



# Agenda

Meeting: **Planning and Licensing Committee**  
Date: **19 December 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 28 November 2017.

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

Report DCL/17/28 sets out the planning applications that will be considered by the Planning and Licensing Committee.

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

Contact Kate Clark – Tel: 01303 853267  
Email: [committee@shepway.gov.uk](mailto:committee@shepway.gov.uk) or download from our website  
[www.shepway.gov.uk](http://www.shepway.gov.uk)

**5. Exclusion of the Public**

To exclude the public for the following items of business on the grounds that it is likely to disclose exempt information as defined in paragraphs 2 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972:

(2) Information which is likely to reveal the identity of an individual.  
Information

falling within paragraph 2 is exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(7) Information relating to any action taken or to be taken in connection with  
the prevention, investigation or prosecution of crime.

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

The receive and note the minutes of the meeting held on 27 November 2017

**7. Unauthorised use of land**

Report DCL/17/29 considers the appropriate action to be taken regarding the unauthorised use of a piece of land.

**8. Unauthorised development of land**

Report DCL/17/30 considers the appropriate action to be taken regarding the unauthorised development at land.

\*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, 28 November 2017
Present	Councillors Alan Ewart-James, Clive Goddard (Chairman), Miss Susie Govett, Mrs Jennifer Hollingsbee, Mrs Mary Lawes, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock, Russell Tillson and Roger Wilkins (Vice-Chair)
Apologies for Absence	None
Officers Present:	David Campbell (Development Management Team Leader), Kate Clark (Committee Services Officer), Louise Daniels (Senior Planning Officer), Paul Howson (Senior Planning Officer), John Macauley (Planning Enforcement Officer) and Lisette Patching (Development Manager)
Others Present:	

### 29. Declarations of Interest

Councillor Roger Wilkins made a voluntary announcement with regard to Y17/0944/SH as he is Chairman of Dymchurch Parish Council.

Councillor Russell Tillson made a voluntary announcement with regard to Y17/0944/SH as he is Vice Chairman of Dymchurch Parish Council.

Councillor Michael Lyons made a voluntary announcement as a family member has purchased a flat in Range Road adjacent to Y17/1066/SH.

All councillors remained in the meeting taking part discussions and voting on these applications.

### 30. Minutes

The minutes of the meeting held on 31 October 2017 were approved and signed by the Chairman.

### 31. Minutes of the Licensing Sub-Committee

The minutes of the meetings held on the 19 October and 8 November 2017 were approved and signed by the Chairman.

**32. Appeals Monitoring Information 2nd Quarter 2017/18 - 1 July to 30 September 2017**

Members noted the appeals monitoring information and congratulated officers on this report.

**33. Report by the Head of Planning**

Report DCL/17/26 sets out the planning applications that were considered by the Planning and Licensing Committee.

**1. Y17/0886/SH 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.

Lloyd James, local resident, spoke against the application. He was concerned about the distance from No 3 Millfield . As the resident of this property he felt the development was too close to his downstairs cloakroom on that the side of the property and did not allow for maintenance of both walls.

Mrs Nola Yarney, applicant, spoke on the application. She explained that she believed this development is in keeping with the area and that the original application was approved.

Members were concerned with regard to how close this development was to the neighbouring property and felt that any maintenance to the side of both properties would be prohibitive. It was felt that the development is in keeping with regard to appearance and street scene, however members felt that the distance from the neighbouring property was not adequate as it has an adverse impact on the amenity of that property contrary to policies SD1 and BE1 of the Local Plan Review.

Proposed by Councillor Russell Tillson  
Seconded by Councillor Philip Martin and

**RESOLVED:**

**The planning permission is refused based on the reason given below:**

**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.**

(Voting: For 8; Against 0; Abstentions 4)

**2. Y17/1066/SH SCOUT ASSOCIATION HEADQUARTERS RANGE RD  
HYTHE KENT**

Erection of a four storey building containing four flats and basement car park, following demolition of existing building.

Paul Howson, Senior Planning Officer, advised the Committee that a petition had been received prior to the start of the meeting, which was later confirmed as an objection to the proposed development.

Mr Ben Wilkins, on behalf of Mrs Jones, local resident, spoke against the application.

Councillor David Owen, ward member, spoke against the application.

Mr Mike Simmonds, applicant's agent, spoke on the application.

Proposed by Councillor Dick Pascoe

Seconded by Councillor Russell Tillson and

**RESOLVED:**

**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 securing appropriate visibility splays, with delegated authority given to the Head of Planning to agree the wording of the legal agreement.**

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

Councillors Miss Susie Govett and Mrs Mary Lawes asked for a record of their vote against approval of this application be noted.

**3. Y17/0944/SH LAND ADJOINING 76-78 HIGH STREET DYMCHURCH  
KENT**

Change of use of the land to car sales in connection with the existing business.

Louise Daniels, Senior Planning Officer, advised the Committee that the recommendation is amended to relate just to the refusal of planning permission as the enforcement matters will be dealt with under a separate report later in the meeting.

Mr Tom Quaye, applicant's agent, spoke on the application.

Proposed by Councillor Roger Wilkins

Seconded by Councillor Russell Tillson and

**RESOLVED:**

**That planning permission be refused for the reasons given below:**

1. The continued use of the site for the storage and sale of vehicles would result in permanent visual clutter and the removal of the visual break and green buffering in the urban form within the street scene so as to be detrimental to the open character of the street scene and the setting of the adjacent conservation area, contrary to the aims of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 131 of the National Planning Policy Framework and saved Policy BE4 of the Shepway District Local Plan Review, which seek to sustain and enhance the significance of heritage assets such as Conservation Areas, as well as the contribution made to their significance by their setting.
2. The continued use of the site for the storage and sale of vehicles would, in the absence of boundary treatment between the application site and the public highway of the A259 to the west, perpetuate access and egress to the site directly from the A259 without a suitable vehicular access in place resulting in an unacceptable and detrimental impact on highway safety contrary to saved policy TR11 of the Shepway District Local Plan Review, which seeks to ensure that development of land is not detrimental to the safety of vehicle traffic, cyclists and pedestrians.

(Voting: For 5; Against 4; Abstentions 3)

**34. Exclusion of the Public**

Proposed by Councillor Michael Lyons  
Seconded by Councillor Dick Pascoe and

**Resolved:**

**To exclude the public for the following items of business on the grounds that it is likely to disclose exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972:**

**Information relating to any action taken or to be taken in connect with the prevention, investigation or prosecution of crime.**

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

**35. Unauthorised change of use of land**

Report DCL/17/23 considers the appropriate action to be taken regarding the various changes of use and development that have taken place at Little Woodland Farm, Woodland Road, Lyminge. All uses are taking place within the

farm around a yard area. No planning permission has been granted for the uses of the land or the erection of the kennels. This report recommends that an Enforcement Notice be served to:

- 1) Cease the unauthorised use of the land for the stationing of mobile homes;
- 2) Remove the mobile homes and associated decking from the land;
- 3) Cease the use of the land for disposal of fallen stock;
- 4) Cease the use of the land for the keeping of dogs not connected with agriculture
- 5) Remove the dog kennels;
- 6) Remove the miscellaneous items not associated with agriculture from the land
- 7) Cease the use of the land for storage of items not associated with agriculture

And that the period of compliance be six months.

