



Agenda

Meeting: **Planning and Licensing Committee**
Date: **31 October 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 26 September 2017.

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

To consider and approve, as a correct record, the minutes of the meetings held on 28 September 2017 and 5 October 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
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5. Report from the Head of Planning

Report DCL/17/17 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

Minutes

Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 26 September 2017
Present	Councillors Miss Susan Carey (In place of Paul Peacock), Alan Ewart-James, Clive Goddard (Chairman), Miss Susie Govett, Mrs Mary Lawes, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Russell Tillson and Roger Wilkins (Vice-Chair)
Apologies for Absence	Councillor Mrs Jennifer Hollingsbee and Councillor Paul Peacock
Officers Present:	Kate Clark (Committee Services Officer), Julian Ling (Senior Planning Officer) and Lisette Patching (Development Manager)
Others Present:	

21. **Declarations of Interest**

There were no declarations of interest.

22. **Minutes**

Subject to the following amendment, the minutes of the meeting held on 29 August 2017 were approved and signed by the Chairman.

Councillor Dick Pascoe's declared interest was in his previous capacity as Chairman of Oportunitas and not that he is currently on the Board of Oportunitas.

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

The minutes of the meeting held on 15 August 2017 were submitted, approved and signed by the Chairman.

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

Report DCL/17/13 set out the planning application that was considered by the Planning and Licensing Committee.

Y17/0699/SH 111 CANTERBURY ROAD, HAWKINGE, KENT

Retrospective application for the retention of the existing temporary building for use in conjunction with the Hawkinge and Rural Children's Centre. (Use Class D1).

Mr Julian Ling, Senior Planning Officer presented the report.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Len Laws and

RESOLVED:

That temporary planning permission be granted subject to the conditions set out at the end of the report by the Head of Planning.

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

Minutes

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date Thursday, 28 September 2017

Present Councillors Alan Ewart-James, Michael Lyons and Roger Wilkins

Apologies for Absence

Officers Present: Arthur Atkins (Environmental Health and Licensing Manager), Nicola Everden (Solicitor), Sue Lewis (Committee Services Officer) and Wai Tse (Environmental Protection Officer)

Others Present:

19. **Declarations of interest**

There were no declarations of interest.

20. **APPLICATION FOR A VARIATION TO THE PREMISE LICENCE AT THE CINQUE PORTS ARMS, 1 HIGH STREET, NEW ROMNEY, KENT. TN28 8BU**

Report DCL/17/12 This 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 explained that although it is a pub it is also a community centre. This will encourage tourism to the area and although it is not for everyone the applicants want and do have a good relationship with neighbours.

The applicants have taken on board all that was put to them at a previous meeting and have worked towards improving relationships with the surrounding properties.

Members were informed that previous planning issues had now been resolved and concerns raised in respect of parking in Limes Road had been brought to the attention of the Joint Transportation Board who will review the arrangements in this area at their next meeting.

The applicant accepted all the conditions put forward as part of the application.

Mr Read, local resident, raised a number of issues:

- Beer Festival – temporary events notices will be issued for this type of event which is separate from the licence;
- Capacity – maximum capacity is 220 which KFRS have assessed and agreed;
- Risk assessments – this is for employers to be aware of and make sure risk assessments are reviewed;
- Tickets – no tickets are issued for community events but the security staff use a counter to maintain the correct numbers eligible;
- Ventilation – this has been approved by health and safety officers and air conditioning is in place;
- Security – the security staff are all SIA trained;
- Noise limiter – officers will work with the applicant to set the correct levels;
- Contact numbers – residents can use the emergency phone number from the council's website and the applicant is also happy to provide contact details if residents request it.

Members noted that CCTV is in place throughout the building and also covers the exterior of the property.

Proposed by Councillor Alan Ewart-James

Seconded by Councillor Roger Wilkins and

Resolved:

The committee has agreed to grant the variation of the Premise Licence as follows:

- **No live or recorded music outside.**
- **All doors and windows are closed during live performances including DJ music.**
- **Noise limiter is to be installed within 6 weeks of the granting of the license. The noise limiter must be set to a level agreed by the local authority.**
- **Live music, including DJs, must be periodically checked outside of the premises for possible noise disturbance to nearby residential**

properties. This must be carried out by a competent person, with the authorisation to lower the volume of the music, where required. A log book must be kept regarding these checks and be made available to the local authority for inspection, if requested. Log book should contain the times the check was carried out, who carried out and any actions taken.

- **Appropriate staff supervisor must be in attendance for live performances including DJ music. They should also be in charge of keeping the noise from your patrons located at the front of your main entrance to a minimum.**
- **Signs must be placed up at entrances and exits to remind your patrons to respect the neighbours and leave the site quietly.**
- **Similar signs reminding your patrons to respect the neighbours and keep noise down to a minimum must be put up within the designated smoking area.**
- **CCTV operational during the hours of trading.**
- **External areas to be closed at 23.00hrs.**
- **No movement of bottles into outside bins after 23:00hrs.**

Reasons: To protect the amenities of nearby residential properties and to stop unreasonable noise affecting the public.

In addition to the above conditions a further condition has been added as follows:

- **These conditions will be monitored by Shepway District Council.**

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

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Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Thursday, 5 October 2017

Present: Councillors Mrs Jennifer Hollingsbee, Mrs Mary Lawes and Russell Tillson

Apologies for Absence:

Officers Present: Kate Clark (Committee Services Officer) and Briony Williamson (Licensing Officer)

Others Present:

21. **Declarations of interest**

There were no declarations of interest.

22. **Exclusion of the Public**

EXEMPT ITEM – Unrestricted Minute

This is an unrestricted minute of a matter which the Sub-Committee resolved should be discussed in private on the grounds that it contained exempt information as defined in paragraphs 1, 3 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

23. **Film Classification**

Shepway District Council had been asked to classify a series of video art films so that they can be shown at the Silver Screen Cinema in Folkestone. The Licensing Sub-Committee is therefore asked to approve the recommendations in report DCL/17/14.

Following consideration of the films the Sub-Committee unanimously RESOLVED as follows:

1. To receive and note the report DCL/17/14

2. To receive the application for Film Classification

3. To watch the films and set a classification age for them

Film 1 Marble and Drapes: Classification U

Film 2 The Place Here (X): Classification U

Film 3 Loch Ness: Classification U

Film 4 Lulinha and Other Dogs: Classification PG

Film 5 The Hellish Cycle: Classification 15

Film 6 The Trial of Superdebthunterbot: Classification 12A

Film 7 A Glimpse of Common Territory: Classification PG

Film 8 Carnielli Part 1: Classification U

Film 9 Carnielli Part 2: Classification U

Film 10 Welcome to Baltia: Classification 12A

Film 11 Candel: Classification 12A

Film 12 Prenuptial Hydra: Classification PG

Film 13 d.a.n.c.e. f.o.r. y.o.u.r. d.a.d.d.y.: Classification U

PLANNING AND LICENSING COMMITTEE

31 October 2017

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS

**1. Y17/0754/SH
(Page 13)**

**H S JACKSON & SON LTD LYMBRIDGE GREEN
STOWTING COMMON ASHFORD**

Erection of new B2 metal fabrication/powder coat plant building, two storey extension to existing offices and extension to existing storage building with associated areas of hardstanding and yard, external storage, groundworks, fencing and landscaping.

**2. Y16/0400/SH
(Page 69)**

**LAND ADJOINING 88 MEEHAN ROAD GREATSTONE
KENT**

Erection of 13 no. Dwellings (including 4 no. Affordable Dwellings) with associated gardens, parking, and access.

**3. Y17/0886/SH
(Page 105)**

LAND ADJOINING 3 MILLFIELD FOLKESTONE KENT

Section 73 application to vary condition 2 (approved plans) of planning permission Y15/1164/SH (Erection of a terrace of 3 x three-storey town houses) for a change in position of the building and a change to the eave detail to Plot C.

**4. Y17/0398/SH
(Page 113)**

STEPS CLIFF ROAD HYTHE KENT

Erection of a dwelling with access and two off-street parking spaces.

**5. Y17/0888/SH
(Page 123)**

**LAND ADJOINING CHURCH AND DWIGHT CAESARS
WAY FOLKESTONE KENT**

Erection of 49 industrial units (4562 sqm) and 2 office blocks (1240 sqm), together with the construction of the industrial estate road and parking and turning areas and landscaping throughout the site being details pursuant to outline planning permission Y13/0024/SH (details relating to appearance, layout, scale and landscaping).

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Application No: Y17/0754/SH

Location of Site: H S Jackson & Son Ltd Lymbridge Green Stowting Common Ashford

Development: Erection of new B2 metal fabrication/powder coat plant building, two storey extension to existing offices and extension to existing storage building with associated areas of hardstanding and yard, external storage, groundworks, fencing and landscaping.

Applicant: H S Jackson & Son Ltd
Lymbridge Green
Stowting Common
Ashford
Kent
TN25 6BN

Agent: Mr Matthew Blythin
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN

Date Valid: 10.07.17

Expiry Date: 07.11.17

Date of Committee: 31.10.17

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 This proposal seeks planning permission for :

- the erection of new B2 metal fabrication/powder coat plant building within the field to the rear of the site;
- the creation of an access road between the front and rear parts of the site;
- creation of turning, loading/unloading and outside storage around the new B2 building;
- fencing, bunding, land level changes, gabion retaining wall and landscape works to the rear part of the site;
- erection of a two storey extension to existing office building;
- erection of an extension to an existing storage building;
- re-organisation of the use of the outside space within the existing works;
- remodelling and landscaping of the existing access points.

- 1.2 The proposed new B2 building would be located in what is currently a field to the rear (east) of the existing works. The existing land in this area is to be relevelled by cut-and fill. The maximum land level reduction to southern side of the field is about 2.4m and maximum increase on northern side about 3.5m. Onto this new level the building will be erected with a footprint of about 120m by 60m. The building would utilise two parallel, gabled roofs with a valley between. The eaves height of the roofs would be about 6m and the ridge height about 9.5m. The external palette of materials proposed are a concrete block plinth to about 2m high and timber cladding (natural finish) on the upper part of the building. The roof would be of a non-reflective profiled metal sheeting.
- 1.3 To the northern side of this building is proposed a service yard and to the east of the building an external product storage area.
- 1.4 Planted bunding is proposed to the northern, eastern and southern sides of the building/ancillary area. Metal mesh fencing to 2m high is proposed around this part of the site and to join that around the existing works.
- 1.5 The proposed hours of operation of the new metal fabrication/powder coating plant are Monday to Sat 7am to 8pm.
- 1.6 An extension to the existing office building is proposed which would increase the building footprint from about 30.5m by 14m to about 48.5m by 14m. The additional floor space would provide open plan office space at both ground floor and first floor levels. The extension would continue the building lines and roof form of the existing office building and incorporate a hip to the roof to reflect that on the other end of the building. The proposed palette of external materials would also reflect that of the existing building – brick at the lower level and cladding at the upper level.
- 1.7 The proposed hours of operation of the additional office space have been amended from the hours original proposed (of 7am to 8pm Monday to Saturday) to between 7am and 9pm hours Monday to Fridays, 7am to 1pm Saturday and at no time on Sundays and Bank Holidays.
- 1.8 An extension to the existing storage building is proposed which would increase the building footprint from about 17.5m by 17.5m to about 47.5m by 17.5m. The additional floor space would provide internal timber storage. The extension would continue the line of the walls of the existing storage building. The roof would be of the same ridge height as that of the existing building but orientated perpendicular to the roof of the existing building. The proposed palette of external materials would also reflect that of the existing building.
- 1.9 The applicant has confirmed that the proposal will retain the 219 full-time jobs at the site which break down as follows :

Timber manufacturing	46
Steel manufacturing	31
Handling, stores etc	13

Maintenance	6
Office	91
Drivers, FE & Auto engineers	32

- 1.10 The applicant advises that the proposed package of changes are intended to ensure the long-term sustainability of the business. The proposal would result in improved efficiency of the company by both providing modern production facilities, which would in part replace inefficient working lines, and undertake processes that are currently being undertaken off the site. The proposal also involves the re-organising of the use of the existing buildings and spaces on the site. Furthermore the proposal would allow for an improved office environment for existing staff, who are currently working in very cramped conditions. The proposal would also allow for the additional undercover storage space for timber products so that materials currently being kept in dry storage off the site could be stored on site.
- 1.11 The following reports have been submitted in support of the application : 'Report on Ground Investigation' (related to contamination); Arboricultural Report; Ecological Assessment; Flood Risk Assessment and Drainage Strategy; Landscape and Visual Appraisal; Noise Impact Assessment; Transport Statement (and supplementary information); Planning Statement; Design and Access Statement.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site comprises an existing commercial site, operated by H S Jackson & Son Ltd and a field to the rear of the site, which is within the applicant's ownership and has not been in an agricultural use for some time. On site it appears that the field has recently been cleared and mounds of earth have also been placed around the edges of the site. The site falls outside of any urban area or formal settlement boundary but is located in the countryside. There are two telecommunication masts currently located in the rear part of the existing works site on otherwise undeveloped land.
- 2.2 The total site area under this application is about 7.4 hectares. The part of the site that is already commercially developed and operated by the applicant (including the area with the telecommunications masts) occupies about 5.0 hectares of the overall application site. The additional land (field) has an area therefore of about 2.4 hectares.
- 2.3 The site is located about 0.5miles west from Stone Street, at its junction with Six Mile Garage. The surrounding area is a rural with agricultural fields to the south, Hedgecock Wood to the east, a number of residential dwellings, paddocks and fields to the north and rural dwellings to the west.
- 2.4 The Local Plan designations identify that the site is located within the Kent Downs Area of Outstanding Natural Beauty and adjacent to Hedgecock Wood Woods – which is both an Ancient Semi-Natural Woodland and a Local Wildlife Area.

- 2.5 There are electricity pylons running across the site and the two previously mentioned telecommunications masts within the site. Public Rights of Way run adjacent to the southern boundary and also across a low ridge to the south of the site.
- 2.6 Part of the site is at a low risk of surface water flooding according to the Environment Agency's flood hazard maps.

3.0 RELEVANT PLANNING HISTORY

- Y17/0005/SCR - EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the proposed construction of a 7,200m² industrial building, associated hardstanding;, 275m² office extension, 525m² timber store extension, ground engineering/levelling works, 3m high landscape bund and landscape planting. (EIA not required)
- Y07/0906/SH - Installation of three roof mounted extract fans to existing metal workshop (Approved)
- Y03/1376/SH - Erection of an extension to existing fabrication building following the demolition of existing storage & workshop buildings. (Approved)
- Y03/0031/SH - Erection of an extension to existing workshop. (Approved)
- Y02/0505/SH - Erection of an extension to workshop to link two buildings. (Approved)
- Y00/1024/SH - Erection of a workshop for the manufacture of fencing products. (Approved)
- Y00/0623/SH - Erection of a workshop for the manufacture of fencing products. (Refused)
- 98/0187/SH - Extension to existing metal fence manufacturing building to accommodate robotic fabrication unit. (Approved)
- 97/0913/SH - Extension to existing metal fence manufacturing building to accommodate robotic fabrication unit (Approved)
- 97/0077/SH - Erection of a single storey fabrication building and a two storey office building (Approved)

- 97/0547/SH - Retention of a bund to south west elevation. (Approved)
- 96/0776/SH - Erection of a steel framed warehouse (Approved)
- 96/0208/SH - Retention of a temporary building for use as office accommodation. (Approved)
- 94/0642/SH - Formation of new staff parking area with associated bunding and landscaping and retention of 2.5 metres high fencing and gates. (Approved)
- 94/0433/SH - Erection of a replacement workshop. (Approved)
- 94/0127/SH - Erection of a replacement workshop and retention of a 2.5 metre high fence to part of perimeter of site. (Approved)
- 92/0105/SH - Erection of workshop alterations to car parking area and landscaping. ac. 13.03.92.
- 91/1059/SH - Erection of a workshop (renewal of permission 81/1075/SH) (Approved)
- 86/1075/SH - Erection of a workshop and a gantry crane (Approved)
- 81/1112/SH - Installation of additional timber impregnation plant and erection of pump house. (Approved)

4.0 CONSULTATION RESPONSES

4.1 Stowting Parish Meeting considered this application at two separate meetings and had a series of site visits to enable residents to fully understand not only the proposed development but also the nature of operations carried out at the site. It is the view of the Parish Meeting that this application to erect a further 7,300 square metres of building, more than doubling the existing area of buildings on the site is probably the biggest and most concerning to come before the Village since the Rank/West Wood Holiday Village more than 20 years ago. According and quite rightly the village have many concerns. These are primarily focused on:-

1. Impact on the AONB. The Meeting is concerned about the effect on the AONB and concurs with the report produced by the AONB unit. If the application is granted every attempt must be made to minimise the impact of the building on the local landscape and preserve the amenity of the existing public right of way.

2. Vehicle Movements (size and number of vehicles) between the Site and the junction of Stone Street at Six Mile Garage. The site is accessed by a single track rural lane with just 4 passing places and is completely unsuited to HGV movements. Staff travel to the site largely by car, generally travelling alone. Jacksons have introduced a flexitime scheme but this sort of traffic is still heavy at the beginning and end of the day. HGVs find it difficult to pass each other on the narrow lane and there are regular occasions where the driveways of local residents are used to allow traffic to pass, causing a nuisance to those residents. A Road Traffic Survey was carried out by local residents (Appendix A) which indicates the extent of traffic accessing the site. The traffic levels recorded are in excess of those estimated by DHA Planning in their Traffic Assessment possibly because these are projected figures rather than an actual survey. They also work on the presumption that HGVs enter and leave the site loaded to their maximum capacity whereas this is not always the case
3. The Arrival out of hours of foreign HGV drivers and their lorries who are not provided with any facilities to park up or any WCs also causing a nuisance to local residents.
4. Noise pollution
5. Light pollution
6. Hours of trading
7. Water run off currently and following a further 7 acres of development.
8. Increased future productivity and development of the site.

Stowting Parish Meeting feels that it cannot support the application unless these points are addressed.

It is the view of Stowting Parish Meeting that Points 2 and 3 could be dealt with by the creation of a new access road from the Stone Street directly to the rear of the site together with the closure of the existing entrance except for emergencies. This solution would also allow for future growth of the business and any required development of the site. It is worth mentioning that if a new development of this size and this nature came to the Planning Department an access road would be a necessary part of the application.

If the existing access remains the only means of entering and leaving the site, conditions should be attached to any approval to ensure that there is no increase in the total number of vehicular trips to the site particularly in relation to HGVs and limits should be placed on the size of vehicles used.

It has been noted by local residents that existing conditions imposed during the planning process are not always complied with e.g. closing the doors of the steel fabrication shed and the playing of music. Local residents are however pleased that the noisiest parts of the operation are being moved to the rear of the site and away from local houses.

Given that Stowting is in a "dark skies" area and in an AONB it is felt that excessive lighting should be curtailed and that all lights should be switched off by 8 30pm.

The Village feels that one set of working hours should prevail across the whole site, rather than the existing range of varying hours that have been applied to each building as it has been granted consent over the years to date, Stowting Parish Meeting would suggest a universal 7am to 8pm.

The current water run-off from the site is excessive and regularly causes localised flooding. A further 7 acres of combined hardstanding and run off from the large roof area would exacerbate the problem further, unless a fully functioning drainage plan, incorporating emergency capacity, is introduced. Given that preservative chemicals are applied to the timber products the Meeting also feels there should be a pollution testing facility for testing the water run-off.

As a result of the concerns listed above Stowting Parish Meeting voted unanimously to reject the application as it stands:

- 23 against
- 0 in support
- 1 abstention

If the points noted above are addressed, possibly by way of planning conditions, Stowting Parish Meeting would feel more favourable towards the application, the village has always enjoyed a good working relationship with Jacksons and the village is appreciative that Jackson's are an important local employer. The village does however feel that at the current time the site is at full capacity.

4.2 Elmsted Parish Council

No reply

4.3 KCC Highways And Transportation

Last comments received on revised package of details :

The additional information provided in Technical Note 2, revised site plans as well as a very useful site meeting on the 21st September 2017 have all provided a far more thorough understanding of the proposals, both in terms of the changes to on-site areas/uses and the vehicle movements associated with the business.

The breakdown of lorry movements now appears more reasonable in terms of the split in size of vehicles and load capacity utilised as detailed is more rational.

With regard to the proposed extension of the office on site, based on the fact that existing office facilities are overcrowded, that the resulting floor area will still result in space per person still being slightly below national standards and that the supporting documentation explains no staff increases are intended, I am content that the office element of the proposals will not lead to an increase in site related traffic.

The redistribution of existing site storage and work areas into the proposed new fabrication facility is now better understood and changes to the existing site buildings and outside storage areas have now been more thoroughly explained.

It is accepted that the increase in timber storage on site will replace capacity currently held remotely off site; so although an increase in floor area on site is proposed for this use, the material would be delivered to site for processing with the current operation anyway, so this element of the proposal would not in its own right create an increase in vehicle movements.

The provision of a new powder coating facility with a more practical design will lead to a reduction in vehicle trips compared to the existing working practice of this being carried out off site. Although compared to the company's traffic movements as whole this reduction is only modest, 428 trips per annum which equates to 8 trips per week, it is none the less a reduction.

Through the improved processing facilities on site, items produced off site will decrease which compared with more densely loaded raw materials offers another small saving in relation to vehicle trips of 125 trips per annum which equates to two trips per week.

It is noted by the applicant that the site currently operates at 80% capacity. As demonstrated in the supporting information, this means that they have the ability to increase output and thus traffic movements within their current operation with no new planning permissions being required.

Of key importance when considering this proposal was to determine whether the planned facility would lead to an increase in vehicle movements on Lymbridge Green. Lymbridge Green already suffers from localised damage and access problems in places due to existing traffic levels, largely due to the traffic associated with Jacksons site operations.

The applicant has now demonstrated to my satisfaction that although a facility of substantial floor area is proposed, this proposal will not result result in additional traffic movements on Lymbridge Green and in fact is likely to deliver a modest reduction of 10 vehicle trips per week. I am conscious that local residents are sensitive to such large works in their area and already have concerns with regard to traffic movements related to it. In reality, as the

proposal does not exceed those traffic movements associated with their current lawful operation, I am unable to object to the proposals on the grounds of highway capacity or safety.

Taking account of the site's location on a rural unclassified road of limited width with a lack of formal passing places for HGV's, I believe that a personal condition to the applicant is required to ensure that the proposed facility is only occupied by Jacksons Fencing. Should Jacksons Fencing leave this site in the future and another business wish to operate from this location, this facility/proposal will be subject to a variation on a relevant condition should planning consent be granted. This will allow us to ensure vehicle movements are appropriate should another occupier wish to operate from the site. The applicant has informally indicated that a personal permission would be acceptable to them.

With the above issues in mind I can confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority:-

1. Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
2. Provision of measures to prevent the discharge of surface water onto the highway.
3. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.
4. Provision of improved highway direction signing at the junction of Lymbridge Green / Maxted Street in accordance with details to be submitted in writing and agreed with the local planning authority.
5. The new metal fabrication / powder coating building, extension to existing offices and extension to storage building shall only be used by Jacksons Fencing unless agreed otherwise in writing by the local planning authority.

4.4 Environmental Health

Environmental Health has no objections to the granting of this planning application subject to the following conditions:

- Install earth bunding as proposed in the application. Specifications as stated on the plans.
- All mitigation outlined in the noise report ref: MRL/100/1160.1V1 section 3.10 to be adopted and implemented.

Environmental Health would also advise there to be a time restriction for opening hours. This is to prevent the new premises from operating 24hrs.

Reasons: To protect existing local residential amenities.

Environmental Health would like to be consulted on their proposed construction management plan. Particular attention should be carried out regarding dust suppression and mitigation.

4.5 Economic Development

Jacksons are a major employer locally and we would want to retain and support them.

With regards to the AONB designation I notice that the applicant hasn't mentioned one of the secondary purposes of AONBs which is to have regard to the interests of those who live and work in AONBs. To an extent this supports the case for economic development in AONBs and this proposal.

4.6 Arboriculture Manager

I can confirm that I have no objections to the proposed development. I am satisfied with the proposed landscape plans submitted in support of this application.

4.7 Kent Wildlife Trust

I have no objection, in principle, to the development. However, the development site abuts Hedgecock Wood; a block of Ancient Semi-Natural Woodland (and Local Wildlife Site SH14). Ancient Woodland is a UK Priority Habitat and is considered "irreplaceable" in the National Planning Policy Framework.

The nature and scale of development proposed for the site is such that it has the potential to give rise to significant dust, noise, light and air pollution beyond the site boundary. Each of these pollutants is included as a source of harm to Ancient Woodland in the Natural England/Forestry Commission's Standing Advice.

