



Agenda

Meeting: **Planning and Licensing Committee**
Date: **29 August 2017**
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.

1. **Apologies for Absence**

2. **Declarations of Interest**

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

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes**

To consider and approve, as a correct record, the minutes of the meeting held on 25 July 2017.

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

To consider and approve, as a correct record, the minutes of the meetings held on 18 July 2017.

Queries about the agenda? Need a different format?

Contact Kate Clark – Tel: 01303 853267
Email: committee@shepway.gov.uk or download from our website
www.shepway.gov.uk

5. Home Boarding Licensing Conditions (Dogs)

Report DCL/17/05 outlines amended Conditions for dogs boarded in people's homes. There is a growing number of Home Boarders in the District. The existing conditions need to be amended to keep pace with the growing popularity of home boarding. The main change is to allow Home Boarders to board dogs from more than one family at the same time.

6. Report from the Head of Planning

Report DCL/17/11 sets out the planning applications that will be considered by the Planning and Licensing Committee.

*Explanations as to different levels of interest

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

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

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

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

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

Folkestone

Hythe & Romney Marsh
Shepway District Council



Minutes

Planning and Licensing Committee

Held at: Council Chamber - Civic Centre, Folkestone

Date: Tuesday, 25 July 2017

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

Apologies for Absence

Officers Present: Kate Clark (Trainee Committee Services Officer), Ben Geering (Head of Planning) and Lisette Patching (Development Manager)

Others Present:

11. **Declarations of Interest**

There were no declarations of interest.

12. **Minutes**

The minutes of the meeting held on 27 June 2017 were submitted, approved and signed by the Chairman.

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

The minutes of the meeting held on 4 July 2017 were submitted, approved and signed by the Chairman.

14. **Appeals Monitoring Information - 1 October 2016 to 30 June 2017 - 3rd and 4th Quarter 2016/17 and 1st Quarter 2017/18**

Members noted the appeals monitoring information – 1 October 2016 to 30 June 2017, 3rd and 4th Quarter 2016/17 and 1st Quarter 2017/18.

15. **Report from the Head of Planning**

DCL/17/09 sets out the planning application that was considered by the Planning and Licensing Committee.

1. Y14/0850/SH Airport Cafe Ashford Road Sellindge

Retrospective application for change of use to lorry park incorporating extension of existing parking area and retention of two mobile units for toilet and shower facilities.

Lisette Patching, Development Management Manager, reminded members that this application was brought to the Committee in May 2017 it was resolved to defer consideration for a request to be made to the applicant to provide details of measures to ensure lorries turn left out of the site and that all lorries pre book. Members were also advised of comments received from the applicant's agent in relation to the proposed conditions.

Linda Hedley, Sellindge Parish Council, spoke on the application.
Mr A J Scott, applicant's agent, spoke on the application.

Proposed by Councillor Roger Wilkins
Seconded by Councillor Clive Goddard and

RESOLVED that planning permission be granted subject to the amended conditions set out at the end of the report and with delegated authority given to the Head of Planning to amend the conditions in respect of the timing of the required works.

(Voting: For 6; Against 2, Abstentions 3)

Folkestone

Hythe & Romney Marsh
Shepway District Council



Minutes

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Tuesday, 18 July 2017

Present: Councillors Mrs Mary Lawes, Michael Lyons and Dick Pascoe

Apologies for Absence

Officers Present: Arthur Atkins (Environmental Health and Licensing Manager), Kate Clark (Trainee Committee Services Officer), Nicola Everden (Solicitor) and Sue Lewis (Committee Services Officer)

Others Present: Mr Kevin Gibbons and Mrs Epps, applicants
Mrs Sharon Butler, local resident
Councillor Miss Susie Govett, on behalf of applicants

15. **Declarations of interest**

There were no declarations of interest.

16. **Application for a variation to the premise licence at the Cinque Ports Arms, 1 High Street, New Romney, Kent. TN28 8BU**

Report DCL/17/07 sets out the facts for the Licensing Committee to consider in determining a variation to a premise licence. The licensing committee is the Licensing Authority acting in a role formally taken by the Magistrates Court. It is, therefore, not appropriate for officers to make additional comments other than in the capacity as a Responsible Authority under the legislation of the Licensing Act 2003. Therefore there are no comments from Legal, Finance or other officers included in this report.

The Environmental Health and Licensing Manager presented the report to the members.

The applicant's representative, Councillor Miss Susie Govett, spoke in support of the application highlighting the successful team behind the pub and the investment that they have already put into New Romney. This will encourage tourism to the area and the applicants already engage with the community,

young and old and have already met a number of conditions that have been put to them.

Members asked a number of questions relating to Kent Fire and Rescue regulations and conditions, environmental health, including being fair to local residents and the additional building space. The applicant provided the responses below:

- Although there is no legal requirement to have capacity numbers this could be dealt with through Kent Fire and Rescue's own fire risk assessment and they will be visiting the site in September.
- In relation to environmental health a number of conditions have now been put in place; door supervisor, noise dispersing and noise limiter for 11pm.
- In relation to the additional space the building work is complete and the applicants are now waiting on planning and listed buildings consent.

Members heard from a local resident, Sharon Butler, who spoke against the application. She informed members that she had lived in the area for 17 years but the past 5 years had endured beer festivals, live music and general noise nuisance which had now become too much to bare.

She informed that no action is taken by staff in respect of noise from the beer garden and she has never received notice of events in advance.

The Environmental Health and Licensing Manager informed members that an open noise abatement order was in place and that no action had been taken in respect of this.

Before members retired to discuss their decision they were informed that the pub had tripled in size due to the extension that the applicants had erected without seeking planning or listed building consent.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Mrs Mary Lawes and

Resolved:

The Panel reject the application under the prevention of Crime and Disorder in that a criminal offence has been committed in breach of planning, until planning permission and listed building consent have been granted, the extension is unlawful and unauthorised works to a listed building are very serious and do constitute a criminal offence.

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



This Report will be made public on 18 August 2017

Report Number **DCL/17/05**

To: Planning & Licensing Committee
Date: 29 August 2017
Status: Non-executive decision
Head of service: Dr Sarah Robson, Communities

SUBJECT: Home Boarding Licensing Conditions (Dogs)

SUMMARY: This report outlines amended Conditions for dogs boarded in people's homes. There is a growing number of Home Boarders in the District. The existing conditions need to be amended to keep pace with the growing popularity of home boarding. The main change is to allow Home Boarders to board dogs from more than one family at the same time.

REASONS FOR RECOMMENDATIONS:

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

- a) Home Boarders have been asking for some time to be allowed to board dogs from different families
- b) The new conditions will allow small businesses to expand and be more sustainable
- c) The new conditions are in line with those recommended by Local Government Regulation (formerly LACORS) and the majority of other Councils have adopted similar conditions

RECOMMENDATIONS:

- 1. To receive and note report DCL/17/05.
- 2. To approve the conditions in Appendix 1

1. BACKGROUND

- 1.1. Under the Animal Boarding Establishments Act 1963, any person wishing to offer, as a business, overnight boarding or day care for other people's animals (dogs or cats), whether in Kennels, a Cattery or in a home environment, must obtain a licence from their local authority. The cost of the license for one year, for up to 20 animals, is currently £122.
- 1.2. This year we have issued 24 Animal Boarding Establishment Licenses. An increasing number of applications are coming in from home boarders. This is where someone chooses to look after other people's dogs in their own home for a fee. Doggy Daycare and overnight boarding are an increasingly popular choice for dog owners over traditional boarding kennels.
- 1.3. Our current guidance is aimed primarily at Kennel and Cattery owners, but as the popularity of home boarding has increased there is now a case to have separate conditions for home boarders to ensure that they are relevant and appropriate.

2. CONSULTATION

- 2.1 Upon annual review of every Animal Boarding Establishment Licence we conduct a site visit, for Home Boarders this is the applicant's home address. In early 2017, during these visits, the proposed changes were discussed with every applicant in person and all were in favour of the change which would allow them to board dogs from different families.

3. THE CONDITIONS

- 1.1. We currently only allow home boarders to take in dogs from one family home at a time, whether or not they have their own dogs at the premises. Most other Councils are now operating in line with the LACORS (the body which co-ordinates local authority regulators) Model Conditions 2005 which was updated in 2009.
- 1.2. Our current conditions state that:

“Only dogs from the same household may be boarded at any one time. Dogs must not be boarded with any cat, unless they normally live together in the same household.”
- 1.3. These conditions are intended to protect the safety of the dogs and to protect the licensee from any claim for a dog attack, injury, etc.
- 1.4. There are risks involved with home boarding that are not present in boarding kennels. For example, if dogs that are strangers to each other are left unattended, there is the potential for one dog to turn on another (e.g. over feeding time, or to become protective over an area/corner of a room).
- 1.5. LACORS was aware that some councils were choosing to relax this requirement provided the licensee was able to meet a number of additional requirements/ licence conditions. Examples of additional requirements include:

- Specific written consent of each household showing confirmation that they are content for their dogs to be boarded with others.
 - A mandatory trial (documented) familiarisation session for all dogs prior to stay.
 - Separation of dogs from different households in secure areas when left unattended.
 - Separate feeding of dogs to minimise the likelihood of dispute and aggression.
- 1.6. When an application for a licence is received, the overall number of dogs to be boarded and the number of dogs from different households to be boarded will be considered. The final maximum number will usually be dependent on the size of the premises, the size of any outside area and the proximity of neighbouring premises who could be affected by the noise from barking dogs. As with any decisions relating to the number of dogs allowed to be boarded, consideration is also given to whether the premises are constructed to allow:
- Adequate space for dogs (condition 4.3)
 - Sufficient space available to be able to keep dogs separately if required (condition 4.5)
 - The separation of dogs showing signs of disease (condition 5.6.1).
- 1.7. Measures put in place to ensure disease control will be particularly important in circumstances where dogs from more than one household can be boarded together.
- 1.8. To minimise the risk and spread of disease, all dogs must have current vaccinations against Canine Distemper, Infectious Canine Hepatitis, Leptospirosis, Canine Parvovirus and other relevant diseases (as stated in condition 5.5.2). LACORS is aware that some Councils are additionally requiring that dogs boarded together are vaccinated against Bordetella kennel cough. Where necessary, councils should seek veterinary advice on vaccination, worming and flea treatment.
- 1.9. It is also recommended that the Licensee check that their Public Liability Insurance company will cover dogs boarded from different households.
- 1.10. Our proposed new conditions (see Appendix 1) follow this guidance and would enable home boarders to board dogs from more than one family, the number being dependant on the space within the home and the ability to separate the dogs. Written consent must be obtained from the dog owners to say that they are happy to have their dog boarded with dogs from other families, and a familiarisation 'meet and greet' is also mandatory.
- 1.11. This change will allow home boarders to have a more viable business. We are also responding to the trade who have been lobbying for Shepway to introduce the LACORS standards since the 2009 amendments.

4. PROCEDURE

4.1.1 If agreed, the conditions will be published on the Council's website and sent to all Home Boarders for immediate implementation.

5. OPTIONS

5.1 Committee have a choice whether or not to approve the conditions. They can:

- a) Approve the conditions
- b) Not approve the conditions, in which case the current guidance will remain in place

6. RISK MANAGEMENT ISSUES

6.1

Perceived risk	Seriousness	Likelihood	Preventative action
If we do not update the conditions to allow boarding from more than one family, the Council may be seen as restricting small businesses	Medium	Medium	Approve the conditions
Applicants can appeal to the Magistrates Court who may find in the applicant's favour and award costs against the Council.	Medium	Low	Approve the conditions

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report on the basis all dog home boarders undertake to comply with the conditions contained in Appendix 1.

7.2 Finance Officer's Comments (MF)

There are no direct financial implications other than those included in the report.

7.3 Diversities and Equalities Implications (BP)

There are no diversity or equality implications arising from this report.

8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Arthur Atkins – Environmental Health and Licensing Manager

01303 853242

arthur.atkins@shepway.gov.uk

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

Animal Boarding Establishments Act 1963

LACORS Model Licence Conditions for Home Boarding (Dogs)

Appendices

Appendix 1 – Shepway District Council – Animal Home Boarding Conditions

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Shepway District Council Home Boarding Conditions (Dogs) Animal Boarding Establishments Act 1963

1. INTRODUCTION

- 1.1 Unless otherwise stated, these conditions shall apply to all buildings and areas to which dogs have access and/or which are used in association with the boarding of dogs.
- 1.2 Normally planning permission will not be required for the home boarding of animals on the scale proposed, however, should complaints be received because of particular noise or odour problems, then the Council reserves the right to consider whether there has been a change of use which requires a planning application to be submitted.
- 1.3 The Licensee must ensure that the establishment is covered by adequate and suitable public liability insurance and, where necessary, adequate and suitable employers liability insurance.
- 1.4 No dog registered under the Dangerous Dogs Act 1991 must be accepted for home boarding.
- 1.5 Dog hybrids registered under the Dangerous Wild Animal Act 1976 (e.g. Wolf Hybrids) are not to be accepted for home boarding.
- 1.6 Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs.
- 1.7 Puppies under 6 months of age may only be boarded with resident dogs or other dogs that they already live with, if they are suitably vaccinated and difficulties have not been identified during a trial socialisation period. They may not be boarded with dogs from other families.

2. LICENCE DISPLAY

- 2.1 A copy of the licence and its associated conditions must be suitably displayed to the public in a prominent position in, on or about the premises.

3. NUMBERS OF ANIMALS

- 3.1 Where the Licensee has dogs and/or cats, written consent from the owner of the boarded dog/s to mix with the Licensee's animals must be gained following a trial familiarisation session.
- 3.2 Only dogs from the same household may be boarded at any one time unless the following requirements are met:
- Specific written consent from each household showing confirmation that they are content for their dogs to be boarded with others.
 - A mandatory, trial (documented) familiarisation session for all dogs prior to stay.
 - Separation of dogs from different households in secure areas when left unattended.
 - Separate feeding of dogs to minimise the likelihood of dispute and aggression.
 - Insurance policy must cover the Licensee to board dogs from different households at the same time
- 3.3 The Licensee will be required to make an assessment of the risks of home boarding, this risk assessment should include the risk to or caused by children or animals who are likely to be at the property where relevant.
- 3.4 If you intend to board dogs from different households you must ensure your Public Liability Insurance covers you for this.
- 3.5 Written agreements for mixed boarding/boarding with the owners' animals, must be readily available to authorised officers at all times.

4. CONSTRUCTION

- 4.1 Dogs must live in the home as family pets.
- 4.2 The premises shall have its own entrance and must not have shared access e.g. communal stairs.
- 4.3 There must be adequate space, light, heat and ventilation for the dogs.
- 4.4 As far as reasonably practicable all areas/rooms within the home to which boarded dogs have access, must have no physical or chemical hazards that may cause injury to the dogs.
- 4.5 There must be sufficient space available to be able to keep the dogs separately if required.

- 4.6 If a collection and delivery service is provided, a suitable vehicle with a dog guard or cage in the rear must be provided.

5. MANAGEMENT

5.1 CLEANLINESS

5.1.1 All areas where the dogs have access to, including the kitchen etc must be kept clean and free from accumulations of dirt and dust and must be kept in such a manner as to be conducive to maintenance of disease control and dog comfort.

5.1.2 All excreta and soiled material must be removed from all areas used by dogs at least daily and more often if necessary. Disposal facilities for animal waste must be agreed with the Licensing Authority.

5.1.3 All bedding areas must be kept clean and dry.

5.1.4 Facilities must be provided for the proper reception, storage and disposal of all waste. Particular care should be taken to segregate clinical waste arising from the treatment and handling of dogs with infectious diseases. The final route for all such waste shall comply with current waste regulations.

5.1.5 Measures must be taken to minimise the risks from rodents, insects and other pests within the premises.

5.2 FOOD AND WATER SUPPLIES

5.2.1 All dogs shall have an adequate supply of suitable food as directed by the client.

5.2.2 Fresh drinking water must be available at all times (unless advised otherwise by a veterinary surgeon) and the drinking vessel cleaned daily. The water must be changed at least twice a day.

5.2.3 Clients can supply the dog's bedding, bowls, food, grooming materials etc but the Licensee can supply their own if preferred. These items must be cleaned regularly to prevent cross-infection. The Licensee should be able to provide extra bedding material if required.

5.2.4 Where necessary, eating and drinking vessels must be provided, and where so, they must be capable of being easily cleansed and disinfected to prevent cross-contamination. They must also be maintained in a clean condition. Feeding bowls must be cleaned or disposed of after each meal and each dog must be provided with its own bowl.

5.3 KITCHEN FACILITIES

5.3.1 Airtight containers must be provided for the storage of dry foods. Uncooked food and the remains of opened tins must be stored in covered, non-metal, leak proof containers in the fridge.

5.3.2 All bulk supplies of food shall be kept in vermin proof containers.

5.4 DISEASE CONTROL AND VACCINATION

5.4.1 Adequate precautions must be taken to prevent and control the spread of infectious and contagious disease and parasites amongst the dogs, staff and visitors.

5.4.2 Proof must be provided that boarded and resident dogs have current vaccinations against Canine Distemper, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagicae*) and Canine Parvovirus and other relevant diseases. The course of vaccination must have been completed at least four weeks before the first date of boarding or in accordance with manufacturer instructions. A record that this proof has been supplied must be kept on-site throughout the period that the dog is boarded.

5.4.3 Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured, any instructions for its treatment, which have been given by a veterinary surgeon, must be strictly followed.

5.4.4 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

5.4.5 The Licensee must be registered with a veterinary practice that can provide 24-hour help and advice. The clients own veterinary practice must be known and consulted if necessary.

5.4.6 Precautions must be taken to prevent the spread of fleas, ticks, intestinal parasites and other parasites in both boarded and resident dogs. Proof must be maintained of all routine and emergency treatment for parasites.

5.4.7 The premises shall be regularly treated for fleas and parasites with a veterinary recommended product.

5.4.8 Veterinary advice must be sought in relation to cleaning substances so that they or their fumes cannot be harmful to an animal.

5.4.9 All dogs (owners' and boarders') should be micro-chipped and the number noted with their records. The Licensee should not accept any dogs that are not micro-chipped.