Proposed by Councillor Dick Pascoe  
Seconded by Councillor Michael Lyons and

**RECOMMENDATIONS:**

- 1. To receive and note report DCL/17/23.**
- 2. That an Enforcement Notice be served requiring the use of the land for the stationing of mobile homes to cease and their removal; the removal of associated decking; the use of the land for the disposal of fallen stock to cease; the use of the land for keeping of dogs not connected with agriculture to cease; the removal of the kennels; the use of the land for storage of items not associated to agriculture to cease and the removal of the items from the land.**
- 3. That the Head of Planning be given delegated authority to determine the exact wording of the Notice.**
- 4. That the period of compliance with the Notice be (six) 6 months.**
- 5. 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 Notice.**

(Voting: For 10; Against 0; Abstentions 2)

**36. Continuing unauthorised change of use of land**

Report DCL/17/25 considers the appropriate action to be taken regarding the continuation of an unauthorised use on a piece of land adjoining 76-78 High Street Dymchurch for the storage of car sales in connection with the existing business to the south of the site. Retrospective planning permission has been sought under reference Y17/0944/SH for the continuing use of the land for this purpose.

This report recommends that, should planning application Y17/0944/SH be refused, an Enforcement Notice be served requiring the unauthorised use of

the land for the storage of vehicles to cease and all vehicles removed from the land together with the removal of associated fencing, hard-standing and any associated structures and the site returned to grass within six months from the date of the notice.

Councillor Len Laws was keen for confirmation with regard to the length of time this site has been used for the storage of car sales as if it is in excess of 10 years, it could change the Enforcement Notice status. In this respect he proposed a deferral in order that this can be investigated.

Proposed by Councillor Len Laws  
Seconded by Councillor Michael Lyons and

**Resolved:**

- 1. To receive and note report DCL/17/25.**
- 2. To defer the decision of this report until officers can confirm the length of time the unauthorised use of land for storage has been carried out.**
- 3. To receive and note a further report in due course.**

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

### **37. Unauthorised change of use of land**

Report DCL/17/24 considers the appropriate action to be taken regarding the unauthorised change of use that has taken place on a piece of land adjoining Homestead, Woodland Road, Lyminge for the storage of a caravan. No planning permission has been granted for the use of the land for this purpose. This report recommends that an Enforcement Notice be served requiring the unauthorised use of the land for the storage of the caravan to cease and its removal from the land within three months from the date of the notice.

David Campbell, Development Management Team Leader advised that since this report was published, the caravan has been removed. In this respect it was recommended that delegated authority be given to the Head of Planning to serve an Enforcement Notice if the caravan is returned to the land.

Proposed by Councillor Dick Pascoe  
Seconded by Councillor Mrs Jenny Hollingsbee and

**RESOLVED:**

- 1. To receive and note the report DCL/17/24.**
- 2. That delegated authority be given to the Head of Planning to serve an Enforcement Notice if the caravan is returned to the land.**
- 3. The Head of Planning be given delegated authority to determine the exact wording of the Notice.**
- 4. That the period of compliance with the Notice be (three) 3 months.**



**5. 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 Notice.**

(Voting: For 9; Against 1; Abstentions 2)

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**PLANNING AND LICENSING COMMITTEE**

**19 DECEMBER 2017**

**REPORT OF THE HEAD OF PLANNING ON APPLICATIONS**

- 1. Y17/1201/SH  
(Page 13)**

**LAND ADJOINING ORCHARD COTTAGE THE STREET  
POSTLING KENT**

Construction of a single dwelling house with associated access and landscaping
  
- 2. Y17/1370/SH  
(Page 33)**

**17 SANDGATE HIGH STREET SANDGATE KENT**

Change of use of ground floor and basement from retail (Class A1) to self contained flat and associated alterations to the facade, together with installation of a rear dormer and other external alterations in connection with alterations to internal layout of existing upper floor flats, and installation of weatherboarding.
  
- 3. Y17/1264/SH  
(Page 45)**

**PEDESTRIAN PRECINCT SANDGATE ROAD  
FOLKESTONE KENT**

Use of land as a street market
  
- 4. Y17/1434/SH  
(Page 57)**

**20 MINTER AVENUE DENSOLE FOLKESTONE KENT**

Demolition of existing free standing garage and timber porch and erection of single storey attached garage (resubmission of Y17/0688/SH)

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**Application No:** Y17/1201/SH

**Location of Site:** Land Adjoining Orchard Cottage The Street Postling Kent

**Development:** Construction of a single dwellinghouse with associated access and landscaping

**Applicant:** Messrs Richard and Kenneth Kingston  
The Pines  
Cannongate Avenue  
Hythe  
Kent

**Agent:** Jenny Owen  
Jennifer Owen & Associates Ltd  
Bargrove Farm  
Newington  
Folkestone  
CT18 8BH

**Date Valid:** 19.10.17

**Expiry Date:** 14.12.17

**Date of Committee:** 19.11.17

**Officer Contact:** Mr Julian Ling

<b>RECOMMENDATION:</b> That planning permission be refused for the reasons set out at the end of the report.
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## **1.0 THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single detached dwelling house with associated access and driveway. The proposed development site has an area of 0.19 hectares.
- 1.2 The dwelling is proposed to be sited towards the rear of the site, set back from the road frontage by 24 metres and would have an approximate footprint area of 235 square metres. Access is proposed off the Street public highway, 15 metres from the southern boundary with an access driveway leading up to the dwelling with a parking and turning area immediately in front of the house. The remainder of the site would be landscaped and form the residential curtilage.
- 1.3 The dwelling is proposed as a family size house over two floors with a large room in the roof space. The building would have a ridge height of nine metres and an eaves level of 5.5 metres and have two single storey side and rear additions at 4 metres in height. Internally on the ground floor, it would comprise of a log and wood store, living room, study, breakfast room, dining room, kitchen, hall, wc, utility room and cloak room. At first floor level four bedrooms all with en-suit bathrooms are proposed.