Where potential harm to Ancient Woodland could arise, the Standing Advice states that "if the planning authority decides to grant planning permission in

line with the National Planning Policy Framework, it should seek appropriate mitigation or compensation from the developer". The Advice recommends that "the planning authority should use planning conditions or obligations to secure these mitigation or compensation measures and subsequent ecological monitoring".

Subject to the use of planning conditions to secure their implementation, future monitoring and maintenance, I'm satisfied that the applicant's proposals to provide landscaped buffer zones (using only native species), to reinstate a ditch watercourse along the eastern boundary and to adopt a sensitive lighting strategy (as described in the Ecological Assessment report) will satisfactorily mitigate some indirect impacts. However, I remain concerned about the risk of harm from air, dust and noise pollution and object to the grant of planning permission. ("Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland", paragraph 118, NPPF 2012)

The proposal introduces a large manufacturing operation and a concentration of commercial vehicle parking and movement in very close proximity to Hedgecock Wood. Such development could give rise to considerable disturbance to wildlife and damage to the precious soils and vegetation of the Wood. I suggest that, unless and until the applicant provides convincing evidence to allay these fears or offers further effective mitigation measures, the application is in breach of paragraph 118 of the 2012 National Planning Policy Framework. It may be that this is a development that justifies a buffer zone wider than the minimum.

4.8 Natural England

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites — no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes

The proposed development is for a site within or close to a nationally designated landscape namely Kent Down AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine

whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals-outside the designated area but impacting on its natural beauty.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details [at at_consultations@naturalengland.org.uk](mailto:at_consultations@naturalengland.org.uk).

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process

to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

4.9 Environment Agency

This application covers several building extensions or new structures within an existing potentially contaminative use. The site report submitted only covers the footprint of the metal fabrication and finishing building. We are therefore unable to advise on the whole development as proposed.

The development in full would require a full assessment of potential contamination risk. The preliminary report for the metal fabrication building alone is acceptable for that phase of the development and we would concur with Merebrook that the conclusions from that report, for that specific phase, are acceptable.

We would advise that the development should only be allowed to commence if full land contamination conditions are imposed for the whole application boundary.

In addition we would have concerns about deep bored soakaways, so surface water drainage design will need to be formally approved by the LPA in consultation with ourselves.

The previous use of the proposed development site as presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a principal aquifer.

The reports submitted in support of this planning application only partially provide us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will only be acceptable if a planning condition is included requiring the submission of a appropriate site investigation and remediation strategy, if required, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.

Condition

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy 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.

Reasons

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

The design of infiltration SuDS may be difficult or inappropriate in this location. We therefore request that the following planning condition is included in any permission granted. Without this condition we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

Condition:

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

Informative:

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

The Position statement on the Definition of Waste: Development Industry Code of Practice on the Environment Agency pages on [GOV.UK](https://www.gov.uk)

The EA comment that the site walkover study only relates to the area for the metal fabrication part of the site and not the rest of the site in which development is also being proposed. I suggest please that this is updated at this time to cover the rest of the site too. (Split into phases of the build if necessary.)

The EA are concerned about the deep bore soakaways as part of the surface water drainage solution (and may not agree them by implication). The site is located upon a Principal Aquifer (drinking water aquifer).

4.10 Kent County Council LLFA

The planning application is supported by a Flood Risk Assessment prepared by DHA Planning (June 2017). The results of on-site infiltration testing is included within the report and demonstrate deep bore soakaways may serve as a feasible drainage solution for the new building. Extensions to existing buildings will be dealt with through the existing drainage system and given the extent of hard standing would not be accounted for as additional impermeable areas.

Kent County Council as Lead Local Flood Authority have the following comments:

- a. Evidence of solution features were found during the ground investigation. This demonstrates that care and careful consideration should be given to the investigation and determination of the final location of the deep borehole soakaway locations. Ground investigation at the appropriate location and appropriate depth should be provided to support detailed design of the deep borehole soakaways.
- b. No indication is given as to the arrangement of the existing drainage system within the site or its ultimate outfall. We accept that there is no increase in impermeable areas to the building extensions given the existing site hard standing but it would be beneficial to understand where flows may be concentrated and directed given that previously flows would have been dispersed across the site and may contribute to a more concentrated overland flow routes through the site.
- c. The areas in the vicinity of the new building will contribute to the deep bore soakaway protected by an oil interceptor. In an area of industrial use, particularly a use which may be expected to generate small amounts of loose matter, sediment, grit and other contaminants the collection of litter and

larger material prior to discharge to a below ground drainage system would be beneficial. A surface drainage system would more easily be inspected and maintained.

- d. Detailed design should also demonstrate that the design accommodates the 1 in 100 year storm with a 20% allowance for climate change and that an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles.
- e. The applicant should be made aware that the referenced KCC "Soakaway Design Guide 2000" is a superseded document.

Notwithstanding the comments above we have no objection in principle to the drainage proposals presented.

Should you authority be minded to grant planning permission for these proposals, we would recommend the following conditions are attached:

Condition

Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason:

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

Condition

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter

managed and maintained in accordance with the approved details. 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.

Reason:

To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

Condition:

Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

4.11 Southern Water

The applicant has not stated details of means of disposal of foul drainage from the site. There is no public foul sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal.

The Environment Agency should be consulted directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank 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 SUD scheme Specify a timetable for implementation
Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

4.12 East Kent Area Office PROW and Access Service

It is brought to the attention of the applicant that the proposal seeks to enclose part of PROW HE15, which is incorrectly shown on the submission documents.

4.13 Merebrook

I write further to your request to review the following document:

- *Report on Ground Investigation — Land to east of Jacksons Fencing, Stowting Common* by Evans and Langford LLP (ref: 14148) for HS Jackson & Son (Fencing) Ltd dated 30 April 2017.

The document has been submitted in support of an application for planning consent for construction of new B2 metal fabrication/powder coat plant building, two storey extension to existing offices and extension to existing storage building with associated areas of hardstanding and yard, external storage, groundworks, fencing and landscaping. However the report only relates to a subset of the site, namely the extension of the fencing site to the east where the new metal fabrication / powder coating plant building is proposed. The other elements of the application are situated within the current industrial site boundary. The document has been reviewed in the context of Shepway's standard land contamination planning condition which is split into five sections as set out below:

1. Desk Study and Conceptual Model.
2. Intrusive Site Investigation and Risk Assessment;
3. Remedial Strategy and Verification Plan;
4. Verification Report; and

5. Contamination Discovery Strategy.

The condition should be implemented in a phased manner; with each phase only required should a potential risk be identified by the preceding phase. Information has been submitted with regard to parts 1 and 2 of the condition.

The report sets out the findings of a site walkover, site history, geo-environmental setting, current site status and sets out a conceptual model and risk assessment. Intrusive investigations undertaken for geotechnical and contamination assessment purposes are also presented in the report with comparison of contaminant concentrations against risk-based screening levels protective of health in a commercial/industrial setting.

Merebrook consider the report to be generally of a suitable scope and standard, although it is noted that the lab testing highlights inappropriate sample containers and long hold times prior to analysis. No significant field evidence of contamination was noted and laboratory testing did not identify any significant contamination in the context of the development proposals. No remediation is required.

No information has been provided with regard to the proposed construction of offices and extensions within the current Jacksons yard. It would be appropriate for a watching brief to be applied during groundworks in these areas to document the absence of any gross contamination. Should any contamination be identified during the works, then appropriate assessment should be made by a suitably qualified environmental consultant.

In summary, the requirements of parts 1 and 2 of the standard condition have been met for the extension of the fencing site to the east where the new metal fabrication / powder coating plant building is proposed. No remediation is required in this area, so parts 3 and 4 of the condition have also been satisfied. No information has been presented regarding the proposed construction of offices and extensions within the current Jacksons yard. Further information is required for these aspects of the development. Given the limited sensitivity of the proposed land use, it may be sufficient that commitment to a watching brief is secured during the groundworks in these areas. Any contamination identified during the watching brief should be assessed by a suitably qualified environmental consultant.

4.14 KCC Ecology

No objection in principle subject to conditions securing the implementation of ecological enhancements and a lighting design strategy.

Protected Species

The extended area has been cleared and as such there is limited potential for protected species. The proposals for woodland buffers and wildflower measures will compensate for lost habitats.

Ancient Woodland

To minimise impacts on Ancient Woodland, Natural England Standing Advice advises leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland. From consulting with the landscape plans these measures have been included.

Local Wildlife Site

The development site is located adjacent to Lyminge Forest Local Wildlife Site. Following the mitigation measures provided for the aforementioned ancient woodland we are satisfied that there will be no detrimental impacts to the local wildlife site.

Lighting

The development has the potential to have negative effects on the adjacent ancient woodland, local wildlife site as well as foraging/commuting bats. We advise that the Bat Conservation Trust's 'Bats and Lighting UK' guidance is adhered to in the lighting design and these measures are secured as a planning condition.

Enhancements

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird net boxes. We advise that measures to enhance biodiversity are secured as a planning condition.

4.15 Kent Downs AONB Unit

Thank you for consulting the Kent Downs AONB Unit on the above application. The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership. The legal context of our response and list of AONB guidance is set out as Appendix 1 below.

The AONB Unit has no comments to make on the proposed extensions to the existing office and storage building that form part of the application proposals; the following comments are in respect of the proposed steel fabrication building element of the application only.

National planning policy

The application site lies within the Kent Downs AONB. The application therefore needs to be tested against the purpose of the designation, to conserve and enhance the natural beauty and the way that this purpose is represented in national and local policy. The scale of the proposed new steel fabrication building is such that it is considered to constitute major development, as accepted in the Planning Statement submitted in support of the application. As such the application needs to be assessed against

both paragraphs 115 and 116 of the NPPF. Paragraph 115 of the NPPF confirms that AONBs, along with National Parks are conferred the highest status of landscape protection and that great weight should be given to conserving their landscape and scenic beauty. Paragraph 116 states that planning permission should be refused for major developments in AONBs, except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Both these requirements must be met. Paragraph 116 identifies three criterion against which assessment of major developments should be considered; the need for the development, the impact on the landscape and the scope for developing outside of the designated area. It is necessary for all three criterion to be addressed.

The balancing exercise under paragraph 116 is not an ordinary one, but a weighted one in which the presumption in favour of development has been removed (because major development in AONBs should normally be refused) and one to which the approach set out at paragraph 115 also applies.

The Kent Downs AONB Unit is concerned that the exceptional circumstances that would justify the release of this land for the proposed development within the AONB, a nationally important landscape resource, have not been demonstrated. Assessing the proposal against each of the criteria set out in para 116 turn, we offer the following comments:

Need for the development:

It is advised in the application submission that the new fabrication building is required to allow space for steel fabrication, assembly and coating which will contribute to a more effective working site, improving the efficiency of the site and its long term sustainability. It is advised that without this investment and the improved efficiencies it would provide, the company may not remain competitive in the long term. While there are clearly benefits in having a steel fabrication facility on site, we do not consider that this represents either a national need nor is it demonstrated how the exceptional circumstances test set out in the NPPF is met. It is the view of the AONB Unit that no justifiable need has been demonstrated for a development of this nature and scale in a rural location on a greenfield site within the AONB, that would be in direct conflict with both the NPPF and development plan policies and that steel fabrication would be more appropriately located in a more urban environment.

Scope for Development Elsewhere:

It is advised in the Planning Statement that accompanies the application that there are clear advantages to remaining on the site to ensure the workforce remains unaffected and the business continues to benefit from past investments made and to ensure business disruption is minimised. It is advised that a wholesale site move would be prohibitive financially, requiring an upfront investment of £10m and that a move is not an 'option the company can reasonably pursue when a suitable alternative solution using land currently in their ownership, has been identified'.

No financial information is supplied to support these assertions however, nor any assessment of alternative sites and the arguments put forward are considered to fall somewhat short of the stringent assessment requirement in the second bullet point of para 116 of the NPPF. The purpose of the requirement for consideration for scope for development elsewhere was set out in the High Court judgment of *Wealden District Council v Secretary of State for the Communities and Local Government & Anor* (2016) EWHC 247 (Admin) (17 February 2016), attached as appendix 2. This relates to a housing proposal in the High Weald AONB.

'Its purpose is to ascertain whether an alternative site may be available so as to avoid development in the AONB. It requires other available sites in the area to be assessed, on their merits, as possible alternative locations for the proposed development'.

The judgment also outlines the importance of consideration of alternative sites in respect of assessment against paragraph 116 of the NPPF. In quashing the Inspector's decision Mr Justice Lang stated:

"Unfortunately the Inspector did not adequately investigate or assess whether the Steel Cross development could be located at an alternative site, either in Crowborough or the wider district, and so he did not properly apply NPPF 116, nor did he take into account all relevant considerations, as required in public law decision-making. I consider that this was a significant failure, given the high level of protection afforded to AONBs under national planning policy. In my view, it would not be appropriate for me to exercise my discretion not to quash the decision on this ground since, on the evidence, it is possible that a suitable alternative site might be identified, which could alter the overall judgment made on whether the presumption against development ought properly to be rebutted in respect of this development."

Detrimental effect on the landscape:

The AONB Unit does not concur with the conclusion of the LVIA submitted in support of the application that there will be no significant impact, with the impacts on landscape character considered to be underplayed.

The site lies within the East Kent Downs Character Area as identified in the Landscape Assessment of the Kent Downs AONB, carried out by the Countryside Commission which classifies the AONB into 13 distinct character areas. The East Kent Downs is further broken down into three local character areas and the site lies within the Petham local character area. Overall landscape objectives for this character area include maintaining existing woodland cover, increasing the proportion of deciduous woodlands where possible and restoring the hedgerow network. In the Petham local character area guidelines include managing the existing woodland, preventing scrub from overwhelming existing species rich chalk grasslands, replanting or restoring remnant hedges and preserving the scale of the small scattered settlements.

Until sometime between 2003 and 2006, the site of the proposed new metal fabrication building appears to have comprised arable farmland, cultivated in conjunction with the adjacent field to the south. By 2006 it appears that the site had been encompassed into the Jacksons Fencing site and a fence introduced along the southern boundary. It remained undeveloped and relatively unused however with scrub being allowed to develop and the site appears to have only been cleared of vegetation in the last few years.

The Kent Downs AONB Unit agrees that the inter-visibility of the site with the wider landscape is relatively limited as a result of topography and vegetation and that this generally limits the visibility of the site and we generally concur with the findings of the LVIA in respect of visual impacts. We do not however agree with the sensitivities assigned to several of the viewpoints, in particular those on Public Rights of Way, which given their location within the AONB, a nationally protected landscape, we feel should be classified as high.

The proposed development would however in our view, result in a significant impact on landscape character, contrary to the conclusions of the LVIA. The works comprise the clearance of vegetation, a substantial change to landform as a result of the lowering of land levels, the formation of landscape bunds which are an unnatural feature in the landscape, the creation of a substantial area of hardstanding in addition to the erection of a building of a scale entirely out of keeping with surrounding buildings and the rural location. The proposals would also expand the activities at the current site out into the countryside and result in an urbanizing, industrial process taking place in what is currently undeveloped countryside in the Kent Downs AONB. We therefore do not agree with the predicted landscape effects on the Petham East Kent Downs LCA within which the site is located that there would be a low magnitude of change. (We note that the Table 10.a erroneously includes two references to the Stowting: Postling Vale LCA we presume the second one should be the Petham, East Kent Downs LCA).

In addition to assessing detrimental effect on the landscape, paragraph 116 of the NPPF also includes consideration of the extent to which the effect on the environment could be moderated. The proposed mitigation put forward in respect of the proposed new building is generally considered appropriate should the principle of the development be found to be acceptable. The LVIA recognises however that a residual adverse effect remains with the exposed site entrance and the Kent Downs AONB Unit agrees with this conclusion. Should Shepway District Council be minded to approve the application we consider it imperative that improvements are made to the two entrances which are currently a detractor to the rural lane, in order to help meet the third criterion of paragraph 116. We would welcome the opportunity to meet with the applicant and/or officers of the Council to discuss a suitable scheme for improving the entrance to the site, and consider that this should include, but not necessarily be restricted to:

- Removal of the metal storage container outside the entrance gates at the easternmost entrance to the site and provision of indigenous planting in this location.

- Improvement to the concrete/tarmac area in front of the storage container -replace with gravel rolled tarmac if this is required as hardstanding, otherwise this should be soft landscaped.
- Refinement and amalgamation of existing signage at both entrances.
- Removal of external storage areas and storage frameworks at both entrances to locations further within the site/within buildings and replacement with tree planting;
- Altering the colour of the gates at the western most entrance to a more recessive colour, such as black or green.

It is also considered imperative that the existing blue fence along the southern boundary of the site is replaced, as recommended in the LVIA. Should the application be approved, we would welcome the opportunity to further input with regards proposed materials and landscaping of the new building.

Local Planning policy

It is considered that the proposal would be contrary to several policies in Shepway's Core Strategy 2013, in particular policy CSD4 which states that 'planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning consideration'.

Also of relevance are policies SS1, SS2 and SS3 of the Core Strategy, all of which seek to direct development to urban areas/town centres/sustainable settlements, so as to protect the open countryside and the Kent Downs AONB.

Saved policy CO1 of Shepway's 2006 Local Plan is also applicable. This advises that the countryside will be protected for its own sake. It is advised that development will be permitted where specified criteria are met, which include the need for development to require a countryside location and be sympathetic in scale and appearance to their setting.

Kent Downs AONB Management Plan

In addition to being contrary to policies in the NPPF seeking to protect AONB landscapes and local plan policies seeking to protect the character of the countryside and landscape, the proposal would also be contrary to policies in the Kent Downs AONB Management Plan 2014 to 2019. The Management Plan has been adopted by all local planning authorities in the Kent Downs, including Shepway District Council.

The national Planning Policy Guidance confirms that Management Plans can be a material consideration in planning decisions and this view is confirmed in previous appeal decisions, including APP/U2235/W/15/3131945, Land west of Ham Lane, Lenham, Maidstone, where at para 48 of the Inspectorate's decision letter it is confirmed that "the Kent Downs AONB Management Plan April 2014 (the Management Plan) is also a further significant material consideration".

The following policies from the Management Plan are considered to be of particular relevance to the application:

SD1 The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within the statutory and other appropriate planning and development strategies and development control decisions.

SD2 The local character, qualities and distinctiveness of the Kent Downs AONB will be conserved and enhanced in the design, scale, setting and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements which are adopted as components of the AONB management Plan.

SD3 - New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.

SD7 - To retain and improve tranquillity, including the experience of dark skies at night, careful design and the use of new technologies should be used. New developments and highways infrastructure which negatively impact on the local tranquillity of the Kent Downs AONB will be opposed unless they can be satisfactorily mitigated.

SD8 - Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated."

LLCI - The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character of the Kent Downs AONB will be supported and pursued.

AEU12 - Sustainable solutions to problems of rural traffic will be supported, particularly in rural settlements or where there is a conflict with landscape quality or walkers, cyclists and horse riders.

The Kent Downs AONB Management Plan can be downloaded at:
<http://www.kentdowns.org.uk/guidance-management-and-advice/management-plan>

Other matters

Public Rights of Way:

With regards impacts on Public Rights of Way, we disagree with the statement that no PROWs exist with the site; it is stated that the footpath HE151 lies adjacent to the south of the site however our view is that the official route of this path lies just within the southern part of the site and

then returns northwards within the site, parallel to the eastern boundary - see attached map, attached as Appendix 3, which shows that while the route of this PROW has previously been diverted, it nevertheless remains within the application site. Access to the diverted route has been blocked by the erection of the weld mesh fence along the southern boundary of the site. This needs to be rectified and either access allowed or the route formally diverted. This could also explain why the path through Hedgecock Woods has no obvious route as access to it from the eastern side is prohibited by the fencing that appears to have been erected by the applicant.

Lighting :

The proposal would also result in lighting be taken outside of the area currently illuminated into open countryside. The AONB Unit is concerned about potential impact of the proposed lighting on the Kent Downs AONB. Policy SD7 of the Kent Downs Management Plan seeks to retain and improve tranquility in the AONB, including the experience of dark skies at night and advises that careful design and use of new technologies should be used. Insufficient information has been submitted with the application to fully assess the impact of the proposed lighting in this rural location and no assessment of the potential impact of lighting is provided in the LVIA.

Impact on rural road network:

It is advised that the proposal will increase efficiencies but not increase employment on the site or associated car or lorry movements. The AONB Unit considers it highly important that vehicular movements are not increased; the premises are accessed via a rural lane which is single width with passing places and is highly unsuited to HGV vehicle movements or high numbers of vehicular trips. Should Shepway District Council be minded to approve the application, we consider it imperative that conditions are attached to ensure that both the total number of vehicular trips to the site and the number of HGV trips do not exceed those at the moment. We would also request that permission is made personal to the applicant, as offered in the Planning Statement, should the application be approved.

Conclusion

The application site lies within the Kent Downs AONB, a nationally protected landscape and comprises open countryside that lies outside of any recognised settlement boundary. The AONB Unit disagrees with the conclusion of the LVIA that the effects of the development on the character of the open countryside and Kent Downs AONB will not be significant or harmful. The introduction of a steel fabrication building, hard standing, external storage and the associated industrial activities would, in our view, result in significant harm to the intrinsic rural character of the area and detract from the natural appearance and beauty of the AONB.

As such, it is considered that the proposal would weaken and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. Accordingly the proposal is considered to be in conflict with the NPPF, in particular paragraph 115 which provide that great

weight should be given to conserving landscape and scenic beauty in AONBs.

We are also of the view that as submitted, the application is contrary to para 116 of the NPPF which states that major development should not be permitted except in exceptional circumstances and where public interest can be demonstrated; it is the view of the Kent Downs AONB Unit that the stringent tests set out at paragraph 116 of the NPPF have not been met. Insufficient information has been submitted to substantiate claims regarding the need for the development as well as the cost of and scope for developing elsewhere outside of the AONB, as required by the NPPF and the application fails to adequately deal with the detrimental impact on the landscape. The Kent Downs AONB Unit would welcome the opportunity to discuss how the detrimental effect of the site on the AONB landscape could be moderated with the applicant/officers of the Council.

The application is also felt to be contrary to policy CSD4 of Shepway's Core Strategy as well as to challenge policies SD1, 5D2, 5D3, 5D7, SD8 and LLC1 of the Kent Downs AONB Management Plan.

The Kent Downs AONB Unit therefore objects to the application.

4.16 Urban Design/Landscape Officer

Impact on AONB

The extensions to the office building and timber store are contained within the existing compound and will be constructed to match the existing buildings. These are considered to be acceptable; no further comments will be made on them.

The new metal fabrication and powder coating unit is a large structure. Whilst it is proposed to be built on land that is higher than the rest of the site it will be set down within the landscape, which will make it less obtrusive. It is also screened by the existing works and adjacent woodland, without mitigation measures it would be most visible from the north and south. The design of the building incorporates measures that will help to lessen the impact; a double ridged roof minimises the height and timber cladding on the upper sections of the walls will help to soften the appearance of the building. The finished roof covering is very important; reflective and light surface finishes increase the prominence of large buildings in the countryside. The colour is important; it does not appear to be specified within the documentation. Confirmation of the nature of the roofing materials and the extent of the timber cladding is required.

In addition to the design measures substantial thought has been given to the landscaping around the metal fabrication unit to ensure that as much of it as possible will be screened from view.

The most notably feature of this detail is the planted earth bund that surrounds the proposed building, which is shown to be planted with a mix of native woodland species. This should in time produce a substantial amount

of cover that will obscure the building. The Landscape and Visual Impact Assessment demonstrates that the southern boundary is most sensitive from a visual perspective. Representative sections of the bunding and vegetation are shown below; each boundary has its own treatment in accordance with the screening requirements.

The Landscape and Visual Impact Assessment for the proposed development is considered to be sound. The methodology complies with the guidelines for Landscape and Visual Impact Assessment (3rd Edition) which is widely recognised as a definitive text on this subject. It describes the nature of the project, the existing conditions, evaluates what the impact of the proposed development will be on the existing conditions and provides a scheme of mitigation measures to minimise adverse impacts.

The report is divided into two sections. The first examines landscape character identifying a range of key landscape elements /characteristics. These are then assessed to predict the significance / importance of impacts ensuing from the development.

The study also refers to existing relevant landscape character assessments and assesses those established under the landscape Character Assessment of Kent that was written by Kent County Council in 2004 predicting the impacts of the development in relation to the characteristics of both the Postling Vale and the East Kent Downs Landscape Character Assessment

The visual assessment was carried out from a range of near, middle and far points that were established around the site. These were then evaluated in terms of the impact of the development on recognised visual receptors.