5.5 ISOLATION AND CONTAGIOUS DISEASE OUTBREAK.

5.5.1 Dogs showing signs of any disease or illness shall be isolated from any other dogs until veterinary advice is obtained. There must be sufficient facilities within the licensed premises to ensure effective separation of any sick animal.

5.5.2 The Licensee must inform the Licensing Authority on the next working day if a dog develops an infectious disease.

5.5.3 Following an episode of infectious disease during any stay, the premises must undergo a reasonable quarantine period before new boarders are admitted. This period will be specified by the Licensing Authority as agreed with their authorised veterinary surgeon.

5.5.4 The Licensing Authority must be informed of any animal death on the premises. The Licensee must make arrangements for the body to be stored at a veterinary surgeons premises until the owners return.

5.6 REGISTER

5.6.1 A register must be kept of all dogs boarded. The information kept must include the following:

- Date of arrival
- Name of dog, any identification system such as microchip number, tattoo
- Description, breed, age and gender of dog
- Name, address and telephone number of owner or keeper
- Name, address and telephone number of contact person whilst boarded
- Name, address and telephone number of dog's veterinary surgeon
- Anticipated and actual date of departure
- Proof of current vaccinations, medical history and requirements
- Health, welfare nutrition and exercise requirements

5.6.2 Such a register is to be available for inspection at all times by an officer of Licensing Authority, veterinary surgeon.

5.6.3 The register must be kept readily available for a minimum of 2 years and kept in such a manner as to allow an authorised officer easy access to such information.

5.6.4 If medication is to be administered, this must be recorded.

5.6.5 Where records are computerised, a back-up copy must be kept. The register must also be available to key members of staff of the establishment at all times.

5.7 SUPERVISION

5.7.1 A fit and proper person with relevant experience must always be present to exercise supervision and deal with emergencies whenever dogs are boarded at the premises. This person must not have any conviction or formal cautions for any animal welfare related offence.

5.7.2 Dogs must be visited at regular intervals, as necessary for their health, safety and welfare, and must not be left unattended for longer than 3 hours at a time and then not on a regular basis. If dogs are left unattended, those from different homes must be separated.

5.7.3 No home where there are children under 5 years of age will be licensed.

5.7.4 Only people over 16 years of age are allowed to walk the dogs in public places.

5.8 EXERCISE

5.8.1 Dogs must be exercised in accordance with their owner's wishes. If dogs are taken off the premises, they must be kept on leads unless with the owner's written permission.

5.8.2 There must be direct access to a suitable outside area. The area / garden must only be for use by the homeowner (not shared with other residents). The area must be kept clean.

5.8.3 The exercise/garden area of the premises and any other area to which the boarded dogs may have access, must be totally secure and safe. Fencing must be adequate to offer security to prevent escape and be safe, with no dangerous sharp objects or protrusions. Gates must be able to be locked.

5.8.4 The garden must have a shaded area to provide respite from the sun in hot conditions. Water bowls must also be placed outside in hot weather and should be replenished regularly.

5.8.5 If there is a pond, it must be covered to avoid drowning.

5.8.6 Dogs must wear a collar and identity tag during their time in boarding. The tag must display the name, address and telephone number of the boarding premises.

5.8.7 The Licensing Authority must be informed by the next working day if a dog is lost.

5.9 FIRE / EMERGENCY PRECAUTIONS

5.9.1 Appropriate steps must be taken for the protection of the dogs in case of fire or other emergencies.

5.9.2 The occupier of the property must be aware of the location of the dogs in the property at all times.

5.9.3 Careful consideration needs to be given to the sleeping area for dogs to ensure that they can be easily evacuated in the event of a fire, without putting the occupiers of the property at risk.

5.9.4 The Licensee must have suitable arrangements for the temporary boarding of dogs in the event that the licensed premises is rendered uninhabitable.

5.9.5 The home must have at least 2 working smoke detectors located at the top & bottom of the staircase, or other appropriate location.

5.9.6 All doors to rooms must be kept shut at night.

5.9.7 All electrical installations and appliances must be maintained in a safe condition. No dog must be left in a room with loose or trailing cables or wires.

5.9.8 All heating appliances must be free of risk of fire as is reasonably practicable. There must be no use of freestanding gas or oil appliances.

5.9.9 A relative, friend or neighbour within 5 minutes travelling time must have a spare set of keys and access to the premises in case of an emergency. These details must be made available to the Licensing Authority.

Anyone running a boarding establishment must also comply with the Animal Welfare Act 2006 and must ensure that the welfare needs of animals in their care are met.

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PLANNING AND LICENSING COMMITTEE

29th August 2017

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS

- | | |
|-------------------------------------|--|
| 1. Y16/0439/SH
(Page 23) | WHITE LION 70 CHERITON HIGH STREET FOLKESTONE
KENT

Creation of Ex-Servicemen's Home comprising conversion of Existing Building, including erection of external stair core, and the erection of 5no. Houses with Associated Gardens, Parking, and Landscaping |
| 2. Y17/0461/SH
(Page 43) | 15 SANDGATE HIGH STREET SANDGATE KENT CT20
3BD

Change of use of ground floor commercial unit to a residential flat, along with change of use and conversion of 1st & 2nd floor maisonette to one flat and one maisonette together with external alterations. |
| 3. Y17/0314/SH
(Page 57) | 65 RADNOR CLIFF FOLKESTONE KENT CT20 2JL

Construction of two pairs of three-storey, semi-detached houses following demolition of existing house and garage. |
| 4. Y17/0300/SH
(Page 75) | RADAR STATION DUNGENESS ROAD DUNGENESS
KENT

Erection of a holiday let following demolition of existing structures. |

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Application No: Y16/0439/SH

Location of Site: White Lion 70 Cheriton High Street Folkestone Kent

Development: Creation of Ex-Servicemen's Home comprising conversion of Existing Building, including erection of external stair core, and the erection of 5 No. Houses with Associated Gardens, Parking, and Landscaping

Applicant: Mr Nick Brown
Atlas Cheriton
C/o Designscape Consultancy Limited
1A The Landway
Bearsted
Maidstone
ME14 4BD

Agent: Kingsley Hughes
Designscape Consultancy Limited
1A The Landway
Bearsted
Maidstone
ME14 4BD

Date Valid: 22.04.16

Expiry Date: 22.07.16

Date of Committee: 29.08.17

Officer Contact: Mrs Wendy Simpson

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

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for a 40-bed ex-servicemen's home through the conversion of the existing building (White Lion Public House) and construction of a related terrace of 5 No. houses as 'move-on units' fronting Chilham Road, together with the construction of an external stair core to the existing building, parking, and landscaping. The home is to provide accommodation for ex-servicemen with the purpose to re-integrate them back into civilian life.
- 1.2 Officers do not consider this description to accurately reflect the proposal, however, have not been able to come to an agreement on an accurate description with the applicant. Members should be aware that Officers consider a more accurate description to be: Change of use, extension and conversion of public house (use class A4) and the erection of a terrace of 5 houses in the former gardens to form a 40 room hostel (sui generis use) with associated parking and landscaping. Officers have considered the application on this basis and the recommendations reflect this description.

- 1.3 The conversion of the existing building, to provide 20-beds and communal space, would be enabled by the construction of a four storey external stair core (from lower ground floor to second floor) to the eastern side of the building with a footprint measuring, at its maximum, approximately 11.2m by 10m. The stair core would be of a basic 'square' form with flat roof. It is proposed to be entirely clad with weatherboard with no openings on the front or side elevations and a pedestrian entrance and two small windows on the rear, northern elevation. The conversion would provide: at lower ground floor level – residents' lounge/leisure space, including gymnasium; at ground floor level - reception lobby, communal laundry, disabled WC, store, 5 self-contained rooms (including one identified for Caretaker/Security), providing bed, chair, desk/chair, wardrobe, kitchenette, shower room). The self-contained rooms on the ground floor level range in size between 21.2sqm and 23sqm; at first floor level are proposed 8 self-contained rooms ranging in size between 15.9sqm and 24.5sqm; at second floor level 7 self-contained rooms with sizes between 17.9sqm and 21.7sqm. Overall a total of 20 self-contained rooms would be provided in the converted, existing building. In the additional information supplied the applicant refers to the rooms as 'studio accommodation'.
- 1.4 To the rear of the existing building the application seeks permission for the erection of a terrace of five 4-bedroom houses fronting Chilham Road, as 'move-on units' from the main building. The move-on units provide for shared living and occupiers would have access to the communal facilities and programmes within the main building. Each of the terraced units would comprise an open plan lounge/diner/kitchen and WC at ground floor level, two double bedrooms and bathroom at first floor level and two double bedrooms, both en-suite, at second floor level, within the roofspace. The terrace would be constructed of brick and tile construction. Each terrace property would have a rear yard measuring the width of the house and between 3m depth and 3.75m depth.
- 1.5 Between the front building and the proposed terrace a new vehicular access would provide access off Chilham Road to a parking area for 10 vehicles. The access would be 3.0 metres in width. The existing vehicle access off Cheriton High Street would be closed off.
- 1.6 The applicant has provided various documents and information in support of the application to explain the evolving intentions for the occupation of the development. Notwithstanding references made in the supporting information in respect to the proposal being a 'care facility' the Council is minded that the proposal does not qualify as a 'care facility' or 'residential home' under the Town and Country Planning (Use Classes) Order 1987 (as amended) but would be a 'hostel' use which is a type of licensable House of Multiple Occupation [HMO], due to the shared facilities on the lower ground floor of the main building and some shared WCs – albeit proposed for a restricted client group.
- 1.7 The terrace to the rear of the site is also considered to be part of the overall 'hostel' provision with the occupiers of these shared 'move-on' units also

being subject to the same contract restrictions/selection procedure as the occupiers of the main building, being 'managed' by the staff who are resident in the main building and having full access to the facilities in the main building and programmes designed/available for all occupiers on the site. These houses are therefore not considered by Officers to fall within a C3 use (dwellinghouse) as it clear that their use is not proposed/intended as such but as an extension to the hostel facility.

- 1.8 The Design and Access Statement details that the applicant, Atlas Cheriton, has submitted the application in conjunction with Reveille Homes, which it refers to as 'a charitable foundation set up with the purpose of providing accommodation for ex-servicemen'. However, Reveille Community Homes Ltd, is listed as a private limited company. The applicant has more recently advised that a charitable status is being sought and they are a 'not for profit company'. No facilities are operated by Reveille Community Homes to date and therefore there are no examples of other facilities operated by this provider nor examples given within the application of comparable facilities.
- 1.9 The company is not proposed to just be Kent based but in discussion have advised ambitions to operate accommodation around the country over time. The applicant advises that they will be using a website to detail this facility and potential occupiers can apply through the website nationally. As such the applicant is not currently proposing a local connection test as part of this process.

Applicant's operational information:

- 1.10 At submission stage the applicant described the proposal as follows:

"ex-servicemen would live at the facility for a short period, such as six to eighteen months, to assist re-integration to society. There would be initiatives to assist this such as outreach into the community whereby ex-servicemen visit local facilities such as schools and community centres; learning a building trade such as bricklaying, carpentry, plastering or plumbing and thereby gain independence and integrate back into society."

"...it would be possible for residents to initially live in the main building and then move into one of the houses, which would be on a house-share basis, as a stepping stone to then moving back into mainstream society."

- 1.11 In February 2017 additional information was provided as follows:
- 1.12 "All clients that are awarded a place at the above resource must contract by way of a formal agreement to the Terms of Occupation..."

- 1.13 The management of the resource will be dealt with on a day to day basis by the two residential care staff who will occupy two of the studios. [Please note this is a change to the drawings which show a single room for caretaker/security only and has not been updated to reflect this more recent information.] The access to and from the property will be by way of an electronic coded fob key. A strict adherence to rules concerning visits to the resource will be maintained by the management staff. This will be *complimented using both internal and external CCTV. Within the contract of occupation, clients will be advised on visiting times for friends and/or family to attend the resource with the emphasis on visiting times clearly marked towards Saturdays and Sundays. Visiting during the week will be limited to early evening hours, ideally between 7pm and 9pm...*
- 1.14..*The principle restrictions for clients to observe will be that of no smoking or naked fires within the building. There will be an allocated smoking space to the rear of the building. Clients will contract to observe the rules on noise levels especially with regards to music and televisions within their rooms with the emphasis being that no noise should disturb other clients. A further rule for clients will be to agree not to invite more than one friend to the building at one particular time within the set hours and, in particular, it will be a rule by way of occupation that no visitors will attend the premises or the adjoining two roads within a 100-metre perimeter with a motor vehicle or motorcycle. There will be cycle rack to the side of the building for 20 cycles which are available to the clients staying at the resource.*
- 1.15 *A key factor in the support programme for all clients is that they will attend various workplaces to assist with the programme devised for both individuals and groups. This is part of the care package and will be assessed for each individual client to ensure suitability. The external work placements are likely to be with other similar ex-forces personnel, but with a strong emphasis on assisting community matters wherever possible. Clients staying at the resource are asked to provide some 20 hours of support to community issues afforded through liaison and direction of Reveille Homes. This is aimed at clients that are unemployed or retired. Those that have employment will be asked to devote any time they feel they can offer on a voluntary basis. The key to assisting all clients staying at the resource is to procure a sense of camaraderie similar to that they experienced in the forces. We see this as the main part of our plan to establish clients back to a level of wellbeing that they enjoyed within the armed forces community...*
- 1.16...*It is further projected that the support package will be assisted by the use of raising monies through its services to the local community such as providing technicians and construction workers to assist with community housing and other projects requiring assistance almost as an agency style arrangement. We have already had an agreement with three developers that would allow the clients attending the above resource to work with them on new housing projects in the Canterbury area which are to be built in conjunction with the designated Housing Association and several key funding partners."*
- 1.17 The period of occupation at the facility is now referred to as being 18 to 36 months rather than the 6 to 18 months originally stated in the Design and Access Statement. Given that the stated reason for the facility is to re-ingrate the former service personnel into civilian life and given that the hostel is not for ex-servicemen with chronic conditions/medical needs or for recuperation it would not

be expected that the re-integration timeframe would be required for longer than the originally stated period of 6 to 18 months.

- 1.18 Irrespective of the above, it would not be reasonable to seek to restrict the period of occupation or the use to a set group of people via planning controls as the Council does not have evidence to demonstrate an ongoing need for this type of accommodation.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is situated on the corner of Cheriton High Street and Chilham Road and extends along the eastern boundary of Chilham Road. At present the site is occupied by the White Lion Public House, fronting Cheriton High Street and its former curtilage, running north along Chilham Road and separated by a brick wall approximately 1.5 metres in height. The site is rectangular in shape, approximately 25 metres in width and 50 metres in depth, with a site area of 0.128 hectares.
- 2.2 Cheriton High Street is a busy road that forms the main route into Folkestone from Cheriton and Junction 12 of the M20 motorway. Chilham Road is a no-through road approximately 120m in length with no turning area available. Chilham Road operates a residents parking scheme which restricts parking to residents only during the daytime (8am to 8pm). On the western side of Chilham Road there are double yellow lines from the junction with Cheriton High Street to opposite 1 Chilham Road. The White Lion itself is a large, imposing Victorian building with a vehicle access off Cheriton High Street to its eastern side and outside space to the rear (north).
- 2.3 The area in general has a mix of uses but is predominantly residential. The site, as well as the existing building, has been vacant for some time and is boarded up. To the east of the site, accessed by Stanley Road is "All Souls Primary School." To the north of the site, separated by a narrow alley is 1 Chilham Road, a traditional Victorian terraced property, the style and detailing of which is replicated along Chilham Road. Opposite the application site, fronting the western side of Chilham Road is a commercial use, with a tyre service company having recently closed.
- 2.4 The site falls within the urban boundary of Folkestone and is not within any other areas of specific designation in the Local Plan. The Environment Agency maps identify the site as being within Groundwater Protection Zone 3 and there is history of surface water flooding in the surrounding streets and in the site.

3.0 RELEVANT PLANNING HISTORY

- Y07/0937/SH - Change of use and conversion of public house to student accommodation (16 student flats) and erection of a terrace of four x 2-bedroomed dwellings (Approved 07.11.07.)

93/0160/SH	-	Siting of a temporary building for use as a taxi office and aerial on roof of public house. (Refused 30.04.93)
88/0493/SH		Minor internal alterations, extension and change of use of ground floor to restaurant and first floor room to function room. (Approved 17.08.88)

4.0 CONSULTATION RESPONSES

4.1 Folkestone Town Council

Support this scheme as it retains an attractive building and is intended for ex-servicemen. As a Town we support the Armed Forces Covenant.

4.2 Kent Highways and Transportation

Objection - To provide the required sight lines for the proposed access will result in the loss of a significant amount of on-street parking spaces in Chilham Road, which is a street of Victorian terraces that have no off-street parking.

4.3 KCC Accommodation Solutions Strategic and Corporate Services

Do not recognise the proposal as a 'care home'.

"On reading through the information supplied, I do not feel that this proposal links to a care facility. The information given describes more of a retraining/rehabilitation environment that seems very regimented with specific rules that people are being asked to adhere to. They do not mention any packages of care within the proposal, but advise that people with 'psychological problems will be referred onto to other services'. The purpose of the on-site 'care takers' seems to be to ensure that people adhere to the rules, and we certainly would not expect such strict regulations around visitors to be present in any environment that we regard as a care service."

4.4 Housing Strategy Manager

Objection. Insufficient evidence has been supplied to show that there is a district need for a facility of this size and providing this form of accommodation. Shepway District Council signs up to the forces covenant which allows former members of the armed forces to join the SDC housing waiting list outside of the two year local connection requirement. Therefore as a result of this proposal any of the residents moving into the facility from outside the area are then likely to remain in the area having built local ties, which will place pressure on the local rented housing stock in both the social and private sectors. The five 'move on' units will potentially make this more likely.

An HMO or hostel of this size in an existing residential area would not normally be acceptable due to matters of noise/disturbance generated by such uses.

4.5 Environmental Health

No objection subject to use of standard contamination condition.

4.6 Environment Agency

We have assessed this application as having a low environmental risk. We therefore have no comments to make.

