATION

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing affordable housing consisting of 5 two bedroom units and 1 three bedroom units and financial contributions towards open space provision of £41,185; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.

Conditions:

1. The development (full application) must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990.

3. The outline development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

As required by Section 92 of the Town and Country Planning Act 1990 (as amended)

4. In relation to the outline element of the scheme within Zone A, approval of the details of the layout, scale, appearance of the buildings, and landscaping, hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Such details are necessary for the full consideration of the proposal and have not, so far, been submitted.

5. Plans and particulars of the reserved matters referred to in condition 3 above, relating to the layout, scale and appearance of the buildings, and landscaping, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in the accordance with the aims of policy SD1 of the Shepway District Local Plan Review.

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6. The detailed development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PR57.02 REV F, 669/201B, 669/202B, 669/203B, 669/301B and 669/301B

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

7. The finished floor level for all living accommodation shall be set at a minimum of 600mm above the design flood level at a minimum of 5.6m ODN.

Reason:

To reduce the risk of flooding to the proposed development and its future users

8. The flood resilience measure outlined in Section 7.3 of the submitted Flood Risk Assessment will be incorporated into the design of the dwellings.

Reason:

To reduce the risk of flooding to the proposed development and its future users.

9. Access through the site with a minimum width of 5m and equipped with a suitable surface for heavy plant machinery shall be provided to the shingle crest

Reason:

To allow sufficient access for Environment Agency plant to ensure maintenance and/or improvement works to the frontage are not impeded.

10. No work about slab level of the dwellings shall commence until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

Reason:

In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

11. Prior to occupation each dwelling shall be provided with a Fibre to the Premises connection of the highest available specification.

Reason:

In order to ensure the future provision of superfast fibre optic broadband for occupants.

12. A minimum of 20% of the market dwellings shall be constructed in accordance with the accessibility and adaptable Building Regulations M4(2) Adaptable Homes standards, unless demonstrated to be unfeasible in design or viability terms.

Reason:

To encourage high quality and inclusive design.

13. A Construction Traffic Management Plan shall be submitted and approved by the Local Planning Authority to include, but not limited to, include the following:
- Routing of construction and delivery vehicles to/from the site
 - Parking and turning areas for construction and delivery vehicles and site personnel
 - Timing of deliveries
 - Provision of wheel washing facilities
 - Temporary traffic management/signage

Reason:

In the interests of public amenity and highway safety.

14. The private vehicle parking and vehicle turning facilities shown on the approved plans shall be kept provided and available for parking purposes in connection with the approved development prior to the first occupation of any dwelling and retained at all times thereafter.

Reason:

To ensure the permanent retention of the facilities for parking purposes within the curtilage of the site in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties in accordance with saved policies TR5, TR12 and SD1 of the Shepway District Local Plan Review.

15. The access to the site, as shown on the approved plans, shall be completed prior to the use of the site commencing and maintained thereafter.

Reason:

In the interests of amenity and highway safety.

16. Secure covered cycle storage provision shall be provided prior to the occupation of any of the dwellings hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority and permanently retained.

Reason:

To encourage alternative modes of sustainable transport in accordance with saved policies TR5, TR12 and SD1 of the Shepway District Local Plan Review.

17. All dwellings hereby permitted shall have an electric vehicle (EV) charging point installed prior to first occupation which shall thereafter be retained in good working order.

Reason:

To improve the sustainability of the site.

18. Development shall not begin in any zone until a detailed sustainable surface water drainage scheme for the site and a scheme for its ongoing management and maintenance has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off site.

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The drainage scheme shall also demonstrate (with reference to published guidance)

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented, managed and maintained in accordance with the approved details.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development

19. No building or car park on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied or brought into use until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the local planning authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage system incorporated.

Reason:

To ensure that flood risks from development the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 155 of the National Planning Policy Framework.

20. No development shall commence until an appropriate best practice Construction Environment Management Plan to avoid/mitigate potential adverse effects during the construction phase caused by factors including, but not limited to
- Increased contaminated surface water run-off
 - Potential habitat destruction
 - Increased light pollution
 - Increased air pollution and dust emission
 - Increased disturbance

has been submitted to and approved in writing by the local planning authority and the development shall place in accordance with these details.

Reason: to safeguard the construction phase from harming the natural environment.

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21. Within six months of work commencing details of how the development will enhance biodiversity to include the provision of native plant species in keeping with the surrounding botanical assemblage and an implementation and management plan shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and thereafter retained and maintained in accordance with the approved details.

Reason:

To encourage the enhancement of biodiversity in accordance with paragraph 175 of the National Planning Performance Framework.

22. The reserved matters application shall be accompanied by a Lighting Impact Assessment to show that internal and external lighting sources are designed to minimise the dispersal of artificial light in accordance with paragraphs 8.61 to 8.66 of the Ecological Impact Assessment and no external lighting sources shall be installed on the southern, northern and eastern aspects of the buildings.

Reason:

To safeguard adjacent habitats and species from exposure to such sources in the interest of protecting and enhancing biodiversity.

23. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason:

To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2019.

24. The public vehicle parking and vehicle turning facilities shown on the approved plans shall be kept provided and available for public parking purposes prior to the first occupation of any dwelling and retained at all times thereafter.

Reason:

To ensure the permanent retention of the facilities for public parking purposes in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties in accordance with saved policies TR5, TR12 and SD1 of the Shepway District Local Plan Review.

Informatives:

1. This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under

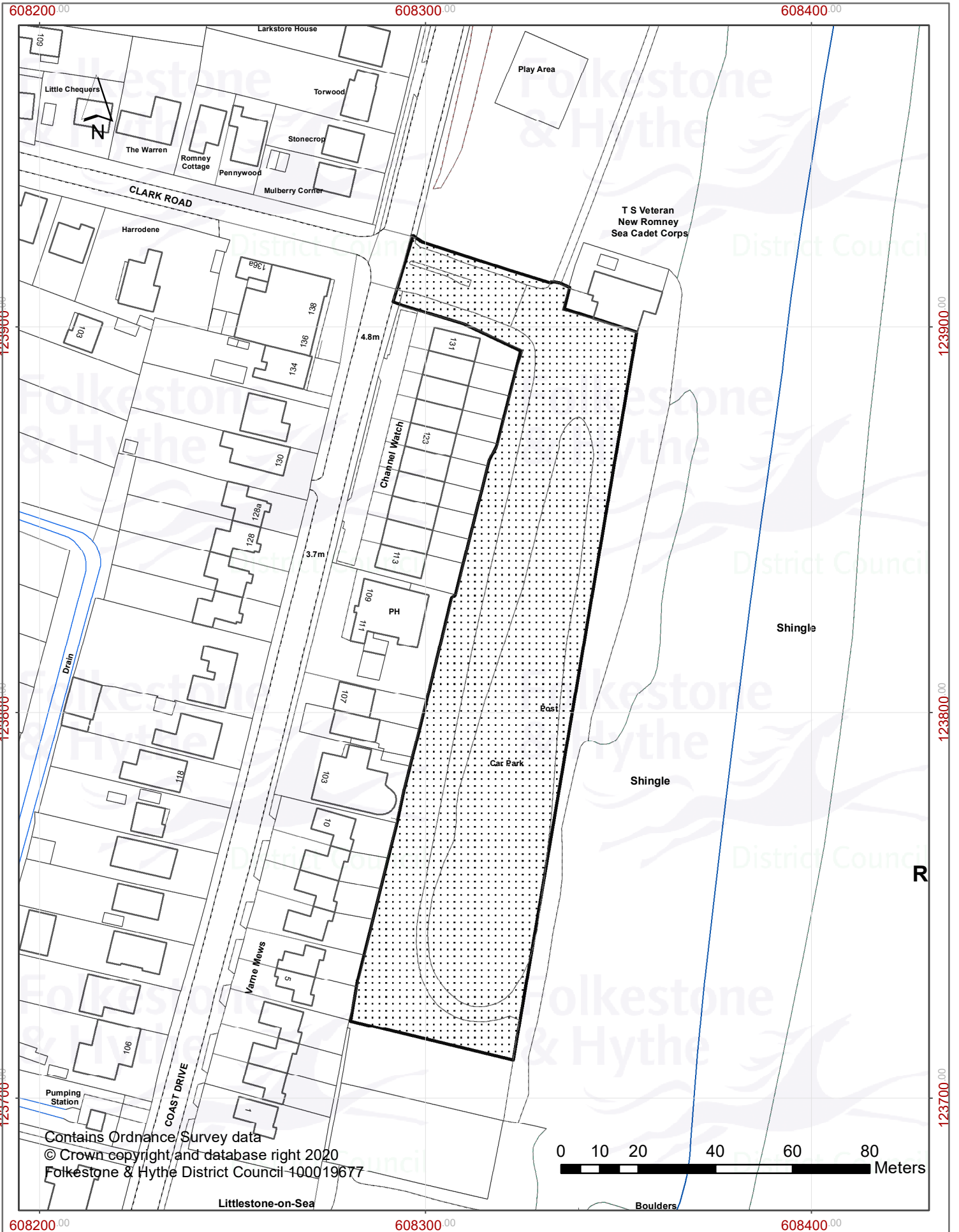
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Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.

2. This permission does not convey any approval for the required amendments to the existing vehicle crossing or any other works within the highway for which permission must be obtained from Kent Highway Services, Ashford Highway Depot, Henwood Industrial Estate, Javelin Way, Ashford, Kent TN24 8AD
3. Street naming and numbering

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Y16/1017/SH
Coast Drive Car Park
Coast Drive
Greatstone



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Agenda Item 6

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Application No:	Y19/0553/FH
Location of Site:	Recreation Ground, Station Road, New Romney
Development:	Erection of a two storey community hall and sports pavilion following the demolition of the Maude Pavilion. Refurbishment of the existing nursery building including a new recreational play area and the erection of 34 dwellings with associated landscaping, parking and access in the south west of the recreation ground.
Applicant:	New Romney Town Council & Mr Lench
Agent:	Mr Alister Hume, Hume Planning Consultancy Ltd
Officer Contact:	Robert Davis Robert.davis@folkestone-hythe.gov.uk

SUMMARY

This application consists an application made for a new community hall and sports pavilion and the refurbishment of an adjacent building used as children's nursery. The quality of the building and facilities represent a significant financial investment of £4,068,000 including the refurbishment works to the nursery. The necessary funding for the delivery of the community development would, in part, be generated by the 34 proposed dwellings to be built by an established regional housebuilder Akehurst Homes. Because of this funding no affordable housing would be provided.

The existing sports pavilion is considered to be very small, ageing and dilapidated requiring substantial investment to keep the building in a safe and watertight condition. The existing facility is considered to be a deterrent to new recreational users and does not serve as a positive statement that New Romney believes in the value of recreational activity and sporting ambition. The Town Council has recognised that a new Community Hall and Sports Pavilion would be of benefit to local residents.

The report finds the principle of development to be sound and that planning permission be granted subject to a S106 agreement.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement, requiring a sum of £257,792.87 for local education and social provision, and a sum for the provision of affordable housing in the event that funding for the Community Hall and Sports Pavilion does not arise, and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions or obligations that he considers necessary.

1. INTRODUCTION

- 1.1. The application is reported to Committee because the applicant is New Romney Town Council.

2. SITE AND SURROUNDINGS

- 2.1. The application site comprises within the settlement boundary of New Romney and lies approximately 350m east of New Romney Station and the town centre. The site is accessed from Station Road (B2071) which has a 30mph speed limit.
- 2.2. The 4.74ha site is home to the existing Maude Sports Pavilion owned by New Romney Town Council and used by New Romney Town Football Club and Cricket Club. The field is used predominantly for football in the winter and cricket in the summer. The Seashells children's nurse building is sited just to the west of the existing pavilion. These buildings are set back from the road by approximately 9.5m and share an informal car park to the east of the existing pavilion which is accessed from Station Road.
- 2.3. There are a mixture of different land uses within the vicinity. On the northern side of Station Road to the north-west there is Marsh Academy School and leisure centre. Adjacent to the site to the west there is an NHS Community Health Clinic and a small equipped play area. To the south east the site shares a boundary with the Mountfield Road Industrial Site, a current establishment employment site and new employment opportunity site, protected for business use under use classes B1 (business), B2 (general industrial) and B8 (storage and distribution). Residential development bounds the other parts of the site.
- 2.4. The site is located within Flood Zones 2 and 3 as identified by the Environment Agency, however it is not shown as being at risk on the hazard maps contained within the Shepway Strategic Flood Risk Assessment.
- 2.5. The trees lining the south side of Station Road, immediately adjacent to the site's northernmost boundary are subject to a group Tree Preservation Order (TPO) from 2007, and there is a group TPO along the site's eastern boundary.
- 2.6. On the opposite side of Station Road, to the north of the residential frontage development is a Local Landscape Area (LLA) designation. The Romney Marsh LLA is an expansive open, flat, and fertile coastal marshland drained by a network of ditches and is home to a wide diversity of wildlife. The existing site comprises two buildings to the northern boundary/frontage with Station Road (Maude Memorial Hall and Seashells Nursery), with sports pitches and open ground to the south.
- 2.7. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for a community hub consisting of a combined multipurpose community hall and sport pavilion, new car parking and access, refurbishment to the Seashells Nursery and an Enabling Scheme with a residential component of 34 dwellings.



- 3.2 The ground floor of the community hub would contain team and officials changing rooms, medical room and circulation space together with storage space and a plant. At first floor level there would be a multipurpose function space of 177m² intended for social functions, lectures, conferences as well as exercise classes and children's activity clubs. This space would contain installed flexible dividers to allow for multiple consecutive uses. There would also be two meeting rooms, a bar and a kitchen with servery. A large balcony would be provided with views across the playing fields.
- 3.3 The building would be 28m wide and 17m in depth and with a height of two storeys. It would be set deeper into the site than the present sports pavilion allowing for new car park to be provided. A total of 45 car parking spaces, including three for users with disability, will be provided. The existing site access/egress on Station road will be retained but modified to provide site entry only. A new exit will be created 60m to the west to create a one way west bound route through the site.
- 3.4 The Seashells Nursery building will be retained and refurbished. It would be provided with new vertical timber cladding and glazed doors. A reconfigured external nursery area would be provided to the rear with new glazing to aid surveillance over the play area.
- 3.5 The proposed residential development would be to the southern part of the site adjacent and accessed from the adjacent Akehurst Homes development. The development would comprise 34 market residential dwellings comprising 15 two bedroom, 10 three bedroom and 9 four bedroom houses.



- 3.6 House Type 1 (Plots 9-11, 23-25, 28-30) is a two storey terrace of three dwellings each with two bedrooms (4 bedspaces). The centre property would be stepped forward of the dwelling either side with a front gabled projection 8.5m in height. The main roof would have a ridge height of 9.3m. The ground floor elevation would be in facing brickwork with weatherboarding or hung tiles at first floor level. The gross internal floor area (GIA) of the centre dwelling would be approximately 92m² and the dwellings either side 81m².
- 3.7 House Type 2 (Plots 1-6, 31-34) is semi-detached with three bedrooms (6 bedspaces) set over three floors with the uppermost floor contained within the roof space and a ridge height of 8.5m. There would be a flat roofed dormer to the rear elevation with zinc cladding, a velux window to the front and the rest of the roof would be tiled. The ground floor elevation would be in facing brickwork with weatherboarding or hung tiles at first floor level and above. The houses have an approximate GIA of 109m².
- 3.8 House Type 3 (Plots 12-15, 26, 27) is semi-detached with four bedrooms (8 bedspaces) set over three floors with uppermost floor contained within the roofspace and a ridge height of 8.8m. There would be a flat roofed dormer to the rear elevation

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with zinc cladding, a velux window to the front and the rest of the roof would be tiled. The ground floor elevation would be in facing brickwork with weatherboarding or hung tiles at first floor level and above. The houses have an approximate GIA of 128m².

- 3.9 House Type 4 (Plots 18-20) is a detached two storey dwelling with four bedrooms (8 bedspaces). It features a tiled roof with a part hip to both sides, a brick chimney stack to one side, and a ridge height of 9.8m. The ground floor elevation would be in facing brickwork with weatherboarding or hung tiles at first floor level. The houses have an approximate GIA of 180m².
- 3.10 House Type 5 (Plots 7, 8, 16, 17) is semi-detached with the footprint of each dwelling set at a right angle to each other. The street facing left side dwelling would have project 0.5m forward and 2.5m to the rear of the attached dwelling and the rear and features a hipped roof and elevations of facing brickwork. The right side dwelling would have a wider front elevation with a roof pitched front to back and weatherboarding or hung tiles to the elevations set above a brick plinth. Each dwelling would have a ridge height of 8.7m. The house on the left side would have an approximate GIA of 81m² and the right side 91m².
- 3.11 House Type 6 (Plots 21, 22) is semi-detached with two storeys and two bedrooms (4 bedspaces). The roof would be gabled to the sides and with a ridge height of 9m. As with most of the other dwellings the ground floor elevation would be in facing brickwork with weatherboarding or hung tiles at first floor level. The houses have an approximate GIA of 82m².
- 3.12 The following reports were submitted by the applicant in support of the proposals:

Planning Statement

- 3.13 The planning statement describes the site, details of the pre-application discussions that have taken place prior to the submission of the application, the application proposal, and the planning policy framework. The key policy issues are then addressed.
- 3.14 The statement concludes that the proposal would bring forward deliverable housing to a high standard on underutilised land, would make a positive contribution towards the supply of sporting, health and community benefits and would satisfy the three dimensions of 'sustainable development' defined by the NPPF. The development would provide short term economic benefit through construction employment and longer term benefit through additional local spending by residents. The site benefits from a sustainable location from which local services and facilities are highly accessible and the CIL payment would mitigate the impact of the increased population on social infrastructure. The environmental dimension is addressed through the design response to the site, the mitigation of potential impact on the residential amenities of nearby properties, and landscape and biodiversity enhancements.

Statement of Community Involvement

- 3.15 The statement sets out the community engagement and background research which has informed the planning application. It details measures taken to involve the local community over a five year period and identifies that responses were overwhelming positive and supportive of the project.

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- 3.16 The following local community stakeholders have also registered support - Damian Collins MP, the RT. Hon. Lord Howard of Lympne, Councillor Paul Carter – Leader of Kent County Council, New Romney Coastal Community Team, South Kent Coast Clinical Commissioning Group, Shepway Sports Trust.
- 3.17 It states that the pre-application discussion with the LPA has been considered to have helped in the evolution and preparation of the planning application.
- 3.18 For these reasons it is concluded that the submission has been prepared in accordance with NPPF which attributes significant weight to early engagement and pre-application discussions between public and private sectors.

Design and Access Statement

- 3.19 The document has been prepared by the architects Guy Holloway Architects offering a site analysis, a design concept and the details of the design of the pavilion building and improvements to the nurse building.
- 3.20 A second part details the enabling residential development. It provides the design and details of the dwellings and provides massing views of how the streetscene would appear.
- 3.21 The final part of the document provides the results of a user group survey which collected questionnaires from 234 local residents to assess what facilities the community required from the community building. The results of a public consultation to the design proposals are included.

Transport Statements

- 3.22 The scope of the Transport Statement by MLM Consulting Engineers was agreed with Kent County Council, as the local highway authority, during a pre-application meeting in January 2019. It reviews transport policies, conditions at the site including a multi-modal accessibility audit, provides a description of the development, and an estimate of trip generation and associated traffic impact. It concludes that there are no highway reasons why planning permission for the proposed development should be withheld.
- 3.23 A second statement by TPHS assessed the residential scheme. It identified that the site is within a practical and convenient walking distance of the High Street area and the corresponding range of local amenities and facilities, as well as of local bus stops and services. A multi-modal trips assessment was undertaken based upon a combination of traffic surveys at the connections between Carey Close and Joseph's Way and local area 'journey to work' census data. It estimated that there would be 34 person trips during the am peak hour of which 23 would be as a car driver, and 39 person trips during the pm peak hour, of which 26 would be as a car driver. It concluded that there were no highways and transportation reasons to refuse an application for 34 residential units.

Flood Risk Assessment & Drainage Water Strategy

- 3.24 This identifies that the site is indicated on the Environment Agency's maps to lie in Flood Zone 1 (low risk) with a less than 0.1% annual probability of fluvial or tidal

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flooding. All land uses are appropriate in this flood zone. The site is not at risk from off-site surface water.

- 3.25 A topographical review and site visit identified a bund to the west of the site. Surface water drainage from existing development passes below the development site and attenuation (in the form of oversized pipes) is included below the bund. The existing development drains to a ditch north of the site. Modifications would be required to incorporate the new development.
- 3.26 The development would incorporate attenuation and flow control devices to restrict off site flows to be no greater than greenfield rates.

Arboricultural Report

- 3.27 The Arboricultural Impact Assessment and Method Statement (Greenspace Ecological Solutions – December 2018) presents the results of a tree survey undertaken in November 2018 in accordance with the recommendation set out in BS5837:2012. The survey categorizes the trees, plots their canopy spreads and identifies their root protection zones.
- 3.28 A number of trees were identified as requiring to be removed to facilitate the development however there were no known overriding Arboricultural constraints that would prevent the proposed development from going ahead subject to the protection measures and construction methodologies specified within the report being implemented.