The visual survey demonstrates that the site and the new development is most visible from the existing entrance and the southern boundary. The design of the building and proposed mitigation measures will significantly reduce the impact of the new building, with the growth of the proposed vegetation it is highly likely that much of the building will be obscured.

Conclusion

The impact of the proposed extensions to the office building and store would be negligible. The extension to the store would improve the appearance of the site, reducing the amount of materials/ products that are currently stored outside.

The new metal fabrication and powder coating unit is a large structure in highly valued countryside, which alone would be highly likely to be unacceptable. However in the context of the existing operational site, much of the 'harm' already exists. The carefully considered design and mitigation measures will minimise the impact of this building.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 17.10.2017

5.2 Site Notice. Expiry date 09.08.2017

5.3 Press Notice. Expiry date 17.08.2017

6.0 REPRESENTATIONS

6.1 15 letters/emails received (some further letters from same objector) objecting on the following grounds:

- Major and inappropriate development in small rural hamlet;
- Noise disturbance to neighbours from traffic movements, lorries, fork lift trucks, staff cars;
- Noise to neighbours from process and outside storage/stacking;
- Stowting Lane inappropriate for commercial traffic – including lots of lorries;
- Traffic in Stowting Lane blocking access for emergency vehicles;
- Concerns in respect to flooding;
- Concern in respect to increased traffic movements and pedestrian safety;
- Air Pollution concerns to neighbours from vehicles related to site;
- There are no exceptional circumstances to sufficiently allow for the proposal within the AONB;
- Erosion of the natural Beauty of the AONB;
- Lorry noise out of operational hours waiting for site to open;
- The proposed building is out of scale with everything else on the site;
- Increase in light pollution within the AONB;
- The traffic levels recorded by neighbours are greater than those estimated by the planning agent;
- The arrival of lorries out of hours is an issue for neighbours causing noise and nuisance;
- Hours of trading proposed are a concern;
- Increased future productivity is a concern;
- Pollution concern with water runoff;
- The traffic movements proposed do not account for future expansion in trade following the improved operations.

6.2 1 letter of support for the following reasons :

- The existing traffic to the Jackson site is not an issue and the traffic levels will not increase;
- The proposed expansion is a good thing economically for the area.

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, BE8, U3, U4, U10a, U15, TR11, TR12, CO1, CO4, CO11.

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

DSD, SS1, SS2, SS3, SS5, CSD3, CSD4, CSD5

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework : particularly paragraphs 9, 11, 14, 17, 18, 19, 21, 28, 32, 34, 36, 56, 61, 109, 115, 118, 120, 121, 123.

National Planning Policy Guidance

Kent Downs AONB Management Plan (adopted 16th April 2014).

8.0 APPRAISAL

Relevant Material Planning Considerations

8.1 The following matters are considered to be material to the consideration of this planning application:

- Principle
- Design/ Impact on the character of the area and AONB
- Neighbour Amenities
- Highways and Parking
- Impact on the Ancient Woodland
- Ecology
- Contamination
- Drainage and Flood Risk
- Local Finance Consideration

Principle

8.2 The NPPF 'core principles' seeks to proactively drive and support economic development that is sustainable and addresses business needs of the area. The NPPF also supports the creation of a strong rural economy (para 28), including development that respects the character of the countryside and supports communities and visitors, tourism and leisure activities. The NPPF also states that the planning system should operate to encourage not impede economic growth and that significant weight should be placed on the need to support economic growth through the planning system.

8.3 Policy SS2 of the Shepway Core Strategy relates to '*Housing and Economic Growth Strategy*' and states that '*...business activity and the provision of jobs*

will be facilitated through.....concerted efforts to deliver rural regeneration (especially in the south and west of Shepway).'

- 8.4 In this case the existing premises currently house a successful business which has been on the site for about 70 years and provides a large number of jobs (219 full time jobs) to local people.
- 8.5 National Policy and the Core Strategy support the principle of development which provides for needs of businesses. Specific to rural areas there is support for the implementation of well-designed new buildings in facilitating the prosperity of rural businesses. In the North Downs Character Area, which lies in the Kent Downs AONB, it is also appreciated that this national designation has the effect of limiting economic development opportunities in this part of the district.
- 8.6 In principle the proposed development is considered to present an opportunity to secure long-term employment and local expenditure in this part of the District.
- 8.7 However, it has already been noted that the application site falls outside of any settlement boundaries and as well as being located in the open countryside it is also located in the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area. The protection of valued and designated landscapes is made explicit in paragraphs 109 and 115 of the NPPF, with biodiversity conservation set out in paragraph 118.
- 8.8 Paragraph 115 of the NPPF notes that, *“great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.”* Core Strategy Policy CSD4 states that *“planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations.”* Therefore notwithstanding the support in principle for the needs of the rural business, assessment of the impact on the Kent Downs AONB needs also to be assessed. (Later in report.)
- 8.9 In relation to designated areas, of which AONB's are one type listed, paragraph 116 of the NPPF specifies that *‘planning permission should be refused for major developments in such areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest.’* The paragraph then continues in respect to considerations of such applications.
- 8.10 However, there is no clear definition in policy or guidance of what constitutes ‘major development’ in the AONB for the purposes of paragraph 116 of the NPPF and whilst the Kent Downs AONB is minded that *‘the scale of the proposed new steel fabrication building is such that it is considered to constitute major development’* this is not agreed by planning officers. The Government's National Planning Policy Guidance document states:

“Planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.”

- 8.11 Appeal decisions show that whether a development proposal is judged ‘major’ will depend on local circumstances and is not simply a matter of scale and numbers.
- 8.12 In *Mr & Mrs Thorpe-Smith v North Devon District Council* the Planning Inspector explained that *“my view of the word ‘context’ as set out in the NPPG relates simply to the factual nature of the size and scale of the development compared to that in its vicinity....It does not mean the effect of the development on the AONB.”*
- 8.13 In respect to the ‘local circumstances’ therefore, the proposal is for extensions to an existing large scale operation within the AONB, bringing off-site aspects of the works on-site and allowing for modern, efficient methods of production. It is not introducing a new works into the AONB of an industrial nature where none was previously existing. Neither is the proposed new development to operate in a different ownership and/or operation than the existing works.
- 8.14 In terms of ‘context’ and the ‘*size and scale of the development compared to that in its vicinity*’, the total site area is about 7.4 hectares. The part of the site that is already commercially developed and operated by Jacksons Fencing (including the area with the telecommunications masts) occupies about 5.0 hectares of the overall application site. The additional land (field) has an area therefore of about 2.4 hectares.
- 8.15 In respect to the proposed extensions of the to the office and storage buildings these works are within the existing built envelope of the site and are not considered of themselves to constitute major development of the purposes of Para 116 of the NPPF.
- 8.16 In respect to the development within the field to the rear, the additional 2.4 hectares area is clearly subservient to the area of the existing works site. Of this 2.4 hectare addition about 0.9 hectares of the space will be given over to bunding and landscaping. Whilst it is accepted that the proposed new building itself is a significantly larger building when compared to existing buildings within the site, the limited size of the existing buildings are in part impeding efficient working. The larger scale of the proposed new B2 building than existing buildings on the site, in and of itself, is not considered to be so great for the development to be considered under paragraph 116 of the NPPF, given that it would be operated as part of what is already an

existing, sizeable industrial works in this area.

- 8.17 In conclusion therefore, on the basis of the above criteria, the proposal in question and the context, officers conclude that the proposal should not be treated as 'major development' for the purposes of paragraph 116 of the NPPF. However, whilst in principle policy would support economic development within the rural area, the proposal must still be considered under paragraph 115 of the NPPF and the planning policies referred to above in relation to visual impact, design, amenities, traffic, environmental impacts and so on.

Design/ Impact on the character of the area and AONB

- 8.18 The protection of valued and designated landscapes is made explicit in paragraphs 109 and 115 of the NPPF. Paragraph 115 of the NPPF notes that, *"great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."* Core Strategy Policy CSD4 states that *"planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations."* Policy CO1 seeks to protect the countryside for its own sake and policy CO4 requires the protection or enhancement of the natural beauty of Special Landscape Areas. The NPPF and saved local plan policy BE1 requires new development to be of 'high quality' in terms of the appearance and having regard to the impact on the street scene, the character of the area and also the functionality and layout of the development design. Paragraphs 57 and 58 refer to high quality and inclusive design that is visually attractive as a result of good architecture and appropriate landscaping.
- 8.19 The applicant has submitted a 'Landscape and Visual Impact Assessment' in support of the submission and its impact on the AONB and surrounding countryside.
- 8.20 Firstly in terms of the design of the two building extensions, the proportions and materials palette reflects the original buildings to which they will be attached and as such these extensions are considered to be acceptable as proposed.
- 8.21 The design of the building to the rear seeks to minimise the scale of the building by the use of dual parallel roofs, keeping eaves and ridge heights as low as possible whilst still allowing sufficient headroom from the equipment and its operation inside the building. The palette of external materials proposed has been mindful that the site is within the open countryside. As such the upper parts of the external walls will be timber clad and a non-reflective metal sheet roofing used. Whilst the building will eventually be mostly screened from views outside of the site (public rights of way and adjacent sites) by trees and vegetation, in the early years it will be more visible from outside the site and the use of timber cladding will help to

protect the visual amenity of the countryside and AONB within which the site is located. The scale and appearance of the building will be similar to forms of large scale farming activity buildings (for example barns on apple farms in Kent or at the former Stonegate Chicken Farm), and as such buildings of this size and appearance are not unknown within either the rural area of the AONB. However the careful use of both materials and tree planting can help to assimilate the buildings appearance into the landscape and soften, filter and screen views of the building(s) from outside the site.

- 8.22 In this case significant bunding and a landscaping scheme for the rear part of the site has been developed and proposed, informed by the applicant's Landscape and Visual Impact Assessment work. The visual assessment was carried out from a range of near, middle and far points that were established around the site. These were then evaluated in terms of the impact of the development on recognised visual receptors. The assessment demonstrates that the southern boundary is most sensitive from a visual perspective with one public right of way running along the southern boundary and the second at an intermediate distance to the southern boundary at a higher ground level. The Kent Downs AONB unit also highlights the sensitivity of views from these local view points to the south of the site. Whilst not agreeing the level of sensitivity of the views from the south with the classification of those views allocated within the LVIA, the AONB unit does state that *'the proposed mitigation put forward in respect to the new building is generally considered appropriate should the principle of the development be found to be acceptable'*. In addition to views from the south the proposed development will also be visible from the existing site entrance. Following representation from the AONB unit the applicant has now devised and submitted a scheme for the remodelling and visual improvement of the two existing site entrances points, which are discussed further below. Therefore it is considered that, subject to control of the materials, landscaping, ground levels and bunding, the harm that would otherwise occur to the visual amenity of this highly valued countryside by the works in the extended site area can be adequately mitigated. With the growth of the proposed vegetation it is highly likely that much of the building will be obscured over time.
- 8.23 In addition to the buildings the proposal involves other development, such as the changing of land levels and installation of internal roads, hardsurface and external storage space, bunds, fencing and works to the site entrances. Some of this development is of a utilitarian appearance by its nature but the proposed bunding and landscaping scheme seeks to minimise and screen these aspects of the development, fencing can be powder coated to an appropriate colour and the impact of these aspects on the visual amenity of the area can be minimised. These matters can be controlled by planning condition.
- 8.24 In respect to the remodelling of the site entrances the applicant has responded to many of the points raised in this respect by the Kent Downs AONB Unit. At the northern entrance, to the western side of the entrance it is proposed to: remove an existing shipping container (which is outside of the boundary fencing); remove the existing concrete hardstanding; reduce

the surface level of this area so it is level with the adjacent highway carriageway; the area is then to be soft landscaped (rough grass and native tree and hedge planting) behind a 0.6m high retaining wall; and, the area outside the planted zone tarmaced as a continuation of the highway carriageway. To the eastern side of the entrance the entrance width is to be reduced by about 5m which will allow for additional native planting and replacement fencing and gates. These works will also amend the public access to the site just inside the entrance point.

- 8.25 In respect to the reworking of the southern entrance the proposed remodelling includes: existing storage/racking will be removed; a pedestrian gate and decking; the existing gate and fencing painted black; raised kerb allowing for grass verge seeding and native hedge planting; all existing signage removed (two new signs are indicated to be erected one on either side of the entrance); new road signage directing lorries to turn right.
- 8.26 In visual terms this works will significantly enhance the appearance of the site entrances within the streetscene and the AONB. The implementation of these schemes can be controlled by planning condition.
- 8.27 Therefore, subject to the use of relevant planning conditions it is considered that the proposed works are acceptable in terms of their design and visual impact of the streetscene, countryside and the Kent Downs AONB and Special Landscape Area.

Neighbouring Amenities

- 8.28 Policy SD1 of the Shepway Local Plan Review and paragraph 17 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties.

Noise and Disturbance

- 8.29 A Noise Impact Assessment report has been submitted in support of the application. Noise pollution is a matter of concern raised by the Parish Meeting. Noise level surveys have been undertaken in respect to the existing Timber Mill Workshop, Timber Manufacturing Workshop, Small Timber Jointing Workshop and Metal Fabrication Workshop through the period of 8.57am to 6pm whilst timber or metal was being cut/treated. The report does note that *'It was noted during the measurements of ambient noise at the site boundary, the dominant noise source was from the general activities from the open yard, forklift trucks, staff voices, etc and building services plant serving the existing metal fabrication workshop.'* (point 2.13)
- 8.30 It is noted at point 3.5 that *'the open yard area adjacent to the residential site boundary will be used for timber product storage rather than metal products and so any impact from material being moved around the yard should be reduced to some degree.'* Although forklift noise and staff noise will remain it notes.

- 8.31 In terms of the new use (timber manufacturing) of the existing metal fabrication building, the report concludes this will represent a 9dB betterment in terms of working noise at the residential boundary to the north. They further advise that any new plant installed internally will be restricted to noise emissions are below 45dB when assessed from the residential site boundary. (This is one of the recommendations listed in the report conclusions.)
- 8.32 In respect to the new metal fabrication building, even with doors in the northern elevation open (worst case scenario), and not accounting for the bund, the report concludes that the noise emanating from the works will fall below existing background noise levels. (The existing background noise level accounts for existing workings in the current metal fabrication building.)
- 8.33 As such the proposed operations within the proposed metal fabrication building would be less than that of the existing level for these operations. The Environmental Protection Officer is satisfied that this will afford an acceptable environment for neighbours, subject to the recommendations as set out in the Noise Impact Assessment report (point 3.10) and the use of conditions to restrict hours of operation.

Hours of Operation

- 8.34 The current authorised hours of operation for the existing site operations are the subject of various historic planning permissions. Stowting Parish Meeting have asked that a single set of operational hours are imposed across the whole site, but this is beyond the scope of this application, which can only address the development being applied for. In respect to storage building to be extended (Building E) the original building and associated outside storage area was granted planning permission under reference 96/0776/SH. This building/outside space is controlled by a number of conditions including that:
- “4. *The premises shall be used for ancillary storage purposes only and for no other purpose, including any other purpose in Class B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.*”
- “5. *Any loading, unloading or other activities associated with the warehouse shall only be carried out between the hours of 6.30am and 9pm weekdays, 6.30am and 5.30pm Saturdays and not at all on Sundays.*”
- 8.35 Under the current proposal, in terms of condition 4 of the 1996 planning permission, the extension to the store will meet with the requirements of this condition.
- 8.36 In terms of the hours of operation, the extended store will in part cover the external storage area under that 1996 planning permission but the extended store and the remainder of the outside storage area must operate within the controlling hours of the 1996 planning permission. This can be further

secured by planning condition. (The only route to reconsider the hours of operation for this building and associated outside area would be through a variation of condition application to the 1996 planning permission. Alternatively, if a Lawful Development Certificate concluded that an alternative set of operational hours were lawful, those hours would be the controlling times. Neither such form of application has been submitted or granted so the 1996 planning permission conditions prevail.)

8.37 In terms of the extension to the office building, the existing office building was granted planning permission under 97/0077/SH and subject to the following condition:

“13. The hours of use of the office premises shall be limited to hours between 0800 and 1800 Monday to Saturday and at no time on Sundays or Bank holidays other than for meetings, urgent work, maintenance and cleaning. Outside the specified hours the windows on the north east elevation shall be kept closed when the building is occupied.”

8.38 The existing office building is also subject to a condition restricting its use to *‘in association with HS Jackson and Son (Fencing) Ltd...’*

8.39 As such the extension to the office building would need to be operate the same permitted hours as the 1997 planning permission as no other, overriding hours of operation have been established. This can be controlled by planning condition.

8.40 In respect to the proposed new metal fabrication/powder coating building the applicant requests operational hours of Monday to Saturday 7am to 8pm, no working on Sundays or public holidays. This is seen to be longer working hours than allowed for the existing metal fabrication building (under planning permission 97/0913/SH hours are restricted to *“between 0730 – 1800 hours Monday to Saturday and at no time on Sundays or Bank Holidays. No collections from, or deliveries to, the building shall take place outside the hours of 0700 – 2100 Monday to Friday, 0700-1730 Saturday and at no time on Sundays or Bank Holidays”*. The proposed building is to be constructed with a greater level of acoustic protection than the existing building and is further away from neighbours and as such no objection is raised to these operational hours for within the new building.

8.41 Externally around this proposed new B2 building is to be fabricated good storage (palettes on racks) and space for the loading and unloading of vehicles. Currently all loading and unloading takes place in the yard areas around the site, including around the existing metal fabrication building adjacent to neighbours' property, Oak Tree Farm. In relation to the historic planning permissions on the site the wording of the conditions used only restrict deliveries to buildings and not to outside yards/areas. (The exception to this is the timber storage building E which does have restrictions related to its ancillary outside storage area.) Therefore currently the work space around the existing metal fabrication building operates outside of the hours of the condition detailed above and also makes deliveries outside of the hours of the condition detailed above.

- 8.42 The applicant has advised officers that the general working practice on the site is 'yard operation' is generally 8am-10pm (albeit normally 8pm) Monday-Friday, 8-6 Saturday and 7-12 Sunday (On Sundays it is advised that the working is typically no more than 6 workers on site, ready for a Monday dispatch. Sunday workings typically fall between 7am-12pm but very occasionally outside of these hours if required to finish the task.) Deliveries to the site are 8.00am to 5.30 Monday to Friday only. (The applicant advised that the deliveries are scheduled and companies are told the hours in which they can deliver, which start at 8.00am, however the gates are open from 6.30am.) Outgoing deliveries from the site do leave the site very early in the morning depending of where they are to go (at times as early as 3am) and are rarely back later than 5.30pm.
- 8.43 Therefore, whilst the applicant proposes the operational hours of the proposed B2 building to be Monday to Saturday 7am to 8pm, no working on Sundays or public holidays, following further discussion in respect to the space outside the building, the applicant requests working in the area outside of this building (stacking, loading, unloading etc) be allowed 8.00am to 10.00pm Monday-Friday, 8.00am to 6.00pm Saturday and 7.00am to 12.00 midday Sunday. Times for deliveries to the area outside the building be 8.00am to 5.30pm Monday to Friday but deliveries from this part of the site be allowed 24/7.
- 8.44 This matter needs to be carefully balanced. The existing planning permissions covering most of the existing site mostly do not control the activities and deliveries to and from outside spaces - the exception being the timber storage area around Building E. However this is not considered to be the normal situation for industrial sites with residential property in close proximity. The applicant's Noise Impact Assessment submitted in support of this application only carried out noise surveys between the hours of 8am and 6pm, and not into evening working times, and noted that *"during the measurements of ambient noise at the site boundary, the dominant noise source was from the general activities from the open yard, forklift trucks, staff voices, etc and building services plant serving the existing metal fabrication workshop."* (point 2.13) Whilst it is appreciated that the location of the yard, associated with the proposed new B2 building, is further from neighbours the use of restrictive hours conditions in respect to the activities within the open space outside the building and in terms of deliveries to and collections from the outside space (as well as the building) is warranted to protect neighbours living conditions.
- 8.45 In terms of the use of the activities in outside space these are likely to include the movement of forklifts, stacking and picking of goods on pallets, movements of lorries for loading, and loading activities. The applicant has requested hours for these activities of 8.00am to 10.00pm Monday-Friday, 8.00am to 6.00pm Saturday and 7.00am to 12.00 midday Sunday. In terms of deliveries leaving the site the conditions that have been attached to historic planning permissions all intended to restrict deliveries leaving the site to between the hours of 7am to 9pm to protect neighbours' living conditions, but unfortunately poor wording of conditions failed to capture all deliveries. Notwithstanding therefore that deliveries do leave the existing site outside of these hours that is not a reason to allow the extended site area to be unrestricted in terms of lorries leaving that part of the site and therefore officers

consider that deliveries from this part of the site are restricted so that no shipment/deliveries from the new building and its surrounding yard/area shall take place outside of the hours of 7am to 9pm Monday to Friday, 7am to 6pm on Saturday and no deliveries/shipments shall take place on Bank or Public Holidays.

- 8.46 Subject to suitably worded conditions no objection is raised to the impact of the proposal on neighbours' living conditions in terms of noise and disturbance.

Dust

- 8.47 In terms of measures for the control of dust during the construction period for the rear part of the site and the extensions, this can form part of a Construction Environmental Management Plan, which can be secured by planning condition.

- 8.48 Once operational all manufacturing and finishing processes across the site, including in the new B2 building, shall take place inside buildings. Externally there will be only storage of some materials and finished products on made surfaces and on palettes. Although there will be associated vehicle movements by fork lift truck and road vehicles around the site this will also be on made surfaces and is not anticipated to create significant levels of dust.

Sunlight and Daylight

- 8.49 In terms of daylight and sunlight impacts to neighbours the proposed buildings are all to be a significant distance from the site boundaries such that no overshadowing of adjacent properties or loss of daylight to the rooms of neighbouring dwellings will result from this application. (Tree landscaping will result in some additional overshadowing of areas immediately adjoining the site but will not be of an extent or duration that would warrant the refusal of the application.)

Privacy

- 8.50 It is at the northern side of the site that the ground levels are to be raised to accommodate the internal access road and development to the rear of the site. There is already a clear view from the field (to be developed) into paddock land to the northern side. However there will be no view back into Oak Tree Farm as there is an existing tree planting belt between the paddock and that Oak Tree Farm which screen views into that property from the rear part of the application site, even at the higher level – and the application proposal itself proposed tree planting along the boundaries of the field which will also stop views between the application site and Oak Tree Farm.

- 8.51 Overall therefore, subject to suitably worded planning conditions there is no objection to the impact of the proposal on neighbours' amenities.

Highways/Parking

- 8.52 Policy TR11 relates to the impact of new development on the highway network. Paragraph 32 of the National Planning Policy Framework states, in part, that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*
- 8.53 The site is located about 0.5 miles west from Stone Street, at its junction with Six Mile Garage. The existing road from Stone Street to the site is a single track rural road with a number of passing areas. It is accepted that this is not an ideal road to serve a large industrial site but the business is longstanding and as such only the impact of the development on the highway network, over and above any existing situation, can be considered at this time. (Planning policy and legislation does not allow for the use of planning controls to address pre-existing issues in an area in the consideration of a planning application.)
- 8.54 Of key importance when considering this proposal is to understand whether there would result any increase in vehicle movements on the Lymbridge Green road network. In respect to the number of traffic movements associated with the proposal the applicant has supplied additional information and plans to allow a more thorough understanding of the changes to on-site areas/uses and the vehicle movements associated with the business.
- 8.55 The County Highway and Transportation Officer takes into account that the increase in timber storage on site will replace capacity currently held remotely off site and that the extension to the timber storage building would not in its own right create an increase in vehicle movements. Likewise neither would the extension to the office unit.
- 8.56 The provision of a new powder coating facility will lead to a small reduction (8 trips per week) in vehicle trips compared to the existing working practice, with this being carried out off site. Furthermore, through the improved processing facilities on site, the number of items produced off site and then bought onto site will decrease and will result in a small saving of 125 vehicle trips per annum, which equates to two trips per week.
- 8.57 As it has been demonstrated, following considerable interrogation in respect to traffic movements that the proposal will not result in additional traffic movements on Lymbridge Green. The County Highway and Transportation officer does not object to the proposal on the grounds of highway capacity or safety. The officer does however recommend the use of a personal planning permission for the new B2 unit so that should Jacksons Fencing leave the site in the future, and another business wish to operate from this location, this would require a planning application to vary the 'personal' planning condition and would allow for scrutiny of the impact of vehicle movements of any new operation on the road network.
- 8.58 In respect to the alterations to the two access points to the site the County Highways and Transportation Officers do not make any specific comments

but require conditions that visibility spays are maintained and no runoff onto the highway occurs.