- 1.4 The dwelling is proposed to be built in a traditional manner with a rural vernacular incorporating fully hipped roofs and an external chimney stack. Within the front roof slope a box dormer is also proposed. Proposed external materials would include brick work and tile hung elevations, roof tiles and timber windows and doors. The application has also been accompanied by supporting documents which include a planning statement, ecology report and an arboricultural report.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The site is located within the rural hamlet of Postling which does not have an identified settlement boundary on the Shepway District Local Plans Review Proposals Map and as such lies within the wider countryside and North Downs Area of Outstanding Natural Beauty and Special landscape Area.
- 2.2 The site is a vacant piece of land which was formerly part of the residential curtilage of Orchard Cottage positioned upon the west side of the Street between Orchard Cottage and The Manor House. The site is flat and currently contains natural vegetation and many trees which are the subject of Tree Preservation Order No. 12 of 1988. To the frontage, adjacent to the road there is also a long evergreen yew hedge which is also protected by the Tree Preservation Order No. 12 of 1988. Owing to these trees and hedgerow, the site has a leafy spacious character.
- 2.3 The site falls outside of, but immediately adjacent to the Postling Conservation Area which includes the majority of the built development upon the east side of the road and that of Postling Court and St Marys Church upon the west side of the road. Immediately to the north, The Manor House is also a Grade II listed building.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 The most recent and relevant are listed below,

Y16/0635/SH	-	Construction of a detached dwellinghouse and garage. Withdrawn.
Y15/1249/SH	-	Construction of a single dwelling. Refused.
Y13/0985/SH	-	Construction of a single dwelling (resubmission of Y13/0219/SH). Refused.
Y12/0219/SH	-	Erection of a single dwellinghouse. Refused.
SH/84/929	-	Outline application for erection of 2 detached dwellings and garages. Refused.
SH/85/200	-	Outline application for erection of a house and garage. Refused.

## **4.0 CONSULTATION RESPONSES**

4.1 Postling Parish Council –  
Support

4.2 KCC Highways And Transportation –  
No objection subject to conditions.

Thank you for the consultation on the above planning application. I have no objections to the application subject to the following conditions being attached to any planning permission granted :

- 1) Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- 2) Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- 3) Provision of measures to prevent the discharge of surface water from the private drive onto the highway
- 4) Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction
- 5) Provision and permanent retention of the vehicle parking spaces and turning space shown on the submitted plans prior to the occupation of the dwelling hereby permitted.
- 6) 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 occupation of the dwelling hereby permitted.
- 7) Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- 8) Provision and permanent retention of 4 secure, covered cycle parking spaces prior to the occupation of the dwelling hereby permitted in accordance with details to be submitted to and approved by the Local Planning Authority.

Notes

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](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 08458 247800) 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

<https://www.kent.gov.uk/roads-and-travel/what-we-10-look-after/highway-land/highway-boundary-enquiries>

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 Southern Water

No objection

Southern Water requires a formal application for a connection to the public foul 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, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

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.

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.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

#### 4.4 Landscape And Urban Design Officer

No objection

The proposals are for a four bedroom detached house and garage located in the centre of the village. The application has a history as it has previously been refused because of sustainability issues and the location of the site in



the open countryside and the AONB. The design of the house in the current application is identical to that which was submitted in 2016 (Y16/0635/SH).

As such the comments made in 2016 are still relevant.

*The elevations indicate a pleasant red brick and tile hung building that would not be out of keeping in the context of the village. The size of the plot is suitable for the house, which is a logical location for infill development.*

In addition the soft landscaping and boundary treatment (not previously mentioned) are important and need to be considered within the development proposals. There does not appear to be anything relating to landscaping for the proposed house within the information submitted with this current application.

#### 4.5 Arboricultural Manager

No objection

I can confirm that I have no objections to the erection of a single dwelling house.

I am in support of the consultant arboriculturist's recommendations in terms of the need to remove and replace the roadside Yew hedge along with the raising of the canopies of the Cherry and off-site Ash. All recommendations for the protection of all retained trees should be conditioned.

#### 4.6 Environment Agency

No objection

We have assessed this application as having a low environmental risk.

#### **Drainage**

Wherever infiltration drainage (such as soakaways) is proposed at a site we would make the following comments:

- If contamination is present in areas proposed for infiltration, we will require the removal of all contaminated material and provision of satisfactory evidence of its removal
- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks.
- Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

Ultimately, any drainage design must be protective of the groundwater and in line with our ['Groundwater Protection: policy and practice \(GP31\)'](#) for the use of infiltration techniques to be approved

### **Non planning consents**

Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licenses for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult our website to establish whether a consent will be required. <https://www.dov.uk/environmental-permit-check-if-you-need-one>

If you feel we should assess this planning application in more detail due to local issues please contact me or email [kslplannino@environment-aoencv.00v.uk](mailto:kslplannino@environment-aoencv.00v.uk)

#### 4.7 KCC Ecology No objection

### **Summary**

We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of ecological enhancements is attached.

### **Protected Species**

We are satisfied with the conclusions of the ecological report in relation to any potential impacts that the proposed development may have on any protected species or sites. We advise that the following informative is attached to any granted planning application in regards to the protection of nesting birds.

#### *Breeding Birds Informative - suggested wording:*

*The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.*

### **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 nest boxes. We advise that measures to enhance

biodiversity are secured as a condition of any granted planning permission. This is in accordance with Paragraph 118 of the NPPF "*opportunities to incorporate biodiversity in and around developments should be encouraged*".

Ecological Enhancements - Suggested condition wording:

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

*Reason: To enhance biodiversity*

4.8 Environmental Health – No comments received

4.9 KCC Archaeology – No comments received

## **5.0 PUBLICITY**

5.1 Neighbours notified by letter. Expiry date 14.11.2017

5.2 Site Notice. Expiry date 21.11.2017

5.3 Press Notice. Expiry date 30.11.2017

## **6.0 REPRESENTATIONS**

6.1 Two letters/emails received objecting on the following summarised grounds:

- There have been lots of previous refusals for planning permission which the grounds of refusal are still valid. Nothing has changed in the intervening years. The only difference now is the removal of the garage from the scheme.
- This land is situated between two of Postlings historic buildings which give Postling its unique historic character. Any new building would have a dramatic and detrimental effect on the character and historic value of Postling Village.
- The front wall is an historic stone wall, originally the western boundary of Postling Court where the development will result in a partial removal of this wall.
- The land is one of only two remaining green spaces fronting onto the Street and its loss would greatly affect the rural nature of Postling.
- The development would dramatically reduce the historic nature of the north side of the Street.
- A letter was sent to local residents advising on the potential CIL payment which would be passed to the parish Council to spend in the parish. This letter was sent out purely to secure as many letters of support as possible from Postling residents.