Ecological Surveys

- 3.29 An Extended Phase 1 Habitat and HIS Survey (Greenspace Ecological Solutions October 2017) assessed the site's potential to support protected species and habitats. The survey identified some bat activity, mammal holes and the sites potential as a habitat for reptiles and recommended further surveys to be undertaken.
- 3.30 A subsequent Bat Emergency Survey and mammal hole monitoring found bats not to be affected and that mammal holes were used. A Reptile Survey identified significant numbers of slow worms that would be affected by the development and recommended mitigation in terms of the identification of a suitable receptor site, trapping and the relocation of trapped reptiles to the receptor site.

Phase 2 Geoenvironmental Assessment

- 3.31 This provides results of a ground investigation and geoenvironmental assessment. No contamination or environmental risks were found that would prevent development of the site.

4. RELEVANT PLANNING HISTORY

- 4.1 The site has no relevant planning history.
- 4.2 An adjacent development to the south-west of 60 dwellings has recently been completed by Akehurst Homes, reference Y08/1002/SH.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

New Romney Town Council: No comments made

KCC Development Contributions: Scale of contributions required and noted in the report.

KCC Highways and Transportation: Additional supporting information has been provided which is sufficient to overcome previous outstanding queries with regard to refuse vehicle tracking, vehicle visibility splays and length of driveways. Conditions recommended.

KCC Ecology: Satisfied that as the trees are not to be felled no further surveys are required. We highlight that as they have been identified as potential bat roosts the lighting scheme must be designed to avoid light spill on to these trees.

KCC Flood and Water Management: Comments received requesting further supporting information. This information has been provided.

Environmental Health: A noise impact assessment is required to highlight any potential noise problems (namely noise from the industrial area). EH agrees with the comments made by our contaminated land consultants and should be conditioned.

Environment Agency: No objection subject to recommended conditions.

Kent Fire and Rescue: Means of access considered acceptable.

Sports England: Does not wish to raise an objection to this application as it broadly aligns with its playing fields policy.

Southern Water: Condition recommended regarding details of the proposed means of foul and surface water sewerage disposal.

Contamination Consultant: Agree that the contamination potential of the site is likely to be limited, however recommend that further consideration of ground gas risk is made and that a watching brief for contamination is kept during the works

Arboricultural Manager: No objections trees to be removed are considered to be at the end of their safe useful life expectancy

Local Residents Comments

5.2 Sixty six neighbours directly consulted. Three letters of objection received.

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

Objections

- Loss of nature conservation habitat of protected species felling of trees
- Insufficient travel/medical/educational infrastructure
- Surface water drainage
- Flood risk to Carey Close and Josephs Way
- 2.5 storey housing will invade privacy and daylight of properties on Josephs Way
- No precedent for 2.5 storey terrace
- Community project could be funded with required affordable housing
- Housing not required to meet delivery targets
- More affordable housing and tailored provision for elderly required.
- Too much of sports field lost to development

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 significant 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 Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development

Shepway District Local Plan Review (2013)

SD1 – Sustainable Development

LR9 – Open Space Protection and Provision

LR10 – Provision of Children’s Play Space in Developments

LR11 – Protection of Allotments and Criteria for Allowing Their Redevelopment

BE1 – Standards Expected for New Development in Terms of Layout, Design, Materials etc.

BE17 – Tree preservation Orders and Criteria for Allowing protected Trees to be Removed

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- TR5 – Provision of Facilities for Cycling in New Developments and contributions Towards Cycle Routes
- TR12 – Vehicle Parking Standards
- U4 – Protection of Ground and Surface Water Resources
- U10a – Requirements for Development on Contaminated Land

Places and Policies Local Plan Submission Draft (2019)

- HB1 – Quality Places through Design
- HB3 – Internal and External Space Standards
- E8 – Provision of Fibre
- C3 – Provision of Open Space
- CC3 – Sustainable Drainage Systems (SuDS)
- T2 – Parking Standards
- T5 – Cycle parking
- NE2 – Biodiversity
- CC2 – Sustainable Design and Construction

Core Strategy Review Submission draft (2019)

- SS1 – District Spatial Strategy
- SS2 – Housing and the Economy Growth Strategy
- SS3 – Place Shaping and Sustainable Settlements Strategy
- CSD1 – Balanced Neighbourhoods
- CSD2 – District Residential Needs
- CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation
- CSD5 – Water and Coastal Environment Management in Shepway
- CSD8 – New Romney Strategy

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD

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 8 – Three overriding objectives, economic, social and environmental

Paragraph 11 - Presumption in favour of sustainable development.

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

Paragraph 48 – Giving weight to emerging plans.

Paragraphs 59 to 66 – Delivering a sufficient supply of homes

Paragraph 104 to 106 – Promoting sustainable transport

117 to 118 – Effective use of land

127 to 131 – Achieving well designed places

149 to 154 – Climate change, flooding and coastal change

165 – Sustainable urban drainage systems

170 to 177 - Conserving and enhancing the natural environment and habitats and biodiversity.

178 to 181 – Contamination and air quality

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) Sustainability and the Principle of Development
- b) Design
- c) Parking and Highways
- d) Flood Risk and Drainage.
- e) Arboricultural Impacts
- f) Ecology and Biodiversity
- g) Loss of Allotment Land
- h) Industrial Estate and impact on living conditions
- i) Affordable Housing Provision and Financial Contributions
- j) Self Build Housing
- k) Other Matters

a) Sustainability and principle of development

Sustainable Development

7.2 Policy DSD of the Core Strategy states that when considering planning applications the Council will take a positive approach that reflects the presumption of sustainable development contained in the National Planning Policy Framework, in which there are

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three overarching objectives - an economic objective, a social objective and an environmental objective, which are interdependent and need to be pursued in mutually supportive ways. These would be discussed in further detail within the following appraisal however it is considered that the development would meet the three objectives of sustainability. The development would provide economic benefits through employment during the construction phase and the operation of the community centre and an increase in population frequenting local services and businesses. The social benefits include the provision of housing and a local community and recreation hub. The development would also introduce landscaping and bio-diversity enhancements, and is within walking distance of the amenities including health clinics, schools, retail units and other facilities within the centre of New Romney thus is considered to represent an environmentally sustainable development.

New Romney Policy

- 7.3 The site is located within the settlement boundary of New Romney and policy CSD8 of the Core Strategy 2103 and the Review Submission Draft 2019 is relevant. This has been subject to public consultation and, accordingly is a material consideration in the assessment of planning applications in accordance with the NPPF. The policy seeks to enhance New Romney as a key market town and service centre for Romney Marsh providing a range of services and attractions for local residents and tourists. As the proposal would provide new housing and a local community and recreation hub it would accord with the general aims of the policy.

Local Landscape Area

- 7.4 On the opposite side of Station Road there are three dwellings and part of the Marsh Academy site. Beyond this is land within the Romney Marsh Local Landscape Area where policy C05 of the Local Plan Review and NE3 of the emerging Places and Policies Local Plan state that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas. It is considered that the design and scale of the new community development would be of an appropriate scale for this location and with the intervening buffer zone containing the roadway, mature tree cover and residential development together with the large scale development on the Academy site the development would not detract from long distant views from the Local Landscape Area.

Open Space

- 7.5 Policy LR9 of the Local Plan Review advises that development proposals which would result in a net loss of open space will only be permitted if sufficient alternative space exists, that development does not result in an unacceptable loss in local environmental quality and if it is the best means of securing an improved or alternative recreational facility of at least equivalent community benefit having regard to any deficiencies in the locality. The proposed development would result in a small loss of allocated open space however benefits would arise by the provision of improved facilities for users of the pitches and the provision of a purpose built community and recreation facility that can accommodate a variety of events at different scales.
- 7.6 Sport England have considered the application in light of paragraph 97 of the National Planning Policy Framework and against its own playing fields policy which states that Sport England will oppose the grant of planning permission unless the development as a whole meets with one or more of five specific exceptions. Having assessed the application, Sport England is satisfied that the elements of the proposed development which affects playing fields broadly meets Exceptions 2 or 3 of their playing fields policy. Sport England considers that the proposed sports pavilion meets exception 2

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as it relates to development for ancillary facilities supporting the principle use of the site as a playing field. Furthermore they do not consider that the residential component would reduce the sporting capability of the site thereby broadly aligning with their Exception 3. Accordingly Sport England have no objection to the proposed development. The proposal is considered not to have an adverse impact on recreational provision and would be in accordance with policy LR9 of the Local Plan review.

Allotment Land

- 7.7 The residential element, as with the existing adjacent Akehurst Homes site, would take place on land that has been safeguarded for allotments. Saved policy LR11 states that development which results in the loss of allotment land will be refused unless it can be shown that sufficient alternative provision exists including the ability of displaced allotment holders to be satisfactorily relocated in the locality; that development does not result in an unacceptable loss of environmental quality; and it is the best means of securing an improved or alternative recreational facility of at least equivalent community benefit having regard to any deficiencies in the locality.
- 7.8 In correspondence dated 14th July 2015 the Secretary of State for Communities and Local Government, in accordance with Section 8 (the statutory criteria) of the Allotments Act 1925 has considered that the statutory criteria have been met and given consent for disposal of the allotment site.
- 7.9 The more recent Shepway Open Space Review and Strategy 2017 confirms that New Romney does not lack accessibility to allotments within the district with provision greater than the National Society of Allotment and Leisure Gardeners suggested national standard.
- 7.10 The site has not been used for allotment purposes for a number of years and no allotment holders would be displaced. The proposal would result in housing and urbanising infrastructure on previously undeveloped land however the development would not be over dense and would incorporate shared open space giving a degree of spaciousness about the proposed dwellings. It is not considered that the development would result in an unacceptable loss of environmental quality. Thirdly the erection of the dwelling would provide financial enablement to the improvement of community and sporting facilities. It is duly considered that the proposal would accord with the requirements of policy LR11 and that the residential development of a safeguarded allotment site is justified.

Conclusion

- 7.11 The development of the site is considered to be acceptable in principle and to meet the general criteria for sustainability subject to the other material considerations, as appraised below.

b) Design

- 7.12 The Community Hub and Sports Pavilion development has been designed with the specific requirements of a weather protected viewing platform, to be secure when unused, function space, adequate bike and car parking, natural sustainable materials and contemporary architecture which reflects state of the art facilities.
- 7.13 The pavilion is to be shifted away from its existing footprint enabling a larger car park to be implemented. Its plan is based on a central axis, with circulation through the

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building in the centre leading visitors out onto the sports field. It has been designed with a concrete base to provide a durable and secure ground floor façade. Above this the design would be more of architectural interest with a sculptured cantilevered zinc clad roof form with elevational overhangs. The front elevation would be provided with full height glazing interspersed with wooden cladding and the rear would be predominantly glazed allowing unrestricted views over the sports fields.

- 7.14 The existing nurse building would have its elevations, presently brick and generally devoid of openings giving it an austere appearance, overlaid in timber with new windows and doors to be added to improve lighting and access. This would provide the building with a more contemporary and attractive appearance, enabling it to be brought into line with the new community facility, yet with a relatively small investment.
- 7.15 The residential development will provide a mix of 2, 3 and 4 bedroom homes reflecting the housing provisions in development schemes within the surrounding area. Each dwelling would be provided with parking and a private garden. There would also be communal landscaped areas. The dwellings would utilise a mix of external materials including brickwork plinths, brick timber and rendered elevations or a mix of such materials, with skylights, dormers and gabled roof projections to provide a mixed appearance whilst respecting the local vernacular.



- 7.16 The design and layout of the scheme has been subject to public and stakeholder involvement with feedback incorporated into the development proposal. It is considered that the proposal represents a good quality design in full accordance with saved policies SD1 and BE1 of the Local Plan Review and emerging policy HB1 of the Places and Policies Local Plan.

c) Residential Amenity

- 7.17 Residential Amenity SD1 of the Local Plan Review and paragraph 127 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and to future occupiers of a development. Emerging policy HB1 of the Places and Policies Local Plan (PPLP) states that development should not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.

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- 7.18 The residential properties most affected by the development would be those on the opposite side of Josephs Way fronting the application site and the end terrace properties adjacent the site on Carey Close. Plots 9-13 would have their rear elevations facing towards Carey Close but their outlook would generally be towards the public realm and not towards private rear areas. Plot 13 would set approximately 17m from the front corner of 56 Carey Close with an intervening drainage ditch. Plots 1-6 fronting Josephs Way would be set a minimum of 22m from the existing development providing sufficient separation and degree of space such that the amenity of existing residents relating to outlook, daylight and privacy would not be adversely affected. Additional traffic and general residential activity would occur but again this is not considered to have a significantly adverse impact on amenity
- 7.19 Policy HB3 also applies minimum internal space standards. All dwellings would be above the minimum standards for internal floorspace. Private rear gardens satisfying the required 10m depth to the width of the dwelling would be provided in requirement of the policy.
- 7.20 The residential site covers an area of 1.47ha and with 34 dwellings this would equate to a density of approximately 23 dwellings per hectare. Such a density is reasonably low and provides for areas of communal landscaping including a triangular section of approximately 900m² and a central section whose combined individual sections extends to 1,500m². The details of these landscaped areas and a planting scheme can be secured by a recommended condition. Access would also be provided to the sports field, to the north of the residential site. There is a Local Area Play Space 55m from the south west corner of site and a further play space a slightly further distance to the north on Station Road.

d) Parking and Highways

- 7.21 The applicant has submitted a Transport Statement relating to the community hub and sports pavilion (MLM Consulting March 2019) and a separate Transport Statement (TPHS June 2019) relating to the residential development.
- 7.22 The MLM Consulting Transport Statement which identifies that some of the sporting fixtures taking place generate a requirement in excess of the current parking provision. In these situation the excess parking demand is accommodated either on-street along Station Road and/or in the Marsh Academy car park which is used as an overflow car park during busy event days. There is no cycle parking provision on the site. Vehicle movements relating to the Seashells Nursey are generally associated with children drop offs and their later collection.
- 7.23 The vehicle parking standards for Use Class D2: Assembly and Leisure are maximum standards of 1 space per 22m². The proposal would provide a total of 45 parking spaces including 3 bays for disabled users, a significant increase from the 15 spaces presently available. A total of 18 Sheffield Hoop style cycle stands would provide a total of 36 cycle spaces. The existing access would be retained to provide access only and a new 'exit only' would be provided 60m to the west.
- 7.24 The residential part of the development would be accessible from two points of access onto Josephs Way. Parking spaces would be provided dispersed across the site with a total of 70 parking spaces of which 12 are indicated as unallocated or visitor spaces.

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Some of the two bedroom properties would be provided with a single space with other dwellings provided with two spaces within their curtilage or within parking bays.

- 7.25 A network of footways would provide pedestrian permeability through the site. This would allow existing residents to the area access to the playing fields from the south.
- 7.26 The dimension of the road widths, junctions and footways would adhere to local design guidance. The required visitor splays for the categories of road would be provided. Turning heads would be provided able to accommodate a typical 12m refuse vehicle.
- 7.27 The Highways Authority considers that the site is reasonably sustainable in terms of its location and the community it serves such that the proposed level of car parking and cycle parking provision would be reasonable. No concern is raised regarding proposed access arrangements, visibility splays, highway capacity and safety.
- 7.28 The residential scheme would result in a net increase in additional traffic and it is expected that the use of the community hub would increase over time with the timing and duration of events spread throughout the day during the week and at weekends. Traffic movements relating to football and cricket fixture are unlikely to significantly differ to the present situation. Overall it is considered that the highway network can accommodate the additional traffic generated and that the development is considered to be acceptable with regards to saved policies TR11 and TR12 of the Local Plan Review and to emerging policies T1 and T2 of the Places and Policies Local Plan.

e) Flood Risk and Drainage

- 7.29 The site is shown in the Environment Agency mapping to lie in Flood Zone 1 (low risk). Flood Zone 1 is the area described as having a less than 0.1% annual probability of fluvial or tidal flooding. All land uses are appropriate in this flood zone. The site is not at risk from off-site surface water.
- 7.30 The proposed development would result in an increase in the impermeable area of site. In terms of the residential scheme this would amount to an area of 0.729ha and for the community hub 0.545 ha. It is intended that the discharge from the development to be restricted to no greater than greenfield rates.
- 7.31 The car park serving the community hub would be formed of permeable paving with a laying course and filter geotextile on a crushed rock sub-base. Below would be an impermeable geotextile membrane. Rainwater from the pavilion would outlet into the permeable subbase which it turn would discharge into an existing ditch.
- 7.32 The discharge from the Akehurst Homes development to the west passes below the residential application site. The attenuation which served this development will be removed and an allowance made within the new development for this. Geocellular systems and flow control devices are proposed to attenuate surface water run-off. There would be four attenuation crates with a total storage capacity of 677m². Drainage would be to an existing ditch which runs along the eastern side of the site. The overall discharge rate has been updated to 4.2l/s following comments from the Lead Local Food Authority. All storms less frequent than the 1:30 year storm would also utilise the rugby pitch for storage.

- 7.33 Foul water would connect to the main sewage system of which there are pipes running along both the northern and south western boundaries of the site.
- 7.34 The applicant has liaised with Kent County Council, as the Lead Local Flood Authority, to develop a Sustainable Drainage Strategy for the site. Given that no formal consultation response has been received to date a condition is recommended to ensure that the final details of a suitable SuDS to be put in place for the scheme are in accordance with saved policy U4 of the Local Plan Review, emerging policy CC3 of the Places and Policies Local Plan and to The National Planning Policy Framework.

f) Arboricultural Impacts

- 7.35 The majority of trees alongside the eastern boundary are protected by Tree Protection Order 16 of 1995 and the streetside trees to the north by Tree Protection Order 07 of 2007.
- 7.36 The Arboricultural Impact Assessment and Method Statement (Greenspace Ecological Solutions – December 2018) identifies that 5 trees would be removed for Arboricultural reasons, 23 individual and 4 groups would be removed to facilitate the development and further trees would require some pruning or removal of their understorey.
- 7.37 Four of the retained trees may be impacted by the construction of car parking spaces however the impact on their longevity would be minimal due to the provision of a porous surface, the use of 'no dig' construction principles and the utilisation of cellular confinement system as a sub base.
- 7.38 The Council's Arboricultural officer has no objection to the removal of the trees identified in the assessment as these are considered to be at the end of their safe useful life expectancy. A full landscaping plan with replacement tree planting can be secured by condition.

g) Ecology and Biodiversity

- 7.39 The application has been accompanied by an Extended Phase 1 Habitat and HIS Survey (Greenspace Ecological Solutions October 2017) which assessed the site's potential to support protected species and habitats.
- 7.40 The survey identified two trees suitable for roosting bats and a small number of bat droppings within the Maude Pavilion buildings and deterioration of the building that would deter bats was evident. A Bat Emergence Survey (Greenspace Ecological Solutions February updated July 2019) involving five surveys taking place between October 2018 and May 2019 recorded no bats emerging from the building during the survey although foraging and commuting took place within and around the site. The trees identified as being able to support bats are to be retained with no planned works to them.
- 7.41 The Enabling Scheme site contains semi improved grassland on the former allotments with potential to support reptiles. A Reptile Survey (Greenspace Ecological Solutions June 2019) identified an 'Exceptional' population of slow worms with 13 recorded on one survey day. A less significant population of common lizards was also evident. The report identified that the retention on-site of the populations was unviable and that

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measures are required to ensure the welfare of reptiles is maintained, including identification of a suitable receptor site, trapping and the relocation of trapped reptiles to the receptor site.

7.42 In the mammal hole monitoring survey approximately 10 holes were identified in the south of the site in 2017 and were noted to be in a poor position and displaying no signs of current use. These were re-inspected in November 2018, March and May 2019 and seen to be increasingly overgrown, with no obvious mammal paths in their vicinity.

7.43 Identified biodiversity enhancements are proposed which can be secure by condition. Measures are to include:

- a) The installation of bat boxes on suitable trees/locations around the site prior to the start of works.
- b) The use of low-level bollard, directional and/or PIR activated lighting for external lighting would be utilised to be sympathetic to the requirements of bats.
- c) The installation of a range of bird boxes in trees and/or integrated into the proposed buildings
- d) The use of animal friendly post and rail fences to ensure the free movement of badgers and other animals
- e) The incorporation of a wildlife friendly planting scheme within the site using native plant species as a benefit to invertebrates, and subsequently bats and birds

7.44 The KCC Ecologist is satisfied with the contents of the surveys. Conditions relating to the provision of an acceptable lighting scheme, the relocation of reptiles and biodiversity enhancements are recommended. It is therefore considered that the application would be acceptable on these grounds.

h) Industrial Estate and impact on living conditions

7.45 Paragraph 180 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

7.46 Paragraph 182 of the NPPF requires new development to be integrated effectively with existing businesses and that these should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

7.47 Environmental Health advice is that as plots numbers 18 to 24 are located in proximity to the Mountfield Road Industrial Estate then a noise impact assessment is required to highlight any potential noise problems and propose suitable mitigation, if required, to achieve appropriate ambient noise levels inside habitable rooms and outdoor gardens. Table 4 in Paragraph 7.7.2 of BS 8233:2104 *Guidance on sound insulation and noise reduction for buildings* sets out the desired maximum level for internal ambient noise levels of 35-40db $L_{Aeq,16hour}$ between 7.00 and 23.00 reducing to 30db $L_{Aeq,8hour}$ for sleeping at night. For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable 50 dB $L_{Aeq,T}$ with an upper guideline value of 55 dB L_{Aeq} .