- 8.59 Policy TR12 of the Shepway Local Plan Review relates to car parking levels to serve new development. Currently the site provides 183 staff parking spaces, 10 bike spaces, 5 visitor spaces, and a further 20+ public parking spaces in the 'Jakstore' car park. In this case six staff parking spaces are to be lost due to the extension to the office building. The intention of the proposal is to future-proof the viability of the business and no increase in 219 staff numbers operating from the site are intended. As an overall number the loss of six parking spaces is a small number and it is not expected that staff parking will overspill from the site as a result. Already the company operates some smart parking arrangements on the site and these could be reviewed and extended if necessary should saturation occur.
- 8.60 Subject therefore to suitably worded planning conditions no objections are raised in respect to highways or parking matters.

Impact on Ancient Woodland

- 8.61 The NPPF at paragraph 117 seeks to conserve and enhance biodiversity in part by refusing planning permission which would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland (unless the need for, and benefits of, the development in that location clearly outweigh the loss).
- 8.62 The application proposal seeks to develop close to Hedgecock Woods, which is both an Ancient Semi-Natural Woodland and a Local Wildlife Area. The woods are to the east of the development site and the proposal includes a 15m landscaped buffer between the built development and the ancient woodland. None of trees within Hedgecock Woods are to be lost under the current proposal. The Council's Arboriculture Manager advises that he has no objections to the proposal in respect to the impact on retained and adjacent trees.
- 8.63 Natural England, in conjunction with the Forestry Commission Ancient Woodland have produced standing advice in respect to the protection of ancient woodland from development. In part this advice states that "leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of development, a minimum buffer should be at least 15 metres)".
- 8.64 In this case, whilst the Local Wildlife Trust suggests that a buffer of greater than 15m should be employed for this development but the Council's Ecology consultants are minded that the 15m buffer is an appropriate buffer zone to minimise impacts on Ancient Woodland. (The reasons for these comments will be discussed further in the 'Ecology' section of this report.)

8.65 The Natural England/Woodland Trust standing advice uses an example of a 15m buffer between an ancient woodland and proposed commercial development, which is generally used as a 'marker' for new commercial development adjacent to ancient woodland. In this case all of the manufacturing and finishing processes will take place inside the new building. Externally will be traffic movement (lorries and forklift trucks) on suitably finished hardsurface, loading and unloading activities and the storage of finished products (which are on palettes). These outside activities are not considered to be so extraordinary or harmful as to warrant a buffer zone of a greater distance than the 15m example within the Natural England/Woodland Trust standing advice. The ongoing protection of the buffer zone area, the planting of the buffer area (as per the landscape scheme), control of external lighting and control of hours of operation are all factors that will minimise impacts on the Ancient Woodland. (The hours of illumination of external lighting will need to account for the working times discussed earlier in this report but will ensure that after 9pm there will be no illumination of the countryside and AONB from the extended site area, which is a concern raised by both the Parish Meeting and the Kent Downs AONB unit.)

Ecology

8.66 The NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity where possible, with biodiversity conservation set out in paragraph 118. 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.)

8.67 In this case the applicant has submitted an Ecological Assessment, in relation to the rear section of the site, with the application. The site is adjacent to Hedgecock Wood to the east (also known as Lyminge Forest) and adjoining the southern boundary is farmland managed under the Higher Level Stewardship Scheme (agri-environment scheme).

8.68 The Council's Ecological consultant is minded that subject to the implementation of mitigation measures provided for the aforementioned ancient woodland (buffer, planting, control of external lighting, deadwood habitat piles, bat/bird boxes, reinstatement of known wildlife migration routes) there will be no detrimental impacts to the local wildlife site and ecological enhancement will occur.

8.69 Within the site itself the habitat was not found to be suitable for any protected species under the Wildlife and Countryside Act 1981 nor for nesting birds.

8.70 Therefore subject to suitably worded planning conditions securing the implementation of ecological enhancements and a lighting design strategy no

objection is raised to the proposal in respect to the impact on the adjacent Ancient Woodland, Local Wildlife site or ecological interests of the area.

Contamination

- 8.71 Policy U4 of the local plan states that development will not be permitted if it would lead to unacceptable risk to the quality or potential yield of the surface or ground water resources or lead to an unacceptable risk of pollution. Policy U10a requires investigation to establish the nature and extent of contamination of development land. The NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
- 8.72 In respect to land contamination the applicant has submitted a 'Report on Ground Investigation'. The Council's land contamination consultant advises that the report relates only to the redevelopment of the additional part of the site (to the rear) and not in relation to the existing building extensions.
- 8.73 In relation to the rear part of the site they conclude that report to be generally of a suitable scope and standard. No significant field evidence of contamination was noted and laboratory testing did not identify any significant contamination in the context of the development proposals. They agree that no remediation of this part of the site is required but a condition is required in respect to assessment/potential mitigation should unexpected contamination be found during the construction works.
- 8.74 No information has been presented regarding the proposed construction of building extensions within the current Jacksons yard. Further information is required for these aspects of the development. Given the limited sensitivity of the proposed land use, in this case it would be appropriate to secure a watching brief during the groundworks for the extensions by planning conditions. Should any contamination be identified during works, it should then be assessed by a suitably qualified environmental consultant and can be controlled by a condition to require such assessment and potentially mitigation.
- 8.75 In respect to the potential for the contamination of the principal aquifer, by a deep-bore drainage system (proposed as part of the surface water drainage strategy for the site), the Environment Agency has highlighted this potential and without full details this system may not be acceptable. As such the EA objected to the proposal without further details being submitted. However, in a further email to the applicant (copied to the LPA case officer by the EA) the EA confirm that the principle of the use of deep bore soakaways is acceptable and use of a planning condition is acceptable in this case to demonstrate that contaminants will not enter the groundwater, and that the risk to groundwater is understood.

8.76 As such subject to suitably worded planning conditions, including that and that a sealed cesspit is to be used for foul drainage of the new B2 building, no objection is raised in respect to the matter of contamination as a result of the proposed development.

Drainage and Flood risk

8.77 In this case the applicant has confirmed that foul drainage for the proposed new B2 building will need to be to a sealed cesspit. This can be controlled by planning condition. The extension to the office building is intended to provide a better working environment for exiting staff and no revision to the existing foul drainage is required.

8.78 In terms of surface water drainage the applicant has been submitted a 'Flood Risk Assessment/Drainage Strategy' for the additional, rear part of the site. The Local Lead Flood Authority suggest a number of conditions be used on any planning permission in relation to: a detailed sustainable surface water drainage scheme for the site; details of the implementation, maintenance and management of the sustainable drainage scheme; that where infiltration is to be used to manage the surface water, it will only be allowed within those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters and/or ground stability. Subject to such conditions no objection is raised in respect to flood risk. Subject to these, the application is considered to be acceptable in this respect.

Local Finance Consideration

8.79 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, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. 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 is not liable on new commercial floorspace in the area other than new retail space. As such the proposal is not subject to the CIL levy.

Human Rights

8.80 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.

- 8.81 This application is reported to Committee as Stowting Parish Meeting object to the application in respect to a number of matters and the Head of Planning believes it raises issues that should be considered by the committee.

9.0 SUMMARY

- 9.1 Overall planning seeks to balance matters in respect to the impact of development on the countryside and AONB, securing local employment, impacts on amenities and on the environment. In this case the proposal is an extension to a longstanding existing works, and is intended to secure long-term employment (219 full-time jobs) and local expenditure in this part of the District. The proposal is not considered to equate to 'major development' for the purposes of paragraph 116 of the NPPF, however its impact on the natural beauty and setting of the Kent Downs AONB, the Special Landscape Area and the countryside are key matters in the consideration of the application. It is concluded that the impact of the proposed development is only acceptable in terms of visual amenity subject to a careful use of materials, bunding, generous landscaping and remedial works to the front of the site.
- 9.2 In terms of the impact of the proposed development on the highway network it has been adequately demonstrated that increased traffic movements or hazardous conditions will not arise as a result of the proposal and the use of a personalised planning permission for the new B2 building, restricted hours of operation and control of the new building construction and operation will mean neighbours' amenities are not harmed.
- 9.3 Subject to suitably worded planning conditions the proposal is considered to be acceptable in respect to matters of the impact on the Local Wildlife Site and ancient woodland adjacent adjacent to the site. In respect to the potential for land and groundwater contamination and flood risk, the development is only acceptable subject to satisfactory drainage design, compliance with conditions and undertaking appropriate mitigation measures.
- 9.4 In conclusion, subject to the use of suitably worded planning conditions, the proposal on balance is considered to accord with saved policies of the Shepway Local Plan Review, Shepway Core Strategy and the National Planning Policy Framework and relevant guidance.

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: 16.134.01 Rev P (site location plan), 16.134.07 Rev P5 (proposed site layout), 16.134.10 Rev P2 (proposed building/area uses), 16.134.102 Rev P1 (proposed office floorplan), 16.134.103 Rev P1 (proposed office elevation), 16.134.201 Rev P2 (proposed warehouse floorplan and elevations), 16.134.11 Rev P3 (proposed B2 building layout plan), 16.134.12 Rev P5 (proposed B2 building elevation), 16.134.06 Rev P5 (proposed site sections) MHS174.16-G01 Rev D (Landscape Strategy drawing), MHS174.16-A30 Rev C (Landscape boundary sections), SK03-06.09.2017 Rev D (southern site entrance), SK02-06.09.2017 Rev D (northern site entrance)

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. 1. In respect to new building works hereby approved within Area A, as shown on drawing 16.134.10 rev P2, 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.

2. 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,
- 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).

3. 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.

4. 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.

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

Reason: To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and paragraph 109 of the National Planning Policy Framework.

4. Notwithstanding the report 'Flood Risk Assessment' (dha environment, CS/12093, dated May 2017) no development shall commence in respect to Area B development, as shown on drawing 16.134.10 rev P2, or the internal access road to, until a detailed sustainable surface water drainage scheme for this part of the site and access road has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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

5. No development shall commence until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority which shall agree in part :

- a. Routing of construction and delivery vehicles to / from site
- b. Parking and turning areas for construction and delivery vehicles and site personnel
- c. Timing of deliveries
- d. Provision of wheel washing facilities
- e. Temporary traffic management / signage
- f. Dust suppression and mitigation
- g. Hours of Working

Reason: In the interests of public amenity and highway safety.

6. Prior to the commencement of the development (including ground clearance, ground works, servicing works) hereby permitted in Area B, as shown on drawing 16.113.10 rev P2, tree protection measures shall be installed and maintained in place for the duration of construction and in accordance with the report 'Tree Survey/Arboricultural Impact Assessment/Tree Protection Specification' (Sylvan Arb, ref: SA/1287/17, dated 15 June 2017).

Reason: To protect the adjacent Ancient Woodland and Local wildlife site interests.

7. Prior to the first use of development hereby approved within Area B, as shown on drawing 16.134.10 rev P2, ecological enhancements shall be completed in accordance with the 'Recommendations' section of the report 'Ecological Assessment' (JFA Environmental Planning, ref KEN 2067 dated December 2016) and revised landscape drawing (which incorporates wildlife corridor route). Thereafter these shall be maintained in situ.

Reason: To enhance biodiversity opportunities on the site.

8. No work on the construction of the class B2 building(s) hereby approved, as shown within Area B on drawing 16.134.10 rev P2, above foundation/slab level until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

9. Prior to the first use of development hereby approved within Area B, as shown on drawing 16.134.10 rev P2, the land bunding and landscape scheme as shown on landscape drawings MHS174.16-G01 rev D and MHS174.16-A30 rev C and site layout drawing 16.134.07 Rev P5 shall be completed, unless an alternative timing for planting is agreed with the Local Planning Authority. If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to protect and enhance the natural beauty of the Kent Downs AONB in which the site is located.

10. Prior to the first use of the class B2 use building hereby permitted (shown in Area B on drawing 16.134.10 rev P2) the remodelling schemes for the two existing access point from/to the public highway shall be completed in accordance with drawings SK02-06.09.2017 Rev D and SK03-06.09.2017 Rev D with the addition of drainage to prevent the discharge of surface water onto the highway. The planting within the vision splays, shall be maintained at no higher than over 0.9 metres above carriageway level. The entrance areas shall be maintained as such thereafter.

Reason: To enhance the appearance of the site within the Kent Downs AONB and discourage traffic from turning left out of the site.

11. The class B2 use building hereby approved, as shown in area B on drawing 16.134.10 rev P2, shall not be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. 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.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

12. Prior to the occupation of the class B2 use building within Area B, the associated outside open storage, vehicle parking/turning/loading/unloading area, as shown on drawing 16.134.10 Rev P2, together with the internal access road to this area, shall be completed, including drainage and surfacing. Thereafter the associated outdoor space and internal access road shall be maintained in a useable state for occupiers/users of the premises at all times.

Reason: To prevent interference with the free flow of traffic along the highway and to safeguard the amenities of adjoining areas.

13. In respect to Area B, as shown on drawing 16.134.10 rev P2, and the internal access road to this area, no external lighting shall be installed on the land or buildings 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 protect local wildlife.

14. The 2m high mesh fencing hereby approved on the southern and eastern boundaries of the site, as shown on landscape drawing MHS174.16-G01 rev D, shall be powder coated either dark brown or dark green (a single consistent colour and not a mixture) prior to installation and maintained as such thereafter.

Reason: To protect the visual amenity of the countryside and Kent Downs AONB in which the site is located.

15. In respect to the class B2 use building hereby approved, within Area B as shown on drawing 16.134.10 rev P2, no operations or other work shall take place within the building other than between the hours of 0700 hours and 2000 hours Monday to Saturday. There shall be no working within the building on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of nearby residents.

16. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

17. In respect to the associated land outside of the class B2 use building, within Area B as shown on drawing 16.134.10 rev P2, no vehicle movements or work shall take place other than between the hours of 0800 and 2100 hours Monday to Friday, 0800 and 1800 hours Saturday and 0800 and 1300 hours midday Sunday. There shall be no working within this area on Bank or Public Holidays.

Reasons: To protect existing local residential amenities and the character of the countryside and Kent Downs AONB from night-time illumination.

18. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution.

19. The new B2 metal fabrication building hereby approved shall be constructed and operated in full accordance with design measures at point 3.10 of the Noise Impact Assessment (MRL Acoustics, MRL/100/1160.1v1 dated March 2017).

Reasons: To protect existing local residential amenities.

20. The hours of use of extension to the office building (building J) hereby approved shall be limited to hours between 0800 and 1800 Monday to Saturday and at no time on Sundays or public holidays other than for meetings, urgent work, maintenance and cleaning. Outside the specified hours the windows on the north east elevation shall be kept closed when the building is occupied.

Reasons: To protect existing local residential amenities.

21. Any loading, unloading or other activities associated with the extension to the warehouse building (Building E) hereby approved shall only

be carried out between the hours of 6.30am and 9.00pm weekdays, 6.30am and 5.30pm Saturdays and not at all on Sundays or public holidays.

Reasons: To protect existing local residential amenities.

22. Foul drainage for the class B2 use building hereby approved, within Area B as shown on drawing 16.134.10 rev P2, shall be to a sealed cesspit only.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution.

23. The materials to be used in the construction of the external surfaces of the extensions to buildings E and J hereby permitted shall match those used in the existing buildings respectively.

Reason: To ensure that the external appearance of the works when completed do not detract from the appearance of the building or the appearance of the area generally.

24. In respect to Area B, as shown on drawing 16.134.10 rev P2, following the submission of 'Report on Ground Investigation' (Evans and Langford LLP, 14148X, dated April 2017) 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.

25. No deliveries to Area B, as shown on drawing 16.134.10 rev P2 (building and land), shall take place outside of the hours of 0700 to 2000 hours Monday to Friday, 0700 to 1700 hours on Saturday and at no time on Sunday, public or bank holidays. No shipment/deliveries from Area B shall take place outside of the hours of 7am to 9pm Monday to Friday, 7am to 6pm Saturday and no deliveries/shipments shall take place on Bank or Public Holidays.

Reasons: To protect existing local residential amenities and the character of the countryside and Kent Downs AONB from night-time illumination.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Part 3 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.

27. The extension to the warehouse (building E) hereby approved shall be used for ancillary storage purposes only and for no other purpose, including any other purpose in Class B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order.

Reason: To enable the Local Planning Authority to retain control over future development.

28. The Class B2 use building and land within Area B as shown on drawing 16.134.10 rev P2 together with the new building extensions hereby permitted within Area A, as shown on drawing 16.134.10 rev P2, shall only be used in association with HS Jackson and Son (Fencing) Ltd.

Reason: In granting permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use in the event of changes to operations on the site to allow for the Local Planning Authority to ensure vehicle movements are appropriate should another occupier operate from the whole or part of the site.

Decision of Committee

Y17/0754/SH
H S Jackson and Son Ltd
Lymbridge Green
Stowting Common



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Application No: Y16/0400/SH

Location of Site: Land Adjoining 88 Meehan Road Greatstone Kent

Development: Erection of 13 No. dwellings (including 4 No. affordable dwellings) with associated gardens, parking, and access.

Applicant: Mr Michael Barr

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

Date Valid: 17.06.16

Expiry Date: 16.09.16

Date of Committee: 31.10.17

Officer Contact: Ms Claire Dethier

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and the signing of a section 106 agreement in respect of affordable housing, translocation of reptiles/ agreement to not develop the receptor site, primary school contributions and library book stock, with delegated authority given to the Head of Planning to agree the wording of the legal agreement.

1.0 THE PROPOSAL

- 1.0 The proposal is a full application for the erection of thirteen dwellings (including four affordable dwellings) with associated parking, access and gardens. The dwellings have been designed to face into the site and would be arranged either side of a central access road that would continue on from the access road in the adjoining development, which provides vehicular and pedestrian access to Victoria Road. All of the houses to the west of the access road would be detached and three storeys (with the third storey within the roof space) with the exception of a single dwelling on the southern end located nearest to No. 88 Meehan Road which is designed as a bungalow with rooms in the roof space. The dwellings proposed to the east of the access road would all be of a traditional two storey design and form two pairs of semi-detached houses and a single detached house at the southern end.
- 1.1 The development has been designed as a continuation of the development in Prime View (the adjacent site that has already been developed) and the dwellings would be set out in a similar manner, located either side of the access road and facing into the site. The central access road would measure

the same width as the part of the access road within Prime View (5.5m) that it would abut.

- 1.2 The three storey dwellings would contain 3/4 bedrooms and would measure approximately 9.5m to the top of the pitch and approximately 5.7m to the eaves. In terms of design they are modern with large glass gable windows to the front, integral garages, timber windows and doors, reconstituted slate roofs, with an external finish of brick and weatherboarding. All of the proposed dwellings are proposed to be finished in the same palette of materials.
- 1.3 The single bungalow style dwelling at the southern end of the site would contain 2/3 bedrooms and would measure approximately 6.9m to the ridge and 3.0m to the eaves. It is also designed in a modern manner with a large gable window set back behind a projecting part of the building to limit overlooking opportunities. This dwelling was originally proposed to have a large glass gable window feature on the front to match the three storey dwellings proposed. However, officers were concerned that this could result in unacceptable overlooking to No.88 Meehan Road and the plans were amended to restrict this feature to the western side of the elevation, ensuring this feature looks into the application site rather than the rear windows and garden of No.88 Meehan Road.
- 1.4 The two pairs of two storey dwellings located to the eastern side of the site would measure approximately 7.7m to the ridge and 5.1m to the eaves. These are proposed to be of a more traditional design and would feature two bedrooms. These dwellings are being proposed to be made available for affordable housing. The final dwelling located adjacent to these to the south would measure approximately 7.5m to the top of the ridge and 5.1m to the eaves. This would contain 3 bedrooms.
- 1.5 The nearest dwellings to the southern end of the site would be inset by approximately 3.8m on the eastern side of the site and by approximately 2.8m to the western side of the site. At the northern end of the site there would be a separation distance of between approximately 5m and 9m between the existing dwellings in Prime View and the proposed dwellings.
- 1.6 Each dwelling would have a private rear garden area. The gardens range from between 5.7m and 7.5m in length. Outline landscaping proposals have been submitted detailing 5 native trees along the southern end of the site boundary with Meehan Road and native shrubs and climbers along the rest of that boundary. A 1.8m wall is proposed along the length of the site boundary with Meehan Road and a native Hawthorn hedge along the boundary with the agricultural land to the rear of the site. In terms of the access road, this is proposed to be finished in buff coloured resin bound aggregate.
- 1.7 In terms of parking provision, the development proposes two parking spaces for each dwelling, with the exception of the affordable houses, where 1 space per dwelling is proposed. The parking for the three storey dwellings would be provided by way of tandem car port spaces and for all of the other

dwellings the parking would be individual parking spaces. The development also proposes 3 visitor parking spaces.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The site is located within the defined settlement boundary of Greatstone on Sea which is designated as a Primary Village within the Core Strategy Local Plan. The site forms part of a wider allocation for housing development within the adopted Local Plan Review. The allocated site includes the land to the north of this site which has already been developed with ten dwellings and is now known as Prime View as well as land to the south which has also been developed and contains five dwellings. The site is within an area at risk of flooding, with it being identified as being within Flood Zones 2&3 as outlined on the Environment Agency maps, although most of the site is not identified as being at risk from flooding as shown on the Council's adopted Strategic Flood Risk Assessment (SFRA) for 2115 except for a small area to the south west of the site, which is identified to be at low risk, and a very small portion identified as being at moderate risk. The site is also located within an area of archaeological potential and falls within CIL charging zone B.
- 2.2 The site itself is currently a gap in the street scene being located in between No. 88 Meehan Road (a two storey dwelling) and the new development named Prime View which is accessed from Victoria Road. Opposite the site within Meehan Road are dwellings (bungalows) and to the rear of the site is open countryside.
- 2.3 The site itself is currently in a natural state with wild grass. It is generally flat with areas where it rises. There are a few shrubs and bushes on the site. The site is sectioned off from the road with low key post and rail fencing and heras fencing.
- 2.4 The site measures approximately 70m in length by 40m in width.

3.0 RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for this site. However, there have been several planning applications relating to the wider allocation including;
- 3.2 Y11/0812/SH – Erection of 6 three-storey houses with upper floor set within the roofspace and integral car ports, and 2 two-storey houses with integral car ports, and formation of access road with vehicle turning area. This application relates to the site to the north of the application site. Approved with conditions.
- 3.3 Y15/0100/SH - Section 73 application for the removal of condition 13 of planning permission Y11/0812/SH to remove the requirement to meet Code for Sustainable Homes Level 3. This application relates to the site to the north of the application site. Refused.

- 3.4 Y15/0336/SH - Erection of 4 No. Affordable Homes. This application relates to the site to the north of the application site. Approved with conditions.
- 3.5 Y15/0924/SH - Section 73a application to vary conditions 2, 3, 4, 20 and 21 of planning permission Y11/0812/SH to enable an alternative design and layout supported by updated flood risk assessment. This application included an amendment to the access road reducing the width at the end nearest to the junction with Victoria Road to 4.6m. This application relates to the site to the north of the application site. Approved with conditions.
- 3.6 Y06/0873/SH – Erection of 3 detached dwellings. Approved with conditions. This application relates to the land to the south of the application site.
- 3.7 Y06/0506/SH - Erection of two No. 2 storey detached dwellings with integral garages. This application relates to land to the south of the site. Approved with conditions.

4.0 CONSULTATION RESPONSES

4.1 New Romney Town Council

No Objection. Conditions of any approval should include recommendations/advice put forward by Ecological Advice Service and must be adhered to.

4.2 KCC Economic Development

Contributions have been requested from KCC in respect of primary school provision and library bookstock.

	Per house (x13)	Total	Project
Primary Education (<i>extension cost</i>)	£3324	£43,212.00	Towards Greatstone Primary school expansion
Secondary Education	No current requirement		
Library Bookstock	£48.02	£624.21	Towards additional bookstock required to mitigate the impact of the new borrowers from this development

They also request the following informative:

INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

4.3 KCC Highways and Transportation

I note the layout plan has been amended to reflect the existing road widths. However, as previous stated, KCC Highways and Transportation do not have control over the existing road and will not adopt the road in the future. I understand concerns have been raised regarding the suitability of the existing road and whether it is able to carry construction vehicles. KCC Highways and Transportation are unable to comment on the suitability of the existing road as we do not hold any information regarding private road construction.

Using Interim Guidance Note 3 standards for car parking the units M1-M7 should have two independently accessible car parking spaces and not tandem parking.

INFORMATIVE: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

4.4 KCC Ecology

We have reviewed the Extended Phase 1 Ecological Habitat Survey, specific species surveys and information provided by consultees and we have the following comments to make:

Reptiles

A reptile survey has been carried out on site and recorded low populations of breeding slow worms and common lizards. The submitted report has detailed that due to the design on the site there is insufficient space to retain the reptile population in-situ.