- The foul water drain would cut through the no dig area of the protected Ash Tree (T36) and should not be permitted.
- The conditions applied within the approval to prune the yew hedge were entirely ignored.
- Any replacement hedge should be replaced in the same position as that removed to maintain the street view.
- The development is unacceptable in planning policy terms where it does not accord with the development plan in force in the area and there are no amendments that can be made to the scheme to overcome this.
- The replacement trees for condition 4 of Y16/0265/SH have not been planted.
- The applicant has been attempting to obtain planning consent on this piece of land since 1983 which has been refused on each and every occasion and so should it be again.
- Compared to the previous applications, the deletion of the garage is an attempt to ease the way of this application.
- The site is located within the AONB.
- The application is unsustainable being contrary to the principles of sustainable development contained within the NPPF.
- Loss of open space that would be harmful to the AONB.
- Loss of open space that would be harmful to the setting of the conservation area.
- The site is not within a sustainable community where there are no public facilities.
- Adverse effect on the residential amenity of residents.
- Detrimental visual impact upon the character of the area and setting of the Conservation Area and listed building.
- Loss of views from the neighbouring property.
- Adverse impact to highway safety.
- Detrimental impact upon the root protection area upon trees within the conservation area.

## 6.2 Six letters/e-mails of support on the following summarised grounds.

- The site has been well maintained and it would be an improvement to the empty space in the middle of Postling.
- The new CIL laws will mean that the community of Postling would benefit from the payment for this dwellinghouse.
- This is a perfectly reasonable and warranted infilling project.
- The plot is of adequate dimensions for the type of dwelling proposed and its size and specification is entirely in keeping with the character of the village.
- We have endured having a derelict building site in the village for too long and can see no reason why this application is continually tuned down.
- The site is an eyesore.
- Another family house in the village will help our very small community to thrive.
- Villages need to increase in size in a restricted sensitive manner in order to remain viable.

- Although within the AONB several development precedents exist within the area.
- It would be unobtrusive as far as the Street is concerned.
- The proposed design of the house is suitable for the village and would blend well with the other properties.
- This land has been properly maintained. If approval were not given, the land would then revert to being a jungle as it has been over the preceding years.
- The site is perfect for infill development being in the centre of the village.
- If the owner ever stopped maintaining it the site would deteriorate and ruin the streetscene.
- The development will help guarantee the continued up keep of the site.
- Being privately owned it is of no use as open space.
- There are other designated areas of public open space that meet the village needs.

## **7.0 RELEVANT POLICY GUIDANCE**

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

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

SD1, BE1, BE4, BE5, BE16, BE17, CO1, CO2, CO4, CO11, TR5, TR11, TR12, U1, U4, HO1.

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

SS1, SS2, SS3, CSD4

7.4 The following Supplementary Planning Documents and Government Guidance apply:

The National Planning Policy Framework: 2012 – Paragraphs 7, 11, 12, 13, 14, 17, 29, 30, 35, 55, 56, 58, 61, 64, 109, 115, 118, 126, 128, 131, 132, 133, 134,

The Kent Downs AONB Landscape Design Handbook.  
The SDC Postling Conservation Area Appraisal.

## **8.0 APPRAISAL**

### **Background**

8.1 In the consideration of this application, the planning history, which is relevant to the determination of this application is acknowledged where the site has been the subject of many previous similar applications.

8.2 As far back as the mid 1980's, planning permission was applied for residential development under references SH/84/0929 and SH/85/0200. In

both instances, planning permission was refused on countryside conservation grounds and in the case of application SH/85/0200, a second ground was also included referring to the impact upon the adjacent conservation area. Application SH/85/0200 was later dismissed at appeal when the Inspector agreed with both grounds. In this instance, whilst it is acknowledged that these applications were some time ago, very little has changed physically in the local environment since then and planning policy principles remain the same where the same material considerations apply currently.

- 8.3 Very recently, three further applications for a detached dwelling were applied for and subsequently refused or withdrawn. Application Y12/0219/SH was refused by Members of the DC Committee on the 11.12.2012 on grounds of countryside conservation and the impact upon the streetscene and adjacent conservation area and the resubmission application Y13/0985/SH was also refused on the same grounds where there was no change to the environment or the details of the application. Two years later, application Y15/1023/SH was refused for the same reasons under delegated powers and Y16/0635/SH submitted last year was withdrawn. As such, this is the seventh attempt to gain residential development upon the site.

### **Relevant Material Planning Considerations**

- 8.4 The principle issues to be considered within the determination of this application are the same as those considered previously which are the sustainability of new residential development within the countryside and outside of any settlement boundary, the visual impact of the dwelling upon the environment (including the setting of the adjacent conservation area, listed buildings and the wider landscape) trees and landscaping, residential amenities, highways, ecology and local finance issues.

### **Development within the countryside**

- 8.5 Of main concern is the principle of allowing new residential development within the countryside, outside of the settlement boundary and within the countryside. In this regard, Postling, being a small rural hamlet has no settlement boundary and is in a rural location where allowing further residential development is not considered to be sustainable. It is a fundamental principle of national and local planning policy that new dwellings should not be permitted in the countryside outside the confines of the major/principal urban areas, rural service centres or smaller rural settlements unless they are replacements for existing dwellings or demonstrated to be necessary for farm, forestry or other workers where a rural location is essential. Saved Local Review policy CO1 as well as policies SS1 and SS3 of the Councils Core Strategy Local Plan support this, whereby the principle aim of these policies is to direct such residential development towards existing sustainable settlements to protect the open countryside and the coastline.
- 8.6 In this respect Core Strategy policy SS1 states, "The future spatial priority for new development in the North Downs area is on accommodating

development outside of the AONB and without material impact on its setting; consolidating Hawkinge's growth; and sensitively meeting the needs of communities within the AONB at better-served settlements". Core Strategy policy SS3 also states, "Development within Shepway is directed towards existing sustainable settlements to protect the open countryside and the coastline". Furthermore, the NPPF reinforces the unacceptable development of housing in rural locations and gives significant weight to the protection of the countryside. In such instances, the NPPF requires isolated new housing in the countryside to require special justification for planning permission to be granted (paragraph 55). In this case, no such special justification has been provided.