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- 7.48 The dwellings on plots 18 to 20 would be set on the other side of their access road with their front elevations facing towards the industrial area with the closest parts of the dwellings between 19m and 25m from the rear of Unit H2 on the Mountfield site. Plots 21 to 24 would present their rear elevations towards Units H1 and H2 with separation distances between 15m and 32m. A new unit for storage and distribution (Class B8) with ancillary office facilities for the company Hotel Complimentary Products, who are presently located on Mountfield Road, has been permitted to the rear of the proposed siting of plots 23 to 34, planning reference Y19/0454/FH. There are planning conditions on this consent which require the erection of a 3m high acoustic fence to the boundary with the application site and that noise from any plant is not to exceed 45dB L_{Aeq} , (07.00 - 23.00) and 35dB L_{Aeq} , (23:00 - 07.00) in accordance with BS8233:2014 - residential internal noise levels and world health organisation guidelines on community noise are not compromised. The use of the premises is also conditioned to be limited to the hours between 08.00 to 20.00 Monday to Friday and 09.00 to 17.00 Saturday and at no time on Sunday or Bank Holidays.
- 7.49 A further site to the south, behind the southern projecting part of the application in site, is currently in development, Y17/0717/SH. This site is restricted to Use Class B8 and daytime operation.
- 7.50 The advice of the Environmental Health Officer has been taken into account however, given that the adjacent new commercial sites have not yet implemented their permitted use, then a noise impact assessment taken at present would not provide a true reflection of the likely noise levels. Given the conditions regarding usage and times of operation of the buildings, the restriction on noise levels and the provision of a 3m high acoustic fence it is not considered that the new Use Class B8 developments are likely to have an adverse impact on future residential amenity. It is nevertheless considered prudent that appropriate measures are incorporated into the design of the dwellings to reduce ambient internal and external noise. Conditions are duly recommended that the windows and external doors to dwellings shall be provided with double glazing and trickle ventilation to achieve the ambient noise levels in British Standard 8233:2014 and appropriate enclosure for the amenity areas of a 1.8m high close boarded fence with interlocking joints and density of at least 10kg/m² or other barrier of the same or higher acoustic specification. This would ensure that prospective residents are provided with acceptable living conditions in accordance with paragraphs 180 and 182 of the National Planning Policy Framework.

i) Affordable Housing Provision and Financial Contributions

- 7.51 Paragraph 57 of the National Planning Policy Framework states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify a need for a viability assessment at the application stage.
- 7.52 Policy CSD1 of the Core Strategy requires that new housing developments of 15 or more units should provide 30% affordable housing on site or through a financial contribution of broadly equivalent value off site, subject to viability. This would equate to the provision of 11 affordable housing units.
- 7.53 The totality of the site is owned by the Town Council and the delivery of the Community Hall and Sports Pavillion is reliant on funding from the enabling residential

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development. The applicant's case, as stated in the Planning Statement, identifies that the projected build cost is to be £4,068,000 and the expected contribution of the enabling scheme would amount to c. £1,900,000. The provision of 30% affordable units on the site, i.e. 10 of the 34 units, would reduce the land value to the Town Council by £872,308 and that such a reduction would threaten the delivery of the sporting and community facilities put forward by the proposal.

- 7.54 The applicant has also put the case forward that Akehurst Homes, who are joint applicants, as housing partners, over delivered affordable housing in the adjacent development of 60 dwellings off Carey Close. This permission required Akehurst homes to deliver 18 affordable housing houses and, alongside housing partner Sanctuary Housing, actually delivered 35 affordable units, a net increase of 17 units above the policy requirements of 18 affordable units. If it is considered that the proposed development should be seen as part and parcel of a wider development by Akehurst Homes the affordable housing provision equates to 37% affordable housing provision across the wider site, which is 7 more than a fully policy compliant scheme.
- 7.55 Given that the residential scheme would make an important contribution to the funding of a facility to the benefit of the local community it is considered that affordable housing provision should not be sought within the proposed residential development. It is considered that a S106 agreement should be sought such that a contribution be sought to fund affordable housing provision if the community project is not brought forward, in accordance with policy CSD1 of the Core Strategy.
- 7.56 The proposal would result in the provision of additional housing which would lead to additional pressure on existing services and facilities within Romney Marsh. The following contributions have been requested by Kent County Council as a result of the impacts on education, library bookstock and local care. These sums, totalling £257,792.87 can be secured through a S106 agreement. This sum is in addition to the contributions made through the Community Infrastructure Levy.

Provision/contribution	Amount
Primary Education -towards New Romney and Greatstone Primary School expansions	£113,016.00
Secondary Education – towards the Marsh Academy	£139,910.00
Library Contribution - towards additional bookstock generated by this development at New Romney library	£1,638.68
Adult Education – towards New Romney Adult Education service equipment and staff	£716.61
Social Care – towards Romney Marsh Day Centre and Rehabilitation Unit	£2,511.58
Wheelchair adaptable home as part of the on-site affordable housing delivery	One

j) Self-Build Housing

- 7.57 Provision is made within Policy HB4 of the emerging Planning and Policies Local Plan that sites above qualifying thresholds provide a proportion of homes in the form of self-build or custom house build plots. Within the Romney Marsh Area sites delivering more than 20 dwellings are required to supply not less than 5% of dwelling plots for sale to self-build and custom housebuilders on the Council's register. This would equate to a minimum of two plots for a development of the proposed 34 dwellings. It is noted that

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the preamble to the policy relates to development on land allocated within the plan and that this will provide for 36 self-build and custom housebuilding plots by 2031 which is likely to be further supplemented by 'windfall' development of smaller sites (below five dwellings) which often deliver self-build homes. Such plots would be achieved via an outline planning permission. The site is not one of the new site allocations and represents a full application for 34 dwellings. As such it is not considered that the emerging policy HB4 should be applied in this particular circumstance.

k) Contamination

7.58 The Council's contamination advisors have been consulted on the Phase 1 Contamination Assessment and the Phase 2 Geo-Environmental Assessment and have reviewed the reports in the context of the Council's standard land contamination. IDOM agree that the contamination potential of the site is likely to be limited, however recommend that further consideration of ground gas risk is made and that a watching brief for contamination is kept during the works, particularly during removal of existing building slabs and hardstanding. A continuation is duly recommended to ensure the development is in accordance with saved Local Plan Review policies SD1 and U10a and paragraph 170 of the National Planning Policy Framework.

l) Other Matters

7.59 Policy CSD5 of the Core Strategy requires that all developments should incorporate water efficiency measures. New dwellings should include specific design features and demonstrate a maximum level of usage to meet the higher water efficiency standard of the Building Regulations to achieve a maximum use of 110 litres per person per day. This can be secured by planning condition.

7.60 Emerging policy E8 of the PPLP requires all major development within the district to enable Fibre to the Premises (FTTP). This can be secured by planning condition.

Environmental Impact Assessment

7.61 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

7.62 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.

7.63 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £57.86 per square metre for new residential floor space.

Human Rights

7.64 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

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

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

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

Working with the applicant

7.67 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.

8. CONCLUSION

8.1 The development would provide a new Community Hall and Sports Pavilion that would be of benefit the social and welfare of the local community. This proposed facility would be of high standard of design.

8.2 The local facility would be part funded by the land contribution costs of a development of 34 market dwelling. These dwellings are in a sustainable location and would provide good quality living accommodation and an environment that makes a contribution to its location and surroundings and would integrate with existing development in new Romney.

8.3 It is considered that the proposal accords with the existing and emerging policies of the Development Plan and is consistent with the requirements of the National Planning Policy Framework.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

That planning permission be granted subject to the conditions set out below and the applicant entering into a S106 legal agreement securing a sum for a contribution towards securing affordable housing in the event that funding for the Community Hall and Sports Pavilion does not arise; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement, to include the sum required, and add any other conditions or obligations that he considers necessary:

Conditions:

1. The development must be begun within three years of the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers.16.105-GHA-100, 16.105-GHA101, 16.105-GHA102, 16.105-GHA103, 16.105-GHA104, 16.105-GHA105, 16.105-GHA106, 16.105-GHA201, 16.105-GHA202, 16.105-GHA203, 17.096-GHA-301 REV2, 17.096-GHA-302, 17.096-GHA-303, 17.096-GHA-304, 17.096-GHA-305, 17.096-GHA-306, 17.096-GHA-307

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3. No construction work above the slab level of any building on site shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

4. Prior to the commencement of development, wheel washing facilities, details of construction vehicle loading/unloading and turning facilities, as well as parking facilities for site personnel and visitors and hours of work, in the form of a Construction Environmental Management Plan shall be submitted to the local planning authority for approval, with such details as approved, implemented for the duration of construction at the application site.

Reason: In the interests of public amenity and highway safety. These details are required prior to the development to ensure that the development can proceed without an adverse impact on local residents and the local highway network.

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5. The vehicle parking and vehicle turning facilities shown on the approved plans shall be kept provided and available for parking purposes in connection with the approved development prior to the first occupation of any dwelling and/or use of the community facility and at all times thereafter.

Reason: To ensure the permanent retention of the facilities for parking purposes within the curtilage of the site in order to avoid obstruction of the highway, safeguard the amenities of adjacent properties and encourage alternative modes of sustainable transport in accordance with saved policies TR5, TR12 and SD1 of the Shepway District Local Plan Review.

6. Prior to the first occupation of any of the permitted dwellings, the visibility splays shown on the submitted plan shall be provided and thereafter maintained with no obstructions over 1.05 metres above carriageway level within the splays.

Reason: In the interests of highway safety.

7. All dwellings hereby permitted shall have an electric vehicle (EV) charging point installed prior to first occupation and shall thereafter be retained in good working order.

Reason: To improve the sustainability of the site.

8. A minimum of 20% of the market dwellings shall be constructed in accordance with the accessibility and adaptable Building Regulations M4(2) Adaptable Homes standards, unless demonstrated to be unfeasible in design or viability terms.

Reason: To encourage high quality and inclusive design.

9. Prior to occupation each dwelling shall be provided with a Fibre to the Premises connection of the highest available specification.

Reason: In order to ensure the future provision of superfast fibre optic broadband for occupants.

10. The dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>.

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11. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and paragraph 170 of the National Planning Policy Framework.

12. No drainage system for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters and the development shall be carried out in accordance with the approved details.

Reason: To ensure the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobile contaminants, in line with paragraph 170 of the National Planning Policy Framework.

13. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and (approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off site.
- The drainage scheme shall also demonstrate (with reference to published guidance)
 - That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters
 - Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

14. No development shall take place until the mitigation methods as specified in paragraph 5.4 of the Reptile Survey (Greenspace Ecological Solutions - June 2019) have been completed in full and the recommendations of paragraph 5.6 relating to the northern playing field margin shall also be adhered to.

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15. Within six months of work commencing details of how the development will encourage biodiversity to include the ecological enhancements, as specified in paragraph 6.1 of the Extended Phase 1 Habitat and HIS Survey (Greenspace Ecological Solutions – October 2017), will be submitted to and approved in writing by the Local Planning Authority, and shall be carried out in accordance with details

Reason: To encourage biodiversity in accordance with paragraph 170 of the National Planning Policy Framework.

16. The development shall take place in full accordance with the Arboricultural Method Statement (Greenspace Ecological Solutions – December 2018).

Reason: To ensure the works are carried out in accordance with good practice in accordance with policies SD1 and BE17 of the Local Plan Review.

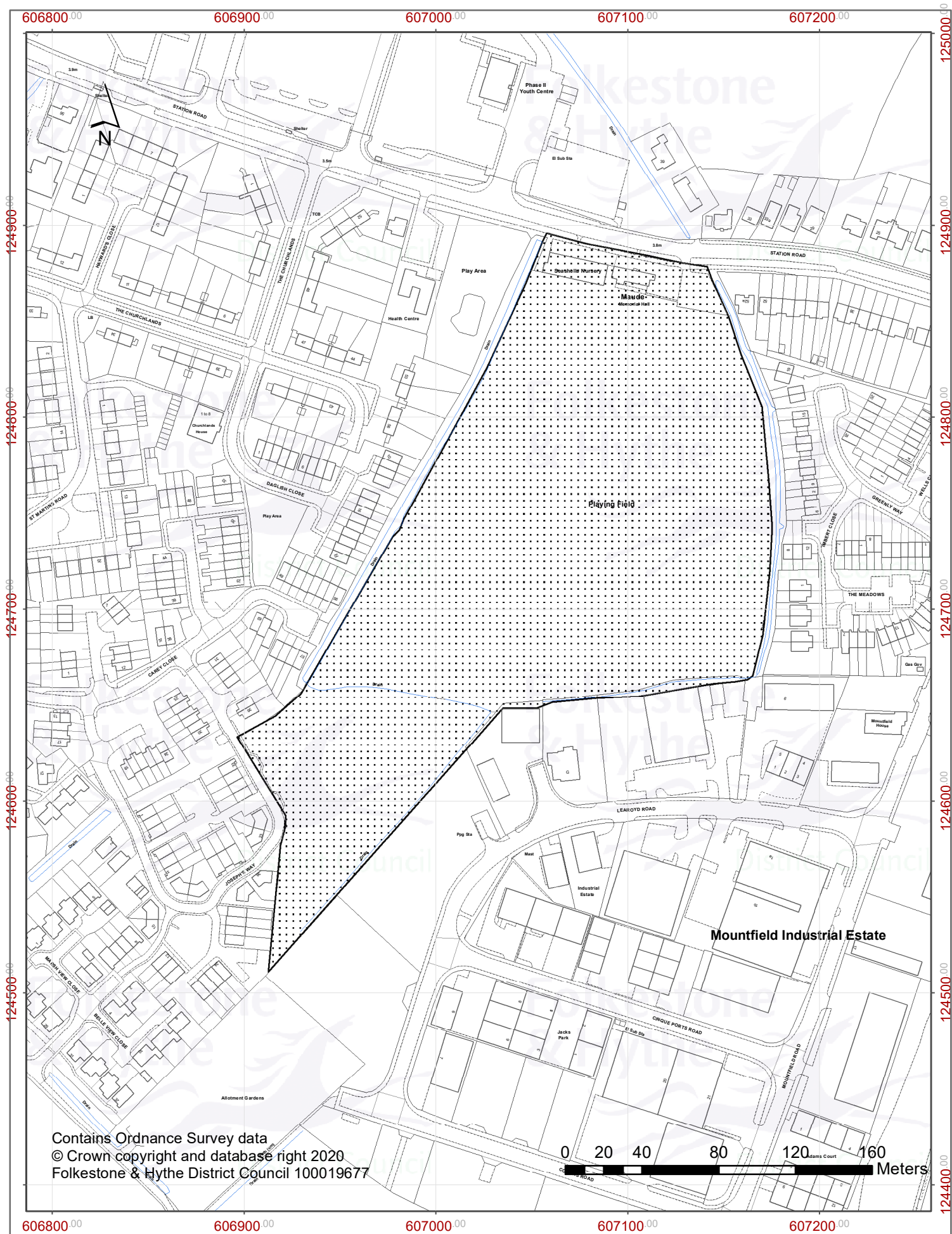
17. No construction work above the slab level of any building on site shall take place until full details of both hard and soft landscape works have been submitted to the local planning authority including an implementation programme and maintenance schedule. No building shall be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason: In order to protect and enhance the appearance of the area

Informatives:

1. This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.
2. Your attention is drawn to the need to contact the Council's Street Naming and Numbering Officer on 01303 853418 in order to have the new properties formally addressed.
3. This permission does not convey any approval for the required amendments to the existing vehicle crossing or any other works within the highway for which permission must be obtained from Kent Highway Services, Ashford Highway Depot, Henwood Industrial Estate, Javelin Way, Ashford, Kent TN24 8AD

Y19/0553/FH
Recreation Ground
Station Road
New Romney



Contains Ordnance Survey data
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Folkestone & Hythe District Council 100019677

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Agenda Item 7

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Application No:	Y19/0080/FH
Location of Site:	Shepway Lympne Hill Lympne Hythe Kent CT21 4NX
Development:	Erection of a single new dwelling house including basement, garden and parking (resubmission of Y17/1155/SH)
Applicant:	Mr & Mrs Martin And Jeanne Bryer
Agent:	N/A
Officer Contact:	Claire Dethier

SUMMARY

This application seeks planning permission for the erection of a two-storey detached dwelling with basement within the grounds of another property, known as 'Shepway'. The site is located outside of any established settlement boundary within the open countryside and is also within a designated Special Landscape Area and within the Kent Downs Area of Outstanding Natural Beauty. Given that the dwelling would be set away from local amenities, without easy access to sustainable transport modes, the site is considered to be unsuitable and an unsustainable location for a new dwelling as future occupiers would be reliant on private motor vehicle use to carry out day to day activities. In addition, the erection of a two-storey dwelling in this location would result in the erosion of the rural character of the area, detracting from the tranquil beauty of the wider Special Landscape Area and Kent Downs Area of Outstanding Natural Beauty. There are no public benefits to the application that would outweigh these concerns and on balance it is considered that the scheme would be unacceptable with regard to local and national planning policy. The application is therefore recommended for refusal.

RECOMMENDATION:

That planning permission be refused for the reason(s) set out at the end of the report.
--

1. INTRODUCTION

The application is reported to Committee by Cllr Philip Martin who is a member of the planning & licensing committee.

2. SITE AND SURROUNDINGS

- 2.1. The application site comprises the wider grounds of an existing property known as 'Shepway' on Lympne Hill, which is a large Edwardian dwelling in spacious grounds surrounded by open fields. The site is located outside of any established settlement boundary and is therefore considered to be in the countryside in planning policy terms. The nearest settlement is Lympne located approximately 0.8miles to the north-west.

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- 2.2. The site is located in a sensitive rural location within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Areas. To the east of the site, beyond the application site is Lympne Escarpment SSSI. The site is also identified as an Area of Archaeological Potential.
- 2.3. The application site is located to the north of the private drive to the existing dwelling. The site is set higher than the existing house and is currently grassed area with hedgerows, shrubs and mature trees. Shepway is a substantial detached house set in large grounds and is set back from the road, accessed by a gravel drive. It is surrounded on three sides by open countryside/paddock areas.
- 2.4. The submitted Design and Access Statement states that the original house and gardens were divided into two separate units in the 1970s (forming 'Shepway' and 'East Shepway'). For the case of this application, the address is given as Shepway.
- 2.5. The total site area would be 0.1 hectares.
- 2.6. 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 two-storey dwellinghouse, with basement, to the north of the existing dwelling. The building would have a two-storey red/brown brickwork façade with a Kent peg clay tiled pitched roof with solar panels and would measure a maximum of 8.4m in height. The building would feature an attached double garage with attic space above.
- 3.2 Internally, the property would comprise of three floors of living accommodation at basement, ground and first floor level containing a total of 5 bedrooms. The total internal floorspace of the property would be 232.7m². A garden area surrounding the development site, with a patio and driveway leading to the garage is also proposed. The application plans are attached to this report as **Appendices 2&3**.
- 3.3 The application was accompanied by several reports including an Archaeological Investigation, Contaminated Land report, a preliminary ecological appraisal, a soil stability report and a design and access statement.
- 3.4 The design and access statement explains why the applicant is making the planning application explaining that the purpose of the proposal is to provide a home for the applicant's family and that despite being located outside of any settlement, the development would be sustainable as the future occupants work within close proximity of the site and contribute to the local community and economy.

4. RELEVANT PLANNING HISTORY

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

Y17/1155/SH	Erection of a two storey house, part chalet style, (4 bedroom with study/5th bedroom) including basement, garden and parking.	Withdrawn following report being
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The current submission drawings are identical to those submitted with this application. drafted for refusal

Y02/0353/SH	Installation of 3 no. dormer windows to the south elevation.	Approved
SH/77/226	Conversion of house into two and garage.	Approved
SH/76/991	Conversion of house into two living units.	Approved
CH/4/62/17/276	Alterations to form units living accommodation.	Approved

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Hythe Town Council: Object on the following grounds

The site is located within the Kent Downs Area of Outstanding Natural Beauty and is considered to be contrary to Saved Local Plan Review policies CO1 and CO4 and that the site is also considered to be outside the Urban Boundary.

KCC Ecology: Make the following comment:-

Sufficient ecological information has been provided to determine the planning application. The majority of the site is regularly managed amenity grassland and there is limited potential for protected/notable species to be impacted by the proposed construction works. The existing management of the proposed development site must continue to ensure that no suitable habitats for protected/notable species establish prior to works commencing. Conditions are recommended to be attached to any permission granted.

Southern Water: Make the following comment:-

The applicant is advised to consult the Environment Agency directly regarding the use of a sewerage treatment plant which disposes of effluent to sub-soil irrigation.

The applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers.

Contamination Consultant: Raises no objection subject to condition.

Arboricultural Manager: Makes the following comment:-

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A full pre-development tree survey and report prepared in accordance with BS5837:2012 will need to be submitted in support of this application. The accompanying drawing (SPI/002) is not adequate enough to demonstrate what constraints are posed by existing trees and does not provide any information as to how trees will be protected against the effects of the proposed development.

AONB Officer: Makes the following comment:-

Object for the following reasons

- Comments are as per the previous application Y17/1155/SH
- The existing property lies in open countryside unrelated to any existing settlement
- Would have urbanisation effect on this rural area
- Result in further intrusion onto the Hythe escarpment contrary to the objectives for the local character area
- It would neither conserve or enhance the local character and distinctiveness of the AONB.

Local Residents Comments

5.2 Four neighbours directly consulted. No responses received.

5.3 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 of public examination, and as such its policies should now be afforded significant 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

HO1 - New Residential Development

HO6 - Local Housing Needs in Rural Areas

BE1 - Building Design, Layout and Special Needs Annexes
BE16 - Landscape and Amenity
U1 - Sewage and Wastewater Disposal
TR5 - Cycling
TR6 - Walking
TR12 - Vehicle Parking Standards
U1 - Sewage and Wastewater Disposal
U4 - Groundwater Protection
CO1 - Development in the Countryside
CO4 - Special Landscape Areas
CO11 - Protected Species

Shepway Local Plan Core Strategy (2013)

DSD- Delivering Sustainable Development
SS1- District Spatial Strategy
SS3- Place-Shaping and Sustainable Settlements Strategy
CSD4- Green Infrastructure of Natural Networks, Open Spaces and Recreation

Places and Policies Local Plan Submission Draft (2019)

HB1- Quality Places through Design
HB3- Internal and External Space Standards
HB6- Local Housing Needs in Rural Areas
HB10- Development of Residential Gardens
T2- Parking Standards
T5- Cycle Parking
NE2 - Biodiversity
NE3- Protecting the District's Landscapes and Countryside
NE7 - Contaminated Land
CC2 - Sustainable Design and Construction
CC3 - Sustainable Drainage Systems (SuDS)
HE2 - Archaeology

Core Strategy Review Submission draft (2019)

SS1- District Spatial Strategy
SS3- Place-Shaping and Sustainable Settlements Strategy
CSD4- Green Infrastructure of Natural Networks, Open Spaces and Recreation

Supplementary Planning Guidance/Documents

KCC: Kent Design Guide
Kent Downs AONB Landscape Design Handbook – Key extracts as follows;

“2.2 New Built Development- seeks to ensure development respects and complements rural settlement form, pattern, character and landscape setting, reinforcing local distinctiveness;

2.7 Woodlands, Hedges and Trees- seeks to encourage increase in new trees by planting new native trees appropriate to local character.”

National Planning Policy Framework (NPPF) 2019

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

Paragraph 11 - Presumption in favour of sustainable development.

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

Paragraph 48- Weight to be applied to emerging policies

Paragraph 79- Avoid development of isolated homes in the countryside

Paragraphs 108-110- Transport and access

Paragraphs 124, 127- Design

Paragraphs 170-173- Conserving and enhancing the natural environment

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

Background

7.1 As referred to in the submitted Design and Access Statement, the applicant has undertaken extensive discussions with Officers and managers within the planning department over recent years as to the likely outcome of a planning application for a new dwelling on this site.

7.2 In 2017 following pre-application discussions highlighting policy objections to such a proposal, the applicant submitted a formal planning application for a dwelling under

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planning reference Y17/1155/SH. The applicant withdrew the application following it being drafted for refusal. The application drawings that were submitted for that application are the same as those submitted for the current application.

7.3 The main issues for consideration are:

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Parking and transport
- e) Ecology and biodiversity
- f) Trees and landscaping
- g) Land stability
- h) Drainage

a) Principle of development and sustainability

7.4 The application site is located outside of a settlement boundary as defined in Saved Policy CO1 of the Local Plan 2006. For the purposes of Saved Policy CO1, the countryside is defined as the area outside of the settlement boundaries identified on the proposals map. The application site is not adjacent to or abutting the settlement boundary of Lymgne, which is located approximately 0.8m away. It is therefore located within the countryside, where Central Government and Local Policy restrict new development in principle. Exceptions to this are set out in Development Plan policy HO6.

7.5 Specifically, Saved Policy HO6 states that planning permission will be granted for proposals for local needs housing development within or adjoining villages of a suitable scale and type to meet identified needs provided that: -

- (a) The need cannot satisfactorily be met on sites with planning consent for housing or through an allocated site in this Local Plan or from redevelopment, infill or conversion in line with other policies in the Plan.
- (b) The local need has been clearly identified by a detailed parish survey. It may be necessary to take into account the needs in adjacent parishes so as to relate catchment areas to settlements.
- (c) There is no satisfactory alternative means of meeting the identified needs.
- (d) The development has been designed and will be available at a cost capable of meeting the identified local need.
- (e) The site is well related in scale and sitting, to the village and its services and is capable of development without significant adverse countryside, conservation, environmental or highway safety impact.

7.6 No evidence has been provided that supports an overriding need for a new house in this location other than the applicant's personal circumstances. The criteria outlined in Policy HO6 with regards to meeting housing need have not been addressed. It is

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considered that the requirement for a new family dwelling can be satisfactorily met through considering sites with planning permission for housing or through an allocated site in the Local Plan or from redevelopment, infill or conversion within the settlement boundary. The application is therefore contrary to Policy HO6 of the Local Plan Review. The applicant's position that the dwelling would be sustainable as the intended occupants work and attend school in the local area is not supported. The occupancy of the dwelling by specific individuals cannot reasonably be secured by planning condition.

- 7.7 The application is also contrary to saved Policy CO1 of the Local Plan, which seeks to preserve the countryside for its own sake. It has not been demonstrated that the need for a new dwelling cannot be practicably located within an existing settlement or that it requires a countryside location. The development is therefore unacceptable in principle. The benefit of the proposal in providing a net gain of one new dwelling that would contribute to the housing stock in the District would not outweigh the significant harm identified.
- 7.8 The application site is located within a Special Landscape Area and the Kent Downs AONB. Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB, which have the highest status of protection in relation to these issues. The applicant has stated in their submission that no harm would be caused to the setting of the SLA or AONB as the dwelling would be located close to an existing dwelling, and would not be visible in the wider area. This position is not accepted. The construction of a dwelling would be readily visible from various positions in the wider landscape and the adjoining highway. The development would therefore fail to conserve or enhance the local landscape or scenic beauty of the wider AONB.
- 7.9 The site is considered to be part of the garden area of the main residence, (Shepway) a rural dwelling. Through case law it has been established that gardens of rural dwellings are 'previously developed land' by reason that gardens of rural dwellings have not been specifically referred to as being excluded, as gardens in urban areas are, in the NPPF definition of 'previously developed land'. However even if land does meet the definition of being 'previously developed' it does not necessarily mean that development is acceptable in principle on such a site.
- 7.10 The NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At para 14 of the NPPF presumes in favour of 'sustainable development', which has a number of facets, but states that 'specific policies in this Framework indicate development should be restricted' which then also has a footnote stating 'For example those policies relating to sites.... In an Area of Outstanding Natural Beauty...'. There is no presumption in favour of development within the AONB, even if a site is previously developed land and/or were considered to be sustainable. For the reasons outlined above, the proposal is not considered to be sustainable.
- 7.11 The Applicant's case regarding self-build has been given consideration. Whilst the Council has not yet allocated plots for self-build development in the District, planning permission has been granted for some serviced plots which the owner states there is no interest in. In addition, as with all residential development, self-build development should be directed towards existing settlements and sustainable locations in the first instance.

b) Design/layout/visual amenity

- 7.12 The proposed dwelling would create a two-storey structure with associated driveway, patio and domestic paraphernalia within a protected landscape. Notwithstanding the applicant's statements, the dwelling proposed is of a scale greater than that of a 'cottage' and in design has a full two-storey element and a more submissive element utilising space in the roof for accommodation.
- 7.13 The applicant claims in their submission that the house would not be seen from outside of the site. However the development would be readily visible from Lympne Hill, from multiple vantage points such as land south of the site, and from the northern part of Lympne Hill. The proposed house would sit closer to the street (Lympne Hill) than the existing houses Shepway and Shepway East, and would be elevated above the ground level of Shepway by about 4m.
- 7.14 Saved Policy CO4 of the Shepway Local Plan identifies the North Downs as a Special Landscape Area (SLA) and requires that proposals should 'protect or enhance the natural beauty of the SLA'. The introduction of a new dwelling into the rural area and the SLA/AONB, where new development is specifically restricted to protect the visual amenity of the landscaped, would harm the character and visual amenity of the area.
- 7.15 The primary objective of planning policy in respect of the Kent Downs AONB is to conserve and enhance the landscape and the natural Beauty of the Kent Downs AONB. The site lies within the wider 'Lympne Local Character Area' as defined with the 'Landscape Character Assessment' of the Kent Downs AONB and within the 'Hythe Escarpment' local character area, wherein policy seeks to conserve the open views and ensuring any new development avoids further intrusion on the scarp, along with avoiding further suburbanisation of existing properties.
- 7.16 The proposed development would introduce a new dwelling that is unrelated to the existing settlement pattern and would further expand and continue existing sporadic residential development in the locality, increasing urbanisation of this rural area and introduce further intrusion onto the Hythe Escapement, contrary to the objectives for this local character area.
- 7.17 In light of the above it is considered that the proposal would cause significant harm to the AONB, SLA and the countryside and would neither conserve nor enhance the local character and distinctiveness of the AONB, contrary to aims and objectives of Saved Policies BE1, CO1 and CO4 of the Local Plan Review, emerging Policies HB1 and NE3 of the Places and Policies Local Plan, Policy SS3 of the Core Strategy and the NPPF.

c) Residential amenity

- 7.18 There would be a sufficient separation distance between the proposed dwelling and the neighbouring property Shepway to ensure that no significant adverse impact would occur in terms of overbearing or increased sense of enclosure. The orientation of the property in addition to the separation distance and boundary treatments would ensure that no perceived or actual overlooking would occur to neighbouring properties.
- 7.19 The proposal exceeds the Council's space standards and as such Officers are satisfied that the development complies with policy emerging policy HB3 of the PPLP.

d) Parking and transport

- 7.20 The site would be accessed via the existing country lane off Lypne Hill with the proposed garage would set well back from the highway. As such it is not considered the proposal would result in highway safety concerns. KCC Highways and transportation have also raised no objection on highway safety grounds. Kent Design Guide Review: Interim Guidance Note 3 Residential Parking states that a minimum of 2 car parking spaces should be allocated for a 4+ bedroom house in a rural location which would be met under this proposal. As such, the parking provision meets the Council's requirements as set out in Saved Policy TR12 of the Local Plan and emerging policy T2 of the PPLP.
- 7.21 As such, Officers are satisfied that the development would not result in harm to highway safety or convenience.

e) Ecology and biodiversity

- 7.22 The applicant has submitted a preliminary ecological appraisal in support of the application that concludes there is limited potential for protected/notable species to be impacted by the proposed development, due to the fact that the area is managed grassland. The Council's Ecologist is satisfied that there would be no significantly negative impact upon wildlife or diversity on the site subject to a condition secure biodiversity enhancement measures on the site in accordance with policy CSD4 of the Core Strategy.
- 7.23 The suggested condition is appropriate and will ensure that the development would not result in harm to the biodiversity of the site.

f) Trees and landscaping

- 7.24 The proposed siting of the new dwelling would be in close proximity to several mature trees. These trees are not covered by a Tree Protection Order albeit their presence forms part of the rural character of the area and contributes to the wider Special Landscape Area and AONB. The Council's Arboricultural Manager considers that the information submitted with the application in relation to these trees is insufficient, and no detail has been provided as to how the trees would be protected during construction work on the site. In the absence of this information, it is considered highly likely that the trees surrounding the site would be affected by the development. Given that the potential loss of such trees in this location would cause harm to the setting of the wider Special Landscape Area and AONB, if Members were minded to grant planning permission for the proposal, it would be advisable to require a tree survey to be provided ahead of any grant of planning permission. This would enable Officers to assess whether it is possible to construct the development in the proposed location without damaging or needing to remove the trees in question.

h) Land stability

- 7.25 Saved policy BE19 of the Shepway Local Plan Review requires that development in areas of land instability will not be granted unless investigation and analysis has been undertaken which clearly demonstrates that the site can be safely developed and the proposed development will not have an adverse effect on the slip area as a whole.

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- 7.26 With respect to the matter of land stability the NPPF advises in paragraphs 120, 121 that 'responsibility for securing a safe site rests with the developer and/or landowner' and that planning decisions should ensure that the site is suitable for its new use taking account of various matter including ground conditions and land stability.
- 7.27 The report refers to geological and geomorphological conditions in the area, historic investigations (archaeological) and historical known land slips. Using these sources it concludes that the application site is within an area influenced more by periglacial action than the retreating escarpment and ground conditions can be established by a trial trench prior to the foundation design being finalised. Groundwater seepage in the area will need to be intercepted using an appropriate foundation design (piled or raft foundations) the land stability of adjoining land will not be affected and no special measures (other than those already discussed in the report) are necessary to ensure stability of soils during the construction phase.
- 7.28 Given that the exploratory trenching to confirm the anticipated land conditions have not yet taken place and the design of the foundation has not been finalised this matter can be dealt with via planning condition, and with the use of such a condition no objection is raised in respect to land stability.

i) Drainage

- 7.29 The application submission includes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, in the event that the application was approved the onus would be on the applicant to ensure that arrangements exist for the long-term maintenance of SUDS facilities. Southern Water have stated that it is critical that the effectiveness of these systems is maintained in perpetuity. A detailed drainage plan for the dwelling could be secured by planning condition. As such, it is considered that if this application were to be approved, this matter could be dealt with by condition.

7.30 Environmental Impact Assessment

- 7.31 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

- 7.32 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £111.15 per square metre for new residential floor space.

Human Rights

- 7.33 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied

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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

7.34 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.

Working with the applicant

7.35 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.

8. CONCLUSION

8.1 The application site, away from established settlements and local amenities, is not a suitable or sustainable location for new residential development. Furthermore, the proposed development would have a harmful impact upon the setting and character of the surrounding countryside, SLA and AONB. For these reasons, overall it is considered that the harm which the development would cause outweighs the very limited personal benefits it would deliver, and the application is therefore recommended for refusal.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

That planning permission be refused/for the following reason(s):

1. The application site, being a significant distance from an existing settlement boundary or local amenities, in the absence of access to sustainable transport modes, or safe routes for pedestrians represents an unsustainable location for a new dwelling. As a result the occupiers of the proposed dwelling would rely on car movements to access all amenities. No demonstration of an essential need for the dwelling within the countryside has been submitted and as such the proposal is

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contrary to saved policies SD1 and CO1 of the Shepway District Council Local Plan Review, policies DSD, SS1, SS3 and CSD3 of the Shepway Core strategy and the NPPF which seek to direct new residential development towards existing settlements and sustainable locations.

2. The proposal fails to conserve, protect or enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty, the Kent Downs as a Special Landscape Area and the countryside in which the site is located. The proposal would result in significant harm to the local character and distinctiveness of the AONB, SLA and this part of the countryside by introducing built development into the garden area of an existing dwelling, unrelated to any existing settlement, and would be very apparent from the street, consolidating the sporadic residential development in the locality and increasing urbanisation of the rural area and further intrusion into the Hythe Escarpment local character area. The proposal is contrary to saved policies SD1 and CO4 of the Shepway District Council Local Plan Review, policies DSD and CSD4 of the Shepway Core strategy and paragraph 170 of the National Planning Policy Framework.

Appendix 1 – Site Location Plan

Appendix 2 – Proposed elevations

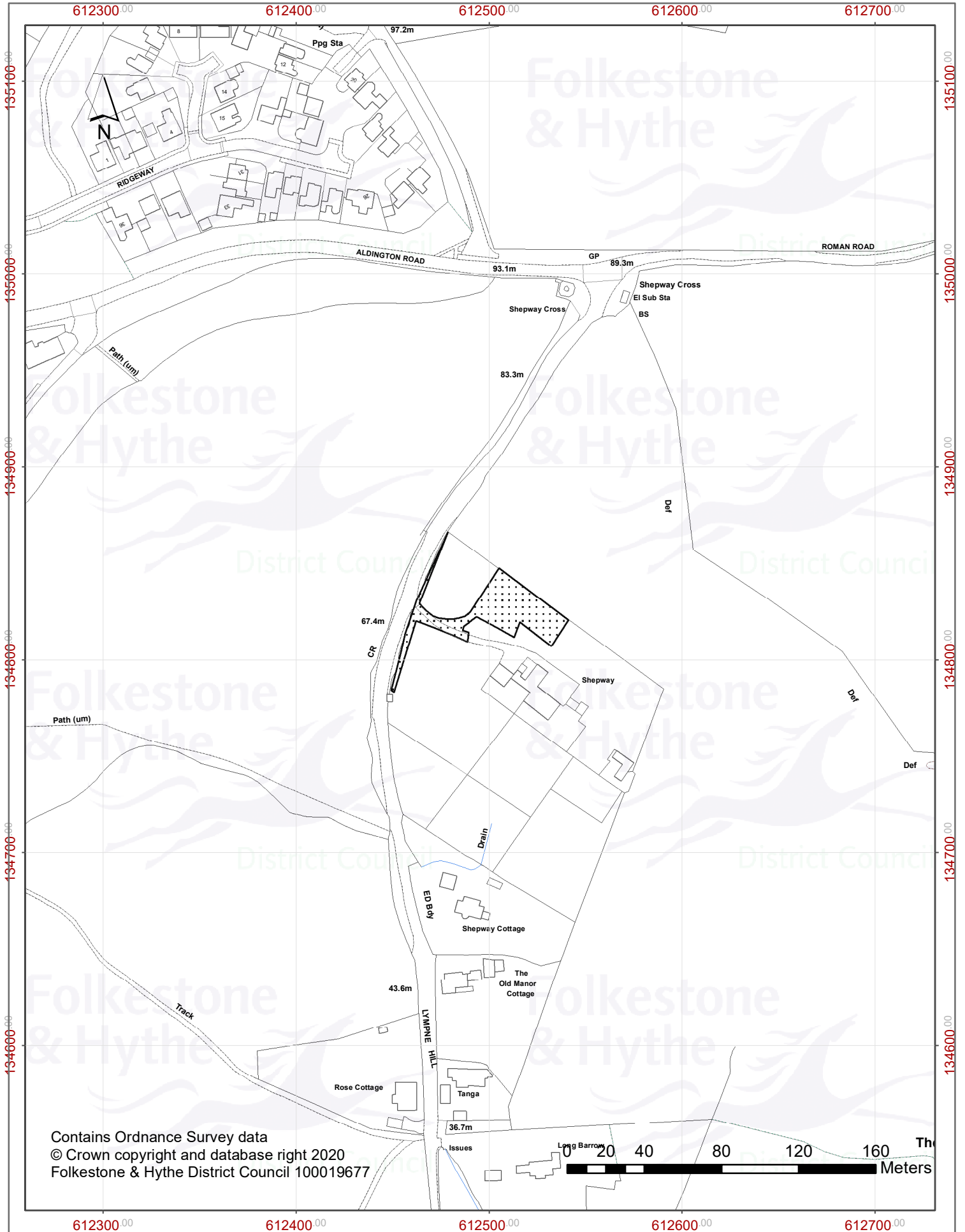


Appendix 3 – Proposed floorplans



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Y19/0080/FH
Shepway
Lymne Hill
Hythe



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Agenda Item 8

DCL/19/41

Application No:	Y19/1213/FH
Location of Site:	32 Harcourt Road Folkestone Kent CT19 4AE
Development:	Demolition of existing conservatory and erection of a flat roofed extension across the rear elevation with the provision at the front of a pitched roof to the projecting garage.
Applicant:	Miss Claire McCabe
Agent:	N/A
Officer Contact:	Ross McCardle

SUMMARY

Planning permission is sought for the erection of a single-storey rear extension and a pitched roof over the existing front garage projection. The proposal is considered acceptable with regard to all relevant material planning considerations, including design and appearance, residential amenity and highways issues. The development complies with all current development plan policies and the application is recommended for approval on this basis.

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 at the request of Cllr Shoob due to concerns about the pitched roof to the garage spoiling the appearance of the pair of houses, restriction of access to No. 34 for maintenance and repair, rear extension would cause shading of No. 34 leading to damp and cold issues, loss of light to living room of neighbouring property, loss of privacy.

2. SITE AND SURROUNDINGS

- 2.1. The application site relates to a two-storey semi-detached dwelling on Harcourt Road within the defined settlement boundary of Folkestone. The building has a two-storey brickwork façade with a plain-tiled pitched roof. There is a single-storey flat-roof (partially integral) garage projecting to the front of the building, and a pitched-roof side projection (which appears to be original). There is also a conservatory to the rear of the building. The site features a driveway and lawn area to the front of the dwelling with a garden to the rear.
- 2.2. The wider Harcourt Road street scene is predominantly formed of detached and semi-detached two-storey dwellings of varied design and material finish. The properties are

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generally set back from the highway with parking and gardens to the front. Originally, the application site and the adjoining property 34 Harcourt Road would have been symmetrical, however various modern extensions to both properties have diluted this symmetry.