Natural England Standing Advice provides the following advice about receptor sites:

- a) Receptor site should be larger in area than the habitat being lost (no net conservation loss);
- b) Receptor site should not already have an existing reptile population (surveys must be undertaken to establish this);
- c) Receptor site should be connected to further habitats and ideally other reptile populations;
- d) As close as possible to the donor site;
- e) Enhancements must be undertaken prior to any translocations; 0 Secured long-term through a management regime, and be free from future development.

We highlight that the report hasn't satisfied point b) or point d)

b) The ecologist has provided some information about the suitability of the receptor site but ideally we would expect a reptile survey to be carried out to enable Shepway District Council to understand what the existing population is and what enhancements are required to improve the carrying capacity of the site.

d) While we accept that reptiles do occasionally get translocated to areas not connected to the development site we highlight it is not best practice and it would be preferable if a closer receptor site had been identified.

Some limited information has been provided assessing the suitability of the receptor site and due to the low populations of reptiles recorded it is likely it will have sufficient carrying capacity to support the reptile populations.

As detailed above it would be the preferred approach to carry out the reptile survey prior to determination of the planning application. But if there is a requirement for the application to be determined we advise that the following condition is included:

Prior to works commencing (including vegetation clearance) a detailed reptile mitigation strategy must be submitted for written approval prior to works commencing. It must include the following information:

- *Updated reptile survey of development site (if older than two years)*
- *Reptile survey of receptor site*
- *Translocation methodology*
- *Timings of works*
- *Map of receptor site*
- *Details of enhancements of receptor site*
- *Management to be implemented on donor site following completion of reptile translocation to ensure a reptile population does not*

re-colonise

The works must be carried out as detailed within the submitted document.

We note that the applicant has agreed not to develop the site for at least 5 years if the site is used as a receptor site. We advise that if the site is used as a receptor site it must not be used as a development site in the future.

Badgers

The submitted badger report has assessed that the site is used by foraging badgers and there is one subsidiary sett within the development site - the remaining holes were assessed as being used by foxes.

The proposed development will result in the loss of foraging habitat and the subsidiary sett and we advise that we are satisfied that sufficient information has been provided to determine the application.

There is an area of grassland to the east and north of the development and we are satisfied that if planning permission is granted foraging habitat will be available within the wider area. However we also recommend that the boundaries of the proposed development are planted with species which will enhance foraging for badgers.

The site plan indicates that a hard boundary will be created along the eastern boundary - we recommend that instead a hedgerow is planted with a mixed native species and include species which will enhance foraging for badgers (for example blackthorn).

If planning permission is granted we recommend the following condition is included:

No development shall commence until the methodology for the removal of the badger sett, including details of the licence from NE, have been submitted to and approved in writing by, the LPA. The removal of the badgers sett shall be carried out in strict accordance with the approved details. If the works have not commenced within a year of ecological scoping survey being carried out we advise that the mitigation strategy must be informed by an updated badger survey.

Designated Sites

The proposed development is within 200metres of the following designated sites:

- Dungeness SAC
- Dungeness, Romney Marsh and Rye Bay SSSI, SPA and Ramsar Site.

The North Kent Environmental Planning Group (NKEPG) have produced the North Kent Bird Disturbance Report which focuses on the impacts of recreational activities on the three SPA and Ramsar sites within North Kent. These studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPAs. Although the study did not focus on the above SPA/Ramsar sites the findings of the study do relate to coastal SPAs.

Some additional information has been provided to assess the impact and it has highlighted that there are areas of existing recreation within the immediate area that future residents may utilise. We accept that it is unlikely that individually this development will have a likely significant effect on the designated sites.

Enhancements

One of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

The report has made recommendations for ecological enhancements to be incorporated in to the site. We advise that if planning permission is granted the following condition is included:

Prior to occupation of the first dwelling hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds, badgers and bats and shall include provision of bat boxes, bird boxes and native planting. The approved details will be implemented and thereafter retained."

4.5 Environmental Health

Environmental Health has no objection to the above planning application subject to the following conditions:

With reference to this application Environmental Health make the following recommendations:

- 1 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.
2. 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:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) 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
- (iii) 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)*.

3. 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.
4. 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.
5. 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 ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

4.6 Arboricultural Manager

I can confirm that I have no objections to the proposed development. Landscaping details will need to be submitted for approval.

4.7 KCC. Archaeology

Archaeological background

The First Edition Ordnance Survey map indicates substantial earthworks in the area. These earthworks appear to represent land divisions/boundaries associated with past reclamation or sea defence works. The date of these earthworks is uncertain and they may be of different dates and/or phases, although they are likely to be of medieval, post medieval or later date. The submitted topographical survey suggests that part of these earthworks survives as an upstanding feature within the development site. Further information associated with their construction and use may also survive buried within the site.

Recommendations

The proposed development will impact upon the upstanding historic earthworks, as well as potentially impact upon buried archaeological remains. I therefore recommend that provision is made in any forthcoming planning consent for a programme of archaeological work. The following planning condition covers what would be required:

AR1 *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4.8 Environment Agency

We have no objection to this proposal providing the following conditions are imposed on any planning permission granted:

Condition

Ground finished floor levels for all living accommodation to be set a minimum of 300mm above existing ground level.

Reason

To reduce the risk of flooding to the proposed development from localised overland flow.

Additional Information

The site is situated within an area which is considered to be at significant risk from tidal flooding and is classified as lying within Flood Zone 3a by our flood risk maps.

In accordance with the National Planning Policy Framework (NPPF), the proposal should be subject to the Sequential Test. This risk based test is applied at all stages of the planning process to steer new development to areas at the lowest probability of flooding. The Sequential Test needs to be applied by you and you should decide whether or not this site is acceptable.

The proposal is also subject to the Exception Test *if* the Sequential Test has been passed. Part C of the Exception Test requires that the development is 'safe'.

Whilst we are satisfied that the flood risk to the proposed development has been adequately assessed and that the site and its occupants should remain safe during the design flood event, we would strongly recommend all sleeping accommodation set at first floor level. This is because the site remains in Flood Zone 3 and modelling and climate change allowances are regularly subject to change. However as the proposal is just for a 1 study/bedroom and the dwellings are all to be two-storey, we are not objecting in this instance.

4.9 Romney Marshes Internal Drainage Board

No comments received.

4.10 Southern Water

Southern Water requires a formal application for a connection to the public sewer 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. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

There are no public surface water dedicated sewers in the immediate vicinity of the site. Alternative means of draining surface water from this development are required.

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.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site

4.11 East Kent Area Office PROW and Access Service

Public Right of Way HR12 passes adjacent to the proposed site as shown on the attached extract of the Network Map of Kent. The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration.

The public bridleway passes adjacent to the proposed site. As the application is for the erection of 13 dwellings within the curtilage highlighted on the uploaded plans, there is unlikely to be a significant impact on the path and therefore I raise no objections to the application.

I would take this opportunity to bring the applicant's attention to the following general informatives:

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
- 3 No hedging or shrubs should be planted within 1.5 metres of the edge of the public path.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

4.12 Kent County Council SUDS

The application is supported by a Flood Risk Assessment prepared by Herrington Consultants (June 2016). The development will result in an increase in impermeable surfaces which will result in an increase in site runoff. The FRA has proposed a solution to attenuate these flows and connect to the public combined sewer in Meehan Road. The FRA acknowledges that infiltration may be feasible but no site-specific ground investigation has been undertaken.

Although we can confirm that this is likely to be a generally acceptable approach, further ground investigation works should be undertaken, with a view to enabling the discharge from as much of the site to the ground as possible. Wherever feasible, drainage from a site should seek to mimic the pre-development situation. In this case we would encourage the use of any feature that would reduce the requirement for discharge to the combined sewer. However, any infiltration feature should only be permitted where the receiving ground has been demonstrated to be uncontaminated and suitably stable, and where the approval of the Environment Agency has been obtained.

At the detailed design stage, we would wish to see a detailed surface water management strategy that:

- Has been designed to accommodate all rainfall durations and intensities for any event up to (and including) the climate-change adjusted critical 100yr storm.

- Takes account of the Environment Agency's latest Climate Change guidance (please see the note at the bottom of this response)
- Maximises the use of infiltration, if feasible
- Considers the flow routing and accommodation of any rainfall event that may exceed the design parameters.
- Considers the drainage from the access road and internal highway and the requirements of the adopting authority.

At the detailed design stage, the applicant should also demonstrate that the ongoing maintenance has been fully considered and that the formal agreement of any adopting authority has been obtained. The type of attenuation structure, if required may have implications for the ability to discharge to the combined sewer. This must be considered in developing the final design.

Accordingly, we would recommend that the following Conditions area attached should your Authority be minded to grant permission to this development.

Condition:

- i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the Flood Risk Assessment (Herringtons, June 2016) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and preferentially disposed of on site with any excess runoff being discharged at an agreed rate to the receiving private sewer network.
- ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) a timetable for its implementation, and
 - ii) 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.

Reason:

To confirm compliance with the NPPF, ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure the ongoing efficacy of the site-wide drainage provisions

5.0 PUBLICITY

- 5.1 Neighbours notified by letter. Expiry date 13 July 2016. Reconsultations 27 June 2017 and 3 July 2017.
- 5.2 Site Notice. Expiry date 2 August 2016
- 5.3 Press Notice. Expiry date 28 July 2016

6.0 REPRESENTATIONS

- 6.1 Several letters/emails have been received from seven different objectors objecting on the following grounds:

- Site plan red line does not include access to highway
- Would result in 130% increase in cars using private access road
- Two cars cannot pass
- No radii splays
- Safe/ suitable access not achieved
- Had no notification of planning application
- Concerns about structure of existing private road not being able to cope with additional traffic – concerned about damage to submerged sewerage tank and health and safety
- Road has been designed to accommodate occasional HGV use i.e. once a week for refuse vehicles and occasional deliveries
- Development would result in premature failure of road structure
- Road structure sensitive to dirt and debris from construction works reducing life of the pavement
- Far better access would be from Meehan Road
- Road is permeable surface with no separate drain
- Sewer in Prime View development cannot take additional waste
- There is already a lot of on road parking in Victoria Road
- Can Victoria Road accommodate the additional traffic?
- Concerned about additional costs for residents in Prime View who have to pay maintenance for shared areas
- Do not object to the houses, but object to them gaining access through our road
- Believed our road would be small and gated
- Drainage will be an issue
- Like you to consider the wildlife on the plot – badgers, foxes, rabbits
- There will be no countryside left soon in our little town
- Noise will affect us
- Fear for safety of children living near building site
- Site layout plan is inaccurate – width of existing access road wrong
- Ecological report fails to note presence of badgers and reptiles on the site
- Application should be refused on grounds it would not provide a means of vehicular access that would safeguard the safety and free of traffic on the site and on adjacent highways
- Notice placed has gone
- What safeguards are in place to ensure social housing goes to those who need it?

- Land is unregistered – should have been advertised in the paper
- NPPF states a safe and suitable access needs to be achieved
- NPPF also states you must minimise the risk and effects of land stability on public, infrastructure
- Snakes on the land

6.2 In addition, a further letter of objection was received from East Kent Badger Group. They object on the basis they consider there to be a badger sett on the site.

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: HO1, BE1, BE16, CO11, U2, U4, U10, LR9, TR5, TR11 and TR12.

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD5 and CSD8.

7.4 The following Government Guidance applies:

National Planning Policy Framework, in particular the following paragraphs 7, 11, 14, 17, 47 and 50.

8.0 APPRAISAL

Principle

8.1 This site along with land to north and south of the site are allocated within the adopted Local Plan Review for housing development. The allocated land to the north of the application site has already been developed with ten dwellings, as has the land to the south which contains five dwellings.

8.2 Saved Policy HO1 of the Shepway District Local Plan Review states that residential development will be permitted on sites which form part of the land supply (detailed at Appendix 2) or allocated new sites. In Appendix 2 the application site together with the adjoining land to the south is identified as housing site North of Meehan Road and Armada Court, Littlestone. Planning policy is generally supportive in principle of infill development and making the most efficient use of land in sustainable locations. Therefore the principle of developing this site for residential use has already been established and it remains to consider all other material considerations. Irrespective of that, the site is located within the settlement boundary of Greatstone which is identified as a Primary Village within the Core Strategy Local Plan, as such its role is to *“To contribute to strategic aims and local needs; and as settlements with the potential to grow and serve residents, visitors and neighbourhoods in the locality with rural business and community facilities.”* This designation recognises the sustainable location of

Greatstone which has good access to local shops, services and the wider transport network, including bus routes into New Romney Town, Hythe and Folkestone town centre.

Relevant Material Planning Considerations

- 8.3 The main issues to consider in relation to this application are whether the design and density of the scheme is acceptable, visual amenity, whether the proposal results in unacceptable harm to existing or proposed amenity, flood risk and drainage issues, highway safety/ convenience impacts, impact on protected species/ ecology, landscaping and affordable housing.

Visual Amenity/Design

- 8.4 This application, in terms of layout, has been designed to appear as a continuation of the development that fronts Victoria Road (known as Prime View) which was granted planning permission in 2012. The layout facing into the site would mirror that of the neighbouring development and the access road would also continue on from that development. In addition, the garden sizes for the dwellings are of a very similar size to those on the neighbouring development. As such it is considered the layout of the scheme is appropriate and in keeping with the layout and density of neighbouring development. In terms of design, again inspiration has been taken from the neighbouring development (Prime View) and the design of the three storey dwellings are very similar to those on the neighbouring site with front gable features finished in the same materials (brick and weatherboarding with reconstituted slate roofs). The proposed two storey dwellings have also been designed in a very similar manner to those within Prime View with similar materials, except the current application proposes brickwork with weatherboarding and reconstituted slate, as opposed to render.
- 8.5 This scheme also proposes a one and half storey dwelling at the southern most part of the site which is of a very similar design and materials to the three storey dwellings that is would be sited adjacent to, it would simply be shorter. Officers consider this would not result in harm to the character of the proposed street scene or from wider view points as although it is only one and a half storeys, it matches the character of the neighbouring dwellings.
- 8.6 In terms of street scene, the dwellings would face into the site creating a new street scene, however, the rear of the dwellings would also be visible from Meehan Road. Due to the design of the scheme as a continuation of the existing development it is considered in street scene terms the development would appear appropriate and complimentary to this residential area.

Neighbouring Amenity

- 8.7 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.

- 8.8 In terms of impact on existing neighbouring properties, there is sufficient separation distance (a minimum of 5m) between the properties located within the Prime View development to ensure no significant overlooking or overshadowing would occur. Several neighbouring residents within the adjoining development have raised concerns about the use of the private access road that serves that development and is proposed to be extended to serve the current proposal. Whilst the concerns that have been raised largely relate to private legal matters, which will be discussed later in the report, the use of the access road is a relevant consideration in terms of noise and disturbance. It is noted that the Prime View development is a relatively small development of ten dwellings and the use of this access road by an additional thirteen dwellings would result in additional vehicle movements and an element of noise. This, however, would not be at a level that would result in such detriment to neighbouring amenity to warrant refusal of this application and is no different to the situation that occurs in roads throughout the country.
- 8.9 To the southern end of the site, the site abuts the boundary with No. 88 Meehan Road, a two storey dwelling. The dwelling proposed in the south-east corner of the site would be sited roughly in line with this property (the proposed rear elevation of the new dwelling and would be in line with the front elevation of No. 88 Meehan Road). As such, it is not considered this property would result in any significant harm to the amenity of the neighbouring property as there would be no increase in overlooking above that which already exists and no overshadowing issues. However, as referred to earlier in the report, officers did have concerns that the one and half storey dwelling proposed in the south west corner of the site would result in significant overlooking to the rear windows and garden of No. 88 Meehan Road due to the large front gable window feature. However, with the amendments to the windows on the front elevation set out at paragraph 1.3 of the report ensuring the western section would be obscured glazed and non-opening, officers are now content that this would be acceptable and would not result in significant harm.
- 8.10 There are also dwellings located to the east of the site on the eastern side of Meehan Road. Due to the proposed rear gardens which would abut the eastern site boundary and the intervening road, there is considered to be a significant space separation. As such, no significant amenity issues would arise.

Flooding/Drainage

- 8.11 Policy SS3 of the Shepway Core Strategy directs that no new residential development should take place in areas identified as at 'extreme' flood risk in the Council's SFRA, when taking into account climate change. Whilst the site is located within a high risk flooding area as shown on the Environment Agency's flooding maps, on the Council's more detailed SFRA maps, the flood risk is much lower. The 2115 map shows most of the site not to be at risk of flooding except for a small area to the south west, which is identified

to be at low risk, and a very small portion identified as being at moderate risk. The area identified as being at moderate risk would only affect a very small part of the rear garden of the one and a half storey property located at the southern end of the site. Therefore this is not considered to be an issue.

- 8.12 Shepway Core Strategy policy SS3, at point c., requires that all development within Environment Agency flood zones should submit a Flood Risk Assessment with the planning application. The policy states that the FRA should demonstrate the development would be safe and passes the sequential approach within the 'applicable character area of Shepway and (if required) passes the exceptions tests set out in national policy'. The Sequential Test is to be undertaken in order to steer new development to areas at the lowest probability of flooding. The NPPG states in its section of sequential testing 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered.' As the site falls within Flood Zones 2&3 the sequential test is required to be carried out.
- 8.13 The NPPF (paragraph 100) states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.' It advises that the SFRA should be used to assist in determining whether there are other reasonably available sites in a lesser area of flooding. The vulnerability classification for the development within the NPPG table is 'more vulnerable'. 'More Vulnerable' development within Flood Zone 3a needs to pass the Exceptions Test but if within flood zone 3b is not acceptable in principle. In this case the site falls within Flood Zone 3a.
- 8.14 Under policy SS1 of the Core Strategy the site falls within the Romney Marsh Character Area, which seeks for new development to be accommodated at the towns of New Romney and Lydd and sustainable villages, but avoiding localities at most acute risk to life and property from tidal flooding. Paragraph 4.72 of the Shepway Core Strategy recognises that residential development within Flood Zones 2 and 3 will be necessary to support sustainable growth of the district subject to the principles of spatial strategy and national policy. It states that within this character area if no reasonably available alternative sites are available then consideration should be given to minimising hazards to life and property.
- 8.15 The main source of flood risk on this site is from tidal flooding as depicted on the Environment Agency flood zone maps zones 2&3. However, the site is currently protected from a tidal event defense infrastructure offering a high standard of protection. This is reflected in the more detailed SFRA maps which shows this site to be at low risk of flooding. However, despite the unlikely event that this site would flood, it is still necessary to apply the sequential test.
- 8.16 Whilst the application site is allocated for housing development in the District Plan, the allocation was carried forward from the Shepway District Local Plan (adopted in October 1997) and, as such, the allocation was prior to the requirement for Sequential/Exception Testing as advocated in the now

withdrawn Government guidance in PPS25 and replaced by the current National Planning Policy Framework and Technical Guidance. As such, the site was not sequentially tested when it was allocated for housing and, as a result, it needs to be tested now.

- 8.17 Moving to the application of the sequential test, as part of this application officers have considered whether there other reasonably available sites for a proposal of this type and size elsewhere within the character area, which are at lower probability of flooding. In assessing this the flooding vulnerability as set out within the SFRA for the year 2115 was considered and all similar sites within the character area with a valid planning permission or site allocation were looked at. Research found that there were no other sites capable of accommodating 13 units that were reasonably available and at a lower risk of flooding within the character area.
- 8.18 As such, officers consider the proposal meets the requirements of the sequential test the exceptions test (paragraph 102 NPPF) needs to be applied. This requires the following to be considered:
1. It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 2. A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 8.19 In terms of the first part of the exceptions test the site is within the settlement boundary where the provision of housing is generally considered to be sustainable. Greatstone is considered to be a sustainable settlement as highlighted within the core strategy and the provision of additional houses within this settlement will have wider benefits of helping to sustain local services with extra footfall. As such the proposal is considered to meet the first point of the Exceptions Test of the NPPF.
- 8.20 With respect to the second part of the Exceptions Test a Flood Risk Assessment (FRA) has been submitted in support of the application. Paragraph 103 of the NPPF states the FRA needs to demonstrate that the most vulnerable development is located within the areas of lowest flood risk on the site - in this case the whole site is within Flood Zones 2&3. Para 103 then says that the development should be appropriately resilient and resistant to flooding and residual risk should be safely managed and priority given to SUDs drainage systems. In this case, the submitted Flood Risk Assessment details basic flood risk mitigation measures to be incorporated such as no sleeping accommodation on the ground floor and minimum finished floor levels. As such, it is considered that risk to life would be greatly minimised during a flood event and the FRA also concludes that the development with appropriate mitigation would be safe and would not increase the flood risk at the site or elsewhere.

- 8.21 Therefore subject the use of suitably worded planning conditions to incorporate these recommendations, it is considered that the proposal passes the sequential and exceptions tests and is also compliant with policies SS1 and SS3 of the Shepway Core Strategy and paragraphs 100 to 103 of the NPPF.
- 8.22 In respect of drainage, the application details that the development would be connected to the mains drainage and that they would seek to incorporate a SUDS surface water drainage scheme. KCC SUDS are generally supportive of this approach and consider it acceptable, however, have recommended conditions be applied requiring further information to ensure this approach is appropriate.
- 8.23 It is noted that concerns have been raised by neighbouring residents in respect of drainage. However, Southern Water have not raised any concerns in respect of connecting to the mains sewer and KCC SUDS are content that an appropriate scheme can be designed to deal with surface water. As such, flood risk and drainage are considered to be acceptable.

Highway Safety/ Convenience

- 8.24 The application proposes to extend the existing access road (named 'Prime View') to serve the proposed development. The existing access road is not currently adopted, and is not to be offered for adoption in future, and on this matter the local highway authority has confirmed that it would not require the access road to be adopted if the application under consideration were to be approved and be built out.
- 8.25 The existing access road at the end nearest to the junction with Victoria Road measures approximately 4.7m in width with a footpath either side measuring 1.8m in width. The access road widens upon entering further into the site to a measured width of 5.5m. The extension to the access road would continue at this wider point.
- 8.26 Concerns have been raised by neighbouring residents in respect of the suitability of the vehicular access, as they state that the access point is not wide enough to allow for two vehicles to pass one another. The access from Victoria Road was originally approved at a width of 5.5m under the 2011 planning permission. The access arrangement was subsequently modified as part of an approved section 73 amendment application determined in 2015 which granted approval for a width of 4.8 metres at the end closest to Victoria Road.
- 8.27 The residential scheme under consideration proposes to increase the use of the access to serve a larger development of an additional thirteen houses (giving a total of 23 housing units). paragraph 32 of the NPPF advises that development should only be refused on transport grounds if it gives rise to a severe residual cumulative impact.
- 8.28 In respect of parking, the development proposes two parking spaces for all of the dwellings with the exception of the 2-bed affordable housing units, which would have 1 space each. This all meets the requirements of the

local highway authority with the exception of the three storey dwellings which would provide the parking spaces in the way of tandem parking. Whilst officers understand the desire of Kent Highways to ensure these are easily useable, by providing two independently accessible spaces, this arrangement was accepted on the adjacent scheme where the officer noted the despite the tandem approach, each dwelling provides at least two off-road parking spaces and cycle parking for each dwelling can be secured. As such, whilst this is not considered to be ideal, it is considered to be an acceptable approach.

- 8.29 Given the concerns raised regarding the suitability of the access to serve the additional dwellings Kent Highways and Transportation have been requested to provide further comments on this. They have advised that at a potential overall development size of 23 units, the total traffic movements associated with this would be low. Vehicle flows from site would also be largely tidal (i.e. majority 'out' in the morning and 'in' in the evening) and as such even if road width were prohibitively narrow this, would cause little in the way of conflict. The road width at the site frontage, with accompanying footway falls within the parameters for a Minor Access Way (which in fact can be down to as little as 3m subject to tracking and overtaking spaces being provided). There is sufficient room for two cars to pass and further into the site the traffic speeds will be very low. Victoria Road has low background traffic flows and being dead straight has very good visibility at the site frontage. In the event that a larger vehicle arrives at site or needs to exit site, then any other vehicles needing to wait on Victoria road to allow for manoeuvring can do so safely without causing a highway safety concern.
- 8.30 Given the above comments there is no evidence that the development will give rise to severe residual cumulative impact and, therefore, there it would be unreasonable to refuse planning permission on transport grounds.