- 8.7 Furthermore, in this rural location there is no need for additional housing. The site is not an allocated site within the current local plan nor is it identified in the emerging places and policies local plan. On the basis of the Council's current housing supply, the Council also has a robust up-to-date five year housing supply which justifies that there is no need to develop in such rural areas. In this regard, The Council's five year housing supply is currently at 8.21 years of supply (164% of requirement) using the Liverpool method of calculation as of January 2017. The soundness of the five year housing supply has also been successfully tested at appeal recently.
- 8.8 In terms of sustainability, the location within Postling outside of any settlement boundary for such a dwelling would also fail the principles of sustainability and proposes a family size dwelling in a highly unsustainable location which lacks facilities and where occupiers would be heavy reliant upon the private car for transport. In this regard, in accordance with policies SS1 and SS3 of the Council's Core Strategy, Postling is not recognised within the Settlement Hierarchy as a rural service centre or small rural village and therefore not appropriate nor sustainable to accommodate further residential development. As such policies SS1 and SS3 seek to direct such residential development towards existing urban areas and sustainable settlements to protect the open countryside and the coastline. Future occupiers would be isolated from main public services such as schools, hospitals, community facilities and shops. In such a location occupiers would be dependent on the car as Postling lacks any village or town services and does not benefit from public transport services or even safe pedestrian footpaths and street lighting. Therefore, given the site's countryside location within the AONB outside of any settlement boundary, the proposal for residential development (particularly a family size dwelling) in this location is considered unsustainable and unacceptable and contrary to Local Plan and national planning policy.

## **Visual Impact**

- 8.9 Postling is located at the foot of the North Downs within the Kent Downs AONB and Special Landscape Area where the character of the rural landscape is of exceptional quality. The Kent Downs AONB is a nationally important protected landscape, whose special characteristics include its dramatic landform and views, mixed farmland tranquillity and remoteness. In such locations, the NPPF requires great weight to be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which

have the highest status of protection in relation to landscape and scenic beauty. Furthermore, the site also lies immediately adjacent to the conservation area and a Grade II listed building, and special regard should be given to preserving or enhancing the setting of these heritage assets.

- 8.10 In this regard when evaluating the wider landscape impact first, it is recognised that the development site is flat and well screened by natural landscaping and viewed against the backdrop of surrounding buildings and structures. In this sense the site is not within the open countryside as the proposed dwelling would be sited within the main concentration of buildings which are along the Street. In this location there is a building complex and a two storey building to the north being Postling Court and the Manor House respectively. To the east and south are also two storey dwellings and to the west is Postling Court Farm. Furthermore, the site is also naturally screened on its side and rear boundaries as well as many mature trees within the site. In scale as a two storey dwelling, the proposed dwelling would also be comparable to the surrounding built form and at nine metres tall would not be unduly large in this regard. The proposed design and materials are also of a local vernacular type which would be suitable within the countryside and acceptable. Therefore given these factors, the dwelling would not be highly prominent in the wider landscape and be well screened from long distance views where the impact upon the wider landscape would be minimal.
- 8.11 Nevertheless, whilst there may be minimal wider landscape impact, the development also has to be considered in relation to its immediate surroundings and the visual impact in the streetscene and setting of the adjacent conservation area. In this regard, when evaluating "what is the character and appearance", The Conservation Area Appraisal identifies Postling to be a picturesque and well maintained settlement that has its origins based in commercial agriculture. As a built settlement, Postling has evolved and grown up around the Parish Church and Manor House, where the majority of the built form is ribbon development along The Street with the main part of the hamlet positioned upon the eastern side of "The Street". The area is considered to have a generally undeveloped, leafy, rural character where at the foot of the North Downs, Postling enjoys a rural sense of place with hedges, trees and verges within the conservation area contributing greatly to its character. To date, Postling has so far, avoided the creep of urbanisation prevalent in many of its neighbouring villages and continues to be one of the District's most attractive rural hamlets.
- 8.12 In terms of overall scale, design and materials, the dwelling would be acceptable at two storey and traditional in appearance with traditional features such as an external chimney stack and tile hanging. Good appropriate local vernacular materials are also proposed. As such it is considered that the dwelling would be in keeping with the other buildings in the vicinity and in this respect, the proposal is considered acceptable in design and scale grounds.
- 8.13 However it is the development of the site as a whole and its domestication that is of concern. The Conservation Area Appraisal identifies that the green spaces (such as this) and the undeveloped nature of the area that lies outside the conservation area should be considered as equally important to the spacious undeveloped character as those within it and should be



preserved. Therefore, although in terms of size, the site is physically capable of accommodating the proposed dwelling without appearing overintensive and cramped the proposal would result in the loss of an open green space identified by the Conservation Area Appraisal as being as important to the conservation area as if it was inside it. It is considered that the proposed development would also result in the erosion of this special character, by opening up the site, introducing built development and domesticating its appearance. In this regard, to achieve the access into the site, the visually dominant hedge would be removed and a gap in the dwarf wall would be created. Whilst it is proposed to replace the yew hedge, this would take a period of time to take hold and grow. In the event that the hedge is replaced successfully over time, it will still leave a large gap in the hedge and wall and loss of the undeveloped nature of the site and the continuity of the frontage along the road.

- 8.14 As well as the opening up of the site and physical presence of the dwelling, there would also be other domestic features such as the hard surfaced driveway and parking area, outbuildings and parked cars which would be visible from The Street due to the opening up of the frontage to provide the access and visibility splays. Once the dwelling is occupied there would be domestic paraphernalia such as children's play equipment, washing lines, sheds and greenhouses that would further detract from the current undeveloped character of the site. It can also be seen that within the Postling hamlet, the majority of buildings along The Street are on the east side where there is more or less a continuous line of development. However upon the west side of The Street, where the application site is located the built form is more sporadic and spacious, where the open space is a predominant feature. In this regard, it is considered that introducing an additional building on the west side would have a more significant visual impact on the streetscene and setting of the conservation area and erode this essential character and appearance.
- 8.15 A key part of the main vista when looking up and down The Street is the continuity of the front boundary and the low wall with the hedge above. The CA Appraisal identifies the hedges, trees and grass verges as contributing greatly to the character of the area. Most of the trees have since been removed and it is also proposed to remove the hedge and replant it (for sound arboricultural grounds as stated below in the trees and landscaping section) however the wall remains which creates a sense of enclosure and continuity. The development proposes a vehicular access off The Street which will result in a gap formed in the wall to the detriment of the character of the area (as well as the loss of the hedge) and have a negative impact on the streetscene and setting of the conservation area.
- 8.16 Therefore the main concern with this application relates to the opening up of the site, its domestication in character and appearance and the loss of open green space. Although there is nothing intrinsically at odds with the design of the building, it cannot be said that this development would preserve the character of the conservation area to which it is adjacent, as it would negatively impact on some elements of it. It is therefore considered that in the immediate surroundings of the streetscene and the conservation area, the development of this site would be extremely noticeable and result in the loss of important undeveloped space and tranquillity and loss of continuity in

the existing boundary, as well as important landscaping and would thereby be severely harmful to the visual amenity of this part of the hamlet. It is therefore considered that the development of this site and its opening up would be detrimental to the setting of the nearby conservation area and general character of the streetscene contrary to saved policies SD1, BE1 and BE4.