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

3. PROPOSAL

3.1 Planning permission is sought for removal of the existing conservatory, erection of a single-storey rear extension, and a new pitched roof over the existing projecting garage on the front elevation of the building. The proposed rear extension would have a flat roof and span the width of the rear elevation of the building, with a depth of approximately 4.5m and measuring 2.9m in height. It would be finished in brickwork to match the main house, and would provide a kitchen / dining room. The proposed pitched-roof over the front garage projection would be finished in plain tiles to match the main roof, with a rendered gable.

4. RELEVANT PLANNING HISTORY

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

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council: No objection.

Local Residents Comments

5.2 7 neighbours notified by letter. 1 letter of objection received.

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

Objections

- There are restrictive covenants on the site
- The proposed alteration to the front of the property will alter and spoil the appearance of the semi-detached pair as a whole
- Drainage issues
- Reduction in green space
- Potential damage as a result of construction work

5.4 **Ward Member**

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Ward member Cllr Schoob has called this application in to be considered by the Committee.

5.5 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 (PPLP) Submission Draft (February 2018) has been subject to public examination, and as such its policies should now be afforded significant 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
BE1- Building Design and layout
BE8- Building Alterations and Extensions
TR12- Car Parking

Shepway Local Plan Core Strategy (2013)

DSD- Delivering Sustainable Development

Places and Policies Local Plan Submission Draft (2019)

HB1- Quality Places through Design
HB8- Alterations and Extensions to Residential Buildings
T2- Parking Standards

Core Strategy Review Submission draft (2019)

SS1- District Spatial Strategy

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

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 124-127- Seek to secure a high standard of design.

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Natural Environment

7. APPRAISAL

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

- a) Design/layout/visual amenity
- b) Residential amenity
- c) Parking and highway safety
- d) Other matters

a) Design and layout

- 7.2 Policy BE8 of the Local Plan Review states that extensions to existing buildings should reflect the scale, proportions, materials, roof line, and detailing of the original building. Emerging policy HB8 of the Places and Policies Local Plan states that single-storey flat-roofed extensions will be permitted only if they are well-designed, and the proposed extension would not be generally visible from a public place and would serve only as an adjunct to the main building.
- 7.3 The proposed rear extension would have a total depth of 4.5m with a flat roof form measuring 2.9m in height. The structure would sit within the existing side building lines and would be finished in materials to match the main house. Whilst the flat roof form would be at odds with the pitched roof form of the main building it would not be an incongruous or seriously harmful addition as the structure would not be visible from public views, and it would serve as an adjunct to the main building. As such it would be in compliance with policy HB8 of the PPLP. Overall, the extension is considered to represent a subservient addition to the property that would have an acceptable impact on the visual amenity of the area.

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- 7.4 The proposed pitched roof proposed over the existing garage on the front elevation of the property would have an acceptable visual impact on the character of the host property. Whilst this arrangement would somewhat dilute the symmetry between the application site and the adjoining property, 34 Harcourt Road, it is noted that various works to both properties over the years, including the side dormer at No.34, have already diluted the symmetry between the buildings. It is therefore considered that the proposal would not result in significant harm to the character of the host property or wider Harcourt Road street scene to a degree that would warrant refusal of planning permission on design grounds. The white render finish on the gable of the pitched roof is considered to be an appropriate feature.
- 7.5 Overall, the proposed development is considered to comply with development plan policies BE1 and BE8 of the Local Plan Review and HB1 and HB8 of the Places and Policies Local Plan.

b) Residential amenity

- 7.6 Policy HB8 of the Places and Policies Local Plan states that extensions should protect the residential amenity of the occupants of neighbouring properties and ensure avoidance of unacceptable overlooking and inter-looking. Single storey extensions should be designed so as to fall within a 45-degree angle from the centre of the nearest ground floor window of a habitable room or the kitchen of the neighbouring property.
- 7.7 In this case, the applicant has demonstrated that the proposed extension would fall within a 45-degree angle from the centre of the nearest ground floor window of a habitable room at both neighbouring properties, 30 and 34 Harcourt Road. It is therefore considered that the proposed rear extension would not result in an unacceptable overbearing, enclosing or overshadowing impact on either of these properties. The proposed windows and doors on the extension are at ground floor level and as such would offer views of the application site garden only and would not result in any overlooking. There are no side windows proposed that would result in a loss of privacy to neighbouring occupants.
- 7.8 The proposed pitched roof over the garage would have no impact on the amenity of neighbouring properties.

c) Parking and highways

- 7.9 The existing parking arrangement at the property would be unaffected by the proposal and no additional bedrooms are proposed. The garage would remain as such and there are no highway safety concerns in relation to the development.

d) Other matters

- 7.10 It is noted that several issues have been raised in an objection letter. Covenants on are private legal matters and cannot be considered as part of the planning application. The visual impact of the alterations has been considered above. Drainage is dealt with under Building Regulations. It is considered that adequate garden area will remain. Any damage that occurs during construction would be a private legal matter between the parties.

Environmental Impact Assessment

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

Human Rights

7.12 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

7.13 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.

Working with the applicant

7.14 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.

8. CONCLUSION

8.1 In light of the above, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATION

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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.

Conditions:

1. The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, OS extract and drawing number 19/34 – 2 received 6th November 2019.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Local Plan Review.

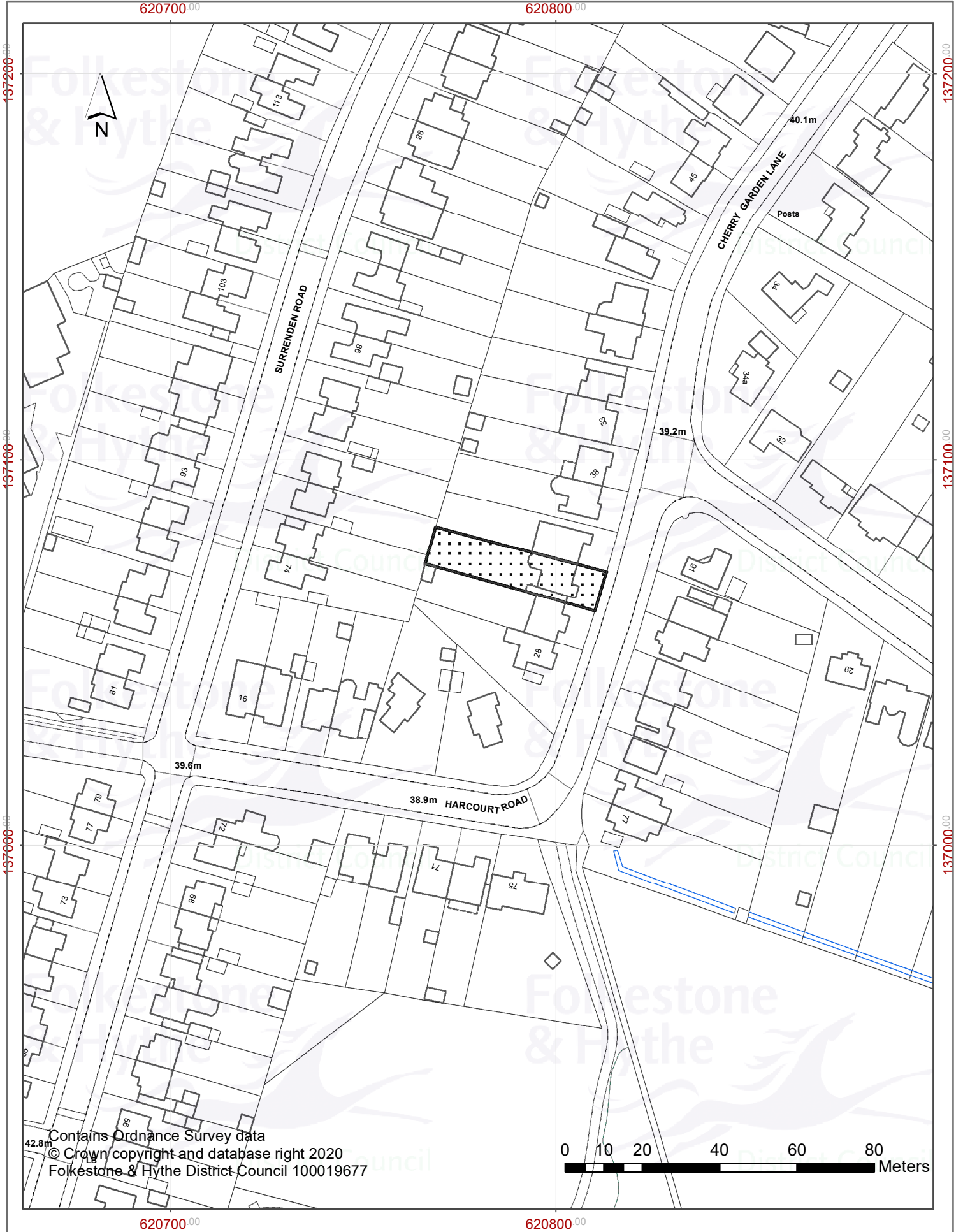
3. The development hereby approved shall be carried out in complete accordance with the details of materials as specified in the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

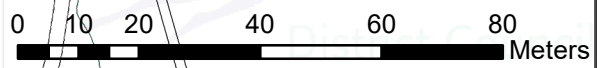
To ensure the appropriate appearance of the completed development and in the interests of visual amenity.

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Y19/1213/FH
32 Harcourt Road
Folkestone



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Agenda Item 9

DCL/19/42

Application No: Y19/1377/FH

Location of Site: 10 Vicarage Road, Sandgate, Kent, CT20 3AA.

Development: Retrospective application for the erection of a suspended car deck to allow two cars to park on the site.

Applicant: Mr & Mrs Feaver.

Agent: Mr James Reuther, RDA Consulting Architects.

Officer Contact: Ross McCardle

SUMMARY

The application seeks retrospective planning permission for the erection of a suspended car parking area which projects outwards from the hillside, along with some proposed amendments to the design. Its scale, design, and appearance is considered to be harmful to the character of the area, the character and appearance of the Sandgate conservation area and the designated Area of Special Character, and contrary to local and national planning policy. The application is therefore recommended for refusal.

RECOMMENDATION:

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

1. INTRODUCTION

1.1. The application is reported to committee at the request of Councillor Fuller as he does not consider that the plans detract from the character of the conservation area.

2. SITE AND SURROUNDINGS

- 2.1. The application site is a detached house situated on a hillside within the built up area of Sandgate. Vicarage Road is an unmade residential street with several imposing Georgian-style detached houses on the northern side and a number of more modern houses on the southern side, many built into the hillside.
- 2.2. No.10 is a newer property (granted planning permission in 2008) of a contemporary modernist design. It is set into the hillside and as a result its flat roof is the main feature visible from Vicarage Road. Views of No.10 and its neighbours are available from The Riviera at the foot of the hill.
- 2.3. The parking area the subject of this application sits to the west of the house and adjacent to a detached garage for the neighbouring property.

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2.4. The houses immediately to the north (Sea Lady and East Cliff House) are grade II listed. The site lies within the Sandgate High Street Conservation Area (CA), an Area of Special Character, and Landslide Slope Instability Zone E (the highest risk zone).

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

3. PROPOSAL

3.1 This application seeks retrospective planning permission for the erection of the existing car deck. It is a flat and level concrete pad with hoop-top galvanised metal railings on 3 sides, and it projects outwards from the hillside atop supporting metal beams. It provides sufficient space for two cars to park side-by-side.

3.2 The application proposes changes to the design of the deck as constructed to overcome the previous reason for refusal, including:

- Removal of the metal hoop-top railings and installation of glazed balustrades to match those on the house; and
- Cedar hit-and-miss cladding around the supporting beams.

3.3 A structural survey and slope stability report have been submitted as part of the application which concludes that there is no risk to the stability of the hillside as a result of this development.

4. RELEVANT PLANNING HISTORY

4.1 Planning permission was granted for erection of the house in 2008 under planning permission Y08/1197, and amendments to its design subsequently agreed in 2011 under Y11/0050/SH.

4.2 Y19/0519 sought retrospective planning permission for erection of the car deck but was refused under delegated powers for the following reason:

1. The proposed car deck, by virtue of its inappropriate siting, projection off the escarpment, significant height and incongruous materials appears as an alien structure in the street scene that bears no relation to the prevailing vernacular or historic character of the area. Its resultant appearance is overly prominent and out of keeping in the Radnor Cliff street scene, resulting in significant visual harm to the Area of Special Character and the setting of the Sandgate Conservation Area. the proposal is therefore contrary to saved policies BE1, BE4 and BE12 of the Shepway District Local Plan Review, emerging policies HB1 and HB8 of the emerging Places and Policies Local Plan Submission Draft and the National Planning Policy Framework.

4.3 The officer's report for that application refers to (amongst others) the impact of the development upon the character or appearance of the conservation area, and the location of the site within the Radnor Cliff Character Area as designated by the Sandgate Village Design Statement (considered in detail below).

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: No objection.

Local Residents Comments

5.2 2 letters of objection have been received from neighbouring residents, raising the following summarised concerns:

- The deck is unattractive;
- Out of keeping with the area;
- Harmful to the Conservation Area;
- Has it been inspected by a structural engineer;
- Party Wall issues (touches garage building at No.8);
- Rainwater runoff pools underneath the deck.

Sandgate Society

5.3 The Sandgate Society reiterates the officer's comments from the delegated report for Y19/0519, which it asks to be taken into consideration:

- The structure appears as an alien and visually dominant addition to the plot;
- The materials are overly industrial;
- Visual clutter on the escarpment;
- The benefit of the scheme doesn't outweigh the visual harm;
- Contrary to policies of the Local Plan Review;
- Contrary to the Sandgate Design Statement; and
- The site is within a defined Area of Special Character.

Ward Member

5.4 Ward member Cllr Gary Fuller has called this application in to be considered by the Committee.

5.5 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 (PPLP) Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.

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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
BE1 – design
BE4 - conservation areas
BE8 - alterations and extensions
BE12 - Areas of Special Character
BE16 - retaining landscape features
BE19 - land stability
TR12 - car parking

Shepway Local Plan Core Strategy (2013)

DSD - Delivering Sustainable Development

Places and Policies Local Plan Submission Draft (February 2018)

HB1- quality places through design
B8 - alterations and extensions
T2 - parking standards
NE6 - land stability
HE1 - heritage assets.

Core Strategy Review Submission draft (2019)

None relevant.

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

Supplementary Planning Guidance/Documents

Sandgate Village Design Statement

- SDS1: *“All applications for new development in Sandgate parish should include a statement demonstrating how they have complied with the Principles of the Sandgate Design Statement.”*
- SDS2: Development should be consistent with the NPPF and the Local Plan, and should *“acknowledge, preserve and enhance the built and natural heritage of the parish of Sandgate.”*

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- SDS4: All development should preserve or enhance the CA, and application should demonstrate how they have considered the CA appraisals by way of a Heritage Statement.
- SDS5: Development should respect the designation of Character Areas.

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 following paragraphs of the NPPF are relevant to this application:-

- Para. 11 sets out the presumption in favour of sustainable development, part of which means determining applications in accordance with up-to-date policies.
- Para. 47 sets out that applications should be determined in accordance with the development plan, with weight being given to emerging policies in accordance with their stage of preparation.
- Para. 127 requires developments to be sympathetic to local character, be visually attractive, and add to the overall quality of the area.
- Para. 170 aims to protect and enhance valued landscapes.

National Design Guide October 2019

The National Design Guide was published on 1st October 2019 and illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the government's collection of planning practice guidance. The following extracts are relevant:

- Section C1 sets out that *"well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary."* It continues to state that various elements can contribute to local context, including existing built form, local heritage, local landform and topography, and views *"inwards and outwards"* (amongst others).
- Section I1 requires developments to respond to existing local character and identity by respecting the pattern of development and special features of the area that contribute to its distinctive character and context, including *"the composition of street scenes, individual buildings and their elements"* and *"views, vistas and landmarks."*
- Paragraph 67 states that the built form of well-designed places relates well to the site and its context.

Town and Country Planning Act

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

7. APPRAISAL

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

- a) Principle of development.
- b) Scale, design, and visual amenity.
- c) Residential amenity.
- d) Highways and parking.
- e) Slope stability.
- f) Other matters.

a) Principle of development.

7.2 The site lies within the built up area and the principle of development is therefore acceptable, but subject to consideration of detailed matters as set out below.

b) Scale, design, and visual amenity.

7.3 The Sandgate Conservation Area appraisal specifically refers to Radnor Cliff and the application site, stating that the views from and relationship with the beach and seafront below are especially important, as is *“the land form and planting to the foreground and backdrop.”* The area is also specifically referred to as a key view: *“upwards from the beach towards Radnor Cliff and its steep backdrop of greenery.”* These aspects are also referred to within the Sandgate Village Design Statement.

7.4 The application seeks to regularise an elevated car deck on the hillside of Radnor Cliff, facing outwards to the sea, and to amend the external materials in the aim of softening its visual impact. The deck stands approximately 5m high and is constructed of concrete with steel supporting columns, and it is proposed to surround those columns with timber cladding. The deck is easily visible from public vantage points along The Riviera and the beach due to its siting on the brow of the escarpment and projection outwards from the hillside. Due to this position and the materials used – and also those proposed – it is and will be a prominent and incongruous structure within the context of the otherwise largely green and verdant hillside, and consequently harms the character and appearance of the area. Cladding the supporting beams will, in officers’ opinion, further draw the eye to the structure and cause additional harm. A reliance on planting to soften the impact of the development does not mitigate this concern, as there would be a significant reliance on upkeep and maintenance of such planting in perpetuity; such a substantial reliance on planting indicates that the development is in itself unacceptable.

7.5 The adopted Sandgate Conservation Area Appraisal, at para. 45, lists views *“upwards from the beach towards Radnor Cliff and its steep backdrop of greenery”* and *“views in both east and west directions along Radnor Cliff and the Riviera”* as key views within the conservation area. Para. 71 also notes that *“a vital component of the Radnor Cliff area’s character for example is its dramatic hillside setting and planting. Views into or out of this area and gaps between houses are important to its setting.”* As above: the

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scale, position, and design of the car deck means that it intrudes into these specifically protected views in a manner that intrudes upon the green and unspoiled character of the hillside. It is therefore considered that the development negatively affects the character and appearance of the conservation area, and it is therefore to be unacceptable.

- 7.6 The delegated report for Y19/0519 raised concern in respect of the materials used. The proposed amendments would resolve this issue and the car deck would appear more homogenous with the dwelling. However the changed materials/design do not resolve the prominence or visual impact arising from the uncompromising siting and scale of the car deck. There is little that could be done to resolve this in officers' opinion, and a reliance on tree planting or other soft landscaping would be masking the issuing rather than effectively resolving the arising harms.
- 7.7 The site also falls within an Area of Special Character designated for its special environmental quality, including important skylines and detached houses in large gardens with mature vegetation, which contribute significantly to the attractive appearance and character of their surroundings. Local Plan Review policy BE12 (noted in the policy section above) sets out that development within Areas of Special Character *"will not be granted if [it] will harm the existing character of that area by reason of ... greater visual impact of buildings."* For the reasons set out in the previous paragraphs it is considered that the car deck will result in a great visual impact of built structure.
- 7.8 It is considered that the car deck, by reason of its scale, siting, and projection within a specifically protected hillside landscape, is visually intrusive in the hillside and harmful to the street scene views, the character and appearance of the conservation area and the area of special character.

c) Residential amenity

- 7.9 The car deck is unlikely to give rise to any particular concerns in respect of the amenity of neighbouring residents. It is set away from neighbouring dwellings and would be unlikely to give rise to any serious issues of overlooking, overshadowing, or loss of light.

d) Highways and parking

- 7.10 It is accepted that the deck is useful in providing off-street parking and turning facilities for No.10. Vicarage Road is quite narrow and officers can see how it is a benefit to the applicants to have space for two cars off the highway in respect of manoeuvrability and access. However, Vicarage Road is a private road and there is no KCC Highway requirement for the off street parking spaces, it is solely for the convenience of the applicants. There is on-street parking available for the applicants, both on Vicarage Road and other neighbouring streets, and while it's noted that people are generally not keen on parking remotely from their house (or where access might be tight) this is not in sufficient justification to override the visual amenity concerns of what is considered to be unacceptable development.

e) Slope stability

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7.11 The site lies within an area identified as being very at risk of land slippage, and this has also been highlighted by one of the objectors. Full structural calculations (carried out by AJ Locke Consulting Engineers, who have been operating for over a decade) and construction method statement relating to the works as carried out have been provided and officers have no reason to doubt their validity. They conclude that the works are structurally sound and will have no significant impact upon slope stability. There is no reason to dispute these findings

f) Other matters

7.12 The objection in regard to the car deck being hard against No.8's garage is noted and appreciated, but this is a private legal matter under the Party Wall Act and not a material planning consideration.