4.7 Southern Water

No objection subject to conditions related to the means of foul and surface water sewerage disposal, which need to be agreed in consultation with Southern Water and in consultation with the Environment Agency to ensure the protection of the public water supply source.

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

4.8 Transportation Manager (Shepway District Council)

Objection - The removal of 8 on-street parking spaces will have a serious impact on parking availability for local residents and wouldn't be acceptable.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 30 March 2017

5.2 Site Notice. Expiry date 9 March 2017

5.3 Press Notice. Expiry date 13 April 2017

6.0 REPRESENTATIONS

6.1 2 emails received on the following grounds:

- Concern regarding parking in Chilham Road;
- As we are permit parking the road at present and there are more parking permits than parking spaces;

- Additional parking of pressure will mean road residents/visitors are not able to park in Chilham Road.

6.2 1 letter of support has been received referring to the military covenant from a resident living in Jointon Road.

7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO10, BE1, BE16, TR5, TR11, TR12, U2, U4, U10a.

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, SS5, CSD2, CSD5.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework particularly paragraphs 7, 9, 14, 15, 17, 42, 49, 50, 56, 57, 58, 120, 121.

National Planning Policy Guidance

8.0 APPRAISAL

Background

8.1 In 2007 an application was approved under application reference Y07/0937/SH for:

“Change of use and conversion of public house to student accommodation (16 student flats) and erection of a terrace of four x 2-bedroomed dwellings [C3 use class].”

24 bed spaces in total.

8.2 Planning permission was granted subject to a number of conditions including a restriction that: *“A car free agreement to be entered into by the occupants of the student accommodation”* and *“The use of the premises formerly known as ‘The White Lion Public House’ shall be limited to Student Accommodation only.”*

In that application the parking spaces being provided on site were proposed to be for local residents (who would have lost on-street car parking spaces as a result of the development) together with staff parking.

8.3 The planning permission expired without being implemented.

Relevant Material Planning Considerations

8.4 The main matters for consideration are:

- Principle
- Design and Appearance
- Neighbours Amenities
- Parking and Highway matters
- Contamination/Drainage
- Other matters (including Armed Forces Covenant)

Principle

8.5 In this case the applicant has stated they are applying for a residential care home use but, following consultation with KCC Accommodation Solutions Strategic Corporate Services team and the Shepway Housing Manager and having reviewed case law, Officers are minded that the proposed use does not constitute a care use but is considered to be a hostel use. A hostel is a type of licensable house in multiple occupation (HMO). As such, the application has been assessed on this basis. The applicants contend that the proposal would fall within a 'residential care home' but for such a facility to fall within the planning definition of a care home it would need to provide a package of care administered by registered care provided regulated by the care quality commission. No information about how care would be administered has been provided or that it would meet the requirements of the regulator. In fact the KCC Accommodation Solutions Strategic and Corporate Services manager advises that from the latest information provided by the applicant they do not recognise the proposal as a 'care home'.

8.6 Paragraph 50 of the NPPF requires that local authorities should deliver a wide choice of high quality homes, including for:

'the needs of different groups of the community (such as but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);'. It continues 'identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand;'

8.7 Policy HO10 of the Shepway District Local Plan Review has been saved as being compliant with the NPPF and states that:

"Planning permission will not be granted for Houses in Multiple Occupation, defined as more than one household occupying a single dwelling where all facilities are not self-contained unless the applicant demonstrates firm and substantial evidence of local need for that form of accommodation. Applications for development described as residential hotels will be treated

as for houses in multiple occupation even though services may be provided.”

- 8.8 Firstly in consideration of the NPPF guidance there is reference to ‘service families’ which is not the proposal under consideration but there is the wider acceptance that ‘*the needs of different groups of the community*’ be provided for, which includes single ex-servicemen. However this provision according to the NPPF is to be of a type and tenure that is required subject to local demand.
- 8.9 It is this starting point of ‘local demand’ that must be evidenced to comply with the NPPF guidance and as explicitly required by the wording of saved policy HO10 of the Shepway District Local Plan Review.
- 8.10 There is no policy position requiring a local area to provide specific accommodation types to address a national need or shortage. The policy requirement is that a proportional provision be made of various housing types in response to the local need. Therefore policy would direct that an ex-servicemen’s hostel that is evidenced to be addressing a local housing need could potentially be acceptable, but would need to be subject to the consideration of other material planning matters such as design, impact on amenities, parking, etc.
- 8.11 However, this application was made with no evidence of ‘local need’ being submitted. The matter of evidence of the ‘need’ has been raised with the applicant repeatedly during the progress of the application and much of the delay of the application has been to allow for the applicant/agent to collate and present additional information to address this and other matters.
- 8.12 In terms of the material that the applicant has submitted to address the matter of ‘local need’ none of the additional material presented to the Local Authority to date, nor following Officers’ own investigations, show that there is a local need for a facility of this scale or type. Furthermore, of the very small numbers of known homeless ex-servicemen in the area; ex-servicemen on the housing waiting list or from the Ghurkha community, there is no evidence that the type of hostel being proposed, which is for single persons, is very regimented and with an emphasis on working in the construction industry, would address the requirements/wants of the known single ex-servicemen in the area and be taken up by them.
- 8.13 In fact, in the additional information recently supplied, the applicant advises that they will be using a website to detail the facility and potential occupiers can apply directly through the website. In reality occupiers would not only be ex-servicemen who are already identified as being in need of housing but the accommodation would also be available to servicemen and ex-servicemen to apply directly and not through any Local Authority housing lists and potentially from all over the country. As such, even if this proposal were to be approved and built out, it may not address our small identified

housing need for ex-servicemen in Shepway as others from outside of the area and those not currently on any housing list may be accepted ahead of them.

- 8.14 Without robust evidence of local need for this type and scale of hostel the proposal is considered to be contrary to the NPPF paragraph 50, saved policy HO10 of the Local Plan and policy CSD2 of the Core Strategy Local Plan.

Visual Amenity/Design

- 8.15 The NPPF and saved local plan policy BE1 requires new residential development to deliver high quality housing in term of the appearance of the development, ensuring that the development density is appropriate for its location, the impact on the street scene and character of the area and also the functionality and layout of the development design. Para 56 of the NPPF says that 'good design is a key aspect of sustainable development'. Para 57 and 58 refer to high quality and inclusive design, that is visually attractive as a result of good architecture and appropriate landscaping, that adds to the overall quality of the area and responds to local character and history and reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Policy BE8 requires that extensions should reflect the scale, proportions, materials roofline and detailing of the original building and not have a detrimental impact upon the streetscene.
- 8.16 The existing former public house building in the southern part of the site is in a state of poor repair and bringing the building back into use would benefit the area visually. However the proposal to convert the building relies on a four storey external staircase being erected that appears in its design to be alien to the building to which is would be attached and not of good design or appearance.
- 8.17 The stair core extension would appear as a blank 'block' on the eastern end of what is an attractive building incorporating many design features and architectural detailing. The proposed extension would be a tall, larger, block-like structure of a contrasting material to the building to which it would be attached. It would appear bulky and slab-like and would not be aesthetically pleasing in itself and would be completely out of character to the predominant Victorian built form in the area, which includes the building to which it would be attached. The proposed extension form and design is not appropriate or an acceptable extension to this building.
- 8.18 The applicant has been advised of officers' concerns and has informally submitted for discussion more visually acceptable designs for the staircase, before reverting back to the original unacceptable design.
- 8.19 The proposed terraced units to the rear of the premises are of a more traditional styling and scale and are considered to compliment the Victorian housing form within Chilham Road.

Amenity

- 8.20 Saved policies SD1 and BE8 of the Shepway District Local Plan Review and the NPPF (paragraph 17) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 8.21 As hostel accommodation the proposal (including terraced units) is considered to provide acceptable living conditions for future occupiers of the development. The various 'living restrictions' for occupiers detailed in the additional information submitted by the applicant could not be controlled through planning conditions or legal agreement as the Council would have no jurisdiction to be able to monitor or enforce such restrictions or prevent them being changed by the applicant.
- 8.22 Whilst currently the proposed terrace in the rear part of the site is being proposed as additional accommodation to the main building, should it have been proposed as a standard C3 dwelling use, the properties would not be considered acceptable against planning policy and guidance as they lack sufficient garden space to serve a family dwelling of the size proposed and would need to have dedicated off-street parking spaces provided.
- 8.23 In terms of neighbours' amenities, neither the conversion of the existing building, including the stair core extension, nor the construction of the terrace would result in harm to the living conditions of residential neighbours in the area or All Souls' C of E Primary School in terms of loss of outlook, privacy, daylight or overshadowing.
- 8.24 However, Officers are concerned that neighbouring amenity would be unacceptably compromised as a result of the size (providing 40-beds) of the proposed hostel and the potential for noise and disturbance of the living conditions of neighbours. [The previously approved student accommodation scheme provided a lesser number of bed spaces – 16 beds in the converted building and separately four 2-bedroomed terraced houses (C3 use) fronting Chilham Road.
- 8.25 The applicant has advised measures they intend to implement, which includes restricted visitor hours, controlling television noise and so forth. Of the staff that live on site their role is unclear. As originally proposed one staff person only was to live-in whose role was specifically as a caretaker/maintenance worker. More lately the additional information supplied refers to '*two residential care staff who will occupy two of the studios*' and '*will manage the resource on a day-to-day basis*'. (The drawings have not been updated to reflect this.) However as no evidence of care being provided has been submitted, nor the care needs of the proposed occupants established the proposal does not constitute a care facility and these roles remain unclear. Their management role is said to include '*a strict adherence to the rules concerning visits to the resource*'. It is also not clear if these staff are in addition to the caretaker/manager who is now no longer referred to. Furthermore two staff are not able to work the 24/7 hours that the hostel operates. Without clear information of the role(s) of the staff in the hostel, and perhaps even if supplied, notwithstanding the staff, Officers have

significant concerns that due to the high density of the scheme and number of units the hostel would likely be a source of noise disturbance and possibly anti social behaviour. It is also unclear how staff would be able to monitor and enforce some of the requirements, for example the rule that *'that no visitors will attend the premises or the adjoining two roads within a 100-metre perimeter with a motor vehicle or motorcycle.'* This is not something that the local planning authority can condition as it would not be possible for officers to monitor and enforce this.

8.26 The nature of hostel accommodation is that there is a high turnover of occupiers and it is usually a short term form of accommodation. The Housing Strategy Manager advises that this form of accommodation generally generates more noise/disturbance than standard flat/house accommodation with a more settled occupation pattern. For this reason HMO/hostel type units are normally limited in size and not grouped together to lessen their impact on living conditions for neighbours.

8.27 Given the above and taking into consideration the number of units proposed as a single HMO/hostel, Officers consider the proposal would lead to an overdevelopment of the site resulting in unacceptable noise and disturbance to the detriment of neighbouring amenity.

Highways

8.28 Policy TR12 of the Shepway Local Plan Review relates to car parking levels to serve new development. However, in terms of parking standards there is no adopted parking standard for hostel uses and as such the details of the operation and scale of the development must be used to assess the adequacy or otherwise of the parking proposed.

8.29 The proposal seeks to provide 10 parking spaces on the site, to the rear of the buildings and accessed via a new access point off Chilham Road. The existing access point to the site off Cheriton High Street would be closed off.

8.30 Policy TR11 relates to the impact of new development on the highway network. The Kent County Council Highways and Transportation Officer raises an objection as the proposal has not accounted for the provision of the required sight lines for the proposed access from Chilham Road, which operates a residents' parking scheme during the daytime and is a short no-through road. (The resident's parking scheme operates between 8am to 8pm, during which time non-residents can only park for 1 hour.) On the western side of the road are double yellow lines from the junction with Cheriton High Street to opposite 1 Chilham Road, a distance of about 60m – half of its 120m length. Therefore parking within Chilham Road is already under significant pressure.

8.31 The Highway Authority officer advises that the visibility splay required at the proposed new access is 18 metres in a southerly direction by 2 metres by 25 metres in a northerly direction. As a result of the required sight lines, a significant number (8 spaces) of the existing on-street parking spaces will be lost in Chilham Road, which is a street of Victorian terraces that have no off-

street parking. The street is reported by residents to be heavily parked even with the existence of a residents' parking scheme on the street.

8.32 The latest operational details provided for the hostel does not propose that 40 residents of the hostel will not be allowed to own/park cars/motorbikes at the facility. Even in the event of the use of a 'car free' condition requiring that residents do not park their cars on the site, such as was used on the student accommodation historic permission, neither the applicant nor the Council has the ability to stop occupiers of the hostel owning cars/motorbikes and parking them off site in local streets including Chilham Road (which has unrestricted parking the evenings/overnight) in the event that the hostel was listed as being not eligible for resident's parking permits.

8.33 In addition to any potential occupiers' cars, the applicant proposes the occupiers of the hostel be employed in the building trade. The applicant has links to construction companies and advise that they already have an agreement with three developers that would allow the residents of the hostel to work with them on new housing projects in the Canterbury area. Therefore it is anticipated that there will be a requirement for mini-buses to park on site, together with staff vehicles and other 'non-residents' parking related to the hostel, such as professionals who may need to visit e.g. to run job seekers courses, undertake personal assessments etc.

8.34 Therefore, on the basis of the theoretical operational detail provided (given that the applicant has not run any hostels to date) it is clear that the proposal will result in a parking demand and as such the on-site parking proposed would need to be retained for the use of the hostel and could not absorb any displaced parking spaces from Chilham Road. Therefore, not only will 8 parking spaces on street be lost to local residents there will only be an overall net gain of 2 spaces.

8.35 The applicant has not proposed that the parking spaces to be provided on the site will be made available for residents of Chilham Road and, notwithstanding such an occurrence being envisaged for the historic student use allowed on this site, such a scenario cannot be suitably controlled even if agreed in principle by the applicant and as such cannot be conditioned.

8.36 The revised 'day-to-day operations' information supplied also states:

"clients will be to agree not to invite more than one friend to the building at one particular time within the set hours and, in particular, it will be a rule by way of occupation that no visitors will attend the premises or the adjoining two roads within a 100-metre perimeter with a motor vehicle or motorcycle. There will be cycle rack to the side of the building for 20 cycles which are available to the clients staying at the resource."

8.37 However, clearly there is no ability for the applicant, occupiers or the Council to ensure that visitors to occupiers of the facility do not park within 100m of the facility.

- 8.38 Therefore, the proposal will result in a loss of on-street parking spaces in Chilham Road, which is a significant proportion of the on-street parking available in this short no-through road. Planning Officers and KCC Highways and Transportation officer have raised this concern with the applicant on a number of occasions since the submission of application. The Council's Transportation Manager has objected to the proposal on the basis that the removal of 8 on-street parking spaces would have a serious impact on parking availability for local residents. The Transportation Manager advises that if an application to amend the Traffic Regulation Order in this way were received the residents would be consulted and would have to agree the change before it would be able to proceed.
- 8.39 The case officer requested the applicant provide a copy of the proposed site plan showing the sight lines for the access – which would have then been provided for public consultation. The applicant has declined to provide this drawing. Officers have advised the applicant to provide parking surveys of parking numbers in the street and to install tracking equipment to count the number of cars using Chilham Road to evidence if a lesser vision splay could be used. The applicant has not been minded to do either of these things.
- 8.40 The proposal is therefore considered to be to the detriment of the living conditions of residents in Chilham Road who have residents parking permits, by causing the loss of a significant amount of the existing on-street parking provision contrary to saved policies SD1 and BE1 of the Shepway Local Plan Review.

Contamination/Drainage

- 8.41 Saved policy U10a relates to contamination with respect to the health and safety of occupiers of residential development and the contamination of land and watercourses by the development. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented to ensure that unacceptable risk of contamination of water sources and to human health does not occur. (NPPF, paragraphs 121 and 109).
- 8.42 In this case no phase 1 investigation (desk top study) with respect to contamination was submitted with the application. However, given that the site has been in use as a public house/hotel long term and is not shown to be close to known contamination sites on the EA hazard maps, there is no reason to conclude that planning permission should not be granted due to concerns related to land contamination. Therefore, if planning permission is granted it should be subject to a suitably worded planning condition requiring site investigation in respect to contamination and remediation if necessary.
- 8.43 In respect to drainage matters the Environment Agency flood hazard maps identify some surface water flood risk in the surrounding streets and on the site. Southern Water identify the risk of the possibility of the surcharging of the public sewers affecting the basement and recommend a

condition requiring a detailed drainage design, to be agreed in consultation with them.

Other Issues

Armed Forces Covenant

- 8.44 Shepway District Council signs up to the Armed Forces Covenant, which originated in the year 2000. The Armed Forces Covenant represents a promise by the nation that those who serve or have served, and their families, are treated fairly. All 407 local authorities in mainland Great Britain and 4 Northern Ireland councils have pledged to uphold the Armed Forces Covenant.
- 8.45 Folkestone has military connections and there is evidence that ex-service personnel often settle in areas where they have served. Under the Armed Forces Covenant pledge made by Shepway District Council these former service personnel are able to join the Council's housing waiting list on leaving the military and are excused the local connection eligibility criteria period of two years that others have to adhere to before being able to join the housing waiting list.
- 8.46 The national guidance and local planning policy has been written in the light of all 407 Local Authorities on mainland Britain having signed up to the Armed Forces Covenant. The NPPF guidance that provisions to address local housing needs for 'service families', and by implication other ex-service personnel types, are made '*reflecting local demand*'. There is no conflict in guidance or policy with the Armed Forces Covenant (although as explained earlier in the report there is conflict with the NPPF).

Impact on Support Services

- 8.47 The local need for this size of facility has not been evidenced by either the applicants or through Council officers' enquiries. Based on the available evidence, if the proposal went ahead, in order to fill the available bed space, ex-servicemen would be moved into the hostel on a regular turnover from outside of the District. On leaving the hostel these residents would then be able, under the Armed Forces Covenant, to join the Shepway housing waiting list or would be seeking residence in the local private rental market. This would place increased pressure on the local 'affordable' and rental market housing resources. Additionally it would result in increased pressure on doctors, dentists, other social services and support services within Shepway.
- 8.48 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The 'social role' of sustainable development says that a supply of housing should be supplied to meet the needs of the present and future generations with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Sustainable development is therefore implicitly required to be proportional to local need and in not being in

proportion to local need, as has failed to be demonstrated in this case, would not meet the three dimensions of being classed as sustainable development.