- 8.17 The site is also adjacent to listed buildings, being the Manor House and Postling Court. These buildings have a distinct connection with each other and consequently have a similar historic setting, as the buildings at Postling Court would historically have been the outbuildings and barn serving the Manor House. Postling Court has been converted to residential use and the Manor House is also in residential use. It is considered that, owing to the predominant residential character, the separation distance from these buildings, together with the acceptable scale, design, siting and choice of materials, the proposed dwelling would sit comfortably adjacent to these listed buildings and have no adverse impact upon their settings.

### **Trees and landscaping**

- 8.18 This site was characterised by the many trees which significantly contributed to the sylvan character of the site and area. Therefore owing to their visual contribution to the area, and the fact the site has been the subject of development proposals in the past, a Tree Preservation Order was served on many of the trees and the Yew hedge in 1988.
- 8.19 The application has been accompanied by a BS 5837 tree survey. Based on the information submitted it is clear that the site was heavily constrained by trees and important landscaping. However many of the trees have since been removed. These trees were identified as T2, T3, T4, T12, T15 and T34, which was approved under a separate tree application and subsequently removed. In response to their removal and in the interests of the setting of the conservation area, it was agreed that replacement trees are planted. As such whilst these trees once contributed to the setting of the locality, the removal of these trees have been considered on their own merits and agreed for sound arboricultural reasons and therefore considered acceptable. As part of this application it is also proposed to carry out pruning works to tree T11 and off site tree T36 which is generally considered acceptable and good arboricultural practice.
- 8.20 Of equal concern is the removal of the Yew Hedge (G1) and its replacement. Originally under previous applications this hedge was in reasonable health where Officers considered its retention to be important which contributed to the streetscene amenity. However it has since undergone pruning where it is regretful that it has not regenerated (as originally advised it would) and is now proposed to be removed. In arboricultural terms this is now considered to be acceptable to remove and replace given its current poor condition and negative impact it has on the streetscene. Other trees that are likely to have their root protection area encroached can be protected by appropriate arboricultural mitigation measures which could be a condition of any planning permission, including the impact upon the Lawson Cypress (T35) from the drain run. The Council's

Arboricultural Manager has considered the proposed development in relation to the impact upon the remaining trees and removal of the Yew hedge and raised no objection and therefore in arboricultural terms the development is considered acceptable.

- 8.21 However whilst there may be sound arboricultural grounds for the removal of and replacement of trees and the hedge it is considered that in visual amenity terms the development is still unacceptable where it will result in further loss of landscaping and open space. The hedge (if successfully planted) will take several years to establish and the use of the land as residential is likely to create additional pressure in future to remove the replacement hedge and remaining and replacement trees to the detriment of the character of the streetscene and locality.

### **Residential Amenities**

- 8.22 Owing to the separation distances that would be retained between adjacent houses to the north and south, it is considered that the development would not cause overshadowing or be overbearing in an adverse manner. In terms of overlooking and loss of privacy it is also considered that the space and separation distances retained around the site, together with the positioning of the windows would adequately mitigate this. In addition the use of good boundary fencing (which both can be controlled by condition) would also reduce this further and therefore there would be no undue loss of privacy.
- 8.23 It is noted that first floor bedroom windows to the side north elevation are proposed that would look directly towards the rear windows of The Annesty which are currently fairly private. However, if permission were to be granted the two side windows can be obscurely glazed and fix shut which can be conditioned. Outlook and escape can be obtained from the front and rear bedroom windows. The new access and driveway is also considered far enough away from neighbour properties to not cause any disturbance issues from engine noise, fumes and headlights. As such it is considered that the residential amenities of neighbouring occupiers would be safeguarded.

### **Highways**

- 8.24 As previously stated, this area is in transport terms, a very unsustainable location to live, where occupiers would be reliant upon the motor car to access local services further afield. There are no schools, shops, medical services or recreational facilities nearby and in reasonable walking distance. There are also no public footpaths or street lighting in this area, making it unsafe and undesirable to walk anywhere further afield and thus contrary to sustainability policy SD1 and the NPPF.
- 8.25 In terms of access and parking arrangements, the development proposes to create a new vehicular access off The Street, through the existing hedge and wall and parking and turning outside the front of the property via a driveway. This arrangement is considered to be generally acceptable which Kent Highways and Transportation Services raise no objection to subject to some basic conditions set out above. As such in highways safety terms the

development is considered to be acceptable in accordance with saved policies TR11 and TR12.

## **Ecology**

8.26 The site has been surveyed by a professional ecologist for the presence of protected species covering both flora and fauna and confirms that the site does not accommodate any protected species. KCC ecologists have reviewed the ecological information submitted in support of this application and advised that sufficient information has been provided and recommended that if permission is granted ecological enhancement measures are installed. As such the development is considered acceptable in accordance with saved policy CO11 and the NPPF.

## **Other Local Developments**

8.27 The applicant/agent has made reference to other residential developments within Postling that have benefited from planning permission within recent years with the view that this sets a precedent for other forthcoming residential developments in the area. In response to this, each application should be determined on its own merits. Nevertheless, Karelia to the south east, was in fact a replacement dwelling and not a new dwelling, approved under planning permission Y08/0991/SH which was considered acceptable under Local Plan Review policy CO20. Further to the north east along the road at Old Page Farm, planning permission was granted in 2002, reference Y02/0716/SH for the change of use and conversion of agricultural buildings to residential. However this was the conversion of existing buildings and not a new build where the development was considered acceptable by making efficient use of an existing building in accordance with Local Plan Review policy CO19. Lastly it is accepted that Fox Meadow to the south east is a new dwelling which was granted permission by the DC Committee back in 2007, however this was ten years ago, and considered by a different committee of Members and was prior to the NPPF and the Council's Core Strategy. It is not considered that this has any material weight to the applicant's case.

## **Local Finance Considerations**

8.28 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for

infrastructure improvements in the area. The CIL levy in the application area is charged at £125 per square metre for new residential floor space.

## **Human Rights**

8.29 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.

8.30 This application is reported to Committee at the request of Cllr Hollingsbee

## **9.0 SUMMARY**

9.1 Due to the unsustainable location of the site within the countryside, outside of any settlement boundary and within the AONB and Special Landscape Area, the proposal for residential development is contrary to both national and local planning policies and there is no acceptable planning justification or overriding reason, for granting permission. A residential development in this location would be highly unsustainable where future occupiers would be isolated from main public services and completely reliant upon the motorcar contrary to the foundations of sustainability.

9.2 Furthermore, the development would also adversely impact upon the setting of the nearby conservation area and fail to conserve or enhance its character and appearance and that of the streetscene with the opening up of the site and the loss of undeveloped green space and domestication of the site. As such, the development does not propose a sustainable form of development and would also be visually harmful to the amenity of the streetscene and setting of conservation area and is thus recommended for refusal.