Ecology

- 8.31 The site consists of rough grassland and scrub bordered by residential development and it was noted by neighbouring residents that some protected species may be present on the site. As such, a phase 1 ecology survey and badger report were requested and submitted. These confirmed the presence of reptiles (slow worms and common lizards) on the site and a badger sett. Due to insufficient space on the development site, it has been necessary for the applicant to find a site to translocate the reptiles to; a site which is also within the applicant's ownership and to which he has agreed he would not develop. The translocation of the reptiles to the receptor site and the agreement not to develop the site are set out in the draft section 106 agreement that officers are recommending be signed should the Committee resolve to grant planning permission.
- 8.32 In terms of the badger sett, the proposed development will result in the loss of foraging habitat and the subsidiary sett. However, KCC Ecology are content that there is an area of grassland to the east and north of the developable area and that foraging habitat will be available within the wider area. However they also recommend that the boundaries of the proposed development are planted with species which will enhance foraging for

badgers. This can be covered by condition. As such, it is considered that the development would not have an unacceptable impact on ecology.

Affordable Housing

8.33 Policy CSD1 of the Core Strategy Local Plan states that for residential developments of 10 -14 dwellings, at least two affordable dwellings should be provided, subject to viability. In this case, the application is proposing the provision of 4 affordable dwellings which exceeds this requirement. As such, this is considered to be acceptable and should the Committee resolve to grant planning permission this would be secured by way of a S106 agreement.

Archaeology/Contamination/Landscape etc

8.34 In respect of archaeology, the site is located within an area of archaeological potential. KCC Archaeology note that there are likely to be remains on the site of medieval, post medieval or a later date. They also note that the submitted topographical survey suggests that part of these earthworks survives as an upstanding feature within the development site. As such, they have recommended a condition be attached to any grant of permission requiring an archaeological programme be submitted and approved. On this basis, the application is considered acceptable in respect of harm to buried archaeological remains.

8.35 In respect of contaminated land, the site is not known to be contaminated, and no past uses are known. However, in order to safeguard any future residents, Environmental Health Officers have recommended a condition requiring a contamination study be undertaken before the commencement of works.

8.36 With regard to landscaping, the application has been accompanied by an outline landscape proposal detailing hard and soft landscaping of the site. As it is titled 'outline' and lacks detail of species of trees proposed, It is would recommended that if permission were granted a condition requiring full details be imposed.

Public open space and play space

8.37 Saved policy LR9 of the Shepway Local Plan Review expects proposals for residential development of less than 25 dwellings to provide for open space in the way of financial contributions. In calculating a contribution, the size of the development is taken into consideration. However, as part of the evidence base for the emerging Places and Policies Local Plan, an open space study has been undertaken which shows there is not a deficit of open space in this area. As such it is not considered reasonable to require contributions in this case.

8.38 Saved policy LR10 of the Shepway Local Plan Review also expects residential developments to provide child play space if the number of child bed space exceeds 20. In this case, the proposal is under the threshold and contributions cannot be requested.

KCC contributions

8.39 In addition, Kent County Council has requested contributions towards primary education in respect of the expansion of Greatstone Primary and towards bookstock for the mobile library service that attends Greatstone. These can be collected through a S106 agreement.

Other Issues

8.40 Several neighbouring residents have raised significant concern regarding the construction of the existing access road and its ability to cope with the additional traffic that would be generated as a result of this proposal. Particular concern has been raised that the road is unsuitable for construction traffic and that damage to the road could also result in damage to sewers beneath the road. This concern has been raised by a qualified engineer on behalf of the neighbouring development. This is a private road as it has not been adopted by Kent County Council, nor were they involved in its construction and so cannot offer any advice regarding the strength or suitability of the road. It is understood that the applicant has a legal right of access over the road. The right to use the road and the extent of that use is a private matter between the owner of the road and the developer. This has been confirmed by the Council's Solicitor. Damage to the road and to any services that run beneath it are also a private matter between the road owner and the developer, they are a civil matter and not a material planning consideration. Planning permission cannot be refused on those grounds. In addition, some residents have objected on the basis that they do not wish for access to be through their site. This report discusses this in terms of noise and disturbance and highway safety and concludes this to be acceptable.

Local Finance Considerations

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

8.42 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 £50 per square metre for new residential space.

8.43 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes. Initially this was for a period covering the first 6 years, but has been reduced to 4 years

for new additions as a result of the Government's response to the recent consultation on the New Homes Bonus scheme (Dec 2016) As such only a 4 year value for the New Homes Bonus has been calculated. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £15,907 for one year and £63,628 for 4 years and calculated on the basis of council tax Band D average dwellings. The consultation response also changed the methodology for assessing further New Homes Bonus monies for authorities. In summary, the basic calculation has remained the same, but a 0.4% threshold has been introduced, meaning that if an authority records an overall increase in new homes in any one year, but this increase is below the threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. This is a significant change, and amongst other things, it means that estimated New Homes Bonus payments for any specific future development is not guaranteed funding. New Homes Bonus payments are not a material consideration in the determination of this application

Human Rights

- 8.44 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.
- 8.45 This application is reported to Committee at the request of Cllr Govett. The reason for calling it to committee was to consider the concerns raised by neighbouring residents in respect of the sustainability of the new development specifically in terms of suitability of the access road across the existing development Prime View.

9.0 SUMMARY

- 9.1 This application seeks full planning permission for the erection of 13 dwellings on an allocated site for housing. In terms of design, density and layout the dwellings would be very similar to those granted originally in 2011 and subsequently modified in 2015 on the neighbouring site and as such are considered to be suitable and acceptable in this respect.
- 9.2 The suitability of the access road to serve the larger development has been considered and is considered to be acceptable in width given it already serves the existing houses. Issues relating to the structural suitability of the road, potential damage to it and rights of access are not material planning considerations and cannot be taken into consideration.

- 9.3 The site is located within flood zones 2&3, however, is shown to be generally at low risk of flooding on the 2115 SFRA. The Environment Agency has not raised objection and it is considered that the proposal passes the sequential and exceptions tests.
- 9.4 There are protected species on the site including reptiles and also a badger sett. Following the submission of reports in this respect, KCC Ecology are content that the development could be approved subject to the provision of a receptor site and conditions resolving other ecological issues.
- 9.5 In addition, the site is located within an area of archaeological potential, however, KCC Archaeology are content that the development could go ahead subject to a pre-commencement programme of archaeological works being submitted.
- 9.6 The scheme proposes four affordable dwellings, which exceeds the requirements as set out in local policy and would also make contributions towards the expansion of Greatstone Primary School and library bookstock.

Local Finance Considerations

- 9.7 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 9.8 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 residential floor space. A CIL self-build exemption form has been submitted to the Council and as such there will be an exemption from the CIL levy.
- 9.9 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes. Initially this was for a period covering the first 6 years, but has been reduced to 4 years for new additions as a result of the Government's response to the recent consultation on the New Homes Bonus scheme (Dec 2016) As such only a 4 year value for the New Homes Bonus has been calculated. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £15,907 for one year and £63,628 for 4 years and calculated on the basis of council tax Band D average dwellings. The consultation response also changed the methodology for assessing further New Homes Bonus monies for authorities. In summary, the basic calculation has remained the same, but a 0.4% threshold has been introduced, meaning that if an authority records an overall increase in new homes in any one year, but this increase is below the threshold, the authority will not receive

any New Homes Bonus funding relating to that particular year. This is a significant change, and amongst other things, it means that estimated New Homes Bonus payments for any specific future development is not guaranteed funding. New Homes Bonus payments are not a material consideration in the determination of this application.

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 to the following conditions and the signing of a S106 agreement in respect of affordable housing, translocation of reptiles/ agreement to not develop the receptor site and in respect of primary school contributions and library book stock.

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. Submitted plans condition.

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that features of archaeological interest are properly examined and recorded.

4. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the Flood Risk Assessment (Herringtons, June 2016) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and preferentially disposed of on site with any excess runoff being discharged at an agreed rate to the receiving private sewer network.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

1. a timetable for its implementation, and
2. 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.

Reason:

To confirm compliance with the NPPF, ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure the ongoing efficacy of the site-wide drainage provisions

5. No development shall take place (including vegetation clearance) until a detailed reptile mitigation strategy has been submitted to the Local Planning Authority for written approval. It must include the following information:

- Updated reptile survey of development site (if older than two years)
- Reptile survey of receptor site
- Translocation methodology
- Timings of works
- Map of receptor site
- Details of enhancements of receptor site
- Management to be implemented on donor site following completion of reptile translocation to ensure a reptile population does not re-colonise

The works shall then be carried out in accordance with the agreed details and timings of works.

Reason: In the interests of ensuring ecology is not harmed.

6. Development shall not commence until the methodology for the removal of the badger sett, including details of the licence from Natural England and a timetable for the works, have been submitted to and approved in writing by, the Local Planning Authority. The removal of the badger sett shall be carried out in strict accordance with the approved details and timetable. If the works have not commenced within a year of ecological scoping survey being carried out we advise that the mitigation strategy must be informed by an updated badger survey.
7. 1. 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.

2. 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:

(iv) A survey of the extent, scale and nature of contamination;

(v) 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

(iii) 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)*.

3. 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.

4. 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.
5. 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 ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

8. Construction of the development shall not commence until details of the proposed means of foul water and sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

9.

Reason:

To ensure drainage is adequately dealt with.

10. Prior to the commencement of development full details of existing and proposed ground levels and finished slab and floor levels together with full

details of the roof ridge lines and eaves levels of the buildings hereby permitted in relation to the neighbouring properties in Prime View and Meehan Road/Hamilton Close shall be submitted to the Local Planning Authority for approval and the work shall be undertaken in accordance with the approved details.

Reason:

To ensure control over the height of the buildings when constructed and to minimise the impact on the adjoining properties and the visual amenities of the locality in accordance with saved policies SD1 and BE1 of the Shepway District Local Plan Review.

11. Prior to the commencement of development full details of existing and proposed ground levels and finished slab and floor levels together with full details of the roof ridge lines and eaves levels of the buildings hereby permitted in relation to the neighbouring properties in Prime View and Meehan Road/Hamilton Close shall be submitted to the Local Planning Authority for approval and the work shall be undertaken in accordance with the approved details.

Reason:

To ensure control over the height of the buildings when constructed and to minimise the impact on the adjoining properties and the visual amenities of the locality in accordance with saved policies SD1 and BE1 of the Shepway District Local Plan Review.

12. No work above slab level shall take place on the construction of the dwellings hereby permitted until samples of the materials to be used in the construction of their external surfaces have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then 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. The areas shown on the approved plans as vehicle turning and parking areas shall be paved and drained before the dwellings hereby approved are first occupied and shall be retained for the use of the occupiers of, and the visitors to, the dwellings and no permanent development whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) shall be carried out on those areas of land or in such a position to preclude their use.

Reason: It is necessary to make provision for adequate off street parking to prevent obstruction of the neighbouring highway and to safeguard the amenities of adjoining areas in accordance with saved policy TR12 of the Shepway District Local Plan Review.

14. Details of the facilities for storage and collection of refuse and recyclables shall be submitted to and approved in writing by the Local Planning Authority and the approved facilities provided before the development is first occupied.

Thereafter the approved facilities shall be kept available for use by the occupants of the development.

Reason:

To ensure adequate means of refuse and recycling collection in the interests of the amenities of residents and sustainability.

15. Details of secure covered bicycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority. The facilities shall be provided prior to the occupation of each dwelling, with a minimum provision of 1 space per bedroom and retained and maintained thereafter.

Reason:

To ensure that facilities are available for the parking of bicycles to encourage travel to and from the site by means other than the private motor car in accordance with saved policy TR5 of the Shepway District Local Plan Review.

16. Construction shall not commence until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

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>

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting those Orders) no development falling within Classes A, B, D, E and F 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 of the approved dwellings due to the sensitivity of the location and relationship between properties in accordance with saved policies SD1, BE1 and HO1 of the Shepway District Local Plan Review.

18. The car ports hereby permitted shall, after construction, be retained for parking purposes in association with the premises on the application site at all times. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the car ports as identified on the approved plans shall not be further altered through the addition of further doors, walls or fences or any other means of enclosure without the prior permission of the Local Planning Authority in writing.

Reason:

To ensure that the covered space is retained available for the storage of a vehicle when not in use in order to meet the needs of the development and prevent the displacement of car parking and subsequent inappropriate car parking. Fences and walls within such car barn structures may adversely affect the external visual appearance of the car barn, in accordance with policies SD1, BE1 and TR11 of the Shepway District Local Plan Review.

19. Notwithstanding the submitted outline landscaping scheme, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason:

In order to protect and enhance the appearance of the area in accordance with policies SD1 and BE16 of the Shepway District Local Plan Review.

20. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason:

In order to protect and enhance the appearance of the area in accordance with policies SD1 and BE16 of the Shepway District Local Plan Review.

21. A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to the first occupation of any dwelling hereby permitted or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and the amenity of residents in accordance with policies SD1 and BE1 of the Shepway District Local Plan Review.

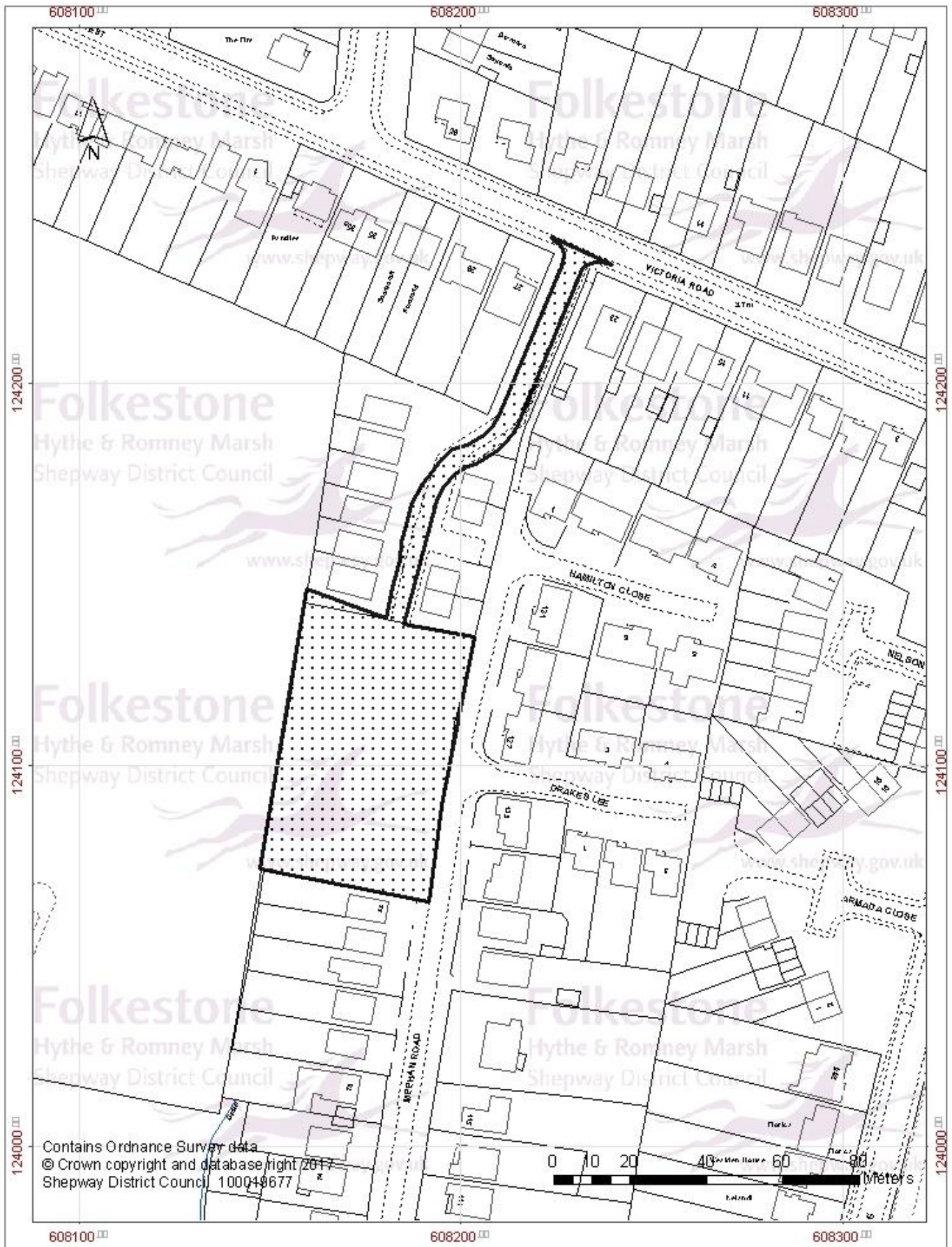
22. Ground finished floor levels for all living accommodation shall be set a minimum of 300mm above existing ground level and shall be retained as such at all times and there shall be no sleeping accommodation at ground floor in any of the dwellings hereby permitted.

Reason:

To reduce the risk of flooding to the proposed development and prevent risk to life.

Decision of Committee

Y16/0400/SH
Land adjoining 88 Meehan Road
Greatstone



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Application No: Y17/0886/SH

Location of Site: Land Adjoining 3 Millfield Folkestone Kent

Development: Section 73 application to vary condition 2 (approved plans) of planning permission Y15/1164/SH (Erection of a terrace of 3 x three-storey town houses) for a change in position of the building and a change to the eave detail to Plot C.

Applicant: Mrs Nola Yarney
The Mount
The Riviera
Sandgate
Folkestone
CT20 3AD

Agent: Mr Matthew Gerlack
KUDOS Architectural Design & Surveying
38 Osborne Road
Broadstairs
CT10 2AE

Date Valid: 15.08.17

Expiry Date: 10.10.17

Date of Committee: 31.10.17

Officer Contact: Miss Louise Daniels

RECOMMENDATION:

- a) That planning permission be refused for the reason set out at the end of this report.
- b) (1) That an enforcement notice be served requiring the building to be demolished.
- (2) That the period of compliance be 3 (three) months.
- (3) That delegated authority be given to the Head of Planning to serve a stop notice requiring work on the unauthorised development to cease immediately if work recommences.
- (4) That the Head of Democratic Services and Law be authorised to take such steps as are necessary, including legal proceedings to secure compliance with the Notices.
- (5) That the Head of Planning be given delegated authority to determine the exact wording of the Notices.

1.0 THE PROPOSAL

- 1.1 Following a complaint during the construction of the development granted planning permission under Y15/1164/SH, it became apparent during a visit to the site that the building was being built closer to the neighbouring property No.3 Millfield than was shown on the approved plans.
- 1.2 This application seeks planning permission to vary condition 2 (approved plans) of planning permission Y15/1164/SH which was for the erection of a terrace of 3 x three-storey town houses, in order to allow the development to be retained as constructed. The changes involve:
 - The building being positioned closer to the neighbouring property No.3 Millfield, resulting in a separation distance of 22.5cm from the side of the building and the neighbouring cladding to the front and a separation distance of 29cm to the rear. It appears from the plans approved under the previous planning permission and from those now submitted, that the whole building has been moved over within the site so it is further away from the north east boundary of the site and closer to the property to the south west.
 - The eaves to Plot C on the south west elevation have been reduced in length. This is because, due to the change in position of the building, when the eaves were constructed as shown on the approved plans they overhung the boundary with No. 3 Millfield. They have now been reduced in length so that they no longer overhang the boundary with 3 Millfield and the plans now submitted reflect this.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is located at the north eastern end of Millfield, a predominantly residential street within the settlement boundary of Folkestone. To the north-east of the application site is a three-storey building used as a nursery, with a maisonette above (33 Cheriton Road). To the south-west is a four storey building in residential use. The street is characterised by generally three to four-storey Victorian and Edwardian buildings, some of which are in single residential use, some of which have been sub-divided into flats.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in February 2014 under Y13/1196/SH for a terrace of three, three storey town houses.
- 3.2 In January 2016 planning permission was granted under Y15/1164/SH for variation of condition 2 of Y13/1196/SH to allow a reduction in the width of the proposed development.

4.0 CONSULTATION RESPONSES

4.1 Folkestone Town Council

Object. The committee object pending the Chair having discussions with the District Officers about the widespread objections of neighbours.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 05.09.17

5.2 Site Notice. Expiry date 15.09.17

6.0 REPRESENTATIONS

6.1 6 representations received objecting on the following grounds:

- Maintenance and cleaning problems for 3 Millfield, including loss of light to the downstairs WC.
- Development should be built in accordance with the original permission.
- Parking in the evening will be worse within the street, bringing potentially 6 to 9 vehicles.
- Visual impact of the building being so close to the neighbouring property.
- Two houses would be better than three on this site.

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 and BE1.

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

7.4 The following Supplementary Planning Documents and Government Guidance apply:
National Planning Policy Framework (NPPF): Paragraph 17.

8.0 APPRAISAL

Background

8.1 Planning permission was granted under application Y13/1196/SH for the erection of three, three-storey town houses. This application proposed the dwellings to be constructed of predominantly brick, with the front of the properties having two large gable features, bay windows below and entrance

doors to plots B and C to the frontage. The element to the north-east (plot A) had a lower ridge height, designed to look like an extension to the main building, with access into this dwelling from the side. The buildings were designed to be Edwardian pastiche. The building was proposed to be positioned 40cm from the side elevation of the neighbouring building No.3 Millfield (drawing number DJA/019/13-3, dated November 2013 under application Y13/1196/SH) and between 1.7m and 1m from the side boundary with No.33 Cheriton Road as the building is not parallel with the side boundary (drawing number DJA/019/13-1 under application Y13/1196/SH).

- 8.2 An application was later submitted, reference number Y15/1164/SH, to reduce the width of the proposed development although the south-west facing elevation of the development, adjacent to No.3 Millfield, retained the position as previously approved with a 40cm separation when measured on the front elevation.
- 8.3 This current application, seeks retrospective planning permission to move the building to the south-west, to a closer position to No.3 Millfield and away from No.33 Cheriton Road. The development is not parallel with No.3 Millfield and so the separation distance to the front is 22.5cm between the side of the new building and the neighbouring cladding with a separation distance of 29cm to the rear, as labelled on submitted plan number 17/254/JG/PL01 Rev A dated October 2017.
- 8.4 The previously approved application Y15/1164/SH retained a separation distance of 40cm between the side of the development and the neighbouring dwelling No.3 Millfield when measured from the front elevation and therefore this application is assessing the closer position to the neighbouring building No.3 Millfield by 17.5m. This resulted in the eaves and rainwater guttering encroaching over the side boundary with No.3 Millfield and prior to this application being submitted, the eaves of the application building have been amended and reduced in length on site to pull them back within the side boundary and therefore, this application also seeks retrospective permission for this change to the eaves overhang to the south-west facing elevation of Plot C.

Relevant Material Planning Considerations

- 8.5 Planning permission has previously been granted with the most recent planning permission granted in 2016 under application Y15/1164/SH. Therefore the acceptability of this development has already been established and there have not been any significant changes to legislation or policy which would result in a different decision to that previously granted if the scheme was identical. As such, the previous planning decisions for this site form material planning considerations.
- 8.6 The only issues for consideration under this application are the impact of the new position of the building on neighbouring amenity and the visual impact upon the street scene.

Neighbouring Amenity

- 8.7 One of the 12 core principles of the NPPF is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy SD1 of the Local Plan states that all development proposals should take account of the broad aim of sustainable development – ensuring that development contributes towards ensuring a better quality of life for everyone, now and for generations to come. Section (k) of policy SD1 seeks to safeguard and enhance the amenity of residents. The policy states that development proposals that would significantly conflict with this would only be permitted where it can be shown that there is an overriding economic or social need and where negative impacts are minimised as far as possible.
- 8.8 It is acknowledged that the previous planning applications accepted the building within close proximity of the neighbouring property No.3 Millfield. However, the 40cm separation would have allowed access and maintenance of the side of No.3 Millfield. There is a side opening window to the downstairs WC of No.3 Millfield which faces the side elevation of this development, as well as a waste pipe which exits from the side of No.3 Millfield. In addition there is white cladding along this side elevation at ground and first floor, and rainwater guttering, all of which require maintenance.
- 8.9 Whilst the reduction of this gap by 17.5cm could be considered to be a minimal amount, the resulting reduced separation gap of 22.5 - 29cm between the two buildings is now too narrow to enable access between the properties. So it will no longer be possible for the occupant of No. 3 Millfield to maintain the side of his property and the blockwork wall to the new property will have to remain as it is, rather than the brickwork finish shown on the approved plans. The NPPF and policy SD1 seek to safeguard and enhance the amenity of existing and future residents and it is considered that due to the closer proximity to No.3 Millfield the development would have an unacceptable oppressive and enclosing impact which would have an adverse impact upon the maintenance and reasonable enjoyment of the neighbouring property No.3 Millfield. As such, it is considered that the development would be detrimental to the residential amenity of the occupants contrary to policy SD1 and paragraph 17 of the NPPF.