Officer advice

8.49 Officers are minded that planning policy would direct that the applicant needs firstly to be seeking to provide hostels in those areas, in Kent or elsewhere, that can likely easily demonstrate a local need for the size and type of accommodation being proposed in this application. The applicant has been advised that this is the policy position but the applicant wishes to continue with the current application.

8.50 The applicant has also been advised by officers that policy would also allow for a scheme of 100% affordable housing units operated by a recognised Housing Association (possibly working in partnership with the applicant) but with priority given to ex-servicemen who are on the Council's housing waiting list. However, to date this option has not been followed up by the applicant.

Local Finance Consideration

8.51 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. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new residential space (excluding any residential floor area created through a change of use).

Human Rights

8.52 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.

8.53 This application is reported to Committee at the request of Cllr Gane for the following reason: *'In the local plan we judge development on if they fill a*

local need. However I believe this development is needed by the military community as a whole and therefore may go outside that particular parameter and therefore a judgement needs to be met by development control on the local need with the national need as we are signature at both town and district level to the military covenant”.

9.0 SUMMARY

- 9.1 No evidence has been provided or found by officers to demonstrate that a 40-bed hostel is required to address ‘local need’. The supporting information identifies that potential occupiers are not limited to only applying from the local area or even the county. As such the proposal is contrary to National Guidance and local planning policy. Without a demonstration of local need the proposal fails to fulfil the ‘social role’ of sustainable development and as such the proposal is not considered to constitute sustainable development.
- 9.2 It is also considered that neighbours’ living conditions, particularly in Chilham Road but also in the wider residential area, will be harmed by the loss of 8 on-street parking spaces in a short no-through road, with no off-street parking opportunities, which already operates a residents’ controlled parking zone. The size of the hostel is also not considered to be appropriate for the location within a residential area for reasons of general noise and disturbance arising from the concentration of this form of HMO accommodation.
- 9.3 The proposed side extension would be of a bulky and slab-like appearance and would be unattractive in itself and with no reference to the materials, design or detailing of the building to which it would be attached. The extension would be out of character to the predominant Victorian built form in the area and would have a detrimental impact upon the streetscene.
- 9.4 Given the above, the scheme is recommended for refusal.

10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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

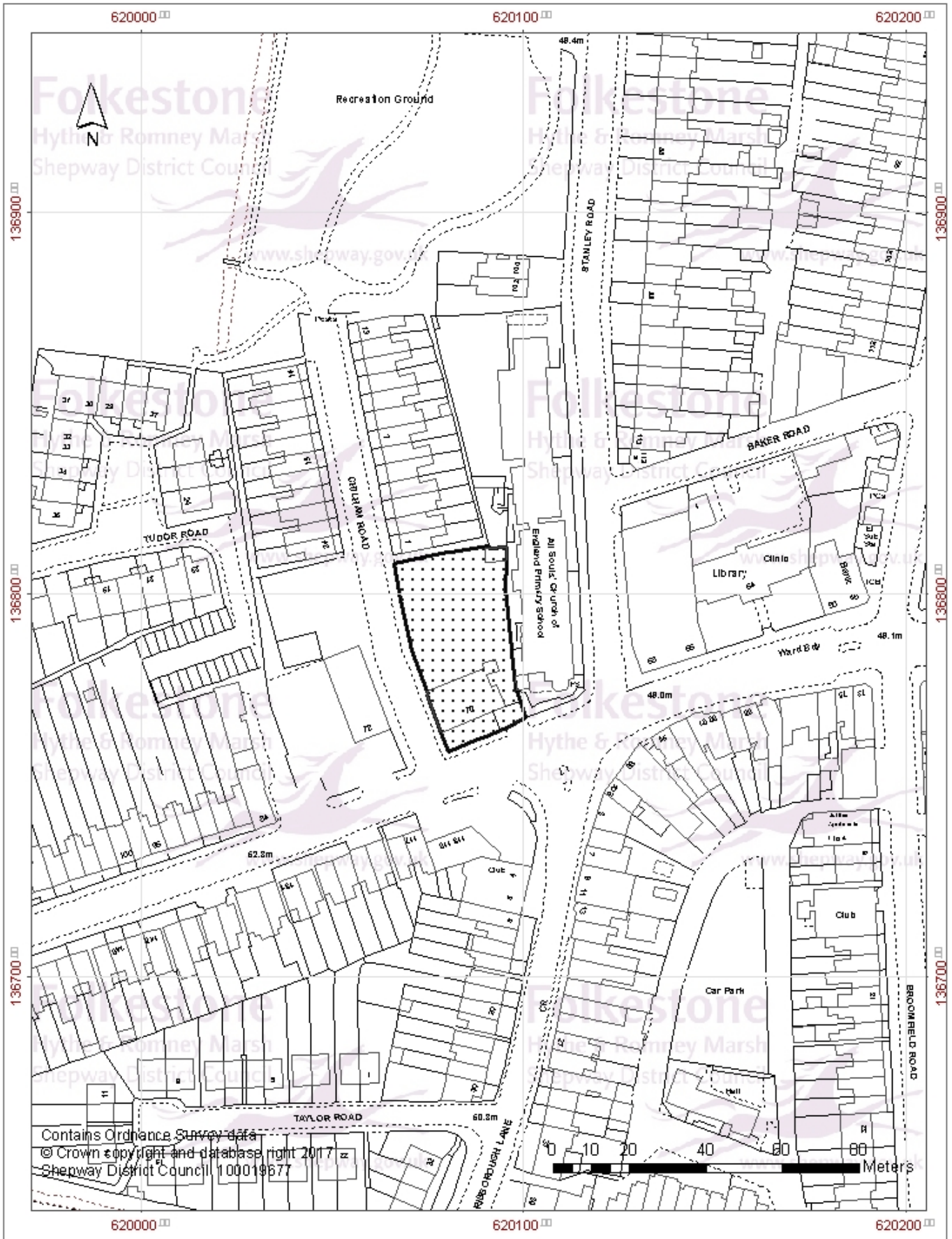
1. The application fails to provide robust evidence of a local need for hostel accommodation of this type or scale to meet district residential needs. As such the proposal is unsustainable development contrary to saved policies SD1 and HO10 of the Shepway Local Plan Review, policy DSD of the Core Strategy Local Plan and paragraphs 7, 15 and 50 of the National Planning Policy Framework.

2. The proposal is likely to result in an unacceptable level of noise and disturbance in the local area to the detriment of neighbours' living conditions. The loss of the on-street parking spaces would also be detrimental to the living conditions of residents in Chilham Road and the surrounding residential streets that would have to absorb the displaced cars. As such the proposal would result in unacceptable harm to neighbouring amenity due to the number of units proposed and the loss of eight on-street parking spaces and is therefore contrary to paragraph 17 of the National Planning Policy Framework, policy DSD of the Shepway Core strategy and saved policies SD1 and BE8 of the Shepway Local Plan Review.

3. The proposed side extension to the White Lion Public House would be of a bulky and slab-like appearance, unattractive in itself and with no reference to the materials, design or detailing of the building to which it would be attached. The extension would be out of character to the predominant Victorian built form in the area and would have a detrimental impact upon the streetscene. As such the proposal is contrary to paragraph 56, 57 and 58 of the National Planning Policy Framework, policy DSD of the Shepway Core strategy and saved policies BE1 and BE8 of the Shepway Local Plan Review.

Decision of Committee

Y16/0439/SH
White Lion
70 Cheriton High Street
Folkestone



Application No: Y17/0461/SH

Location of Site: 15 Sandgate High Street Sandgate Kent CT20 3BD

Development: Change of use of ground floor commercial unit to a residential flat, along with change of use and conversion of 1st & 2nd floor maisonette to one flat and one maisonette together with external alterations.

Applicant: Mr Leo Griggs
11 Meadowbrook
Sandgate
Folkestone
Kent
CT20 3NY

Agent: Mr Leo Griggs
Alliance Building Company Contracts Ltd
Leo Griggs
11 Meadowbrook
Sandgate
Folkestone
Kent
CT20 3NY

Date Valid: 25.04.17

Expiry Date: 20.06.17

Date of Committee: 29.08.17

Officer Contact: Mr Julian Ling

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 This application seeks detailed planning permission for the change of use of ground floor shop to a residential flat, along with change of use and conversion of the first and second floor maisonettes to one flat and one maisonette together with external alterations.
- 1.2 The ground floor flat would be accessed via an entrance off Castle Road to the rear and the first and second floor flats would be accessed off a communal entrance and staircase to the front of the building off Sandgate High Street. Refuse storage is proposed to the rear of the building at ground floor level.
- 1.3 Concerning the internal layout, the ground floor flat would comprise an entrance hallway, two bedrooms, a combined living room and kitchen and a bathroom. There is also a basement area which would be used for storage purposes. At first floor the second flat would comprise two bedrooms, a

bathroom and combined living room and kitchen. The third unit, a maisonette, would be set over the second and third floors and comprise three bedrooms (one with an ensuite bathroom), a separate bathroom and an external flat roof terrace area facing south on the rear of the building at second floor level. The third (top) floor would contain a combined kitchen and living area and a WC.

- 1.4 Some external alterations are also proposed. On the front elevation, no significant alterations are proposed as the existing shop front and fenestration would be retained and the glass replaced. Three existing roof lights on the front roof slope are to be retained which are standard roof windows that have already been installed and do not have planning permission. To the rear, the existing lean-to roof over the entrance yard would be removed and the brickwork repaired and made good and a bin store constructed, a ground floor bedroom window would be replaced with a larger window and a new side window installed within the same bedroom. At roof level (third floor) it is proposed to construct a large pitched roof dormer window with French doors and a Juliet balcony.
- 1.5 The front elevation upper floor windows have recently been replaced with uPVC windows. This requires planning permission but does not form part of this application and will be dealt with separately.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 This application site is located within the centre of Sandgate. The site is located on the south side of the road at the bottom of Sandgate Hill and within the conservation area.
- 2.2 The premises are three storey with attic space and basement level. They front onto Sandgate High Street and form part of a long terrace of properties of the same scale and appearance. To the rear is Castle Road which is predominantly a residential road. Opposite are Enbrook Park and Saga. The property is currently redundant, empty and boarded up. It was last used as a shop at ground floor with residential living accommodation above.

3.0 RELEVANT PLANNING HISTORY

There is no recent or relevant planning history for this property.

4.0 CONSULTATION RESPONSES

- 4.1 Sandgate Parish Council
Objection

On the basis that we feel the ground floor should be retained as a commercial unit. We would otherwise support the proposal to renovate the building and for the two flats in the upper parts as submitted. There is no

satisfactory proposal for parking as currently Sandgate High Street residents could not get a permit to park in Castle Road as suggested.

4.2 Heritage Consultant

No objection in principle subject to some external amendments.

The property is one of a terrace of 5 No. three storey shops at the east end of Sandgate High Street on its southern side and backing onto Castle Road. No15 has lain empty for about 20 years.

The terrace, Nos. 13 -21, is a terrace of five purpose built Victorian terrace shops with two floors of accommodation above and a room within the roof, lit by a dormer to the rear side only. This three storey terrace appears to date from the late c19th, built of red brick with a slate roof. The front elevation is red brick with projecting black header feature courses and there is a central parapet feature with half round capping that projects through the eaves line. The rear elevation is rendered with a catslide roofed dormer lighting the attic.

The upper sash windows were, until recently, the original, mostly 12/1 pane format but with some windows 2/2 format. However, recently these have all been changed to 'good quality' Upvc replacements to the same design. The shopfront is mostly the original (as are the others in the terrace) but is boarded up. There is a separate side access door providing access to the upper floors.

The terrace 13-21 Sandgate High Street is generally in quite good condition for its age however, it is run down and No. 15 particularly so given that it, apparently, it has been empty for about 20 years! It is also clear that the shopping frontage here is very marginal, positioned away from the centre of Sandgate High Street at its eastern limits. Only two of the shops in the terrace are in retail use, these also very marginal, and so the change of use seems to be an inevitable result of the marginal status of the frontage.

The nearby property No.19 has also been converted into flats recently and apparently, the internal reordering is to a similar layout to that proposed in No15.

The upper floors however have recently been re-windowed with Upvc sash windows to the same format as the originals.

At roof level, both Nos.13 and 21 have had roof windows inserted into the front roof slope. No.13 has two conservation pattern rooflights. The proposals at No.15 need to appear identical to this and the rooflights should be of the same conservation pattern, of the same size and 2 No. only rather than the three shown on the drawing.

At the rear, large dormers have already replaced the original catslide dormers at Nos.13 and 21. The one at No.13 is different from the design of the proposed dormer. It is narrower, the roof pitch is steeper, there is a pair of French doors with sash window side lights and the dormer is clad with dark coloured featheredge boarding. The proposed dormer fails to match this. The design is wider, with a slack pitched roof and rendered. There are no side lights to the doors.

The current design is therefore not acceptable due to its excessive size and clumsy design. The dormers at Nos.13 and 21 set the precedent for dormers here and it is essential that the one at No.15 is a close match in size, design and materials to that existing on the adjacent No.13.

It is unfortunate that the original sashes, the last surviving in the terrace, have been changed to Upvc but at least the replacement windows are the correct format with proper sash operation and sufficiently close to the appearance of the original to be acceptable in the context of this building, which is not listed.

The removal of the yard roof and reinstatement of windows is to be welcomed.

The alterations to the interior are, of course, not subject to control but generally the rearrangement of the interior seems sensible – the minimum necessary to achieve the required three flats, which are quite generously sized.

The conversion and loss of the shop is regrettable, but this seems inevitable given the state of retailing in Sandgate. However, we do need to be reassured that issues of ventilation (required by the building regulations) are capable of being accommodated without unfortunate alterations to the shopfront. We will need details of all locations of vents and flues on the building.

RECOMMENDATIONS

Request changes to the scheme as follows:

- Front Elevation – Reduce rooflights to 2, conservation pattern, to match the size and spacing to those on No.11
- Rear Elevation – Amend dormer design to be narrower, with a steeper pitched roof and French Doors with sidelights with the dormer front and side clad in grey weatherboarding, all to be exactly matching the design and detailing of No.13.
- Shopfront – Request confirmation that the ground floor conversion will not require alterations to the shopfront as a result of requirements of building regulations

Once these issues are resolved I would suggest grant subject to the following conditions:

- Detail of repairs to shopfront
- Details of the design and construction of the proposed dormer (to precisely match no13) scale 1:5 or 1:10
- Door and window details scale 1:1 or 1:2
- Details of cladding materials

Details of the location of vents and outlets

4.3 Building Control Officer

No objection

This application will need the standard Latchgate condition applied.

4.4 Environmental Health

No objection

4.5 Southern Water

No objection

The attached plan drawing number 9371.08A Rev A appears to show that the existing development lies over a public foul sewer which is not shown on records. Any changes to the building foundations will require Southern Water approval.

Southern Water requires a formal application for a connection to the public sewers to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable, sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The detailed design for the proposed basement should take into account the possibility of the surcharging of the public sewers. We request that should this application receive planning approval, the following informative is attached to the consent:

"Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 29.05.2017

5.2 Site Notice. Expiry date 05.06.2017

5.3 Press Notice. Expiry date 08.06.2017

6.0 REPRESENTATIONS

6.1 1 letter received objecting to the application on the following summarised grounds:

- The property is within a conservation area.
- New plastic windows and velux windows have already been installed which do not have planning permission.
- The rear flat roof will be changed to a roof terrace.
- Loss of the shop to a residential use which will affect the viability of the row of shops.

7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE4, BE8, HO1, TR5, TR12, U1, U4.

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

DSD, SS1, SS3

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework (NPPF) Paragraphs 49, 51
National Planning Policy Guidance (NPPG)
Kent Design Guide
Sandgate Village Design Statement 2013 Supplementary Planning Document (SPD)

8.0 APPRAISAL

8.1 The key issues to be considered in the determination of this application are the principle of the conversion of the building in terms of planning policy, the visual impact on the conservation area, impact upon the amenities of residents and highways and transportation matters.

Policy

8.2 The site is located within the Sandgate settlement boundary as defined in the Core Strategy Policies Maps, and is covered by saved policy HO1 of the Local Plan Review, in which the principle of the conversion of existing buildings, particularly where this would result in the preservation of a building of architectural or historic interest, is acceptable. Sandgate is not identified as a primary or secondary shopping area in the local plan and

there is no policy covering Sandgate High Street that would enable planning permission to be refused for the loss of the commercial unit.

Principle of residential conversion

- 8.3 In terms of the principle of the conversion, the formation of three residential units is considered acceptable under saved Local Plan Review policies HO1 and SD1 which allow the conversion of existing buildings where it makes good use of previously developed and brownfield land/buildings and/or would result in the preservation of a building of architectural or historic interest. It would also bring back into use a building that has stood redundant for a period of twenty years according to the applicant's agent and is in poor condition.
- 8.4 The NPPF also advises in paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and in accordance with paragraph 51, which seeks to bring back into use empty buildings and make efficient use of existing housing stock. To promote sustainable development and prioritise urban regeneration, a target is set for at least 65% of dwellings to be provided on previously developed land by the end of 2030/31(Core Strategy policy SS2).
- 8.5 It is considered that the site is located within a central urban area that benefits from town services and amenities with good pedestrian and vehicular connectivity as well as a public bus service. The internal layout complies with the minimum standards for properties undergoing conversion to self contained flats and are acceptable for modern day living and the flats would contribute to the mix of housing within the district, ideally suited to single/couple orientated accommodation.
- 8.6 In terms of the loss of the retail shop, Sandgate High Street is not identified as a primary or secondary shopping area so there is no policy need to safeguard ground floor retail or business units. Therefore there is no policy justification to keep the ground floor use as retail or another business use. It is therefore considered that the principle of the conversion of the building to three self contained units is acceptable in accordance with saved policies SD1 and HO1 of the Local Plan Review, Core Strategy policy SS2 and the NPPF: 2012 para 51.