7.13 The application is retrospective but Members should note that this is not a material planning consideration, nor in itself a justifiable reason for refusing planning permission.

7.14 If Members resolve to refuse planning permission the Council will need to consider removal of the deck through formal planning enforcement action. Enforcement action is considered expedient here due to the unacceptable impact the car deck causes to the character or appearance of the Sandgate Conservation Area, the Area of Special Character, and the wider visual amenity in views of the street scene. The Chief Planning Officer has delegated authority to take enforcement action in relation to minor development and where planning permission has already been refused. Both criteria apply in this case.

Environmental Impact Assessment

7.15 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

7.16 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

7.17 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having

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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

7.18 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.

Working with the Applicant

7.19 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner. However this application is retrospective, and the concerns noted above can't be resolved by anything other than removal of the development in its entirety. Officers therefore consider that there are no amendments that would resolve the matter.

8. CONCLUSION

8.1 This application seeks retrospective planning permission for the erection of a raised parking area which projects from the hillside at Vicarage Road, Sandgate. The development is considered to be harmful to the conservation area, streetscene and Area of Special Character, and contrary to local and national policy.

8.2 It is therefore recommended that planning permission should be refused.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATION

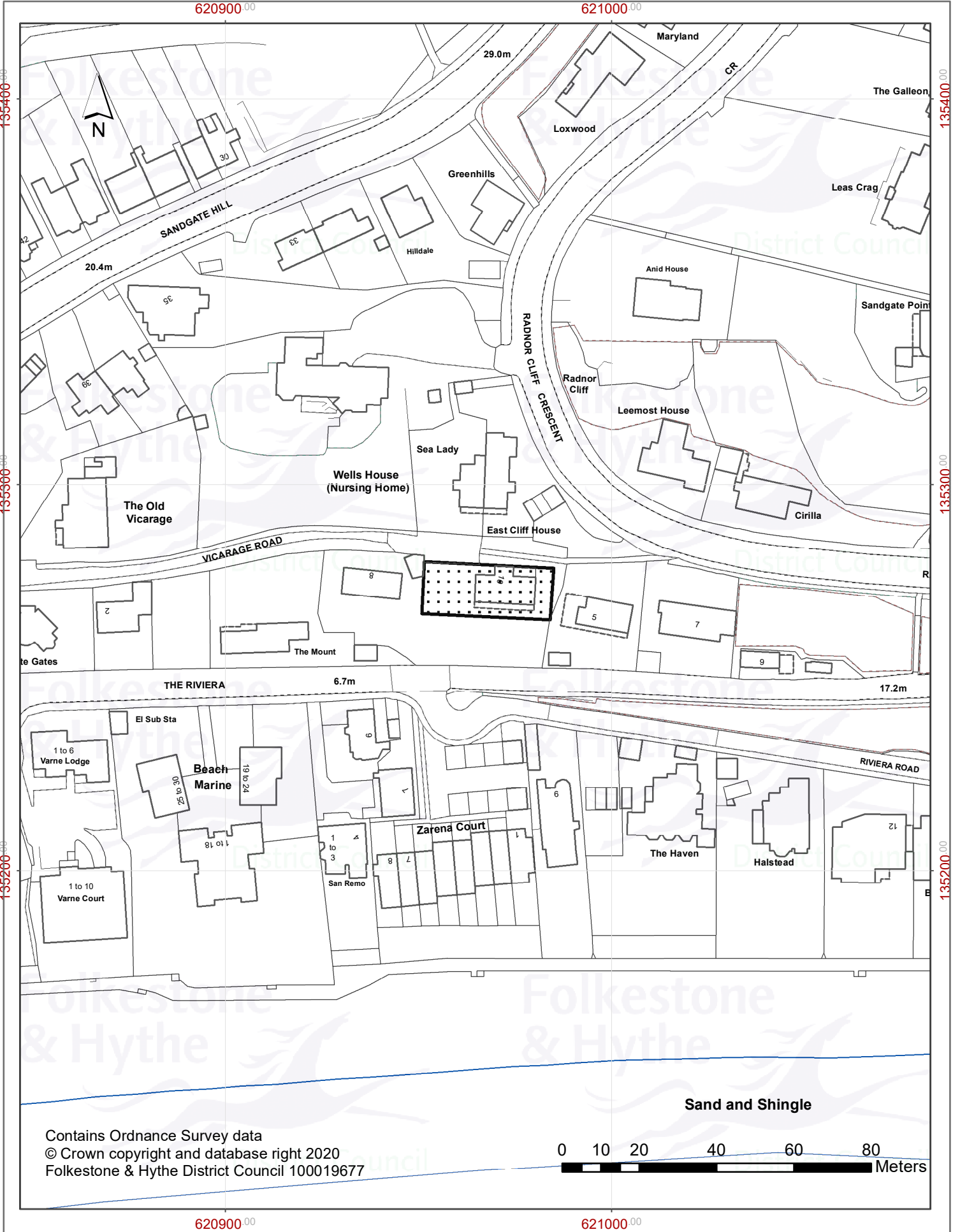
That planning permission be refused for the following reason(s):

1. The car deck, by reason of its siting, projection off the hillside, significant height, and external materials is a prominent and intrusive structure within the conservation area and wider streetscene as well as the designated Area of Special Character. It is out of keeping with the prevailing vernacular and historic character of the conservation area and results in significant visual harm to both the conservation area and the Area

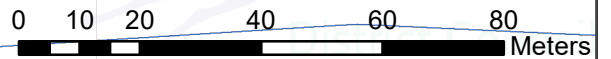
DCL/19/42

of Special Character. As such the development is contrary to saved policies BE1, BE4 and BE12 of the Shepway District Local Plan Review 2006; policies HB1, HB8, and HE1 of the emerging Places and Policies Local Plan (2018 Submission Draft); policies SDS2, SDS4 and SDS5 of the Sandgate Village Design Statement; paragraphs 127 and 170 of the National Planning Policy Framework; and the advice of sections C1, I1, and paragraph 67 of the National Design Guide.

Y19/1377/FH
10 Vicarage Road
Sandgate



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Agenda Item 10

DCL/19/43

Application No: Y19/0890/FH

Location of Site: 9 Naildown Road, Hythe, Kent, CT21 5SY

Development: Retrospective application for elevated decking area to the rear.

Applicant: Mr Daniel Smee

Agent: N/A

Officer Contact: Katy Claw

SUMMARY

This report considers whether planning permission should be granted for the increase in length (approximately 980mm) and changes to the design (layout of steps and increase in length of supporting framework) of the elevated decking area to the rear of the host property. Elevated decking was approved in July 2014 under planning reference Y14/0651/SH. The report recommends that planning permission should be granted with conditions as it considered that the amenities of the neighbours to the rear would not be significantly compromised over and above the impact that would have resulted from the original consent.

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 by Cllr Jim Martin, a Member of the Planning & Licensing committee.

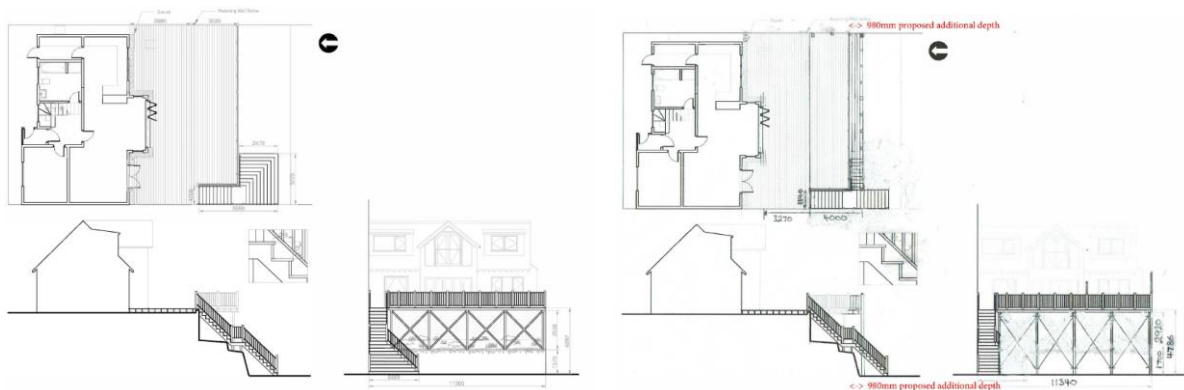
2. SITE AND SURROUNDINGS

2.1 The application site is within the defined settlement boundary and is part of a group of eight semi-detached bungalows positioned at the top of a steep bank, formerly a railway embankment, but now given over to residential development. The site is in an elevated position, with steep slopes up to the properties and down to the rear, giving very steep garden areas. There is established vegetation on the northern slopes fronting Naildown Road and some properties in this group have created domestic garden / decking areas and off-street parking. The site is in an area identified as being of potential land instability.

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

3. PROPOSAL

- 3.1 Planning permission is sought for the installation of an elevated decking area, supports and steps located to the rear of the property. The proposal seeks an enlargement of the decking area from a previously approved scheme (from 3020mm to 4000mm – which is a difference of 980mm) and alterations to the design from that previously approved under Y14/0651/SH.
- 3.2 It is understood that during construction the applicant was not able to place the steel supports in the ground where originally proposed and that the need to move these supports led to an increase in the length of the decking. As a result, the supporting posts were also required to be longer to reach the new ground location due to the differing land levels.



- 3.2 The following report was submitted by the applicant in support of the proposals:

Slope Stability Report produced by KSI Ltd.

- 3.3 The submitted slope stability report concludes that the additional load on existing walls will be relatively small and even then the line loads at foundation level will not greatly exceed, if at all, the line loads on some of the foundations from the existing structure. The imposed loads are almost negligible compared with the weight of the embankment imposed on the natural ground. It concludes that the proposed changes to the structure of the building will have no adverse effect on the stability of the site or surrounding ground.
- 3.4 This application has been subject to an enforcement complaint and works have ceased. During the site visit it was noted that the decking is not yet fully completed.

4. RELEVANT PLANNING HISTORY

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

Y14/0651/SH	Erection of a side extension incorporating accommodation in the roof space and a rear dormer window, together with first storey extension to the rear and construction of an elevated deck area, also the rear.	Approved with conditions
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5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Hythe Town Council: No objection

Local Residents Comments

5.2 6 neighbours directly consulted. 6 letters of objection, 0 letters of support received and 2 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

- No consideration was given to privacy from the outset
- Objections to the content and findings of the case officer within the original 2014 officer report.
- Any vegetation that existed at the time of the application has long since been removed by the owner.
- Neighbour rights have been disregarded and compromised.
- Structure should be removed or reduced in size.
- New structure has breached the original plan very significantly.
- Structure is unsightly and imposing.
- Steel supports out of keeping.
- Impacts upon property value due to privacy issues.
- Design does not fit in the residential area.
- Neighbouring properties gardens and windows are overlooked.
- Proposed hedges would not be tall enough to grow to the height of the decking.
- Neighbours not notified of original 2014 application.
- Amendments to scheme have resulted in a totally obtrusive structure.

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

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

6. RELEVANT PLANNING POLICY

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

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- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject of public examination, and as such its policies should now be afforded significant 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

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

BE8 - Criteria for considering extensions to dwellings.

BE19 – Land instability

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development

Places and Policies Local Plan Submission Draft (2019)

HB1 – Quality Places through Design

HB8 - Alterations and extensions to residential buildings.

NE6 – Land stability

Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy

Government Advice

National Planning Policy Framework (NPPF) 2019

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

Paragraph 11 - Presumption in favour of sustainable development.

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

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) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Land stability

a) Principle of development and sustainability

7.2 The principle of a supported decking area in this location has already been established by the 2014 permission and this planning permission was lawfully implemented within the three year time period as the other works approved under 2014 have been undertaken. Therefore the consent for the decking as originally permitted remains intact and can be built out.

7.3 As such, the key consideration is whether the additional 980mm would result in a significantly greater detrimental impact on the visual amenity of both the locality and neighbours of the site. These considerations are set out below.

b) Design/layout/visual amenity

7.4 In terms of design, the decking has been constructed of timber with wooden balustrade and steel supporting posts. These materials are as originally set out under the 2014 application and no objections are raised.

7.5 The overall design itself has not differed significantly from the original scheme, the proposal is still for an elevated decking area, constructed of timber, with timber balustrade, steps and supports that run into the bank. The decking area has been constructed from the rear façade of the main dwelling and the layout remains very similar to that previously approved. For this reason, it is considered that the design and layout would be acceptable.

- 7.6 The decking area is not readily visible from a public place, although glimpses of it can be seen from Seabrook Road, to the south, through the gaps in the houses.
- 7.7 It is accepted that the decking as constructed does exceed the parameters of the earlier planning permission and has now resulted in structural supports that are approximately 4.8m in length, some 2.3m longer than approved. In this regard it is accepted that this has resulted in greater visual impact as the metal supports are now significantly longer than as previously approved. The visual impact is further exacerbated by the material of the supporting posts and the fact that the structure faces south, leading to the supports being more visually apparent due the reflective metal surface. With this in mind Officers recommend that should Members resolve to grant planning permission, a condition be attached stating that the supports should be powder coated in a dark brown or dark green shade with a matt paint finish to help reduce the visual impact from the streetscene and from the neighbouring perspective.

c) Residential amenity

- 7.8 The issues surrounding neighbouring amenity have already been concluded as acceptable in principle by the approval of the 2014 application. The role of the LPA in this case is to assess whether any overlooking from the enlarged decking would allow for views above and beyond those already deemed to be acceptable under the 2014 application. Consideration must also be given as to whether outlook as a result of the increased size would be further unacceptably impacted upon, to neighbours' detriment.
- 7.9 Having visited the site and seen the area from various locations on the (near completed) decking, Officers are of the opinion that the views obtainable from the increased 980mm area of decking do not give rise to increased levels of overlooking, above and beyond those already obtainable from the decking area as approved. As such it is considered that overlooking of neighbouring properties is not significantly worse than under the previous planning approval and it would not be appropriate to refuse the decking on the grounds of increased overlooking. It is accepted that the nearby residents perception of overlooking may have increased but Officers are satisfied that increased levels of overlooking from the enlarged area are no greater than from other areas within the decked area that already has the benefit of planning permission. For these same reasons, the impact on neighbours' outlook would not be much altered above and beyond that of the original permitted scheme.

d) Land stability

- 7.10 The findings contained within the structural soil stability Report, which has been produced by a competent and suitably qualified professional body (KSI Ltd) conclude that the proposal would not result in works that would have an adverse effect on the slip area. Any planning approval would be accompanied by a suitably worded condition that requires the applicant to carry out the works in accordance with the details and recommendations as set out in the soil stability report and that upon completion confirmation from a suitably qualified engineer shall be submitted to and approved by the LPA prior to its first use. As such, this is not considered to be of concern to Officers and meets the aims of saved Policy BE18.

Environmental Impact Assessment

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

Human Rights

7.12 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

7.13 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.

Working with the applicant

7.14 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.

8. CONCLUSION

8.1 It is considered that planning permission should be granted subject to conditions to allow the retention of the decking area subject to the steel supports being painted with a dark matt paint and maintained, and that the works are carried out in accordance with the recommendations and conclusions as set out in the accompanying soil stability report. Evidence that these have taken place is to be submitted and approved by the LPA.

9. BACKGROUND DOCUMENTS

DCL/19/43

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

10. RECOMMENDATIONS

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.

Conditions:

1. The development hereby permitted shall be retained in accordance with the details shown on drawing numbers 14012/PL01, 14012/PL03 and 14012/PL10 Rev C, received 2nd August 2019.

Reason:

For the avoidance of doubt and in order to ensure that the development is in accordance with the aims of saved local plan policy SD1 of the Shepway District Local Plan Review.

2. Within 3 months of the date of this permission, the metal supports shall be painted dark brown / green using a suitable outdoor matt paint and the finished paintwork shall be retained and maintained accordingly until such times as the structure is removed.

Reason:

In the interest of visual amenity

3. a) The development hereby permitted shall not be carried out except in accordance with the details and recommendations as set out in the soil stability report produced by 'KSI Ltd' dated 2014, received 2nd August 2019.

(b) No works other than those approved shall be carried out unless details of these have first been submitted to and approved by the Local Planning Authority.

(c) All works recommended in the approved ground investigation report shall be carried out as set out in the approved documents and upon completion confirmation from a suitably qualified engineer that the approved works have been carried out in full shall be submitted to the Local Planning Authority prior to the building being occupied.

Reason:

The site lies within, or within the influence of an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey and it is necessary to ensure that appropriate works are carried out in order to ensure the stability of the site and the development and the adjoining land and buildings in accordance with policy BE19 of the Shepway District Local Plan Review and PPG14: Development on Unstable Land.

Y19/0890/FH
9 Naildown Road
Hythe



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Agenda Item 11

DCL/19/44

Application No: Y19/1235/FH (Planning Application) & Y19/1236/FH (Listed Building Consent)

Location of Site: 30 Sandgate High Street, Sandgate, Kent, CT20 3AP

Development: Retrospective application for replacement timber first floor front window to match approved adjoining replacement windows together with listed building consent for the same works.

Applicant: Mr Barry & Paul Messrs. Bushell & Ollerenshaw

Agent: Mr Stuart Ingleston

Officer Contact: Katy Claw

SUMMARY

This report considers whether planning permission and listed building consent should be granted for the installation of replacement white painted timber windows on the first floor front elevation of the host building. The report recommends that planning permission and listed building consent be granted as it is considered that the replacement windows would result in an overall enhancement of the group of buildings (Nos 26, 28, 30 and 30A), all of which are Grade II Listed.

RECOMMENDATION A (Y19/1235/FH):

That planning permission be granted subject to the condition 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.

RECOMMENDATION B (Y19/1236/FH):

That Listed Building Consent be granted subject to the condition 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 applications are reported to Committee as per the Council's Scheme of Delegation due to Sandgate Parish Council objecting to the applications and as the recommendation is for approval.

2. SITE AND SURROUNDINGS

- 2.1. The application site is a Grade II Listed Building located within the settlement boundary of Sandgate, within the Sandgate High Street Conservation Area and Area of Archaeological Potential. The applications relate to replacement windows located on the first floor front elevation of the host building. The first floor windows serve a staff room that is used in association with the existing ground floor commercial unit, currently operating as a restaurant.
- 2.2. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission and Listed Building Consent is sought for replacement timber windows at first floor to match those windows which received planning permission at 26-28 Sandgate High Street in May 2017 in connection with a change of use of the building.
- 3.2 The following reports were submitted by the applicant in support of the proposals:
- Design & Access and Heritage Statement
- 3.3 The submitted report sets out the use of the site, explains what was discussed with the officer and heritage officer during the life of the 2017 application for the property next door, it refers to relevant local and national plan policies and concludes with why the applicant feels the works are acceptable. A copy of the submitted statement can be found on the public file.

4. RELEVANT PLANNING HISTORY

- 4.1 There is no recent or relevant planning history relating to No.30 Sandgate High Street. Relevant planning history relating to 26-28 Sandgate High Street is set out below:

Y17/0379/SH	Change of use and conversion of existing vacant first floor offices into two self-contained flats and replacement of front elevation windows.	Approved with conditions
Y17/0380/SH	Listed building consent for internal alterations, including making new openings in walls and replacement of two front elevation windows, to allow for the conversion of first floor into two self-contained flats.	Approved with conditions
90/0189/SH	Listed building consent for internal alterations	Approved
90/0190/SH	Change of use of first floor to offices	Approved

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: Object on the basis that the applicant has replaced a window with a different design citing historical precedence without evidence. This is a material change which they are concerned will affect the listed status of the building.

Heritage Consultant: Recommended to grant consent

Local Residents Comments

5.2 13 neighbours directly consulted. 1 letter of objection, 0 letters of support received and 0 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

- No evidence of consultation with the listing authority, only applicants' assurance that the change of windows on the listed building will have no detrimental effect upon the listed building status.
- Early photographs show 26-30 Sandgate High Street prior to the buildings east of it were demolished. The applicant states that the windows have not been restored, but the photographs show windows similar to the ones removed and a single different window. Photos can be viewed online.

<http://archive.sandgatesociety.com/>

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

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

6. RELEVANT PLANNING POLICY

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

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject of public examination, and as such its policies should now be afforded significant 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) (SDLPR)

SD1 – Sustainable Development

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

BE4 - Criteria for considering development within conservation areas.

BE5 - Control of works to listed buildings.

BE8 - Criteria for considering extensions to dwellings.

Shepway Local Plan Core Strategy (2013) (SLPCS)

DSD – Delivering Sustainable Development

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

HB1 – Quality Places through Design

HB8 - Alterations and extensions to residential buildings.

HE1 – Heritage assets

Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy

Sandgate Design Statement 2013

SDS1 – Compliance with the Design Statement

SDS2 – Compliance with the development plan

SDS4 – Conservation Areas

SDS5 – Character Areas (The High Street Area)

SDS6 – Street Scene Detailing

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

Supplementary Planning Guidance/Documents

Government Advice

National Planning Policy Framework (NPPF) 2019

Of particular relevance are paragraphs 12, 189, 190, 192, 193, 194, 196

Paragraph 193 of the NPPF says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 of the NPPF refers to proposals affecting heritage assets and says that where a development proposal will lead to less than substantial harm to the

DCL/19/44

significance of a heritage asset, this harm should be weighed against the public benefits of the proposed building including, where appropriate, securing its optimum viable use.