## **10.0 BACKGROUND DOCUMENTS**

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

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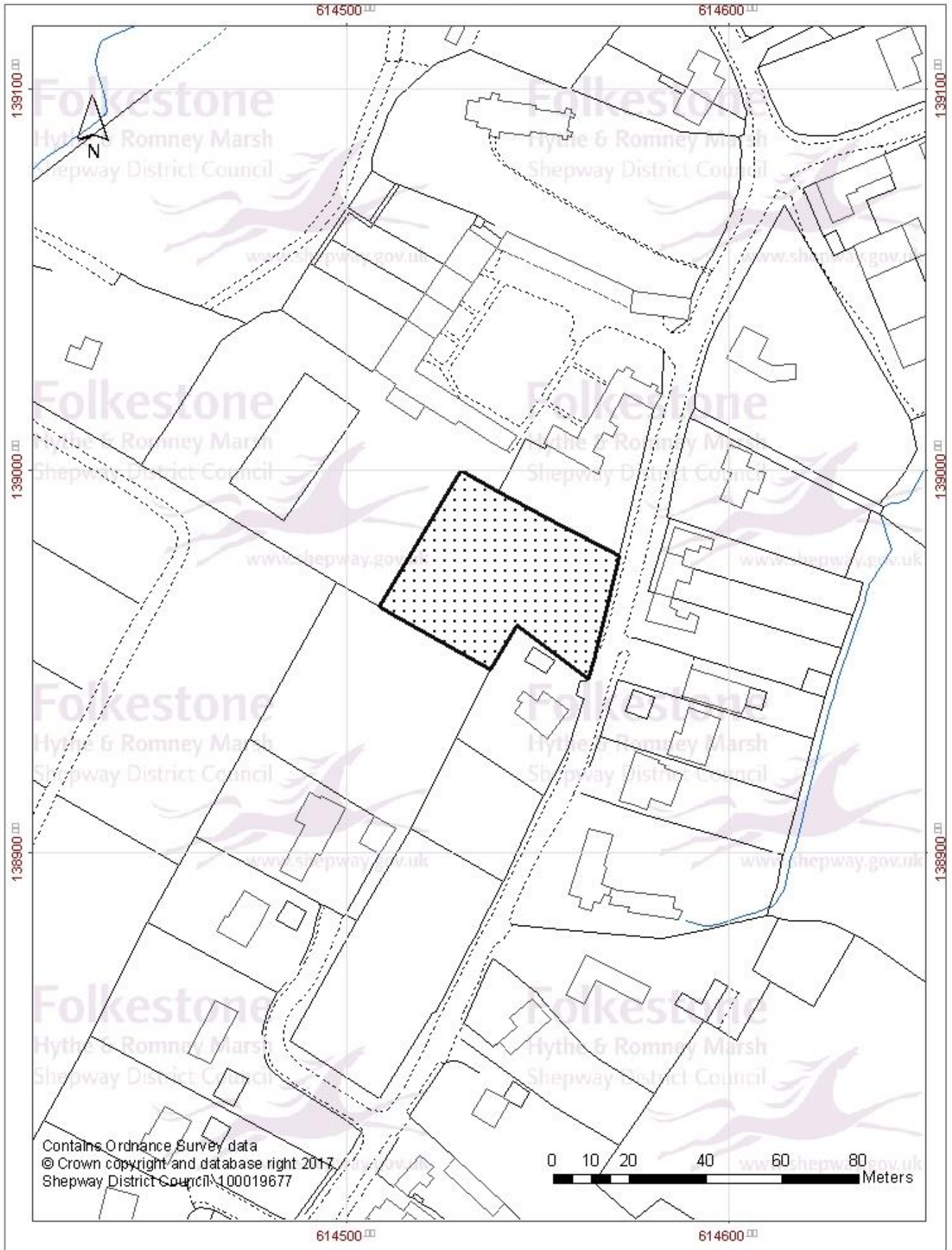
**RECOMMENDATION – That planning permission be refused for the following reason(s):**

1. The site is located within the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area and the proposal would result in an unacceptable and unsustainable residential development in the countryside outside the confines of an existing town, village or rural settlement. As such the proposal would be contrary to Saved Local Plan Review policies SD1, CO1, CO4 and HO1 and Core Strategy Local Plan policies; DSD, SS1, SS2, SS3, CSD3 and the sustainable development principles of the National Planning Policy Framework, which seek to direct new development to the built confines of identified existing rural settlements, whilst conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty and Special Landscape Areas which have the highest status of protection.
  
2. The site is located within a rural hamlet, immediately adjacent to the historic conservation area of Postling which is characterised by the existing undeveloped green spaces. The proposed development would, by virtue of its built form and domestication in the development of the site, together with the opening up of the site, loss of a section of the wall and landscaping and loss of the continuity of this undeveloped section of the streetscene, result in an adverse visual impact upon the amenity of the area which would fail to preserve or enhance the setting of the nearby conservation area and be detrimental to the character and appearance of the streetscene. As such the development would be contrary to Saved Local Plan Review policies SD1, BE1, BE4 and BE16 and policy SS3 of the Shepway Core Strategy which require developments to be of a high standard of layout and seek to retain the historic patterns, plot boundaries and open spaces which are essential to the character or appearance of conservation areas and refuse proposals for infill development which would adversely affect the character of a conservation area and result in a loss of important landscaping.

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Decision of Committee

Y17/1201/SH  
Land adjoining Orchard Cottage  
The Street  
Postling



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**Application No:** Y17/1370/SH

**Location of Site:** 17 Sandgate High Street Sandgate Kent CT20 3BD

**Development:** Change of use of ground floor and basement from retail (Class A1) to self contained flat and associated alterations to the facade, together with installation of a rear dormer and other external alterations in connection with alterations to internal layout of existing upper floor flats, and installation of weatherboarding.

**Applicant:** Mr Martin Jordan

**Agent:** Mr Giles Fitch  
Blueprint Projects  
8 James Close  
Lyminge  
Folkestone  
Kent  
CT18 8NL

**Date Valid:** 26.10.17

**Expiry Date:** 21.12.17

**Date of Committee:** 19.12.17

**Officer Contact:** Katy Claw

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

## **1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of the ground floor shop and basement to a residential flat together with proposed alterations to the internal layout of the existing upper floor flats. The proposal also includes alterations to the shopfront façade, the installation of a rear dormer window, a small second floor extension and weatherboarding to part of the rear elevation. (Colour to be determined).
- 1.2 The proposed ground floor flat would be accessed via Sandgate High Street by repositioning the existing central entrance door to one side and the existing flats will retain their entrance on the same front elevation. Refuse storage is located to the rear of the building at ground floor level and this would continue to be the case under this application. The rear amenity area measures 4m in length by 1.35m in width. It is considered that this would provide sufficient space for the required refuse storage.
- 1.3 Concerning the internal layout, the proposed ground floor flat would comprise an enclosed entrance porch which leads into a combined living room, dining area and kitchen space with a separate bedroom, bathroom and utility area.