Visual Impact

- 8.7 The site is located within Sandgate Conservation Area and therefore section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and saved policy BE4 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.8 In this regard, this application does not propose significant alterations or extensions and the exterior of the building will predominantly remain as existing. Importantly, the development seeks to retain the shop front which would preserve the character of the building and show its previous use, which would in turn help conserve the character and appearance of the

conservation area. The glass would be replaced to upgrade it for building regulation purposes which is considered reasonable and acceptable. To ensure glass is used, and not an inappropriate different material this can be conditioned for details to be agreed prior to its installation. Within the front roof slope, three roof windows are also proposed to be retained, having already been installed without planning permission. It is considered that their design is not ideal within a conservation area as a conservation style roof light which has a slimmer profile would be preferred. Nevertheless given the angle of pitch of the roof and their location high upon the building they are not highly visible from the streetscene they are on balance considered to be visually acceptable.

- 8.9 Concerning the rear elevation, the new slightly larger replacement window and new side window within the proposed rear bedroom are considered to be generally acceptable. They would have minimal visual impact and therefore conserve the character and appearance of the conservation area. Whilst the use of uPVC is regrettable, it is considered on balance to be acceptable, subject to the right design of windows, given the significant amount of uPVC already installed within this terrace row of properties. To ensure that appropriate style windows are installed a condition is recommended for their details to be agreed prior to their installation. A ground floor lean too roof that is in a poor dilapidated condition would also be removed and the brick wall repaired and made good to create a wider entrance yard. This is considered acceptable as it is not considered to be an important traditional feature and there would be no harm to the conservation area character and appearance from its loss and it would improve the current untidy appearance.
- 8.10 The biggest and most prominent alteration would be to the rear roof slope where a large pitched roof dormer window is proposed to be installed. It is considered that it is visually acceptable given that a dormer window already exists to the rear, together with the fact that there are other similar size and style dormers within this row of properties. Whilst larger than the existing, this is not considered to be unduly large or top heavy to the detriment of the visual amenity of the conservation area, as it is considered it would sit comfortably within the roof slope. The design is considered acceptable with a pitched roof and French doors with a Juliet balcony where the Heritage Consultant has not raised an objection to the principal. However he has recommended some small changes to improve the scheme being that the rear dormer is reduced in size to be narrower and the dormer front and side clad in grey weatherboarding, all to be exactly matching the design and detailing of No. 13. The cladding has been agreed, but the size has not been amended. As a similar size dormer has recently been permitted next door it is considered that it would be unreasonable and inconsistent to insist on a smaller dormer in this case. As such the alterations and additions are considered to be acceptable and would conserve the character and appearance of the conservation area in accordance with saved Local Plan Review policies BE1, BE4 and BE8. Furthermore the development is considered to be in accordance with Sandgate Village Design Statement policies SDS 4, 5 and 6, where the development conserves the conservation area and the development provides detailed elevation plans which show that

the scale, form and design is visually acceptable and retains the existing elevations of the building and the shop front and therefore conserves the character of the area.

Neighbouring Amenity

- 8.11 In terms of residential amenities, it is considered that the development would safeguard the amenities of surrounding residents. It is considered that a residential use would be appropriate within this mixed use area which already has many similar houses, flats and maisonettes. The building currently has a commercial use with residential above and it is considered that the change to full residential would result in a less intensive use than existing.
- 8.12 There would be no impact to the front which fronts onto the busy Sandgate High Street and only marginal impact to the rear. There are no extensions proposed and therefore no overbearing or overshadowing impacts would occur. With regard to the proposed dormer window this is also not considered to result in any overbearing/overshadowing issues as it is positioned high in the roof level and away from other neighbouring windows. Some overlooking to the south would occur towards Beaufort and other houses in Castle Road, but this is considered acceptable and not significantly more harmful than existing where this terrace row of properties has many windows and terrace areas that allow views south. Castle Road is also very narrow with properties positioned on both sides of the road where there is already a degree of interlooking occurring. As such any overlooking from the dormer window is considered to be acceptable.
- 8.13 At second floor level upon the rear of the building an existing flat roof terrace area is proposed to be as an external amenity space. This already exists but because the building has been empty for a considerable time has not been in use recently. In this instance it is considered that its use would be no greater than existing where at any time the residential unit could be occupied and the terrace area used. There are several other such elevated terrace areas upon the back of these properties where the impact would be no greater and as such acceptable. Subject to the retention of the parapet wall and installation of a safety rail onto of the parapet wall as a means of enclosure to safeguard users this is considered acceptable. The installation of the ground floor windows is acceptable, being minimal and would not give rise to a loss of privacy as a large degree of interlooking already occurs between properties on the each side of Castle Road. Therefore subject to a condition for the terrace balustrade to safeguard the future occupiers of the flat, the development is considered to safeguard residential amenities.

Highways/Transportation

- 8.14 With regard to location and wider sustainable connectivity, the site is located within the centre of Sandgate and benefits from good connectivity having access to road and pedestrian footpath networks and close to local services. The site also benefits from public transport services with a bus stop on the

A259 immediately outside. As such, the site is considered to be a sustainable location in transport terms.

- 8.15 In terms of car parking, the existing use does not have any off street car parking and the proposed development does not propose any either. However some on street parking is available within the local area and there is a public car park nearby in Castle Road to the rear of the site. Nevertheless in the absence of off street parking, this is considered acceptable given the sustainable town centre location where occupiers would not necessarily need to use a car. To promote alternative means of transport, the development also proposes some cycle parking facilities.
- 8.16 It is noted that policy SDS11 of the Sandgate Design Statement requires all planning applications to demonstrate adequate off-road parking provision in accordance with car parking standards. However, based on the existing use of the building (ground floor retail unit and residential maisonette above) in this case the proposed development will result in a small reduction in parking demand particularly during daytime when the shop would have been open. Therefore it is considered that the development is acceptable in this regard.

Other Considerations

- 8.17 The application proposes to connect to the main public sewer for foul and surface water disposal which is recommended and which Southern Water have not objected to. Refuse and recyclables storage is also proposed in a communal area to the rear of the building which is considered acceptable and can be conditioned for retention. Although the Building Control Officer has recommended that a soil stability condition be applied, given no new foundations are proposed this is not considered necessary.
- 8.18 Concerning local financial considerations, 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. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £100 per square metre for new dwellings which will result in a total sum of £20,300.00.

Human Rights

- 8.19 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are

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

8.20 This application is reported to Committee given the views of Sandgate Parish Council.

9.0 SUMMARY

9.1 The development proposes to make efficient use of an existing empty building that is in a poor condition. It is a previously developed site and proposes three self contained units that conform to the Council's minimum standards for properties undergoing conversion to self contained flats and that would contribute to the mix of housing stock in the area. The external alterations are acceptable and would conserve the character or appearance of the conservation area and the development would safeguard the amenities of residents. There are no adverse highway issues.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

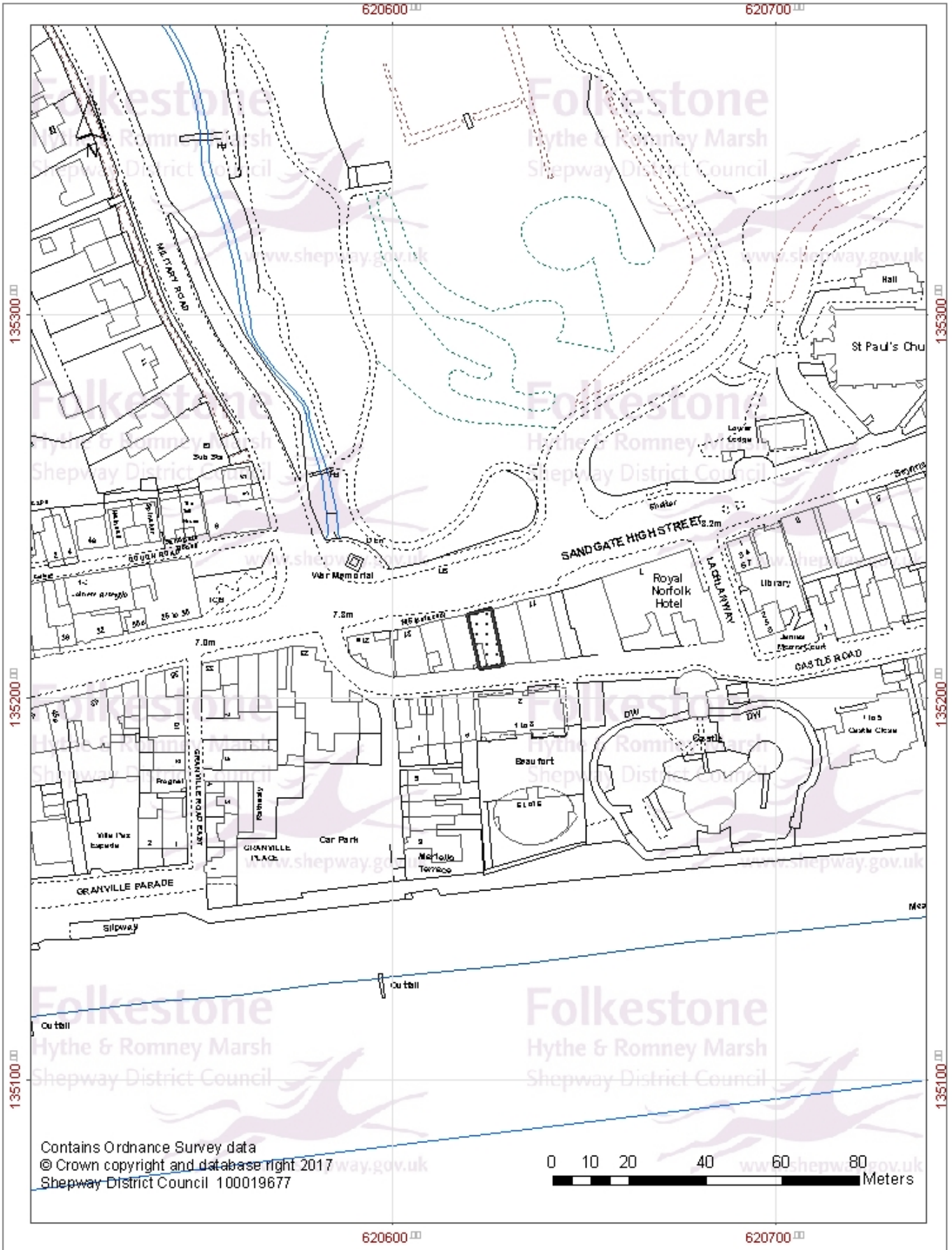
1. Standard Three Year Condition.
2. Approved plans.
3. Details to be submitted to and approved prior to commencement of development for the following;
 - New rear windows
 - New front glass to shop front
 - External terrace rail
4. Provision and retention of refuse/recyclables storage.
5. Provision and retention of cycle parking.

Informatives

1. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
2. For the avoidance of doubt this permission does not include the retention of the front upper level replacement windows uPVC windows which requires separate planning permission.

Decision of Committee

Y17/0461/SH
15 Sandgate High Street
Sandgate



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Application No: Y17/0314/SH

Location of Site: 65 Radnor Cliff Folkestone Kent CT20 2JL

Development: Construction of two pairs of three-storey, semi-detached houses following demolition of existing house and garage.

Applicant: Mr Ray Field
65 Radnor Cliff
Folkestone
Kent
CT20 2JL

Agent: Mr John Verkaik
JV Chartered Architects
6A Broadfield Road
Folkestone
CT20 2JT

Date Valid: 17.05.17

Expiry Date: 12.07.2017

PEA Date: 05.09.2017

Date of Committee: 29.08.17

Officer Contact: Mrs Wendy Simpson

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 The proposal is a full application for the demolition of the existing house and garage, the excavation of part of the site and the erection of two pairs of semi-detached houses. The proposed houses would be three storeys (including use of the roofspace) and would be south facing onto Radnor Cliff. The closest of the houses will be inset by about 2.5m from the western boundary of the site and about 1.9m from the eastern boundary. The gap between the two pairs of dwellings would be about 3.65m. Overall the width of the site is about 30m and the depth of the part of the site to be developed under this application (as much of the site is covered with protected woodland) is about 14.5m from the back edge of the road.
- 1.2 The design of the houses are intended to reflect a traditional 'beach hut' appearance and utilises full width glazed balconies at first and second floor levels and large areas of floor to ceiling glazing. The palette of materials proposed are 'ivory' painted render and Accoya timber cladding (coloured differently for each house), grey powder coated aluminium windows and doors, and natural slate roof tiles. Walls, including retaining walls, are to be faced with natural stone and climbing planters are proposed on the flanks of

the building. (The design of the buildings has been revised during the course of the application to change the cladding material from a 'Cedral' product to timber and to add a greater degree of articulation and interest to the flanks of the houses.) Overall the footprint of each dwelling would measure about 5.5m in width by 10.85m in depth. The height to the eaves, from the reduced ground level, would be 6m and to the roof ridge 8.3m. The overall floor area for each house would be 100m² excluding car ports and balconies.

- 1.3 The proposed dwellings have a carport, wc/utility room, entrance hallway and bin storage at ground floor only, living room and kitchen/diner at first floor and three bedrooms, one with ensuite shower room, and a family bathroom at second floor level within the roofspace. In addition to the carports, a second parking space is provided to the front of each carport. An area of private garden space (excluding woodland) is proposed to the side and rear of each house.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is located to the eastern end of Radnor Cliff, adjacent to the coastal park car park and opposite the 4 storey apartment block known as Marine Point.
- 2.2 The existing property itself is detached with weatherboarding to the first floor and dates from the 1960's, forming one of 3 dwellings set against the highly vegetated landscape of the steep cliff.
- 2.3 Radnor Cliff is characterised by properties of a variety of designs, styles and ages. Typically the southern side of the road comprises larger, more imposing houses and blocks of flats, whilst the northern side is characterised by smaller, detached and semi-detached houses, with gaps between the properties giving views through to the vegetated cliff face. The road itself is fairly narrow with double yellow lines along its northern side and on street parking to its southern side. The road provides an access to the coastal park and beach, with a small Council controlled car park at its terminus.
- 2.4 The application site lies within the designated settlement of Folkestone, the Sandgate High Street Conservation Area and contains trees in the rear garden covered by a preservation order. Radnor Cliff is also identified on the Local Plan maps as falling within an Area of Special Character and an area known for land instability. The site is also within the setting of the adjacent Folkestone Leas and Bayle Conservation Area to the east.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Y08/0864/SH Erection of a terrace of five 3-storey dwellings following demolition of existing house and garage. (Refused). The reason for refusal reads:

“The proposed development, extending across the entire width of the site would fail to respect the established spatial character, grain and pattern of development along the northern side of Radnor Cliff, characterised by views and spaces between buildings to the wooded cliff to the rear. The proposal is considered overly intensive and would result in the overdevelopment of the site, a greater visual impact of buildings and the loss of important vegetation and is therefore contrary to policies SD1, BE1, BE11, BE12 and BE16 of the Shepway District Local Plan Review, policies SP1 and QL1 of the Kent and Medway Structure Plan and advice contained in the Kent Design Guide, PPS1 and PPS3.”

- 3.2 90/0560/SH Construction of a double garage and conversion of existing garage to study and minor alterations. (Approved)

4.0 CONSULTATION RESPONSES

4.1 Sandgate Parish Council

Objection in relation to land instability matters and a lack of front gardens being out of character with Radnor Cliff.

4.2 Building Control Officer

If granted planning permission a condition is required in respect to construction details in the light of known land instability in the area.

4.3 Environmental Health

No objection subject to standard conditions in respect to land contamination.

4.4 Arboricultural Manager

Notwithstanding additional tree survey information submitted, the conclusions that no tree protection measures are proposed for the woodland is not accepted by the Council. It is accepted that there is no opportunity to plant significant trees in the level garden area, but natural regeneration of coppice woodland to the north of the retaining wall is possible and should be required. Conditions are necessary to ensure the remaining protected trees are safeguarded during construction.

4.5 Southern Water

There are no dedicated public surface water sewers in the area to serve this development and therefore alternative means of draining surface water from this development are required, which in the first instance should be via adequate soakaway or infiltration system and only if not possible then to the sewer.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 07.08.2017

5.2 Site Notice. Expiry date 19 June 2017

5.3 Press Notice. Expiry date 22 June 2017

6.0 REPRESENTATIONS

6.1 11 letters/emails received (including a representation from the directors of the Marine Point management company) objecting on the following grounds:

- This part of the street is narrow and heavily congested (in part due to access to coastal park) and the additional traffic would increase congestion and accident potential
- The houses would be out of character with nearby houses;
- The houses would overlook bedrooms at Marine Point;
- Increase the potential for landslides;
- The proposal is not in keeping with the remaining two houses of the same design as the existing dwelling on the site;
- There will be insufficient gap between the houses;
- Visually the buildings will be overbearing.

7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO1, BE1, BE12, BE16, BE19, TR5, TR11, TR12, CO11, U10a and U15.

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, SS5, CSD4 and CSD5.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework (particularly paragraphs): 7, 9, 14, 15, 17, 42, 49, 50, 56, 57, 58, 109, 118, 120 and 121.

National Planning Policy Guidance: particularly 'Land Stability'.

Sandgate Village Design Statement

8.0 APPRAISAL

Principle

- 8.1 The NPPF 'core principles' at paragraph 17 encourage the effective reuse of brownfield sites (previously developed land) that are not of high environmental value. Policy SS1 of the Shepway Core Strategy identifies the strategic priorities for future development being on urban, brownfield sites. Saved policy HO1 of the Shepway Local Plan Review permits housing on previously developed sites or infill within urban areas and policy SS3 of the core strategy requires development within Shepway to be directed towards previously developed land within the urban area.
- 8.2 Therefore it is considered that the redevelopment of this urban site, following demolition of existing structures, is acceptable in principle but the proposal must be assessed in terms of sustainability, design, impact on the conservation areas and Area of Special Character, impact on neighbours' amenities and in respect to parking and highway matters. These matters are discussed in the report below.