Visual Amenity/Design

- 8.10 Due to the closer position of the building to the neighbouring property No.3 Millfield, the visual separation between the new block of three dwellings and the end of the terrace of properties to the south-east of Millfield has been reduced. The eave details have also been reduced back which creates a slight unbalance to the building. However, this site is not within a specially designated area, and as such, it is not considered that the repositioning of the building on the site, together with the eave detail changes, would be sufficiently detrimental to warrant refusal on visual amenity grounds.

- 8.11 It should also be noted that due to the close proximity of the development to No.3 Millfield, the south-west facing elevation has been finished with blockwork to the middle area of the side elevation and this would have to be retained as the side is not accessible. However, due to the close position adjacent to No.3 Millfield, this is not visible from the street scene, and due to this, would not have a detrimental upon the visual appearance of the street scene.
- 8.12 However, policy BE1 requires a high standard of layout and given the problems set out above which are due to the poor positioning of the building within the plot, it is not considered that this has been achieved. The development is, therefore, considered to be contrary to policy BE1.

Other Issues

- 8.13 It is not considered that the change to the position of the side elevation, or eave detail would have any impact upon highway safety issues.

Human Rights

- 8.14 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.
- 8.15 This application is reported to Committee as authorisation is requested to serve an enforcement notice and a stop notice.

9.0 SUMMARY

- 9.1 In conclusion, it is considered that the reduction in separation between the development and No.3 Millfield from that previously approved, and that currently proposed, would result in the development having an unacceptable oppressive and enclosing impact upon the residents of No.3 Millfield by having an adverse impact upon the future maintenance and reasonable enjoyment of the neighbouring property No.3 Millfield. As such, it is considered that the development would have a detrimental to the residential amenity of the occupants and results in poor layout contrary to policies SD1 and BE1 of the Local Plan Review and paragraph 17 of the NPPF.

10.0 BACKGROUND DOCUMENTS

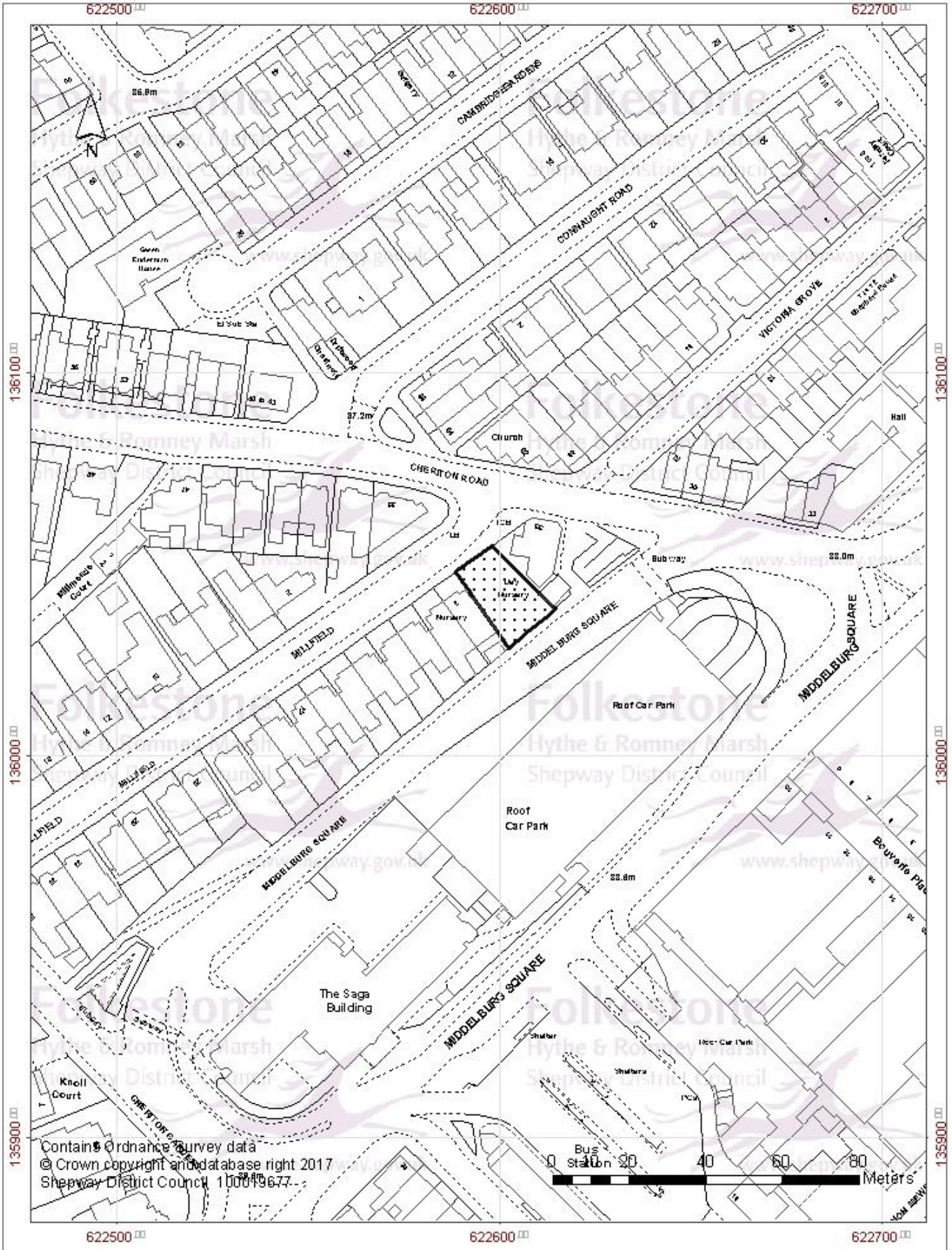
10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION:

- a) That planning permission be refused for the following reason:
- The building as constructed, by virtue of its closer proximity to No.3 Millfield has an unacceptable oppressive and enclosing impact and, due to the proximity, adversely affects the maintenance and reasonable enjoyment of that property and as such is of a poor layout within the site and detrimental to the residential amenity of the occupants of No. 3 Millfield contrary to policies SD1 and BE1 of the Shepway District Local Plan Review and paragraph 17 of the NPPF.
- b) (1) That an enforcement notice be served requiring the building to be demolished.
- (2) That the period of compliance be 3 (three) months.
- (3) That delegated authority be given to the Head of Planning to serve a stop notice requiring work on the unauthorised development to cease immediately if work recommences.
- (4) That the Head of Democratic Services and Law be authorised to take such steps as are necessary, including legal proceedings to secure compliance with the Notices.
- (5) That the Head of Planning be given delegated authority to determine the exact wording of the Notices.

Decision of Committee

Y17/0886/SH
Land adjoining 3 Millfield
Folkestone



Application No: Y17/0398/SH

Location of Site: Steps Cliff Road Hythe Kent

Development: Erection of a dwelling with access and two off-street parking spaces.

Applicant: Mr Paul Kopik
Steps
Cliff Road
Hythe
Kent
CT21 5XW

Agent: Mr Mike Simmonds
Kent Planning
18 Sene Park
Hythe
CT21 5XB

Date Valid: 14.07.17

Expiry Date: 08.09.17

Date of Committee: 31.10.17

Officer Contact: Miss Louise Daniels

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 application seeks permission for the erection of a detached dwelling to the rear garden of the existing residential dwelling, Steps, which is accessed via Cliff Road to the south.
- 1.2 The proposed dwelling is a two-storey, modern design, with white render to the elevations, PV panels to the roof, which would have a mono-pitched roof to the rear (south), a flat roof element in the middle and a dual-pitched element to the front (north), and aluminium windows and doors. The elevation facing Naildown Road to the north would appear single-storey as a consequence of the northern side of the property being set partially into the hillside, with the ground made up in front of the dwelling to provide access whilst the rear of the proposed dwelling would appear as the full two-storeys.
- 1.3 During the process of this application the scheme has been amended to include a cantilevered covered porch to the front of the dwelling and the driveway has been amended to include a turning area within the site so that cars can leave the site in a forward gear. Two off-street parking spaces are proposed for the four bedroom dwelling.

- 1.4 The application has been accompanied by a full suite of drawings, a design and access statement, a tree survey, an archaeological desk-based assessment and a slope stability report.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is within the defined settlement boundary of Hythe within a residential area. The site currently forms the rear garden of the residential dwelling Steps, which is a detached bungalow with a driveway and vehicle access via Cliff Road to the south. The north boundary of the site meets Naildown Close and currently there is a gate providing pedestrian access onto this road from the rear garden of Steps. The site is within a 'Latchgate' area (an area at risk of land instability), and the north of the site is within an area identified as having archaeological potential.

3.0 RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4.0 CONSULTATION RESPONSES

- 4.1 Hythe Town Council

No Objection.

- 4.2 Arboricultural Manager

I can confirm that I have no objections to the proposed development or tree removals proposed in the accompanying tree report to accommodate the development. I would like to recommend that all retained trees are TPO'd with immediate effect. A condition should be added (should consent be granted) giving the LPA tree officer five working days notice of the erection of the tree protection fencing so that a site visit can be made and the fencing inspected to ensure that it meets the correct specification. A full landscaping and management plan will also be required by condition.

- 4.3 KCC Archaeology

No comments received.

- 4.4 KCC Ecology

If approved, suggest a condition securing the implementation of ecological enhancements.

5.0 PUBLICITY

- 5.1 Neighbours notified by letter:
(First consultation) Expiry date 23.08.17
(Second consultation) Expiry date 27.10.17

6.0 REPRESENTATIONS

6.1 Nine representations received objecting on the following grounds:

- Highway safety, inadequate parking and access.
- Loss of light, mood and calmness.
- Loss of privacy and overlooking
- Ground stability and drainage
- Wildlife and natural environment

6.2 Two representations received supporting on the following grounds:

- Novel modern design.
- Low energy performance.

6.3 Councillor Malcolm Dearden (Ward Councillor) objects to the application on the following grounds:

- Overlooking
- Visual amenity
- Highway Safety
- Traffic Generation
- Potential Loss of Trees
- Road Access and egress
- Garden grabbing

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, BE16, BE19, U1, TR5, TR11, TR12, CO11.

7.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD, CSD7, SS2, SS3.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

8.0 APPRAISAL

Principle of Development

- 8.1 The site is within the settlement boundary of Hythe and policy HO1 of the District Plan permits the residential redevelopment of previously developed sites, or infill development within existing urban areas, subject to environmental and highway safety considerations. Policy SS3 of the Core Strategy Local Plan has a focus on directing development to existing sustainable settlements to protect the open countryside and the coastline and Government guidance in the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 8.2 It is therefore considered that subject to the remaining material considerations set out below, the principle of development on this site is acceptable and would be compliant with adopted policy.

Visual Amenity/Design

- 8.3 The proposed two-storey detached dwelling would be positioned centrally within the site, reflecting the positioning of the neighbouring properties to the south of Naildown Close, being set back from the frontage to allow for a mixture of soft and hard landscaping.
- 8.4 The modern design of the proposed dwelling, whilst being different to other properties along Naildown Close, is considered acceptable for the site and locality considering the low scale and mass of the dwelling in relation to the other properties along Naildown Close. Further, as the site falls from north to south quite significantly, the lower floor of the property would be below the road level of Naildown Close, resulting in a limited visual impact of the proposal in the Naildown Close street scene, but reflective of the other dwellings on the south side of the road.
- 8.5 The application proposes a new access into the site from Naildown Close. This would be similar to other properties along Naildown Close which have driveways and off-street parking to the frontage. There would be some loss of vegetation to facilitate the opening, with a 1.5 metre close-boarded fence proposed. This mirrors the boundary treatment that can be seen along most of the southern side of the street and it is considered that there would be no significant detriment to the established character of the street. The access and driveway are therefore considered to be acceptable in the street scene of Naildown Close.
- 8.6 Overall, it is considered that with regards to design and visual appearance/impact, the proposal would be acceptable.

Neighbouring Amenity

- 8.7 Due to the proposed position of the dwelling being similar to that of neighbouring properties, together with the low building height which would be beneath the neighbouring properties of 18 Naildown Close and Sea Crest, it is considered that there would be no unacceptable overbearing impact or loss of light to these neighbouring properties. A 30m separation would also exist between the rear of the proposed dwelling and the rear of the bungalow Steps and therefore, although the proposed dwelling would be two-storey and on a steep gradient, it is considered that there would be sufficient separation to prevent an unacceptable overbearing impact upon this neighbouring property.
- 8.8 All first floor side facing windows are either designed so as to have a slanted outlook, or are high level windows thereby ensuring that there would be no loss of privacy to the neighbouring properties at 18 Naildown Close or Sea Crest. First floor rear facing windows are proposed however it is considered that the separation distance of 30m would be sufficient to ensure there would be no unacceptable loss of privacy to the rear of the dwelling Steps. In addition boundary treatment would be encouraged to the southern boundary via a condition which would further reduce the potential for overlooking.
- 8.9 The neighbouring dwellings on the opposite side of Naildown Close, to the north, are at a higher level than the application site and are sufficiently distanced from the proposed dwelling to prevent any adverse impact on those dwellings as a result of the proposals.
- 8.10 The erection of a dwelling on the application site which is currently residential garden, would generate additional activity in and around the site, including new vehicular movements to and from the dwelling via Naildown Close. However, it is not considered that this additional activity would impact unacceptably on local residential amenity considering the size of the site, which is such that the new dwelling is not considered to be cramped or overdevelopment. Furthermore, the site is within an existing residential area which already experiences vehicle comings and goings associated with residential properties.
- 8.11 Some disturbance and disruption is inevitable in the locality during site preparation and construction works, but this is not a material planning consideration.
- 8.12 Overall it is considered that any likely impact would not be so significant and/or unneighbourly as to warrant the refusal of permission on amenity grounds and the proposal, with suitable conditions, would safeguard the amenity of existing and future residents.

Highways

8.13 This development does not fall within Kent Highways' criteria for consultation and so reference is made to the adopted guidance note, of which this application would be compliant by providing two off-street vehicle parking spaces. The scale of the proposed development (a single four-bed dwelling) is not such that it is likely to generate significant traffic or highway safety issues in the locality generally and the layout would allow vehicles to turn within the site and leave in a forward gear. Overall, the proposed new vehicle access and parking arrangements for the proposed dwelling are not considered to raise any matters in relation to highway safety.

Trees

8.14 The site has had a Tree Preservation Order placed on it with immediate effect to protect the trees on the site while the application is being determined. The Council's Arboricultural Manager is satisfied with the proposals and has requested that, if approved, a condition giving the LPA five working days notice of the erection of the tree protection fencing so that a site visit can be made and the fencing inspected to ensure that it meets the correct specification. A full landscaping and management plan will also be required by condition.

Ecology

8.15 The site forms the rear garden of an existing residential dwelling, Steps, and KCC Ecology are satisfied that, if approved, a condition securing the implementation of ecological enhancements would be acceptable.

Archaeology

8.16 The northern part of the site forms part of an area identified as being of potential archaeological interest. The area of archaeological interest appears to be outside the footprint of the proposed dwelling although the driveway would be within this designated area. The submitted desk-based assessment states that there are no major archaeological sites known within the 500m radius apart from 19th century farm buildings and WWII pillboxes, none of which are known to be located within the application site. Therefore, no archaeological measures are required in this instance.

Land Instability

8.17 The site is within an identified area at risk of land instability. The submitted Slope Stability report states that there are not considered to be any insurmountable problems associated with development on this site in terms of site stability however recommends a further "Latchgate" report be submitted if approved, which can be required by condition.

Other Issues

8.18 Whilst no comments/representations have been received from Southern Water on the proposal, a sewer runs along the northern edge of the site and with recent developments within Naildown Close, Southern Water advised

that no structures should be constructed within 3m of the sewer. The current proposals are not in conflict with this 3m restriction.

Local Finance Considerations

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.

8.20 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 residential floor space. A CIL self-build exemption form has been submitted to the Council and as such there will be an exemption from the CIL levy.

8.21 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes. Initially this was for a period covering the first 6 years, but has been reduced to 4 years for new additions as a result of the Government's response to the recent consultation on the New Homes Bonus scheme (Dec 2016) As such only a 4 year value for the New Homes Bonus has been calculated. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £1496 for one year and £5,982 for 4 years and calculated on the basis of council tax Band E average dwellings. The consultation response also changed the methodology for assessing further New Homes Bonus monies for authorities. In summary, the basic calculation has remained the same, but a 0.4% threshold has been introduced, meaning that if an authority records an overall increase in new homes in any one year, but this increase is below the threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. This is a significant change, and amongst other things, it means that estimated New Homes Bonus payments for any specific future development is not guaranteed funding. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

8.22 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.

8.23 This application is reported to Committee at the request of Councillor Dearden

9.0 SUMMARY

9.1 The principle of providing a dwelling on the site is accepted given the location within the defined settlement boundary, within a residential area. The design of the proposed dwelling and position within the site is considered to be acceptable and it is considered that the dwelling would not be visually harmful to the street scene of Naildown Close. The impact upon neighbouring amenity and in respect of highway safety is considered to be acceptable and the proposal is therefore recommended for approval subject to conditions as set out at the end of this report.

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. Three years
2. Submitted plans
3. Materials
4. Latchgate condition
5. Ecological enhancements
6. Hard and soft landscaping
7. Side facing windows to be obscure glazed and non-opening below 1.7m.
8. Cycle and bin store.
9. Tree protection measures.
10. Ridge height, existing and proposed ground levels and finished floor levels in relation to neighbouring buildings.

Decision of Committee

Y17/0398/SH
Steps
Cliff Road
Hythe



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Application No: Y17/0888/SH

Location of Site: Land Adjoining Church and Dwight Caesars Way
Folkestone Kent

Development: Erection of 49 industrial units (4562 sqm) and 2 office blocks (1240 sqm), together with the construction of the industrial estate road and parking and turning areas and landscaping throughout the site being details pursuant to outline planning permission Y13/0024/SH (details relating to appearance, layout, scale and landscaping).

Applicant: Mr Andy Jarrett
Shepway District Council
Strategic Development Projects
Castle Hill Avenue
Folkestone
CT20 2QY

Agent: Mr Lian Kaczykowski
Shepway District Council
Civic Centre
Castle Hill Avenue
Folkestone
CT20 2QY

Date Valid: 31.07.17

Expiry Date: 30.10.17

Date of Committee: 31.10.17

Officer Contact: Mr Julian Ling

RECOMMENDATION: That delegated authority be given to the Head of Planning to approve the reserved matters details subject to additional landscaping details being acceptable and the conditions set out at the end of the report.

1.0 THE PROPOSAL

1.1 This application is a details pursuant application for the reserved matters of appearance, layout and scale for outline application Y13/0024/SH for the erection of 49 industrial units (4562 sqm) and 2 office blocks (1240 sqm), together with the construction of the industrial estate road and parking and turning areas and landscaping throughout the site. Access has already been approved at outline stage and would be a single access road off Caesars Way to the east. The reserved matters of appearance, layout and scale for the residential part of the outline permission for the construction of 77 dwellinghouses, construction of estate road and provision of open space, landscaping and parking have already been approved under reference Y16/0403/SH.

- 1.2 The development would comprise of 49 commercial/industrial units set within eight buildings (units 3 – 10). Each unit would have an approximately floor area 93 sqm with the ability to remove separating walls when required to increase the flexibility of the use of the buildings. Two office buildings (units 1 and 2) of 620 sqm each are also proposed resulting in a total of ten buildings.
- 1.3 In terms of layout, the development is proposed with a main spine road through the centre of the site in an east - west orientation as per the original outline illustrative plan, with a hammerhead at the east boundary of the site. The two office buildings are positioned at either side of the entrance to the commercial estate with industrial buildings proposed to be positioned to the north and south of the spine road with parking and turning areas in front of and to the sides of the buildings. An emergency access point positioned mid way along the road will link the commercial site with the residential area with lockable bollards operated by fire brigade keys.
- 1.4 In scale and appearance, all the buildings are proposed in a modern and utilitarian form designed for practicality and business. Units 1 and 2 would be the office buildings and are two storey and have a height of 8 metres to ridge line. They would be predominantly square in form with gently curved front and rear elevations and a flat gentle sloping roof. Metal fire escapes would be to the side elevations and the buildings would be constructed of a mixture of metal and timber cladding, sheet metal roof and grey windows.
- 1.5 Units 3 and 10 would both have floor areas of 465 sqm and unit four would have a floor area of 371 sqm. Units 6, 7, 8 and 9 would have floor areas of 560 sqm and unit 5 would have a floor area of 932 sqm. Units 3 - 10 would comprise of a rectangular shaped buildings which would be two storey in scale with an internal vaulted ceiling and have a ridge height of approximately 7.7 metres. The buildings would have entrance canopies and a mixture of tall roller shutter doors and curtain walling to the front elevation as well as upper windows and have a gentle sloping flat roof. They would be constructed with sheet metal roofing, and metal and timber clad elevations.
- 1.6 Parking within the commercial area would comprise of 14 HGV spaces and 127 car parking spaces for the industrial units and 49 car parking spaces for the offices. These spaces would be in front of and to the sides of the building along with turning areas. Parking for the residential area has already been approved under Y16/0403/SH. It is proposed that the commercial area be gated and locked at the entrance at night to deter overnight parking.
- 1.7 For landscaping, hard and soft landscaping is proposed across the entire site and specifically designed for the commercial and residential areas. In terms of the strategic landscaping belt to the north of the site identified under saved Local Plan Review policy CO24, this would be retained where the trees and vegetation would be protected and enhanced. The corner to the north east of the site would be used for the reptile translocation area

where the land would be specifically managed to create the correct habitat for reptiles.

- 1.8 For the commercial side, soft landscaping is proposed which will be functional to screen the development comprising of existing trees supplemented with a mixture of mature tree and shrub species. Some amenity planting is proposed to help soften the appearance of the buildings. The predominant hard surfacing materials would be asphalt and block paving. For the residential development, structural planting consisting of a mix of native and ornamental species is proposed which will help define the areas and provide screening. Extensive amenity landscaping is also proposed to provide a pleasant residential setting. The predominant hard surfacing materials would be asphalt, block paving, bonded gravel, slab paving, sett paving, hardwood bollards and hardwood benches. Childrens natural play equipment such as boulders is also proposed.
- 1.9 The application has been supported by detailed site plans, elevation and floor plans of each type of building as well various reports which are listed and summarised below;

Design and Access Statement – A review of the development proposal and rationale behind the design concept proposed.

Landscape Management Plan – A document which outlines the management of the proposed landscape works over a five year period.

- 1.10 Under the original outline application (Y13/0024/SH), the principle of the development proposal has been the subject of an Environmental Impact Assessment (EIA) Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. It was the opinion of the Council that the application was not EIA development.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The site is located within the settlement boundary of Folkestone/Cheriton approximately 3 km to the northwest of Folkestone Town Centre. The area in question comprises approximately 4.35 hectares (10.75 acres) and is located to the west of Caesars Way and Shearway Business Park and to the south of the M20 Motorway. The site is accessed to the east via an unmade access off Caesars Way to the east. Located immediately to the south are the residential areas of Elventon Close, Charles Crescent and Stockham Court which are all predominantly two storey in scale and to the west is the Harcourt Primary School and its associated playing fields.
- 2.2 The site is currently unused and vacant and comprises of scrub land with areas of hardstanding. Historically it has been used for industrial purposes including a clay pit, brick works and a former concrete batching plant. The majority of the site is flat, however the land undulates and drops away towards the motorway within the north east corner. The site is also slightly

elevated and rises above the residential areas to the south by approximately two metres.

- 2.3 Forming part of the wider area of Shearway Business Park, this is the last area to be developed for employment land uses and therefore is identified within the Local Plan as employment land and allocated under saved policy E2 for employment development. Positioned upon the northern and west boundaries are areas of natural landscaping which is identified in the Local Plan to be Strategic Landscaping under saved policy CO24.

3.0 RELEVANT PLANNING HISTORY

- Y16/0403/SH - Erection of 77 dwellinghouses, construction of estate road and provision of open space, landscaping and parking being details pursuant to outline planning permission Y13/0024/SH (details relating to appearance, layout and scale). Approved with conditions. 14.09.2016.
- Y13/0024/SH - Outline application (matters relating to access only) for a mixed use development of commercial/office units (660 sqm) and industrial/storage units (5,142 sqm) (class B1, B8) as well as 77 residential dwellings together with associated car parking, open space, landscaping, pedestrian link and reconfiguration of vehicular access off Caesars Way. Approved with Conditions. 04.08.14.

4.0 CONSULTATION RESPONSES

- 4.1 Folkestone Town Council
No objection

The committee has no objection to the use of and layout of the units. However it is very concerned that the access is poor. Ultimately the corner of Caesars Way will need improvement or better still a new access be created via Shearway Business Park. Strict delivery controls will be required even when the units are built and in operation.