- 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.

National Planning Policy Guidance (NPPG)

Design: process and tools

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive
Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'*.

7. APPRAISAL

Background Information

- 7.1 It is understood that the South street frontage to Sandgate High Street is a later re-fronting of render with a stucco parapet cornice, these external works took place around the mid c19th, presumably when the building was converted into office space. The re-fronting spans across no's 26, 28, 30 and 32 Sandgate High Street, giving the current frontage a unified appearance across the properties. As a result of those works in the mid c19th taking place, it is likely that the original windows were replaced with all-bar windows and these all-bar windows were in situ at the time of the assessment of applications Y17/0379/SH and Y17/0380/SH. During the assessment of the 2017 applications these all-bar windows were not considered to be the originals, due to their design and that they also did not sit back in the reveal as would be expected of windows in a building of this age, and so were considered by the Council's heritage consultant to be more modern due to their design/placement vs the age of the main building. The original submission of the 2017 applications did not include any external works, only the internal works for the conversion to residential. During the life of those applications the Council's heritage consultant suggested to the case officer at the time, that whilst the internal conversion works were acceptable (the historic interior had been lost many years ago, likely during the conversion to offices) that the modern windows should be removed and that the applicant should reinstate the sash window arrangement on the south elevation, to mirror the older windows as found above the bakery at 30A Sandgate High Street. The suggestion was then that the windows needed to be box

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sashes - unequal sliding sashes with horns, and they needed to be set back in the reveal (unlike the more modern windows that appeared more flush, and therefore out of keeping with the historical building). The windows could be Slimlite double glazed. This was specifically requested to be undertaken in order to achieve improvements to the uniformity and historic content of the original listed group. These suggestions were taken on board and acted upon by the applicant and amended plans showing the replacement windows were subsequently submitted and approved on 31st May 2017. The works approved to the front elevation windows were to Nos 26 and 28 only, leaving No 30 with the larger all-bar window as this was outside of the red line of the application site being assessed under the 2017 applications.

7.2 In light of the above background information, the main issues for consideration are:

- a) Design/visual amenity of streetscene and conservation area
- b) Impact upon the Listed Building and group of Listed Buildings/ statutory duty to preserve the character of the Listed Building

a) Design/visual amenity of streetscene and conservation area

7.3 Saved local plan policies require development to be of a high standard of design and choice of materials and that development should accord with existing development in the locality, where site and surrounding development are physically and visually interrelated in respect of building form, mass, height, and elevational details.

7.4 Saved local plan policies that relate specifically to the conservation area states that the District Authority will require the height, scale, form and materials of new development, including alterations and extensions to buildings, to respect the character of conservation areas.

7.5 The sentiments of the saved Local Plan policies above are echoed in the emerging Places & Policies Local Plan and their combined weight is further supported by the Sandgate Design Statement. The NPPF guides that great weight should be given to the conservation of heritage assets and that their significance should not be harmed or lost through development

7.6 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving and enhancing the character or appearance of conservation areas.

7.7 It is considered that the works carried out to the first floor windows at No 30 Sandgate High Street do physically and visually interrelate with the site and surrounding area given what has already been granted and carried out at Nos 26 and 28 Sandgate High Street. Officers are of the opinion that the replacement windows fully unify the group of buildings and, as a result, has enhanced the character of the conservation area, and has improved the overall appearance of this group of buildings when read from the streetscene and wider conservation area.

b) Impact upon the Listed Building and group of Listed Buildings

7.8 Saved local plan policy BE5 refers specifically to Listed Buildings and, in part, says that the District Planning Authority will refuse Listed Building Consent for demolition,

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extension, alteration or partial demolition, including internal or external works, if the proposals are considered to be detrimental to the character of the building. These sentiments are again echoed in the emerging PPLP and supported by the Sandgate Design Statement.

- 7.9 Paragraph 132 of the NPPF refers to the historic environment and says that great weight should be given to the assets conservation. Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.10 The proposed replacement windows are considered to enhance the character of the Listed Building and improve the appearance of the listed group overall by replacing non-original windows with windows more appropriate to the period and appearance of the buildings, to mirror the historic windows found at the first floor South elevation of No 30A Sandgate High Street. The result is one of unifying the listed building with the group (Nos 26, 28 and 30A) preserving the character of the listed building. The works have resulted in reinstating more period appropriate windows and these works could be considered within the realms of a public benefit and a better understanding of the historic building that exists under the more modern c19th

Environmental Impact Assessment

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

Human Rights

- 7.12 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

- 7.13 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.

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

Working with the applicant

- 7.14 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.

8. CONCLUSION

- 8.1 The main issues are the impact of the works upon the streetscene, conservation area, Listed Building and group of Listed Buildings as a whole. The works have resulted in a more uniform appearance to the group of listed buildings and has resulted installation of windows more befitting the period of the building. It is accepted that the works have been carried out without first obtaining planning permission or listed building consent, however in this instance planning permission and listed building consent were both granted in 2017 for the same design or replacement windows at Nos 26 and 28 Sandgate High Street as is currently being sought under these current applications. The local plan policies used to assess the 2017 applications are still relevant as well as now being bolstered by the PPLP, which is similar in its policy standing. For these reasons it is concluded that planning permission and listed building consent should be granted.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

RECOMMENDATION A (Y19/1235/FH):

That planning permission be granted subject to the condition 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.

RECOMMENDATION B (Y19/1236/FH):

That Listed Building Consent be granted subject to the condition 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.

Conditions:

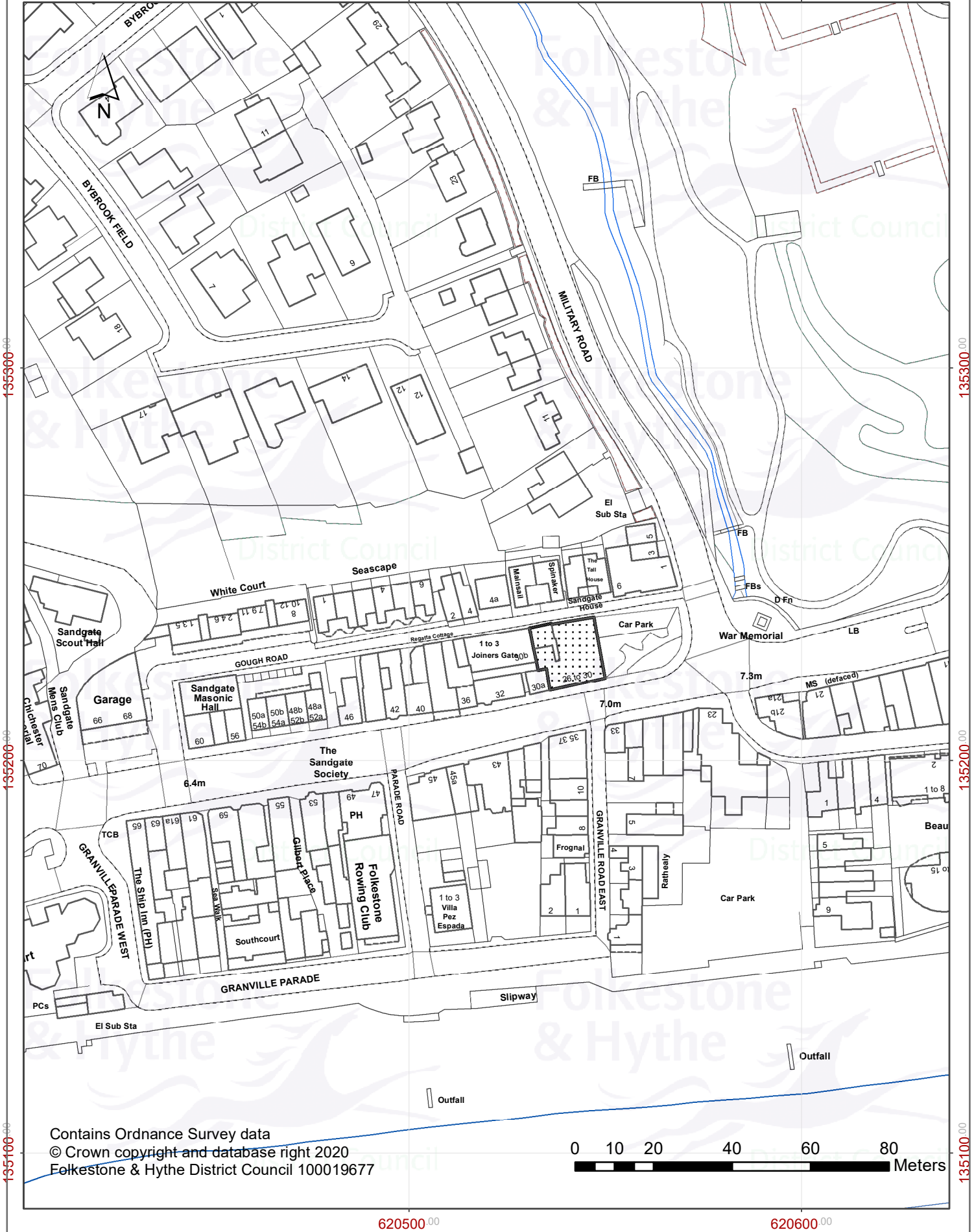
1. The development hereby permitted shall be retained in accordance with the details shown on drawing number 044/19/02, received 29.10.2019.

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Y19/1235/FH and Y19/1236/FH
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Agenda Item 12

DCL/19/45

Application No:	Y19/1370/FH
Location of Site:	Beach Chalet 1 – 79 Marine Walk, Folkestone, Kent
Development:	Renovation of 35 existing beach chalets, demolition of 44 huts, installation of 80 new wooden chalets and the improvement of the corresponding infrastructure.
Applicant:	Mr Alistair Clifford
Officer Contact:	Helena Payne

SUMMARY

This application seeks planning permission for the renovation of 35 existing beach huts and the demolition of 44 huts and installation of 80 new wooden chalets on the promenade below the Lower Leas Coastal Park. The site is within the built up area boundary of Folkestone and within the Bayle & Leas Conservation area. The renovation works and replacement beach huts are considered to be of a suitable design for the sensitive location, are not considered to give rise to any additional amenity or highway issues and concerns regarding incidences of crime can be addressed by conditions to protect future users of the huts.

The report therefore recommends that planning permission be granted subject to conditions.

RECOMMENDATION:

<p>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.</p>
--

1. INTRODUCTION

1.1 The application is reported to Committee as per the Council's Scheme of Delegation as Folkestone & Hythe District Council are the applicants and have an interest in the site.

2. SITE AND SURROUNDINGS

2.1 The application site is located within the Folkestone Seafront area, and is afforded dramatic views across the channel and has an attractive setting against the Leas Cliff and Coastal Park. The site is currently made up of 78 (all including those derelict and not in use) existing beach huts, which are located within the settlement boundary of Folkestone and the Folkestone Leas & Bayle Conservation Area. The application site consists of the existing beach hut site that stretches along the seafront between Sandgate and Folkestone along Marine Parade, sandwiched between the Coastal Park and the Promenade.

2.2 The application site is located in area of land instability, and is fairly untouched by physical development, other than the existing beach huts, which are located along the

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sea front. A footpath runs between the huts and the shingle beach allowing pedestrian access. Behind the existing huts, a vast amount of dense vegetation has grown, behind which, for the most part, steep banks lead up to road level.

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

3. PROPOSAL

3.1 Planning permission is sought for the renovation of 35 of the existing beach huts, the demolition of 44 huts and the erection of 80 new wooden chalets (total of 115 huts to be on site). The proposal also includes for the improvement and repair of corresponding infrastructure (repair to retaining walls and existing step access points).

3.2 The beach huts proposed for renovation are split into two sections, the first (huts 1 – 27 and within Zones 1 – 5 as shown on the attached plan in **Appendix 2**) are concrete huts rendered with pitched slate roofs and wooden front doors. The proposed refurbishments include new front doors and associated ironmongery, renovated or replacement roofs depending on condition to match the existing materials. Any loose render will be removed and replaced prior to painting with the installation of air-bricks to ensure the buildings do not become damp.

3.3 The huts identified as being within Zones 6 to 13 are earmarked for demolition, to be replaced by either Hut Type A (2.8m x 1.8m x 2.5m) or B (3.0m x 2.0m x 2.5m) (see **appendix 3**). The proposed replacement huts would be of wooden construction with pitched felt roofs and finished with a stain as seen throughout the Kent coast. The smallest hut would measure 1.8 x 1.8m and the largest 3m x 3m. The vast majority of the doors would be hinged to face seaward side, with a small number opening onto the promenade. The huts would be pushed to the back of each plot to stop litter being placed or gathering behind huts and allow suitable access along the front. The huts will be positioned with at least a 40cm gap between them to allow for future maintenance.

3.4 The huts located within Zone 14 are proposed to be renovated. This zone includes the existing tiered chalets and are constructed of concrete with rendered walls, felt flat roofs and wooden windows that have been boarded over for numerous years and wooden front doors. The common areas in this section are tiled with failing surface water drainage channels. Renovation works here would consist of removing and repairing loose render throughout the structure before painting externally and the installation of new roofs throughout, which are to be topped with sedum living green roofs to encourage a biodiversity gain throughout the site. The doors and associated ironmongery and the wooden shutters would also be replaced. Surface water channels and handrails will also be fitted though out the structure. Maintenance and repair of a number of other structures, including retaining walls and steps are also proposed. The site consists of a concrete hard standing that is in considerable poor state of repair. The work includes the relaying of sections of this to remove trip hazard and to improve the appearance of the area. The rear rendered walls that act as supporting walls to the coastal park bank are considered stable where they exist, however repairs to cracks will be carried out. The small front walls throughout the site are also showing signs of failure. A galvanised steel handrail system is proposed for the top of the front boundary walls and replacement ramps and steps will also be provided.

3.5 The application has been accompanied by the following supporting documents/reports:

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- Civil Engineering Assessment dated 15 November 2019 (by Consulting Civil & Structural Engineers) - The report concludes that the proposed scheme will not have a significant adverse effect on local or overall land stability in the 'Latchgate' area and may in fact result in a small improvement.
- Planning Statement - The statement advises that the application has been submitted by Folkestone & Hythe District Council itself as trustees of the Folkestone Parks and Pleasure Grounds Charity (FPPG). The FPPG Charity has the objective of regenerating the area and maximising rental income. In light of this a full review of the beach hut stock along Marine Parade was undertaken to fully understand the existing condition of the huts and the infrastructure that supports them. The Planning Statement refers to this review of the beach hut stock, providing justification for their renovation and/or demolition and replacement. The review showed that 22 of the huts were beyond economic repair, with numerous others needing works. The infrastructure has been degrading over many years and needs a major overhaul, including surface water drainage, cracked supporting walls, collapsed banks, failing steps and numerous surface trip hazards.
- Flood Risk Assessment – The Assessment concludes that the site has no known history of flooding and that the site is suitable for the proposed use. The risk of flooding the buildings from overland surface water and overtopping will be negligible as the site is situated on raised land, surrounded by concrete retaining and sea walls, and a shingle barrier. There will be no significant material impact on surrounding areas as a result of the proposed development. Any new areas of hardstanding will drain seawards.

RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history for the site is as follows:
- 4.2 Y15/0488/SH – Display of Beach Hut in connection with the Triennial – Approved with Conditions.

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: No comments received at the time of writing the report. Any comments received ahead of the Planning & Licensing committee meeting will be reported at the meeting.

Environment Agency: No objection to the proposal. The frontage is maintained by Folkestone & Hythe District Council and therefore no permissions are required from the EA. The conclusion of the submitted Flood Risk Assessment is accepted.

KCC Ecology: No comments received at the time of writing the report. Any comments received ahead of the Planning & Licensing committee meeting will be reported at the meeting.

KCC Local Lead Flood Authority (SUDS): No comments received at the time of writing the report. Any comments received ahead of the Planning & Licensing committee meeting will be reported at the meeting.

Merebrook (Contamination Consultants): No comments received at the time of writing the report. Any comments received ahead of the Planning & Licensing committee meeting will be reported at the meeting.

Kent County Constabulary: requests that the security for these huts meets or exceed the standards of SBD and Sold Secure silver, this is to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict. Some beach huts can be vulnerable so we welcome the opportunity to suggest affordable and realistic solutions.

Local Residents Comments

5.2 The application has been advertised on site and in the press and by the individual neighbour notification of the owner/occupier of 2 x neighbouring property. 2 letters of objection have been received.

5.3 The key issues are summarised below:

Objections

- Concerns about security as the proposed replacement chalets are of wooden construction.
- Can a wooden structure be secured to withstand weather conditions
- Wooden structures may be more prone to fire hazard and a target for vandals.
- Specific concerns regarding zone 12 (currently existing chalet numbers 75, 76, 77 & 78), and which are planned to be demolished and replaced with Hut Type A:
 - The new huts are significantly smaller than the existing.
 - The 4 existing huts are in good order (other than the odd missing tile and overgrown vegetation) so why demolish and replace? The chalets should be retained and instead renovated and repaired.
 - Keeping them would still allow space for new ones
 - Government policy is for the country to be carbon neutral by 2050. This isn't making the 'best possible use of existing resources'.

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

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

6. RELEVANT PLANNING POLICY

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- 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 of public examination, and as such its policies should now be afforded significant 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 (2006)

SD1 - Sustainable development

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

BE4 – Conservation Areas

BE13 – Urban Open Space

BE16 – Existing Landscape Features

BE19 – Land Instability

Shepway Local Plan Core Strategy (2013)

DSD - Delivering sustainable development

SS1 - District spatial strategy

SS6 – Spatial Strategy for Folkestone Seafront.

Places and Policies Local Plan Submission Draft (2019)

HB1 - Quality places through design

C2 – Safeguarding Community Facilities

NE6 – Land Stability

NE8 – Integrated Coastal Zone Management

NE9 – Development around the coast

Core Strategy Review Submission draft (2019)

SS1 - District spatial strategy

SS10 – Spatial Strategy for Folkestone Seafront

CSD5 – Water and Coastal Environmental Management

CSD6 – Central Folkestone

National Planning Policy Framework (NPPF) 2019

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

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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.

7. APPRAISAL

Principle of development

- 7.1 The general thrust of national and local planning policy is to secure sustainable patterns of development through the efficient re-use of previously developed land, concentrating development in accessible locations. The proposal is considered to facilitate the achievements of these objectives through the restoration and replacement of an existing facility in the same location.
- 7.2 Land south of Marine Parade is identified within the Local Plan (Saved Policy SS6 of the Shepway Local Plan Review, 2013) as an area of significant opportunity for new development, including leisure and tourism development, with potential to contribute to the wider regeneration of Folkestone and create an attractive link between the harbour and coastal park. The area contains a number of existing uses, including the existing beach hut development, of which there are 78 in total. Many parts of this wider site currently fail to provide a positive image or welcoming access for visitors and residents to the seafront due to the poor condition many of the existing huts are in. Some have been subjected to severe vandalism and graffiti, and others, due to lack of maintenance, have fallen into a poor state of repair. The result is unattractive and the proposed development seeks to improve the image of Folkestone Seafront without introducing new uses. The scheme proposes to improve existing beach hut facilities, and replace those that are beyond repair with the addition of some further huts to offer more variety in terms of sizes. It is considered that the proposed repair, refurbishment and replacement of those huts beyond repair and the provision of some new huts, will assist in improving the character and appearance of the seafront itself.
- 7.3 The proposal would meet the broad aims of the Core Strategy Review (2019), in particular Policy SS10, which states that planning permission will only be granted where proposals clearly support the delivery of planned incremental redevelopment for a distinctive, unique and high quality seafront environment. In addition to this, Policy CSD6 further reiterates the need to ensure new development contributes to 'public realm improvements' of the central Folkestone area. The proposal meets the criteria set out with this policy requirement.
- 7.4 The proposal will not result in the loss of the beach hut facility, but rather includes the restoration and replacement of facilities for the greater good of the community as a whole. In this instance the development is considered acceptable under the provisions of Policy & Places Local Plan Policy (2018) C2 (safeguarding community facilities).

- 7.5 As such, the proposal is considered acceptable in principle under the provisions set out under the National Planning Policy Framework, Local Plan Policy SD1, SS6, Core Strategy Review (2019) policies SS10 and CSD6 and Policy & Places Policy C2.