Sustainability

- 8.3 At a national level the National Planning Policy Framework (NPPF) presumes in favour of sustainable development (unless harm will result from the proposal), as does policy DSD of the Shepway Core Strategy and policy SD1 of the Shepway Local Plan Review.
- 8.4 The site is located within the urban boundary of Sandgate and close to main bus routes and local amenities. It is therefore considered that the proposal is in a sustainable location.
- 8.5 In term of water sustainability, policy CSD5 of the Shepway Core Strategy in part requires that all developments should incorporate water efficiency measures and demonstrate a maximum level of usage should be of 105 litres per person per day or less. Policy CDS5 also required that new buildings must not increase water runoff from the site above that of the existing water runoff rate and the use of Sustainable Drainage Systems (SUDs) should be incorporated into the development. These matters can be addressed by planning condition.
- 8.6 Overall, the proposal is considered to constitute sustainable development.

Design/Impact on the Conservation Areas and Area of Special Character

- 8.7 The NPPF and saved local plan policy BE1 requires new residential development to deliver high quality housing in term of the appearance of the development, ensuring that the development density is appropriate for its location, the impact on the street scene and character of the area and also the functionality and layout of the development design. Para 56 of the NPPF says that 'good design is a key aspect of sustainable development'. Para 57 and 58 refer to high quality and inclusive design, that is visually attractive as a result of good architecture and appropriate landscaping, that adds to the overall quality of the area and responding to local character and history and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Policy BE4 of the SDLPR

seeks to protect the character and appearance of conservation areas. Policy BE17 relates to development in relation to trees with protection orders.

- 8.8 The terraced houses of the 2008 application were of a similar design and height to the semi-detached houses now proposed. The officer report stated: *“I consider the design of the dwellings sought, in this location of mixed dwelling types is acceptable and would respect the character of the area. I consider the height of each dwelling would not over dominate nearby dwellings whilst the proposal would not result in overshadowing of nearby gardens or the unacceptable overlooking of other dwellings.”*
- 8.9 In this case the existing dwelling on the site is of a pleasing appearance but displays no architectural or historic features that can be considered to be worthy of its retention as an ‘undesigned heritage asset’ or to deem it of particular importance to the character or appearance of the conservation area.
- 8.10 The proposed houses are considered to be of a high quality contemporary design which responds well to the site’s prominent position when viewed from the east – the coastal park and the Folkestone Leas and Bayle Conservation Area. The eastern flank and southern elevation of the proposed houses provide visual interest as is necessary given their prominence when viewed from the east. The ‘beach hut’ referencing is considered to be appropriate given the site’s coastal location and would not appear out of character given that there is a wide variety of designs, styles and ages of dwellings in the wider area.
- 8.11 On the northern side of Radnor Cliff are more typically detached and semi-detached housing with gaps between properties providing views of the vegetated cliff face. The proposed houses are considered to fit well into their setting in terms of dwelling type, scale, height, spacing and architectural merit and are considered to enhance the appearance of the conservation area in which they would be located.
- 8.12 The application site also falls within an Area of Special Character (ASC), which is protected under policy BE12 of the Shepway District Local Plan Review. Policy BE12 seeks to protect the character of Areas of Special Character particularly existing vegetation, important skylines and the visual impact of buildings in terms of scale.
- 8.13 The proposed houses are of a scale and height that are in keeping with the street scene and retain gaps between the buildings ensuring the wooded escarpment to the rear can be viewed. This is considered to be in keeping with the character of this part of the Area of Special Character and as such there are no objections on these grounds either. As such it is considered that the previous reason for refusal has been overcome and that the proposal would now respect the ‘established spatial character, grain and pattern of development along the northern side of Radnor Cliff, characterised by views and spaces between buildings to the wooded cliff to the rear’.

- 8.14 Planning conditions have been recommended to ensure the materials used are of a high quality and that the trees in the woodland are protected both during and following construction. It is also recommended that permitted development rights to extend these dwellings be removed, to ensure that any future additions represent high quality design and preserve neighbouring living conditions.
- 8.15 Additional tree survey information was submitted to support the application and concluded that no tree protection measures are required for the woodland. This position has not been accepted by the Council who will require the woodland to be protected throughout the period of works to develop the site. Although it is recognised that there is no opportunity to plant significant trees in the level garden area, it is considered that natural regeneration of coppice woodland to the north of the retaining wall should be possible.

Neighbouring Amenity

- 8.16 Policy SD1 of the Shepway District Local Plan Review and the NPPF (paragraph 17) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 8.17 The floor areas of the units are about 100m², which is considered to be acceptable and would provide a suitable standard of living accommodation for future occupiers. It is recognised that the size of the garden areas, as well as outlook from and daylight received into the rear rooms of the proposed houses, will be somewhat compromised by the wooded escarpment to the rear, due to the close proximity of the rear of the houses to the woodland. However, it is considered that such a situation is not uncommon for houses in coastal locations, given their close proximity to landscape features such as steep escarpments or cliffs. It is also noted that a similar situation can be seen at neighbouring properties on the northern side of Radnor Cliff. To address this issue, the proposed dwellings include the provision of two south facing balconies for each house across the full width of each front elevation. With the above in mind, the living space provided for future occupiers of the proposed dwellings is considered to be acceptable and as such there are no objections.
- 8.18 To the western side are two dwellings of the same design as the existing dwelling on the application site. Opposite the site, on the southern side of Radnor Cliff, is Marine Point which is a four storey block of apartments. There are no neighbouring dwellings to the eastern side of the application site.
- 8.19 It is common in urban situations that dwellings (flats and houses) face each other on opposite sides of the same road. The separation between the proposed houses and Marine Point is considered to be quite generous and is reflective of Radnor Cliff properties to the west of the application site.
- 8.20 To the west of the application site, the closest pair of houses proposed will be set about 2.5m further forward of 63 Radnor Cliff with the rear elevation

of the proposed dwellings being about 1.5m further forward than the rear elevation of no. 63. Given the site is to be excavated to accommodate the development, the eaves and roof ridge of closest proposed dwelling would be about 0.6m above the eaves height and 1m above the roof ridge of no. 63. The eastern flank of no. 63 is blank and contains an integral garage to the front on its eastern side and it does not have any garden between its eastern flank and the application site. Given the gap and relationship between the proposed development and no. 63, it is not considered that any harm to the living conditions of occupiers of no. 63 will result in terms of loss of outlook, daylight and privacy or overshadowing of its garden area.

Parking and Highways

- 8.21 Policy TR12 of the Shepway Local Plan Review relates to car parking levels to serve new development, policy TR11 relates to the impact of new development on the highway network and policy TR5 relates to the provision of cycle parking.
- 8.22 At this part of Radnor Cliff the road itself is fairly narrow with double yellow lines along its northern side and on street parking to its southern side. There is no footpath on the northern side of Radnor Cliff at this part of the street. The road provides an access to the coastal park and beach, with a small Council controlled car park at its terminus.
- 8.23 Each of the proposed houses will have a carport parking space and a driveway parking space. With the provision of two off-street parking spaces per unit the proposal meets the adopted parking standards for urban three-bedroomed houses.
- 8.24 Whilst neighbours raise significant concerns in relation to additional congestion being created and an increased potential for traffic accidents, it is considered that the proposal for an additional three houses, each with two parking spaces, is unlikely to give rise to issues concerning highway safety or convenience. As such it is unlikely the Council would be able to defend a refusal on these grounds at appeal. Conditions have been recommended to ensure the carports remain open and are not converted to garages or rooms and that adequate visibility splays are provided and maintained.

Land Instability

- 8.25 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. 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.

- 8.26 The applicant has submitted a basic report of ground conditions with the application. The report identifies that the risk of landslips in the area is 'high', but has not provided details of the proposed foundations for both the proposed building and retaining structures, which would need to be specially designed to account for the risk of land slips.
- 8.27 There are a number of options for the design of foundations/retaining structures that will be possible although the final design will not be known until a comprehensive site and project-specific ground investigation has taken place and its recommendations incorporated into the scheme. It is noted that in close proximity to the west of the site, there are a number of new dwellings that have been built in recent years in the same landslip area. Details of further investigations, reports and structural design can be required by planning condition.

Ecology

- 8.28 The matter of ecology falls under the 'environmental' aspect of sustainable development and the NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Saved policy CO11 of the Shepway Local Plan Review states that permission will not be given for development which would endanger plant or animal life to habitat protected under law or if it causes the loss or damage to habitat and landscape features of importance to nature conservation. This is unless the need for the development outweighs the nature conservation considerations and mitigation measures are undertaken to fully compensate for remaining adverse effects.
- 8.29 In this case the site is the plot of a single, occupied domestic dwelling and its maintained garden. As such no ecology report has been requested at application stage. A condition for landscaping details can provide an opportunity to enhance biodiversity on site including a number of enhancement measures.
- 8.30 Conditions relating to surveys, the timing of tree removal outside of bird breeding season and protected species have been recommended.

Contamination

- 8.31 Saved policy U10a relates to contamination with respect to the health and safety of occupiers of residential development and the contamination of land and watercourses by the development.
- 8.32 In this case no phase 1 investigation (desk top study) with respect to contamination was submitted with the application. However, given that the site has been in a domestic use for a number of decades and new housing has been built recently in close proximity to the site, there is no reason to conclude that planning permission should be withheld due to contamination concerns. Therefore, if planning permission is granted it should be subject to a condition requiring site investigation in respect to contamination and remediation if necessary.

Local Finance Considerations

8.33 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. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new residential space (excluding any residential floor area created through a change of use).

OTHER MATTERS

8.34 Paragraph 42 of the NPPF and policy SS5 of the Shepway Core Strategy relate to the need to provide high quality broadband infrastructure to support new development. This can be achieved through the use of a planning

Human Rights

8.35 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.

8.36 This application is reported to Committee due to objection to the proposal from Sandgate Parish Council.

9.0 SUMMARY

9.1 The proposed pairs of semi-detached dwellings are of a high quality design which will enhance the appearance of the conservation area and will be of good appearance when viewed from the Folkestone Leas and Bayle conservation area. The houses are in keeping with the scale and height of dwellings within the area and ensure that views through to the wooded escarpment to the north are maintained and the character of the Area of Special Character is respected.

9.2 The proposed development will not cause harm to neighbours' living conditions and is acceptable in highway terms, subject to conditions. In all other material planning aspects the proposal is considered to be acceptable.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

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: 1605-01 rev A (except width of car port opening), 1605-10, 1605-08, 1605-05 rev B, 1605-05 (Roof Plan), 1605-07, 1605-09, 1605-11, 1605-12.

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.
 - i. No development shall commence until details of surface water drainage and a sewage disposal scheme for the site, based on sustainable drainage principles and supported by the relevant calculations, have been submitted to and agreed in writing with the Local Planning Authority, in consultation with Southern Water. (The scheme must ensure no discharge occurs of surface water from the site to the highway.) There are no public surface water sewers in this area.
 - ii. The development shall be carried out in accordance with the agreed surface water drainage and sewage disposal scheme.
 - iii. No development shall commence above foundation/slab level until details of the implementation, maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
 - a) A timetable for its implementation, and
 - b) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or

statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

iv. The agreed sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure proper drainage and in order to maintain the residential amenities of the area and prevent surface water flooding in the wider area.

4. (a) Notwithstanding the submitted report (Groundsure Geo Insight, ref GS-3622036, dated 8 February 2017) prior to commencement of the development the applicant shall obtain, from a suitably qualified engineer, a written slope stability report advising on the effect the development will have on the stability of the site and all adjoining land and properties. The report is to include, but need not be limited to, the types of proposed foundations, the effect that any excavations into sloping ground will have, types of retaining structures necessary, surface and foul drainage, the effect of any increase/decrease of site loadings, the possible effect to the stability of any adjoining properties, and any other factors needed to ensure the stability of the site and all adjoining land, properties and associated services. The report should also include a method statement which indicates measures to be adopted during the construction phase to ensure that development does not cause instability to adjoining retaining walls, land and buildings. No development shall take place until this report has been submitted to and approved in writing by the Local Planning Authority.

(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 slope stability report and method statement (and any alternative works approved) 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.

5. i. Notwithstanding the report 'Tree Survey to BS 5837 (2012): with constraints and impacts' (Philip Wilson Arboriculture ref 170401 v 2 of 19 June 2017) prior to the commencement of works on site (including demolition, tree removal and excavation works) details of tree protection measures for the retained woodland in the northern part of the site shall be submitted to and agreed in writing with the Local Planning Authority and

shall be installed on the site prior to the commencement of works (including demolition, tree removal and excavation works).

ii. The agreed tree protection measures shall be installed on the site at least a week in advance of the commencement of works on the site (including demolition, tree removal and excavation works) and at least 5 days notice of the commencement of works (including demolition, tree removal and excavation works) shall be given to the Council's Arboriculture Manager with contact details supplied to arrange for a site inspection of the agreed protection measures to take place.

iii. At no time shall the agreed tree protection measures be removed or altered, other than with the agreement in writing of the Local Planning Authority, in consultation with the Council's Arboriculture Manager.

Reason: Due to the particular constraints of the site and to ensure the protection of the health and vitality of

6. If work has not commenced within 2 years of date of this planning permission (including demolition land stability investigation works) then a Phase 1 Ecological Scoping Survey (carried out by an accredited ecological advisor) to a depth of 18m into the site from the back edge of the highway (Radnor Cliff), shall be submitted to the Local Planning Authority, together with any species surveys that the scoping survey deems necessary, and shall be agreed in writing prior to site clearance and demolition. If the surveys show a presence on the site of species that are protected by the Wildlife and Countryside Act 1981 (or any Act revoking, replacing or updating that Act) then prior to the commencement of development (including clearance of the site and demolition) details of mitigation measures, implementation programme and maintenance programme shall also be submitted to and agreed with the Local Planning Authority. The mitigation measures shall be carried out in accordance with the agreed implementation program prior to the commencement of development (including demolition and site clearance) and shall be maintained in accordance with the agreed maintenance programme thereafter.

Reason: To ensure adequate mitigation is in place to ensure the development does not harm protected wildlife at the site.

7. No development shall commence (including demolition, site clearance and ground stability investigation works) until details of a construction management plan addressing construction vehicle loading/unloading and turning facilities and practices, compound location, parking facilities for site personnel and visitors, hours of working and other relevant issues have been submitted to and approved by the local planning authority, 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.

8. i. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

ii. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- A survey of the extent, scale and nature of contamination
- An assessment of the potential risks to
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments and
- An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

iii. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

iv. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation

scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

v. 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: 2012.

9. Before development commences details shall be submitted to evidence that High Speed Fibre Optic (minimal internal speed of 100mb) connections can be made to all units within the building hereby approved. The high speed fibre optic infrastructure (minimal internal speed of 100mb) shall be installed at the same time as other services during the construction process and no unit shall be occupied without the facility in place for that/those occupier(s) to be able to connect to the high speed fibre optic infrastructure.

Reason: To accord with national and local policy to provide high speed broadband infrastructure for current and future occupiers.

10. Prior to the commencement of development the ground level/ridge level 'Above Ordnance Datum' [AOD] level for the houses hereby approved, shown in relation to the roof ridge AOD level of 63 Radnor Cliff, shall be submitted to and agreed in with Local Planning Authority. The development shall be built in accordance with the agreed levels.

Reason: To ensure the levels/height of the houses are in keeping with the street scene.

11. Prior to commencement of works above foundation/slab level full details of hard and soft landscape works and biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. Hard landscaping details shall include details of walls, fencing the surfacing of the parking areas. Details of soft landscaping works shall include retained trees; planting plans; schedules of plants, an implementation programme and a maintenance programme. Details of

biodiversity enhancement measures shall accompany submission, and reference as appropriate to the landscaping details, and shall include an implementation and maintenance details. No unit hereby approved shall be occupied until the approved landscaping schemes and biodiversity enhancements measures for its plot have been carried out in accordance with the approved implementation programme(s), unless an alternative timescale has been agreed with the local planning authority. The landscaping and biodiversity enhancements shall thereafter be maintained in accordance with the approved maintenance schedule.

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

12. Prior to commencement of works above foundation/slab level samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall 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.

13. Construction shall not commence above foundation/slab level 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. The development 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>

14. Prior to the occupation of any of the units hereby permitted the car parking areas as shown on drawings 1605-05 rev B shall be laid out, with suitable drainage installed and suitably surfaced, and thereafter shall be maintained in a useable state for occupiers and visitors to the premises at all times. At

no time shall the car ports or undercroft areas of any of the houses be enclosed.

Reason: To ensure the retention of loading, unloading, turning and car parking areas within the site to prevent interference with the free flow of traffic along the highway and to safeguard the amenities of adjoining areas.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A, B, C, D, E, of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future development given the small garden areas, neighbours amenities and location within a conservation area.

- 16 Notwithstanding drawings 1605-11 and 1605-12 the garden walls/garden ground level, forward of the houses hereby approved, shall be no higher than 0.75m above the level of the carriageway surface of Radnor Cliff and planting in these areas shall be maintained at a height no greater than 1.05m above the level of the carriageway of Radnor Cliff.

Reason: To ensure adequate vision between highway users and cars using the parking areas and for vehicles exiting the parking areas.