- 4.2 KCC Highways and Transportation
No objection

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

The principle of development has been permitted via application Y13/100241/SH. The industrial estate road will remain in private ownership as it does not serve a purpose to the general public to adopt such roads. I understand the estate will be gated to deter over night HGV car parking. The

proposals provide adequate numbers of car and HGV parking spaces and suitable turning facilities, therefore I do not wish to oppose this application.

If permission is granted the following should be secured by condition:

- Construction Management Plan to include the following:
 - (a) Routing of construction and delivery vehicles to I from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management I signage
- Provision and permanent retention of the vehicle parking spaces as shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Gates to open away from the highway and to be set back a minimum of 6 metres from the edge of the carriageway.

Please note: Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

4.3 Landscape And Urban Design Officer Support

Further amendments to commercial units. The amended details are satisfactory and no further action is required, other than to agree materials prior to construction. Additional windows were requested on flank elevations as per the above drawing (as per above, coloured yellow – 26th September 2017). Windows have been added to the following elevations

- Units, 4,6,7,9 - Right flank elevation
- Unit 8 - Left flank elevation

It is accepted that no windows would be added to elevations next to bin stores. The design for the bin stores is acceptable.

Landscaping for Residential Area

Further to comments made 30th August 2017

The additional walls facing public areas are welcomed and will improve the appearance of the scheme. The wall shall be constructed from brick, will be 327.5 mm (for a freestanding brick wall) 2.1 m high with a brick capping. The brick should match that chosen for the houses (to be agreed).

Whilst the ethos behind the landscaping plan is considered acceptable in general, it is considered that insufficient detailed information has been submitted at this stage; a greater level of detailed is required to ensure its successful implementation.

4.4 Environmental Health

No objection

Environmental Health has no objections to the granting of this planning application subject to the following conditions:

Contaminated Land

Environmental Health makes the following recommendations should permission be granted:

1. 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.

2. 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:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) 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
- (iii) 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)*.

3. 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.

4. 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.

5. 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 ensure that risks from land contamination to the future users of the land and neighboring land, together with those to controlled waters, property and ecological systems, are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbors' and other off-site receptors [Kent and Medway Structure Plan Policy NR5 and Dover District Local Plan Policy DD1].

Informative: Planning Policy Statement 23: Planning and Pollution Control states that: 'in considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the Environmental Protection Act 1990.

Construction Method Statement

A construction method statement shall be submitted to and approved by this Department. The method statement should include details of the following:-

- Hours of work
- Haulage routes
- Likely noise levels to be generated from plant
- Details of any noise screening measures
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded
- Likely dust levels to be generated and any screening measures to be employed
- Proposals for monitoring dust and controlling unacceptable releases
- Wheel washing facilities and facilities for discharging the water

Hours

I advise that any works audible at the site boundary should be restricted to the following: -

08.00-18.00 Mondays to Fridays, 08.00 –13.00 Saturday and no audible work on Sundays and Bank Holidays

Noise from Industrial Premises

Operational use of the site could generate noise affecting local residents. Use of plant, equipment and tools; process or machinery noise; amplified music/speech; materials handling on site, lorry movements and deliveries outside daytime hours could cause loss of amenity or nuisance. A noise impact assessment is therefore required to highlight any potential noise problems and propose suitable mitigation. This assessment needs to be submitted to, and approved by, this Department.

This assessment must be carried out by a competent person registered with the Institution of Acoustics.

The acoustic survey should be carried out using the method contained in BS 4142 ("Rating Industrial noise affecting mixed residential and industrial areas"). This will determine the current noise situation in the absence of any noise and then calculate the effect that the proposal will have on the background levels. The noise rating level when compared to the existing background level must not exceed 2dB using the methodology of BS 4142. If the survey shows that this level cannot be achieved then I will be opposed to the application until mitigation measures are put in place.

The applicants attention should be given to BS8233 2014 to ensure good internal noise levels within nearby residential properties are not adversely affected by this proposed development.

Reason: For the protection of residential amenity in the vicinity of the site

4.5 Economic Development Support

The application is submitted by SDC and aligns well with both the:

- Shepway Corporate Plan's priority to Boost the local economy and increase job opportunities, by supporting the redevelopment of key Shepway sites
- Shepway Economic Development Strategy – particularly the priority to promote further investment by:
 - identifying and bringing forward appropriate sites for commercial development
 - encouraging development of commercial premises
 - maximising the impact of SDC's assets/resources

Consequently I'd recommend that we support this application.

This also provides an opportunity to meet the accommodation needs of local businesses wanting to grow and take additional premises within the district, as well as to potential have product to attract inwards investment and attract higher value businesses – another of the aspirations in the EDS.

4.6 Arboricultural Manager

I can confirm that I have no objections to the proposed development. There are no serious arboricultural constraints present on site.

4.7 KCC Archaeology)
No comments received

4.8 Kent County Council LLFA
No objection.

Revised Comments following addition information

Kent County Council as Lead Local Flood Authority are satisfied that the drainage matters can be dealt with under the future discharge of conditions (16 and 19).

Original Comments

As Lead Local Flood Authority, Kent County Council are unfortunately unable to recommend that this Reserved Matters application is approved at this time.

Our consultation response to the application for the discharge of Conditions 16 and 19 attached to Y13/0024/SH stated that the nature, location and rate of discharge of surface water from the site to the receiving combined sewer required the formal written approval of Southern Water to be considered acceptable.

If this permission is not forthcoming, an alternative drainage arrangement would be required, and this may result in associated revisions to the presently proposed site layout and landscaping.

At this stage of planning, we would suggest that the principle of drainage is at least agreed with the receiving authority, with the location and rate of discharge agreed.

The detailed design of the drainage infrastructure can still be considered under Conditions 16 and 19 attached to Y13/0024/SH, but only if it can be demonstrated that Southern Water are satisfied with the drainage principles and the implications for their combined network.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 28.08.2017

5.2 Site Notice. Expiry date 31.08.2017

5.3 Press Notice. Expiry date 07.09.2017

6.0 REPRESENTATIONS

6.1 1 e-mail of support on the following grounds:

- From the original drawings, the plans have really changed for the better. The shrub and tree design and type seem suitable for local wildlife.

6.2 1 e-mail raising the following concerns with the development:

- The walkway leading from the housing development to Harcourt School would pass behind gardens of nearby houses and create a security risk. The walkway should be fitted with adequate metal fencing to give security to local residents and their houses.

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, E1, E2, BE1, BE16, BE17, TR5, TR11, TR12, CO24.

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

DSD, SS1, SS2, SS3, SS4.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework: Paragraph No. 6, 7, 11, 12, 14, 17, 18, 19, 20, 21, 22, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 56, 57, 58, 59, 60, 61, 62, 63 and 64.

National Planning Policy Guidance

Kent Design Guide

8.0 APPRAISAL

Background

8.1 Outline planning permission has already been granted for a mixed use development of commercial/office units (660 sqm) and industrial/storage units (5,142 sqm) (class B1, B8) as well as 77 residential dwellings together with associated car parking, open space, landscaping, pedestrian link and reconfiguration of vehicular access off Caesars Way. In compliance with condition one of Y13/0024/SH, the reserved matters of scale, appearance and layout for the residential part of the site has been approved under application reference Y16/0403/SH.

8.2 This application therefore seeks permission for the remainder of the reserved matters under condition one of Y13/0024/SH for the appearance, scale and layout of the industrial part of the site and landscaping throughout the entire site.

Relevant Material Planning Considerations

- 8.3 Therefore, the main material planning considerations in the determination of this application are the design and visual impact, highways and transportation issues and impact upon residential amenities.

Policy

- 8.4 The starting point in terms of assessing the proposals against relevant planning policy considerations is the Development Plan and in particular saved policy E2 of the Shepway District Local Plan Review and policies SS1, SS2, SS3 and SS4 of the Local Plan Core Strategy. Policy E2 identifies the application site as an employment allocation as part of the Shearway Business Park while the aforementioned Core Strategy Local Plan policies provide strategic policy direction for the location and type of new development that will be acceptable in the district. In particularly Core Strategy policy SS4 seeks to deliver commercial development on employment land in accordance with the priority centres of activity network as shown on the policies map.
- 8.5 The other key policies of the Shepway District Local Plan Review saved policies are SD1 and BE1 relating to sustainability and design issues, BE16 and BE17, that seek the protection of landscape features and trees where appropriate and policy CO24 considers the provision and protection of strategic landscaping areas. Highway policy TR11 sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access, policy TR5 refers to bicycle parking and TR12 refers to car parking standards. At the national level much of the NPPF is relevant to the current application with particular emphasis on paragraph 21 building a strong competitive economy and paragraphs 56 – 58 requiring good design and paragraphs 29 – 39 promoting sustainable transport.

Visual Impact/Design

- 8.6 The site is located towards the edge of the Folkestone settlement boundary where existing development meets the M20 Motorway and the countryside beyond that. When considering the location within the wider built environment, it is considered that the site is positioned in a fairly obscured area, tucked in a corner of the Folkestone urban fabric that is not highly prominent and screened to a large degree by existing landscaping belts and buildings. In this regard, immediately to the north are the M20 motorway and a tall line of trees and landscaping and to the south are established residential dwellings. To the east is the commercial development of Shearway Business Park and to the west is another line of tall trees and landscaping and the nearby school with residential development beyond that.
- 8.7 This area has a varied character of both industrial and residential uses where this employment development would not appear out of keeping

visually. It is considered that the development would contribute towards urban regeneration and be a vast improvement compared to its current barren and empty appearance that makes a negative contribution to the local area.

Layout, scale & appearance

- 8.8 Concerning layout there is considered to be sufficient land and space to accommodate the development without it appearing an over intensive and cramped form of development to the detriment of the visual amenity of the area. It is considered that the commercial units have been designed to be sited around a central spine road in a fairly uniform layout with appropriate parking and turning areas. It also allows for a reasonable separation buffer zone from the properties to the south which includes landscaping for screening. It is considered that a uniform layout for the commercial area would generally reflect that seen in the adjacent Shearway Business Park and suitable for a busy working environment allowing easy access to the units with suitable parking and loading/unloading areas to meet the needs of businesses.
- 8.9 The layout has the office buildings being sited at the entrance of the commercial area which is considered would soften the visual impact as people enter the commercial area and create a more integrated transition between the commercial and residential areas. The layout also allows for strategically placed bin storage for easy access for collection at the set positions and flexibility in the frontage of the units to have either roller shutter doors or curtain walling making it more flexible for different business needs.
- 8.10 In scale, the proposed industrial buildings would have a two storey scale with a ridge height of approximately 7.7 metres. These buildings would have flat gently sloping roofs with an internal vaulted ceiling. The foot prints of the buildings do vary which is considered acceptable and would help break up the bulk and add to the visual interest of the site. Concerning the office buildings, these would be slightly larger with a footprint of 620 sqm and a height of 8.2 metres that would create a visual feature at the entrance to the site. These two buildings would have a gently sloping roof. In this regard the scale is considered acceptable that would not appear unduly tall, bulky nor out of proportion and suitable for commercial use.
- 8.11 The buildings would have a modern and contemporary design and form that would integrate well with the residential properties to the south and other industrial units in Shearway. The elevations would be clean and uncluttered consisting of mainly cladding and either roller shutter doors or curtain walling that would give flexibility to businesses and their needs and glazed elevations for the office buildings, where the proposed material is further controlled through condition. These appearances and materials would require minimal maintenance and create a clear identity to the industrial estate. It is therefore considered that the proposed layout, scale and appearance of the commercial and office buildings are of a high quality

design and thus acceptable in accordance with saved Local Plan Review policy BE1.

Landscaping

- 8.12 The visual impact would also be significantly improved by the proposed landscaping. The strategic landscaping belt to the north of the site identified under saved Local Plan Review policy CO24, would be retained where the trees and vegetation would be protected and enhanced. The corner to the north east of the site would be used for the reptile translocation area where the land would be specifically managed to create the correct habitat for reptiles.
- 8.13 Within the development area, an extensive and detailed hard and soft landscaping scheme is proposed across the entire site. The main entrance to both areas would be landscaped to create a strong avenue of trees set within grass verges with thicket hedgerows and low ground cover planting. This will create a leafy green character to the entrance whilst also helping to screen the industrial buildings. For the commercial side, soft robust landscaping is proposed which will be functional to screen the development comprising of existing trees supplemented with a mixture of mature tree and shrub species. Some amenity planting is proposed in the form of trees and hedgerows to help soften the appearance of the buildings. The predominant hard surfacing materials would be asphalt and block paving that has been chosen to be robust to be able to accommodate the heavy vehicles used in this area. A landscaped buffer zone is also proposed between the commercial and residential areas to help screen and reduce disturbance issues.
- 8.14 For the residential side, structural planting consisting of a mix of native and ornamental species is proposed which will help define the areas and provide screening. Extensive amenity landscaping is also proposed to provide a pleasant residential character and a sense of place. The vegetation and the trees upon the southern and western boundaries which are protected by tree preservation order No. 7 of 2013 would be retained and additional native planting proposed in these areas to enhance it. Within the residential area, two public open space areas are proposed which will be grassed amenity areas that would contain large Oak trees, benches and natural children's play equipment and surrounded by formal privet hedging. Upon the east side of the residential area a third area of open space is proposed with a footpath/cycle path leading to the Charles Crescent Road. This would be landscaped with meadow grassed areas, avenues of trees, hedgerows and benches and children's natural play equipment. Residential gardens would be landscaped with grass, shrub borders and trees and enclosed by good quality fencing and brick walls on public boundaries. The predominant hard surfacing materials would be asphalt, block paving, bonded gravel, slab paving, sett paving, hardwood bollards and hardwood benches that would provide a variety of interesting materials and add to the character of the site.
- 8.15 It is considered that the landscaping retains the important existing landscaping features of the site and surroundings and makes provision for

new landscaping that would significantly enhance the appearance of the development and the wider area that is considered acceptable and in accordance with saved Local Plan Review policies BE16 and BE17. The Council's Arboricultural Manager and Landscape and Urban Design Officer support the scheme in this regard. Whilst the ethos behind the landscaping plan is considered acceptable in general, it is considered that insufficient detailed information has been submitted at this stage, as advised by the Council's Landscape and Urban Design Officer where a greater level of detailed is still required to ensure its successful implementation. On this basis the proposals are considered to be acceptable subject to additional landscaping details being submitted.

Highways and Transportation

- 8.16 With regard to highways and transportation matters it is considered that the site benefits from good connectivity having access to road and pedestrian footpath networks and being within walking distance of the Cheriton town amenities and local schools. The site also benefits from public transport nearby with bus stops close by in Shaftesbury Avenue and Ashley Avenue. Therefore in terms of the location, the site benefits from good transport links and in this regard is considered sustainable and acceptable.
- 8.17 Access to the site would be off Caesars Way to the east which has already been approved under the outline application reference Y13/0024/SH. It has been agreed that to deter overnight parking of HGV vehicles, it is proposed that the entrance to the commercial area be gated and locked over night, where the details of the gates can be conditioned which will safeguard amenities of the area. In terms of the layout and parking within the commercial area this would be arranged around the main spine road with parking and turning in front of the buildings and to the sides and comprise of 14.No. HGV spaces and 127 car parking spaces for the industrial units and 49.No. car parking spaces for the offices. Parking for the residential area has already been approved under Y16/0403/SH. An emergency access point positioned mid way along the road will link the commercial site with the residential with lockable bollards operated by FB1 keys. This layout and level of parking is considered acceptable and in accordance with current standards and Kent Highways and Transportation Services raise no objection subject to conditions, of which some have already been imposed under the outline planning permission Y13/0024/SH. As such the development and in particular the layout is considered acceptable in highways terms in accordance with saved Local Plan Review policies TR11 and TR12.

Residential Amenities

- 8.18 With regard to the layout, owing to the residential area to the south of the site (approved under outline permission Y13/0024/SH), this will inevitably result in residential dwellings adjacent to the commercial area and industrial units. However a robust landscaping belt between these houses and the commercial area is proposed that will help screen the industrial area and

create a soft buffer zone. Under the outline permission (Y13/0024/SH) an acoustic assessment was also carried out which considered the likely noise levels and concluded that internal and external noise would not be significant and would not restrict the proposed development. For the closest houses (plots 77 – 23) an acoustic fence has been agreed to be erected along the rear (north) boundary of the gardens to help reduce noise disturbance which has been secured by condition under the residential reserved matters application Y16/0403/SH. It has also been conditioned under the outline permission that the working times of the commercial buildings are agreed and controlled to prevent undue noise and disturbance at unreasonable times.

- 8.19 Concerning the impact upon existing nearby occupier's amenities owing to the separation distance, it is not considered that there would be any overbearing impacts or loss of privacy from the commercial development. It is not considered that there would be a harmful level of noise from the commercial area owing to the acoustic surveys already undertaken and the agreed mitigation measures. It is inevitable that there will be a general increase in activity in the area from the development but this is not considered to adversely affect people's amenities and not a reason for refusal. To the west is Harcourt Primary School which is also considered far enough away to avoid being significantly affected by this development (as previously considered in Y13/0024/SH). As such, it is considered that the development safeguards residents' amenities.

Other Issues

- 8.20 With regard to drainage and the comments from KCC Lead Local Flood Authority, this is a matter that is conditioned under the outline stage (No. 19) and not being considered in detail at this stage. A suitable drainage system has been proposed and is currently in the process of being agreed with Southern Water to discharge the outline condition. For foul drainage a gravity system connecting into the available public combined sewer is proposed. For surface water this cannot be disposed of using infiltration techniques as the ground is not suitable. Instead it is proposed to discharge the surface water into the local public combined sewer by gravity at a controlled rate, where attenuation storage to be provided in the form of oversized pipes and other means such as permeable pavements and storage crates which in principle has been agreed. As such it is considered that the drainage is being suitably addressed which would not constrain this development and is acceptable.
- 8.21 All other issues regarding archaeology, contamination, ecology and working hours are being addressed under the outline application and conditions and section 106 agreement and not required to be considered under this development proposal.

Human Rights

- 8.22 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.

8.23 This application is reported to Committee owing to the Council being the applicant and freeholder of the land.

9.0 SUMMARY

9.1 This application is a details pursuant application for the reserved matters of appearance, layout and scale for outline application Y13/0024/SH for the erection of 49 industrial units (4562 sqm) and 2 office blocks (1240 sqm), together with the construction of the industrial estate road and parking and turning areas and landscaping throughout the site.

9.2 It is considered that the development of the commercial part of the site is considered acceptable visually within the built environment and would be a vast improvement compared to its empty appearance of the site that makes a negative contribution to the area. The layout is acceptable providing easy access to the units with suitable parking and turning facilities. The scale of the buildings is acceptable that would not be unduly large and suitable for commercial and industrial use and the contemporary and modern appearance is also considered acceptable that would interrelate well with the neighbouring Shearway Business Park and the proposed new dwellings. The development is acceptable in highways terms where the layout allows for easy access and an acceptable level of parking for cars and HGV has been proposed. The development is also considered to safeguard existing nearby and future resident's amenities.

9.3 The landscaping plan is broadly considered acceptable that would retain existing landscaping features and proposes extensive new planting using locally native species where possible. However insufficient details have been submitted at this stage and further detailed information is still required. The application is therefore recommended for approval subject to further information being submitted and the conditions set out below.

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 delegated authority be given to the Head of Planning to approve the reserved matters detail subject to additional landscaping details being acceptable and the conditions set out at the end of the report.

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans.

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.

2. The areas shown on the approved plan as car parking and HGV parking shall be appropriately surfaced and provided before the first occupation of the commercial/office units and thereafter kept available for parking purposes.

Reason:

It is necessary to make provision for adequate off street parking to prevent obstruction of the neighbouring highway and safeguard the amenities of adjoining areas in accordance with saved Local Plan Review policy TR12.

3. The turning and loading/unloading areas as shown on the approved plans shall be appropriately surfaced and provided within the site before the first use of the commercial units, and shall be maintained and kept available for use for the turning and loading and unloading of vehicles at all times.

Reason:

To prevent vehicles having to reverse onto the neighbouring highway in the interests of highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

4. Prior to the first use of the buildings hereby permitted details of a lockable gate to be installed at the entrance of the commercial site together with the times that it would be locked and unlocked shall be 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 deter overnight HGV parking in the interest of the amenities of the area in accordance with saved Local Plan Review policies SD1 and TR12.

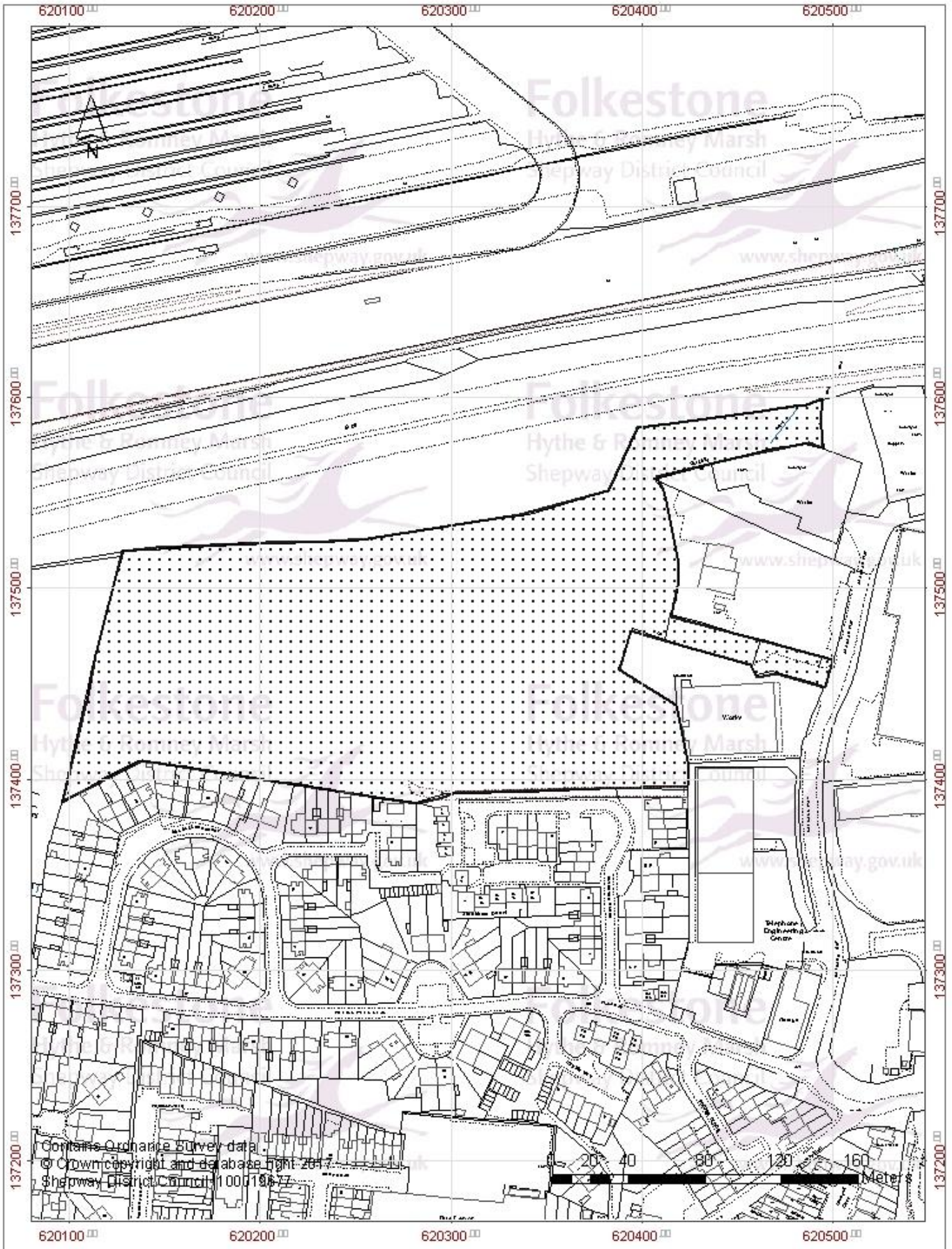
5. All gates installed shall open away from the highway and be set back a minimum of six metres from the edge of the carriageway.

Reason:

In the interest of highway safety in accordance with saved Local Plan Review.

Decision of Committee

Y17/0888/SH
Land adjoining Church and Dwight
Caesars Way
Folkestone



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 – 31 OCTOBER 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
Y17/0754/SH Jacksons
Y16/0400/SH Meehan Road
Y17/0886/SH Millfield
Y17/0398/SH Steps
Y17/0888/SH Land adj Church & Dwight

SIGNED:

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

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