Street Scene, Character & Design (Conservation Area)

- 7.6 Development Plan Policy places considerable emphasis on the importance of achieving good design to ensure that all new developments are appropriate to the shape, size and location of the site. Local Plan Policy SD1, Core Strategy (2013) Policy BE1, Policy & Places Policy HB1 seek to ensure that the design of the development is appropriate in relation to the character, appearance and functioning of the surrounding area. Also relevant, due to the site's coastal location, is the consideration of Policy & Places Policy NE9, which advises that development will not be permitted unless proposals preserve and enhance natural beauty, landscape, heritage and nature conservation.
- 7.7 In addition to the above, the application site is also located within the Folkestone Leas & Bayle Conservation Area where proposals must protect or enhance the special character of the area in accordance with Saved Local Plan Policy BE4.
- 7.8 The proposed renovations to Huts 1 – 27 and those contained within Zone 14 (as detailed within the proposal description) are considered to result in an improvement to the appearance of the existing huts and the area itself. As such it is considered that this would have a positive impact enhancing the character of the conservation area. To ensure this is achieved, Officers recommend a condition requiring all huts to be painted/ stained and repaired in accordance with submitted details and the submission of details relating to the exact materials and colour scheme to be used in the renovation.
- 7.9 The remaining huts (which are described as being in a poor state of repair within the submitted Planning Statement) will be demolished and will make way for the installation of a range of new hut structures. The accompanying planning statement explains that the hut sizes have been chosen to suit both available space and to offer lease options at a rent to suit different budgets. In light of this, it is considered that the replacement huts would result in an improved facility (when compared to the existing) for existing and future users. In addition, it will also ensure that the hut facility is available for more people, which can only be supported.
- 7.10 The appearance of the new huts are considered to resemble those commonly found along the Kent Coast, in particular Whitstable, Dover and Thanet and would complement those beach huts that are to be renovated. This part of the seafront and Conservation Area is characterised by traditional beach hut style structures and open views out onto the shingle beach. It is considered that, subject to the colour treatment proposed, which will be required for submission via condition, the new structures will, if Members are minded to approve, complement those earmarked to remain and would result in a visual improvement to this stretch of the seafront, and would enhance the character of the Conservation Area, to which the site resides.
- 7.11 The proposed ancillary works detailed above are considered to assist in improving the appearance of the existing huts and complementing the wider intentions for the area, thereby adhering to the policy requirements of the Development Plan. A high standard of design & materials are expected for all development and all materials should be sympathetic to the street scene.

7.12 Taking the above into consideration, the development would accords with the provisions set out under Saved Local Plan Policy BE1 and Policy & Places Policies HB1 and NE9 with the resulting appearance being a marked improvement to the current situation on site, with many of those huts intended for renovation currently contributing very little to the character and appearance of the area, and do not protect or enhance the character of the Conservation Area. The renovation will improve the Huts' visual appearance and provide a more positive contribution to the wider seafront area. Care will need to be taken when considering materials and colour that the character and appearance of the Conservation Area is maintained in accordance with the provisions set out in Saved Policy BE4 of the Local Plan.

Residential/Neighbour amenity

7.13 All development should ensure the amenities of its future occupants and to protect those amenities enjoyed by nearby and adjacent properties. According to Policy & Places Policy HB1 the design of development should have regard to residential amenity and the amenity of future occupiers.

7.14 Whilst the number of beach huts along this stretch of the Folkestone coast line will increase, it is not considered that they would introduce significant amenity issues above and beyond those experienced already. There are no immediate neighbours in proximity to the huts that would otherwise be affected in terms of privacy and noise etc. The huts are themselves located at the bottom of a steep bank, facing out to the beach. Their remote location, whilst the area frequented by members of the public, means that any amenity impact would be minimal. The huts would continue to contribute to the local and residential amenities of the wider area.

7.15 Concern has been raised regarding the reduced size of the replacement hut types (A & B) when compared to the size of some of the existing huts. However, the space provided is considered suitable for use, for purposes associated with beach huts and personal preference in respect to the size of the beach huts is not a material planning consideration. In any event, the improved quality of the facility is considered to outweigh any loss to internal spaces afforded to users of the beach huts. The reduced space is not such that the amenity and enjoyment of the huts would be precluded. The replacement huts would also be set back onto the site, reducing the opportunity for litter and gatherings to happen behind them. Overall, in this instance the development is considered acceptable under the provisions set out under Policies & Places Policy HB1 in regard to amenity protection.

Land Stability/Contamination and Flood Risk

7.16 The site is located within an area identified as being at risk of land instability. Saved Local Plan Policy BE19 advises that planning permission for development within the area defined on the Proposals Map will not be granted unless investigation and analysis is undertaken which clearly demonstrates that the site itself can be safely developed and that the proposed development will not have an adverse effect on the slip area as a whole. This is further supported by Policy & Places Policy NE6. Historically landslips have occurred in 4 locations within the application site area, with loose material accumulating against the existing chalet walls. Engineering works will be undertaken at those sites to hold the bank in position. The works have been assessed within the submitted Engineering Report and are considered acceptable.

- 7.17 Notwithstanding the advice set out within the above-mentioned Policies, the proposal in this instance involves the renovation of existing structures and replacement of others. Whilst an increase in total hut numbers is proposed (from 78 to 115), none involve foundation construction, being erected on existing hardstanding. Taking this into consideration, it is not considered that, despite their location, the works would not result in harm to the stability of land. This is supported by the submitted Civil Engineering Assessment, which accompanied the planning submission.
- 7.18 The site is located outside of any flood risk area, being within Flood Zone 1 as identified on the Environment Agency's flood maps and outside of an area at risk of flooding within the Council's SFRA (Strategic Flood Risk Assessment) in 2015 and as such does not need to be subject of the sequential or exceptions tests as set out in National policy and guidance.
- 7.19 The risk of flooding from overland surface water and overtopping will be negligible as the site is situated on raised ground from the promenade, surrounded by concrete retaining and sea walls, and a shingle barrier. Overall there will be no significant material impact on surrounding areas as a result of the proposal. Any new area of hardstanding will drain seaward. The conclusion of the submitted Flood Risk Assessment is accepted.
- 7.20 In terms of contamination and whilst we await formal comments from our contamination consultants, beach chalets are a less vulnerable use as they are not used for human habitation and it is not expected any further investigation will be required. Members will be updated at the Planning & Licensing committee meeting of any comments received.
- 7.21 The application is considered acceptable under the provisions set out under Core Strategy (2013) Policy BE19, Core Strategy (2019) Policy CSD5 Policies & Places Policy NE6.

Secure by Design

- 7.22 Saved Local Plan Policy BE1 advises that development proposals must demonstrate that account is taken of opportunities to reduce the incidence of crime and the fear against both property and person.
- 7.23 It is noted that one of the concerns raised via representation to the planning application was related to the matter of security and vandalism. As part of the consultation process, Kent Police has reviewed this application in regard to Crime Prevention through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).
- 7.24 Secured by Design (SBD) is a not for profit UK Police flagship initiative combining designing out crime and security. They list accredited products and suppliers that are independently certificated to recognised security standards. Kent Police has advised that if this application is to be approved they strongly request that the security for these huts meets or exceed the standards of SBD and Sold Secure silver, this is to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict. Some beach huts can be vulnerable so the Police welcome the opportunity to suggest affordable and realistic solutions. If the points above are not addressed, they could affect the huts, the area and local policing.

- 7.25 In light of the advice provided, the suggested security measures can be provided by via an appropriately worded condition, and through the submission of a security management plan in consultation with Kent Police, which sets out how the renovated and newly erected huts will be protected from break in and vandalism. The report should adhere to the requirements set out by Kent Police, and submitted for the prior written approval of the Local Planning Authority.
- 7.26 Subject to the above-mentioned condition, the proposal is considered to be acceptable under the provisions set out under Local Plan Policy BE1 and on secure by design grounds.

8. Highways

- 8.1 Whilst the number of useable huts will increase as a result of this proposal, given the level of parking and public transport facilities afforded to the area, there are not considered to be any highway or transport implications as a result of this proposal. The majority of the proposal includes for the restoration and replacement of an existing facility, and whilst additional hut facilities are included within this proposal, these would be leased at a local level and are not considered to result in additional strain on the local road network or existing parking requirements much above the existing situation.

9. Other Matters

- 9.1 Concern has been raised regarding the need for the replacement of some of the beach huts, advising that some of those earmarked for demolition are in a sound condition. Whilst it is regrettable that some of the huts are proposed to be demolished, they are not considered to be non-designated heritage assets and their retention therefore cannot be required. Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria or designated heritage assets. As was concluded within the review of all the existing beach huts (and as set out within the Supporting Statement), those earmarked for demolition are in such a poor state of repair that they currently contribute very little to the character of the Conservation Area, and are in fact so 'dilapidated' that they could not be considered an 'asset' to the area. If anything, they currently worsen the character of the sea front itself. It is accepted that beach huts of this traditional design (characteristic of the existing huts) do have some historical and traditional significance for the southern coastline, however many of the original huts would remain and (as has been addressed above) the introduction of new and replacement wooden style huts (which are common for the Kent Coast line) would not detract from the traditional seafront character. They would (subject to appropriately worded conditions) reflect and complement those that are proposed to be retained, both in style and appearance.
- 9.2 In response to those concerns raised in relation to government objectives for zero carbon by 2050 and the climate emergency announced by Folkestone & Hythe District Council, it is considered that the proposal would not represent an unsustainable form of development. Rather, their improved condition, and

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replacement would be more energy efficient and more cost effective for those who use them.

- 9.3 Whilst need itself is not a material planning consideration, as the huts are not considered to be non-designated heritage assets and in light of the findings of the review which Officers have no reason to disagree with, it is agreed that in the interests of improved appearance, character and facilities the proposed works are acceptable.
- 9.4 The development would be secured appropriately in order to reduce the potential detrimental impact from adverse weather conditions, which are often encountered along the southern coast line. A maintenance plan will be requested via condition to any forthcoming planning consent, should Members be minded to approve the application. The maintenance plan would require details of measures to prevent and/or repair damage from adverse weather events.

10. Environmental Impact Assessment

- 10.1 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.

11. Local Finance Considerations

- 11.1 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.

12. Human Rights

- 12.1 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.

13. Public Sector Equality Duty

- 13.1 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

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- 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.

14. Working with the Applicant

14.1 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.

15. CONCLUSION

15.1 It is considered that subject to the aforementioned conditions, the proposed development would improve the quality of the beach huts on offer in Folkestone and would improve the character and appearance of this part of the coastal area and the wider Conservation Area. The proposal is considered to be acceptable and in accordance with the Development Plan and is hereby recommended for approval.

16. BACKGROUND DOCUMENTS

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

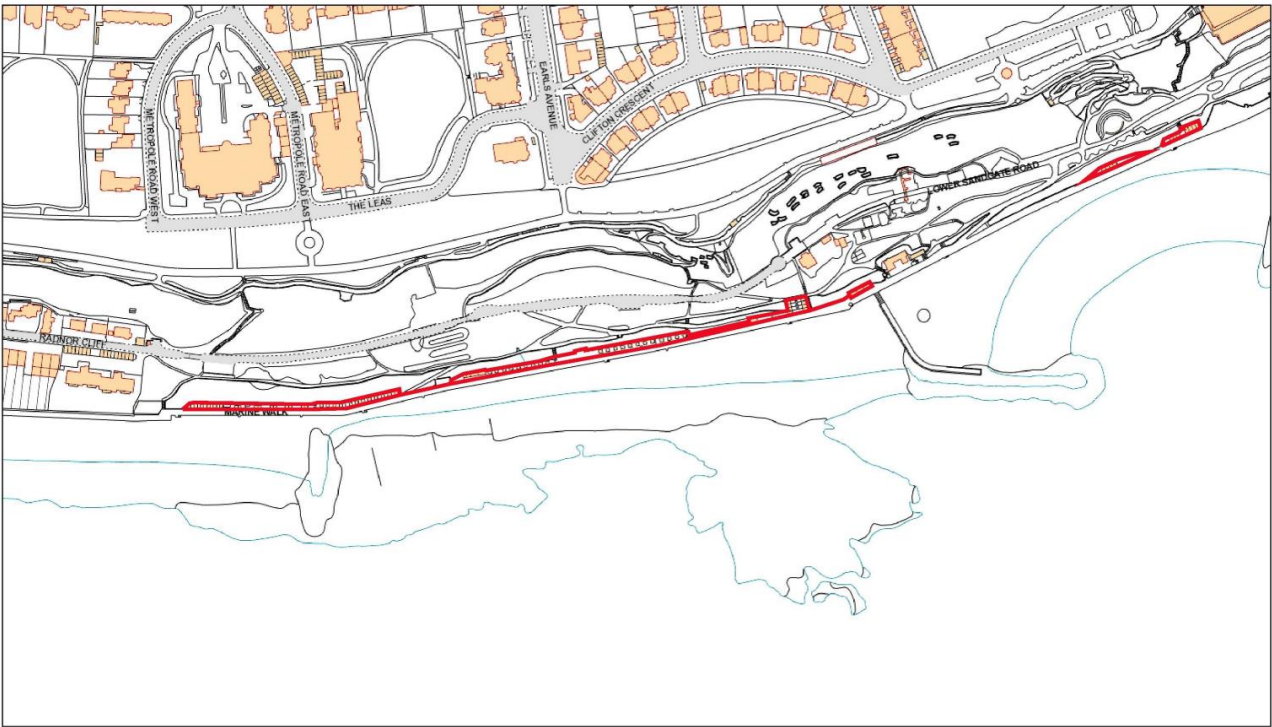
17. RECOMMENDATIONS

17.1 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.

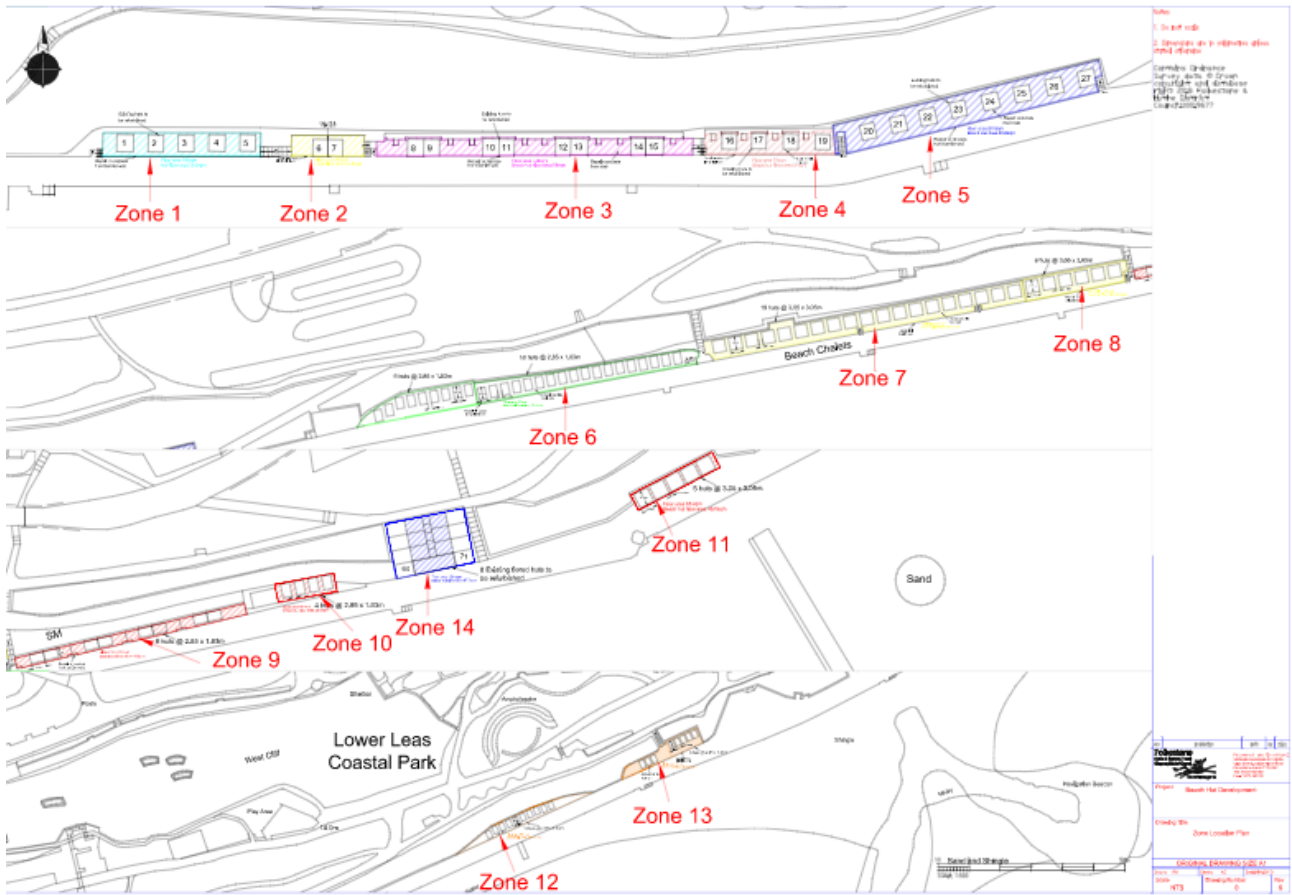
Conditions:

1. Standard Time Condition
2. Submitted plans
3. Materials and External Finish
4. Security Management Plan
5. Maintenance Plan
6. Handrail proposed for the top of front boundary walls to be powder coated in black.

Appendix 1 – Site Location Plan

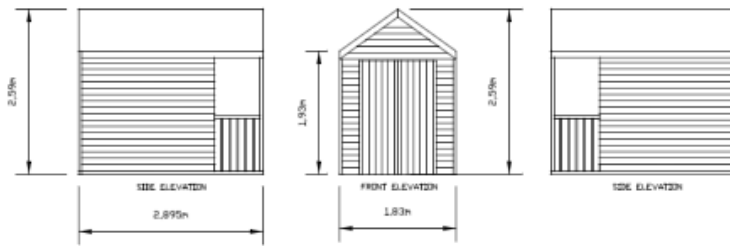


Appendix 2 – Zone Plan

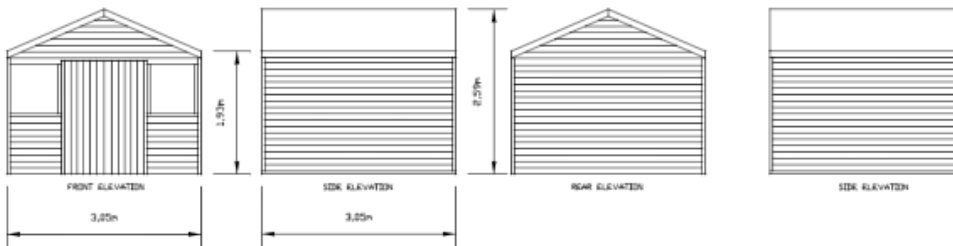


Appendix 3 – Hut Type

DCL/19/45



HUT A



HUT B

Notes

1. Do not scale
2. Dimensions are in millimetres unless stated otherwise

SPECIFICATION

Chairlet Size

Hut A: 30m x 2.8m x 1.8m x 2.65m high
Apex height: 2950mm (max), eaves 1900mm, pitch 40°

Door: Double 1230mm x 1780mm centrally located

Veranda: 100mm x 1830mm can be close boarded or balustraded

Hut B: 30m x 3.05m x 3.05m x 2.65m high
Apex height: 2900mm (max), eaves 1900mm, pitch 22°

Door: Double 1345mm x 1780mm centrally located

Chairlet Design

All huts are to be of timber frame construction, with pitched roof and painted timber cladding. Timbers are to be pressure treated in accordance with BS EN 335-1 Class 3, all structural timbers are to be of C18 strength. All construction materials and workmanship should comply with Regulation 7 of the Building Regulations. Construction of chairlets should be undertaken in a controlled environment with huts delivered to site complete ready for being into position.

Cladding: Tongue and groove shiplap 18mm x 100mm or 22mm x 100mm (slap horizontal cladding). Composite boards may also be considered i.e. Cedar weatherboards. Chairlets are to be painted with certain superseal or duco weathershield pastel colour range to match existing provision along seaford.

Vapour barrier: TF300 breathable membrane green

Roof: Heavy duty mineral felt laid on roof.

Floors: Solid floors on a beam foundation to allow airflow under the hut, suitable beams should be supplied that secure the chairlets to the hardstanding.

Accessories: Contemporary 304 stainless steel 1" bar used to be fitted to light elevations. All bolts and bracing are to be stainless steel. Hut doors to be supplied with heavy duty galvanised hoop & stack.

REV	DESCRIPTION	DATE	BY	CHKD
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Folkstone & Hythe
 Sustainable & High Quality Design
 Strategic Development Projects
 One Garden, Garden Hill Avenue
 Folkestone, Kent, CT20 2DQ
 Tel: 01303 830828
 Fax: 01303 830833

Project: Beach Hut Development

Drawing Title: Proposed Hut Designs

ORIGINAL DRAWING SIZE A3

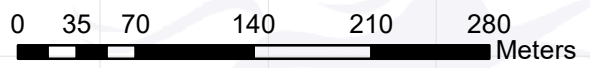
Drawn	CHK	Checked	AC	Date	19/12/2018
Scale	1:50	Drawing Number	1	Rev	

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Y19/1370/FH
Beach Chalet 1- 79
Marine Walk
Folkestone



Contains Ordnance Survey data
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Folkestone & Hythe District Council 100019677



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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 – 24 MARCH 2020**

Declarations of Lobbying

Members of the Committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e. letter, telephone call, etc.) in respect of the planning applications below:

Application No:	Type of Lobbying

SIGNED:

Councillor Name (in CAPS)

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

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