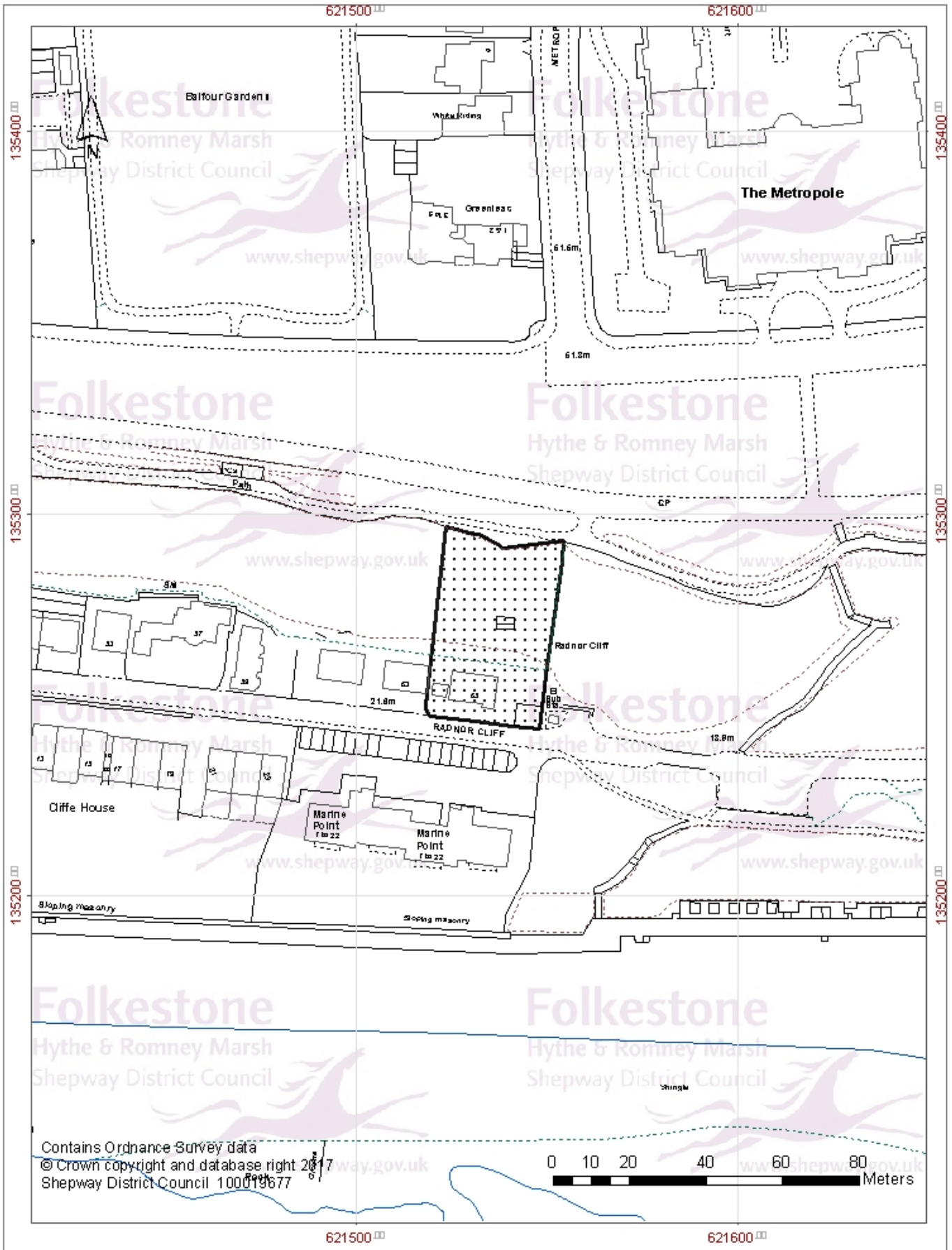
- 17 No external lighting shall be installed on the land in the rear/side gardens of the dwellings hereby approved without the prior submission to and approval of details by the Local Planning Authority. The installation of any external lights shall only be in accordance with the approved details.

Reason: In order to reduce light pollution and prevent disturbance of wildlife, and bats in particularly.

- 18 Clearance of vegetation and removal of trees is not to take place during bird breeding season (between March and August in any one year).

Reason: In order to ensure that the ecological and biodiversity interests of the site are safeguarded.

Y17/0314/SH
65 Radnor Cliff
Folkestone



Application No: Y17/0300/SH

Location of Site: Radar Station Dungeness Road Dungeness Kent

Development: Erection of a holiday let following demolition of existing structures.

Applicant: Ms Fiona Naylor
The Naylor Marlow Partnership
63 Gee Street
London
ECV1 3RS

Agent: Mr Julien Kiefer
MS-DA
Hackney Downs Studios
South Yellow Hall
Amhurst Terrace
London
E8 2BT
UK

Date Valid: 22.05.17

Expiry Date: 17.07.17

Date of Committee: 29.8.17

Officer Contact: Mr Paul Howson

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a holiday let following demolition of the existing structures. Submitted in support of the application are a Preliminary Ecological Assessment, plans of the proposed building and existing structure, visual impressions of the proposed building, and a Design and Access Statement. Subsequent to the initial submission a Structural Engineers Report, a roof section drawing, a Revised Preliminary Ecological Assessment, a Construction Plan, a Planning Statement, and a Demolition Method Statement have been provided.
- 1.2 The proposed holiday let would provide a corrugated metal finished timber framed single storey building, with a shallow pitched roof and a concrete exposed chimney feature. The proposed floor area would be approximately 62.7sqm, as opposed to the existing floor area of approximately 59.5sqm. The proposed main roof height would be 3.7m, as opposed to approximately 3m for the ridge of the existing structure. The property would be orientated seaward with framed sea views from the southern internal living space. The internal space would include a kitchen/living area, a bedroom, and a bathroom, and there would be two small external terraces to be constructed

from railway sleepers. Pedestrian access would be via the repaired and narrowed railway sleeper track, under which would run the services. The concrete posts would be retained, with the chain link fence removed.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is located outside of any defined settlement boundary. The land is the subject of an Article 4 Direction, which covers householder development on existing dwellings, and therefore is not directly relevant to this application. It is in the Dungeness Conservation Area, and it is situated between the Grade II* listed Dungeness Lighthouse, and the Grade II listed Old Lighthouse. It is in the designated Dungeness National Nature Reserve, a Special Area of Conservation (SAC), a Ramsar site, a Special Landscape Area and a Site of Special Scientific Interest (SSSI). The site adjoins an area of undeveloped coast and falls within Flood Zone 3a, but is not shown to be at risk of flooding in the Council's Strategic Flood Risk Assessment (SFRA) when allowing for climate change.
- 2.2 The application site contains remains of timber buildings enclosed by a 2m high chain link fence and was formerly a Radar Station (see background below paragraph 8.1). The buildings are now degraded and are not in a useable state, as is the access track from the road. The site is located south of Dungeness Road; approximately 70m into the open beach, out on a limb beyond the existing building line of the Dungeness dwellings that exist in this part of the estate, and opposite the Britannia public house on the north side of the road. A boardwalk for visitors runs seawards across the beach to the east of the site, and there are a few isolated buildings out in the surrounding open beach to the west of the site.

3.0 RELEVANT PLANNING HISTORY

- SH/74/43 - Renewal of permission for two timber huts to house Marine Radar Equipment was approved with conditions in 1974.
- SH/80/476 - Retention of two timber buildings to house Marine Radar Equipment was approved with conditions in 1980.
- 88/1521/SH - Retention of three timber huts was approved with conditions in 1989.
The permission was subject to a condition that: 'The buildings hereby permitted shall be demolished and all materials resulting from the demolition shall be removed and the land reinstated to the satisfaction of the District Planning Authority on or before 1st December 1993.'

Y14/0861/SH - Erection of a dwelling and formation of a replacement access track, following demolition of existing buildings was refused in 2014.

The grounds for refusal were:

1) The proposed new dwelling by virtue of its overall form, design and scale represents an unacceptably harmful form of development that would have significantly greater visual impact than the structure it would replace, and is considered to adversely impact upon the landscape and conservation area. As such, it would be contrary to saved policies BE4, CO1, and CO4 of The Shepway District Local Plan Review and the National Planning Policy Framework which seek to protect special landscapes and designated heritage areas.

2) The proposal is for a new dwelling outside of any defined settlement boundary on a site with no history of residential use. As such, it would be contrary to saved policies CO1 and HO1 of the Shepway District Local Plan Review; and, Core Strategy policy CSD3; and, guidance contained in the National Planning Policy Framework (paragraph 55), which seek to protect the countryside from development pressure, and direct new development to recognised settlements. It is considered that insufficiently robust justification to overcome this policy conflict has been provided.

4.0 CONSULTATION RESPONSES

4.1 Lydd Town Council

Recommend Refusal on the grounds that the proposal is out of keeping with the area.

4.2 Natural England

No objection raised on the basis of the additional information provided during the course of the application and have confirmed that all necessary mitigation measures have been met.

4.3 Council For Protection Of Rural England

No comments received.

4.4 Environmental Health

Have no objection, subject to the standard contamination condition.

4.5 Environment Agency

No objection to the proposed development. Please however take note of the following comments.

Flood Risk

The site is situated within an area which is considered to be at risk from tidal flooding and is classified as lying within Flood Zone 3a by our flood risk maps. However, when examining the Shepway Strategic Flood Risk Assessment (SFRA), it is clear that the site lies on elevated ground as it lies outside the flood hazard areas under both present day and climate change conditions.

As stated in our previous correspondence on 17 March 2017, we are satisfied that the proposed development falls outside of the Hazard Area as defined by The Local Planning Authorities SFRA. The development is for a change of use of the existing building and for holiday accommodation only. Should this change to **permanent use** we would need to see further details regarding flood risk and mitigation.

4.6 Southern Water

The applicant is advised to consult the Environment Agency directly regarding the use of a cess pit. The owner of the premises will need to empty and maintain the cess pit to ensure its long term effectiveness.

The planning application form makes 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, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

4.7 Heritage Consultant

The existing structure is very enigmatic due to both its long forgotten technical function and its advanced state of decay. Whilst such sites are very much part of the character of Dungeness, the building will continue to deteriorate until it is just a pile of broken rotted timber within the fenced compound. Once it reaches that condition it might either remain and become gradually robbed away for firewood or alternatively cleared away, complete with its perimeter fence to leave the ground in a pristine condition.

The proposal offers another scenario and suggests the building be replaced by another structure of similar form and bulk that would offer holiday letting

accommodation in the same way as does many of the other houses scattered around on the bare shingle of Dungeness Point.

If this basic premise is accepted, then the proposals represent an extremely sensitive and thoughtful response to the site, proposing a replacement building of modest size, carefully designed in a modern idiom with modern materials which however respond to the colour pallet of other existing buildings in the locality. The aim being to produce a design that is more informed by the functional buildings along the South coastline of Dungeness Point than it is by the more domestic character of the historic residential buildings in the area, either purpose built or converted from old railway wagons and buses.

Much care has been taken to minimise the impact on the local environment, both during the construction phase and afterwards, and the proposal seeks to re-establish the direct relationship between the building and the shingle which is the case with other Dungeness buildings. This is achieved by the removal of the sleeper platform raft and fences from between the concrete fence posts, which they will remain as an enigmatic reminder of the former use of the site.

Careful analysis of the local building forms lay behind the decision to turn the proposed building to a different orientation to the one followed by the existing building and this is to be commended.

Practical matters of access (pedestrian only) and the method of construction have been well thought out so as to minimise the impact of both on the local environment, which is apparently extremely sensitive to damage from vehicle traffic and excessive foot traffic.

My one concern is about the excessively wide overhang of the roof, especially on the South-West side, and given the extreme exposure of the site, I am sceptical that the roofs can be constructed in such a minimal slender form as indicated by the drawings. The practicalities may result in a more clumsy appearance than suggested by the scheme drawings. I therefore feel that these particulars need to be explored further by the applicant prior to any decision being made.

Recommendations

Whilst an argument can be made that nothing at all should be allowed on this site, I am of the view that sufficient careful consideration of the various impacts that the replacement building would make here on the local environment has been carried out such as to warrant the approval of this very sensitively designed replacement building.

I refer back to my concerns over the overhangs and the apparent slenderness of the construction and I am of the view that the applicant needs to further consider the practicalities of this aspect of the design with an engineer so that we may be convinced that what is proposed will be

buildable prior to us considering whether the proposal might be granted permission.

Any approval needs to be carefully conditioned to control the following:

- Samples of wall and roofing materials to be considered
- Details of eaves, window and door joinery
- Article 4 Direction restricting PD rights and permanent occupation

Conditions prohibiting the erection of telephone aerials and positioning of domestic equipment on the areas surrounding the property should be attached.

The matters raised have been addressed through amended plans, to the satisfaction of the Heritage Consultant.

4.8 KCC Ecology

Summary

We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If the provided mitigation measures are followed and adhered to, we are satisfied that there will be no likely significant impact upon the statutory protected sites. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached.

Statutory Designated Sites

We advise that the development site is located within the following designated sites:

- Dungeness - Special Area of Conservation (SAC);
- Dungeness - National Nature Reserve (NNR)
- Dungeness, Romney Marsh and Rye Bay - Ramsar Site;
- Dungeness, Romney Marsh and Rye Bay - Site of Special Scientific Interest (SSSI).

In considering the site interest for the SAC and Ramsar Site, we advise that Shepway District Council, a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Shepway District Council should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

A preliminary ecological assessment has been submitted to identify any potential impacts that the development may have on the aforementioned designated sites. As the site is restricted to the existing footprint of the development, it is unlikely to have a likely significant impact upon the

qualifying features of the designated sites. However, the report has identified that there is potential for impacts upon the surrounding areas during construction.

Information has been submitted detailing construction mitigation measures as well as details of ecological supervision during construction. It is proposed that regular reports will be submitted to Natural England and the Local Planning Authority, and we advise that these measures are secured via condition of any granted planning application.

In light of the provided information, and if the mitigation measures are followed closely, we consider that the submitted proposals will not have a likely significant effect on Dungeness SAC and Ramsar site, and therefore an Appropriate Assessment will not be required for these designated sites.

In addition, in light of the above mitigation measures, we are satisfied that there will be no significant impacts upon Dungeness SSSI and NNR.

Protected Species

We are satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species. Sensitive areas have been identified within the report along with provisions to protect these areas during construction. The mitigation measures and ecological supervision during construction as outlined in the ecological report will further ensure that there will be no detrimental impacts upon protected species.

Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of any granted planning permission. This is in accordance with Paragraph 118 of the NPPF "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

Ecological Enhancements - Suggested condition wording:

"Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes. The approved details will be implemented and thereafter retained."

Reason: To enhance biodiversity

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 13th April 2017

Neighbours notified of additional information. Expiry date 14th June 2017

5.2 Site Notice. Expiry date 20th April 2017

5.3 Press Notice. Expiry date 27th April 2017

6.0 REPRESENTATIONS

6.1 9 letters/emails received objecting on the following grounds:

- The historic site/building should be protected.
- Conversion to a museum to reflect the history should be considered.
- The unique shingle environment (SSSI) should be protected.
- Additional residential units in Dungeness are unacceptable in principle.
- Could set precedent for conversion of other local non-residential buildings.
- Contrary to planning policy.
- Harmful to the Conservation Area.
- Increased holiday lets in the area eroding sense of community.
- Increased visual impact of proposed building.
- Harmful to landscape.
- The building should be removed and the site returned to natural state.
- Level of glazing/decking will lead to privacy and light pollution issues.
- Concerns regarding ownership of track.
- Concerns regarding rotating the existing configuration.
- Concerns about loss of view.
- The previous reasons for refusal are not fully overcome.

3 further comments received in response to re-consultation.

- The buildings must be preserved.
- Concerns about excavations.
- Chimney is too prominent.
- Impact on local traffic.

6.2 15 Letters of support

- Restores a historic site/building.
- Part of evolution of area.
- Contribute to visitor numbers.
- Positive addition to landscape.
- Sensitive design.
- Avoids further deterioration of existing structures.
- Avoids anti-social behaviour associated with existing structures.

7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE4, BE5, CO1, CO4, CO6, CO11, CO14, U1, U10

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

DSD, SS1, SS3, CSD3, CSD4

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework: including paragraphs 28, 55, 133

National Planning Policy Guidance

8.0 APPRAISAL

Background

8.1 The original use of the structure was for research purposes connected to coastal radar. It was constructed in the 1960s, and had higher platforms added reaching its peak size by the mid-1970s. The facility was abandoned by the early 1990s, and by 2006 the highest remaining platform was 5m above the shingle. The original construction was poor quality, featuring two adjoining sheds on a railway sleeper raft, with the platforms added later to aid sight lines across the channel. The existing buildings are semi permanent with no significant foundations, and the use for which they were erected has long since ceased. What currently exists on site is a lightweight single level timber structure, with the collapsed remains of the platforms.

8.2 A request was made to the Council in 2006, seeking an opinion on the possibility of demolishing the structure and erecting a residential unit in its place. The response pointed out the constraints due to the local and national designations in place in and around the site, and the associated planning policies. In these circumstances, the advice was that “demolition of the existing buildings and erection of one residential unit is unlikely to be looked on favourably from a planning point of view”. The advice went on to suggest there may be scope for repair and conversion of the existing buildings for residential use, if their essential character can be retained in the works. However, in the intervening years, the remains of the timber sheds have deteriorated to the point that they are beyond realistically being converted.

Relevant Material Planning Considerations

8.3 The main considerations in determining this application are the principle of the proposed tourism use, the visual impact on the landscape, the impact on the character and appearance of the conservation area, and the impact on the setting of nearby listed buildings. Further considerations include the impact of the proposed development on, neighbour amenity, highways,

flooding, ecology, contamination, and the other matters raised in the written representations. Further to this, the previous reasons for refusal need to have been overcome. This current proposal differs from the previously refused application, as it would be a single storey replacement of the existing structures for use as a holiday let; as opposed to a much larger proposed replacement for use as a dwelling that was refused in 2014. There is no history of any form of residential use on this site, therefore policies relating to replacement dwellings did not apply on the previous application.

Policy

- 8.4 The main policy considerations in the determination of this application include Shepway District Local Plan Review Saved Policies BE1, BE4, CO1, and CO4; and, Shepway Core Strategy Local Plan Policies SS3 and CSD3. Local plan policy BE1 seeks that development should accord with existing development in the locality; and, policy BE4 requires height, scale, form and materials of new development, to respect the character of conservation areas. Policy CO1 seeks to protect the countryside and sets out criteria for development in the countryside to be acceptable; and, policy CO4 requires proposals to protect the natural beauty of the Special Landscape Area, to which particular reference is made to Dungeness. Core Strategy policy SS3 reinforces local plan policies to protect the countryside and coastline by directing new development to defined settlements; and, policy CSD3 sets out the criteria for exceptions to the above policy. The National Planning Policy Framework (NPPF) contains further guidance, including paragraph 28 which seeks to support economic growth in rural areas.
- 8.5 Core Strategy policy CSD3 (Rural and Tourism Development of Shepway) is particularly relevant as it relates to proposals for new development in locations outside established settlements. Amongst the criteria for where a rural/coastal location may be acceptable in principle includes point c. 'sustainable rural diversification, and tourism enterprises.' Where sites for tourism uses are unavailable within settlements and development is proportionate in scale/impact and also accessible by a choice of means of transport, it may be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and Primary Villages. It also states at point e. that 'replacement buildings (on a like for like basis)' may be acceptable. Saved local plan policy CO1 also seeks to restrict development in the countryside by setting out criteria where exceptionally development would be acceptable. In this case point C) is relevant in that development will be permitted where it has 'a high standard of design and, sympathetic in scale and appearance to their setting.'

Principle of a replacement building for a tourism use

- 8.6 The current proposal for a replacement building is considered to meet criteria e. of policy CSD3 as the scale of the proposed development reflects the scale of the existing structure, and attempts to emulate the dual pitch form of the existing sheds. This reverses the approach of the two storey dwelling previously refused, which was unacceptable in principle as a dwelling,

compounded by its bulk and attempt to reinstate the platforms that have long since collapsed, significantly increasing the visual impact.

- 8.7 Furthermore, in the light of policy CSD3 c. support for tourism enterprises, the current proposal for a tourism use would be acceptable in theory. Economic and tourism development is supported in principle as set out in local and national policies, and paragraph 28 of the NPPF seeks to support economic growth in rural areas in order to create jobs and prosperity. Dungeness is a popular visitor destination, and good quality tourism offers in the area have potential to have significant benefits to the local economy, supporting direct employment with wider trickle down benefits to the Shepway economy. New opportunities for overnight stays in particular maximise benefits to the local economy. Local plan tourism policies (CSD3 pre-amble) recognise the demand for higher grade new small scale accommodation, but seek to weigh this against any unacceptable visual intrusion in areas designated for landscape quality. Overall, a planning case can be made for a commercial (tourism) use to be supported by planning policy, which overcomes the previous reason for refusal of a permanently occupied residential dwelling, which was contrary to planning policy in this location.
- 8.8 The existing structure strikes a very evocative silhouette on the landscape. However, at the current rate of decay it would eventually disintegrate to an indistinguishable pile of decomposed timber, and eventually the site would return to shingle, either naturally or through clearance. Given the proposal offers to provide a replacement structure of similar form and bulk, and given the policy support for tourism enterprises, it is considered the proposal is acceptable in principle, particularly as it has been sensitively designed to reflect the site circumstances, and protect the local landscape environment. A management plan has been conditioned to ensure that that is managed in an appropriate manner and as such there are no objections on these grounds.

Visual impact of proposed development / design

- 8.9 All that presently remain of the original radar station structure are the two adjoining sheds that once supported the deck, and these are in a decrepit condition, although their form is still clearly visible. Therefore, the assessment should be based on what actually currently exists on site, rather than what existed on the site historically, which was the case with the previous application. The timber remains of the former radar station add an atmospheric silhouette to the open beach landscape, which blends into the natural environment and barely intrudes on the horizon. It is one of a few isolated redundant historic structures which punctuate the Dungeness beach, and has become a well established part of the character of the area. Nevertheless, the application building is a timber structure that was never intended to be permanent, as evidenced by the temporary planning permissions, which were granted on the basis that all traces of the structure were removed from the site upon the cessation of the need for them. The proposed replacement building would be on roughly the same footprint as the existing sheds, given the constraints of the site perimeter. Importantly,

in regard to overcoming the previous reason for refusal, the current proposal recreates the dual pitch roof form of the two existing sheds, respecting their scale, particularly in terms of height. The design includes a rotund chimney feature which reflects the vertical emphasise of the backdrop of lighthouses, and smokehouses. Therefore, whilst the proposed building would appear more solid and permanent than the decaying timber remains, to a large extent there would be no significant increase in the visual impact of the building on the landscape and skyline than is currently the case. The proposed building ridge height of 3.7m is only slightly higher than the existing ridge height, and is significantly diminutive in relation to the proposed dwelling which was refused planning permission in 2014, which would have been 6.5m above ground level with a further floor underground. As such, it is considered the proposed holiday let would not significantly increase visual impact on the local natural landscape, than the existing timber remains of the Radar Station. Furthermore, it would be considered to be consistent with the height and bulk of the low level houses and holiday lets in the immediate vicinity, as the characteristic form of neighbouring dwellings is low level single storey dwellings, and therefore the proposal would harmonise with the surroundings in terms of scale. As such, the issues of obtrusiveness of the earlier refused application are considered to be overcome, as there would be limited harmful impact on the landscape. Any minimal harm from a more solid replacement building of the weathered soft lines of the existing dilapidated structure, would be considered to be outweighed by the economic and social benefits of increasing the local tourism offer, which would outweigh the harm as required by saved policy CO4.

- 8.10 As referred to above, in terms of the design of the proposed holiday let the concept is to retain the form and volume of the existing two sheds. It also would rotate the orientation by 90 degrees to run parallel with the coastline, to reflect the general pattern of development in this part of Dungeness, where the properties are orientated facing the sea, and are largely unplanned. The two sections of the building are stepped on the east elevation, so that they read as two adjoined entities as is the case of the existing two sheds. Removing the chain link fence maintains the non-physical boundaries that characterise Dungeness properties, to allow the site to merge with the surrounding landscape, whilst retention of the supporting posts demarcates the site boundaries and gives a nod to the historic use of the site. It is considered the proposal when compared to the previously refused scheme represents a much more simplified 'low key' structure that reflects what remains of the former Radar Station with a shed like aesthetic, and a material palette and colouration that takes cues from other local stand alone buildings in the beach vista; along with keeping the design uncluttered, and not overly domesticised, with an appreciation that the site has a quasi industrial past in the design ethos. The two proposed external patios would be formed from reclaimed railway sleepers. The only design issue was that the overhang of the roof is excessively wide, especially on the south west side, and assurances were required that the slenderness of the roof form can realistically be constructed. Subsequently amended drawings and a Structural Report were submitted to satisfactorily address these points, with detailed section drawings of the construction, with

a simple eaves overhang. The Heritage Consultant is now satisfied that the slender shed like roof form with an overhang is achievable and appropriate. In conclusion, it is considered that the proposal represents a very responsive approach to the existing site situation, with modest proportions which reflect the existing buildings, and modern materials that react to the brownish corrugated finish of many local traditional functional buildings, rather than trying to emulate the local dwelling vernacular, given the site has no residential history.

Impact on conservation area

8.11 Local plan policy BE4 seeks to protect the character and appearance of the conservation area. The existing buildings are of limited architectural merit although they form part of the latter half of the 20th century history of the area, having been an unmistakeable presence in the landscape for around 50 years. As previously mentioned, the height, scale, and form of the proposed development respect the existing timber sheds and the established character for which the area is designated, which has evolved to become a mix of long-established and sympathetic modern buildings and structures. As such the proposal is considered to protect the character and appearance of the conservation area through not increasing the visual impact; and, being a sympathetic design concept to contribute to the conservation areas evolving mix of building typology. The proposal would therefore comply with the requirements of saved local plan policies BE1 and BE4 and Section 72(1) of the Conservation Areas Act. Any minimal harm through loss of a semi-permanent structure would be considered to be less than significant and outweighed by the public benefits of boosting the local tourism offer, in accordance with paragraph 133 of the NPPF.

Impact on setting of listed buildings

8.12 The site sits between the old and new Dungeness lighthouses, which are listed Grade II and Grade II* respectively. Considering the scale of these two heritage assets and the area of open beach that separates them from the application site; it is considered that their significance or an understanding of their setting would not be affected by the proposed new holiday let.

Neighbour amenity

8.13 The proposed holiday let has extensive glazing to maximise views, focused particularly on the seaward side. There are limited openings facing the dwellings on Dungeness Road some 60-200m away, and a small decking area on the western elevation. With the considerable space separation from these closest dwellings, which are open to the public domain, as is characteristic of dwellings in Dungeness, visitor occupation of the site would not significantly exacerbate loss of privacy as exists from public use of the board walk and beach.

Highways

8.14 Access to the site would be off private roads, there are no nearby public highways that would be affected, so from a highways perspective the proposal is acceptable.

Flooding

8.15 The site is in Flood Zone 3a, but is not at risk of flooding in the revised SFRA predictions, even when allowing for climate change. Consequently, the Environment Agency has no objection, subject to the accommodation remaining as a holiday let and not a dwelling. If a change of use were proposed to a permanent dwelling in the future, further flood risk assessment and mitigation would be required. It is considered the site would pass the sequential test as it is in an area of the Romney Marsh character area at the lowest risk of flooding, and would pass the exception test as it would have wider sustainability benefits to the community through the potential economic benefits the proposal would provide, and would be 'safe' in flooding terms for its lifetime. As such there are no objections.

Ecology

8.16 There is considerable local and national planning policy protection for the natural environment in Dungeness, due to the multiple designations as set out at the beginning of this report. In this regard, the requirements of Natural England have been satisfied following the receipt subsequent to the original submission, of a Method Statement, and Site Construction Plan. These demonstrated that the likely impacts of the proposals on the SSSI notified features would not have a significantly adverse effect, and that appropriate avoidance and mitigation measures would be in place. The proposed development would not have a significant impact on the Dungeness, Romney Marsh, and Rye Bay Ramsar; and, Dungeness Special Area of Conservation (SAC); and, Dungeness National Nature Reserve (NNR); or, damage the qualifying interest features of the Dungeness, Romney Marsh, and Rye Bay SSSI, particularly as the site is restricted to the existing footprint. Impact on the local environment during construction and post-construction have also been carefully considered in the proposal and reducing the access track to confine it to pedestrian use only, would prevent vehicle damage to the sensitive important habitats. The mitigation includes a pre-commencement briefing for construction workers and supervision throughout by an appointed ecologist, in consultation with Natural England. It has also been confirmed no shingle will be imported into the site, and dedicated areas have been set aside for working areas, parking and storage. As such, Natural England (NE) has advised that with suitable conditions the impact of the proposed development can be mitigated. Therefore there are no objections on these grounds.

8.17 If planning permission is granted the Conservation of Habitats and Species Regulations 2010 require that: "a competent authority (in this case the Council), before deciding to undertake or give any consent, permission or authorisation for, a plan or project which – (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the

management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives." The Habitats Regulation Assessment (HRA) process helps determine the likely significant effect on the integrity of any European site by proceeding to the Appropriate Assessment Stage. KCC Ecology and Natural England have confirmed that the proposal is not necessary for the management of the European Site in terms of the HRA. Therefore it is necessary to determine whether the proposal is likely to have a significant effect on any European site by proceeding to the Appropriate Assessment Stage. Natural England and KCC Ecology have confirmed the project is not likely to have a significant effect on the interest features of the site alone or in combination with other projects, due the fact that the proposal is being constructed on a similar footprint as the existing building, the mitigation measures proposed and supervision suggested. As such, KCC advise that an Appropriate Assessment will not be required for these sites, but have suggested conditions which should be attached to any approval. Subject to this the Council have been advised that there will be no significant impacts upon the Dungeness SSSI or NNR. In conclusion sufficient ecological information has been submitted, and with the mitigation measures secured by condition, there would be no likely significant impact upon the statutory protected sites or protected species. Ecological enhancements should also be secured by condition. There are therefore no objections on habitats and ecological grounds

Contamination

- 8.18 There may be contamination present on site in connection with the original use of the facility. A standard condition requiring this to be investigated and remediated if necessary should be applied if planning permission is granted. Should contamination be found and remediation proposed, this would be assessed in conjunction with Natural England and KCC Ecology.

Local Finance

- 8.19 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new dwellings. This application is liable for the CIL charge however it is a zero charge zone.

Other Issues

8.20 The application has attracted considerable interest from local residents and other interested parties, with a mix of support and objections summarised in section 6 above. It is considered the main points raised have been addressed in the body of this report. In terms of ownership, parts of the revised red line application site not under the control of the applicants have been addressed by serving notice on the land owners EDF. It is not the purpose of this assessment to consider alternate uses of the site, but to assess the merits of the proposal submitted. As discussed in this report the building is not capable of being converted, and the current proposal would not be a precedent for other sites in Dungeness, as each application submitted is judged on its own merits. It is not considered the proposal would erode the sense of community, it involves no loss of an existing dwelling, and visitors add vitality and vibrancy to the area.

Human Rights

8.21 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.

8.22 This application is reported to Committee due to the views of Lydd Town Council who object to the proposal on the grounds of being out of keeping with the area.

9.0 SUMMARY

9.1 The proposal is for a reinterpretation of the remaining structure that occupies the site, being like for like in terms of scale. The tourism proposal is considered to meet the criteria for planning policy exceptions for new development outside of defined settlements and as such is acceptable in principle. The proposal would not significantly increase visual impact on the landscape, and as such would not adversely affect the designated landscape, the character and appearance of the conservation area, and the setting of listed buildings. Furthermore, appropriate mitigation and avoidance measures would be in place to protect the designated natural environment.

9.2 As such, given the proposal is not considered to have a significantly greater adverse impact on the local landscape and conservation area, through the replacement of an established feature with a no more visually prominent building; and as it is not proposing a new dwelling outside the settlement boundary; the previous reason for refusal is considered to be overcome, and the application is recommended for conditional approval.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

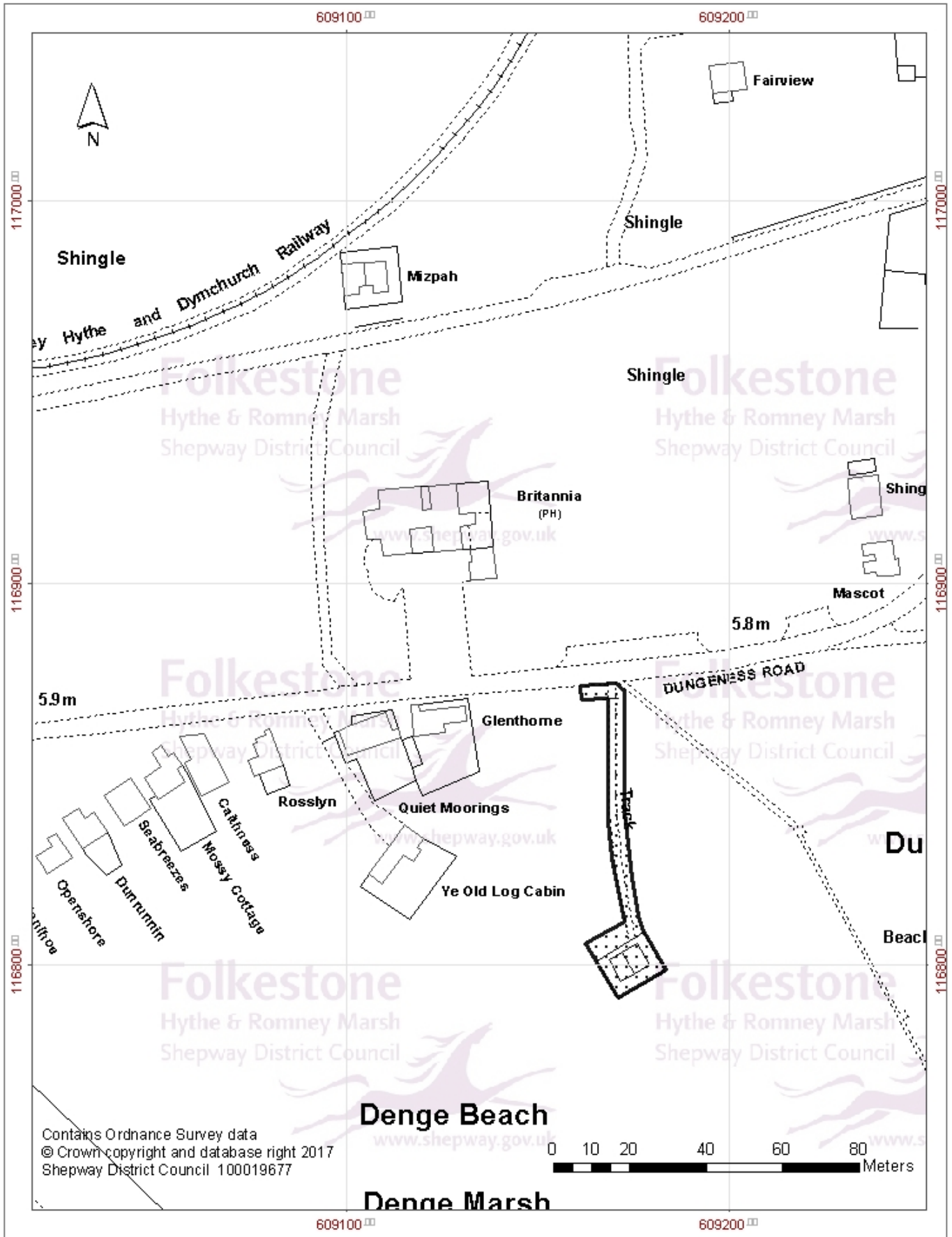
1. Standard Time condition
2. Submitted plans
3. Materials to be submitted
4. Bin store to be submitted as shown on approved plan
5. Details of buried cess tank to be submitted for approval
6. Standard contamination condition
7. Joinery details to be submitted for approval
8. Restriction of use to bona fida holiday use
9. Standard holiday occupancy condition
10. Details of the management of the holiday facility to submitted, prior to commencement of development.
11. Restrictions on outdoor paraphernalia
12. Demolition and construction shall be carried out in accordance with the submitted Demolition Method Statement, the Construction Plan, and the recommendations contained in the preliminary Ecological Assessment
13. Biodiversity enhancements to be in accordance with submitted preliminary Ecological Assessment
14. Permitted development rights to be removed
15. Standard water efficiency condition

Informative:

1. Environment Agency - Foul and Surface Water drainage advice.
2. Southern Water standard SUDs and sewer advice.

Decision of Committee

Y17/0300/SH
Radar Station
Dungeness Road
Dungeness



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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**SHEPWAY DISTRICT COUNCIL
PLANNING AND LICENSING COMMITTEE – 29 AUGUST 2017**

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
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Y16/0439/SH White Lion
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Y17/0461/SH Sandgate HS
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Y17/0314/SH Radnor Cliff
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Y17/0300/SH Radar Stn
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SIGNED:

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

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