A new internal staircase will allow for access to the basement where a games room, bathroom and TV room are proposed. At first, second and third floor the existing flats would remain with some internal alterations to the proposed layouts for which planning permission is not required.

- 1.4 Some external alterations are also proposed. On the front elevation, alterations are proposed to the existing shop front and the fenestration would be altered to relocate the existing ground floor entrance door together with the formation of two large glass panels and new columns to match the existing. A conservation style rooflight is also proposed to the front roof slope. To the rear, the existing extension at second floor would be extended widthways to provide a small vestibule area to allow access out onto the rear terrace and the terrace would have a new balustrade installed. At roof level (third floor) it is proposed to construct a large pitched roof dormer window which would replace the existing, smaller dormer window. Part of the rear elevation would also have the render façade replaced with weatherboarding.
- 1.5 The front and rear elevation contain uPVC windows, however, the new door and windows on the front elevation to the proposed flat would be of timber construction.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 This application site is located on the edge of the centre of Sandgate. The site is located on the south side of the road at the bottom of Sandgate Hill and within Sandgate High Street conservation area.
- 2.2 The property is three stories in height with attic space and basement level. It fronts onto Sandgate High Street and forms part of a long terrace of properties of similar scale and appearance. To the rear is Castle Road which is predominantly a residential road. Opposite the site is Enbrook Park and Saga. The property at ground floor and basement is currently empty. It was last used as a shop at ground floor with storage in the basement.

## **3.0 RELEVANT PLANNING HISTORY**

There is no planning history for this property.

## **4.0 CONSULTATION RESPONSES**

- 4.1 Sandgate Parish Council  
Objection

Reason: there is a high demand for commercial properties in Sandgate High Street. Every property that is marketed is let within weeks. There are no vacant properties in the High Street that have been properly marketed. Reports from SDC officers that Sandgate High Street is in any way struggling are wrong and need to be corrected as a matter of urgency. SDC's own emerging local plan would give the High Street some protected status and we therefore urge SDC

to respect that emerging policy and to refuse this application. Should this application be approved there would be three residential properties in a row on the High Street which would be in contravention of the emerging policy. The owners have failed to market the property as a viable commercial business.

## **5.0 PUBLICITY**

5.1 Neighbours notified by letter. Expiry date 22.11.2017

5.2 Site Notice. Expiry date 08.12.2017

5.3 Press Notice. Expiry date 07.12.2017

## **6.0 REPRESENTATIONS**

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

- Retail shops bring life to a community, this is why the new draft policy seeks to retain outlets. Although only in draft form this shows intention and this intention should be considered when deciding on the application.
- Sandgate High Street has three retail outlets that have been given permission for residential use (No. 42, 44 and 46) If this application is given the same permission there will be another three in a row.
- Sandgate has good parking facilities for the local retail business which have increased in recent years. We are all aware of the impact supermarkets have made on our smaller communities. Local council policies are key to their survival.

## **7.0 RELEVANT POLICY GUIDANCE**

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

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

SD1, BE1, BE4, BE8, BE19, HO1, TR12

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

DSD, SS1, SS3

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework (NPPF) Paragraphs 12, 49, 51  
National Planning Policy Guidance (NPPG)  
Sandgate Village Design Statement 2013 Supplementary Planning  
Document: SDS1, SDS2, SDS4, SDS5 (seafront character area), SDS6,  
SDS8, SDS11

## **8.0 APPRAISAL**

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

### **Policy**

- 8.2 The site is located within the Sandgate settlement boundary as defined in the Core Strategy policy map, and is covered by saved policy HO1 of the Local Plan Review, in which the principle of the conversion of existing buildings, particularly where this would result in the preservation of a building of architectural or historic interest, is acceptable. Sandgate is not identified as a primary or secondary shopping area in the local plan and there is no policy covering Sandgate High Street that would enable planning permission to be refused for the loss of the commercial unit. It is noted that Sandgate Parish Council have drawn attention to the emerging draft plan, however the local plan to which they refer has not yet been adopted and therefore cannot be afforded much weight at this stage.

### **Principle of residential conversion**

- 8.3 In terms of the principle of the conversion, the formation of a further residential unit within the host building is considered acceptable under saved Local Plan Review policies HO1 and SD1 which allow the conversion of existing buildings where it makes good use of previously developed and brownfield land/buildings and/or would result in the preservation of a building of architectural or historic interest. It would also bring back into use the ground floor and basement of this part of the building that has stood empty for a period of time.
- 8.4 The NPPF also advises in paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and in accordance with paragraph 51, which seeks to bring back into use empty buildings and make efficient use of existing housing stock. To promote sustainable development and prioritise urban regeneration, a target is set for at least 65% of dwellings to be provided on previously developed land by the end of 2030/31 (Core Strategy policy SS2).
- 8.5 It is considered that the site is located within a central urban area that benefits from town services and amenities with good pedestrian and vehicular connectivity as well as a public bus service. The internal layout of the ground floor and basement complies with the minimum standards for properties

undergoing conversion to self contained flats and are acceptable for modern day living and the proposed flat would contribute to the mix of housing within the district, ideally suited to single/couple orientated accommodation.

- 8.6 In terms of the loss of the retail shop, Sandgate High Street is not identified as a primary or secondary shopping area so there is no policy need to safeguard ground floor retail or business units. Therefore there is no policy justification to keep the ground floor and basement use as retail or another business use. It is therefore considered that the principle of the conversion of the building to a self contained unit is acceptable in accordance with saved policies SD1 and HO1 of the Local Plan Review, Core Strategy policy SS2 and the NPPF: 2012 para 51.

### **Visual Impact**

- 8.7 The site is located within Sandgate Conservation Area and therefore section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and saved policy BE4 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.8 In this regard, this application does propose alterations and an extension to the exterior of the building. The development seeks to retain the concept of a shop front by installing two large retail style timber sash glazed windows which are appropriate to the period of the property and would seek to preserve the character of the building and hint towards its previous use, which would in turn help conserve the character and appearance of the conservation area. Within the front roof slope, a conservation style roof window is proposed. It is considered that the design of a conservation area rooflight is a suitable option as it has a slimmer profile than standard rooflights. Further, given the angle of pitch of the roof and the rooflights location, high upon the building, it is expected that the rooflight would not be highly visible from the streetscene and is therefore considered to be visually acceptable.
- 8.9 Concerning the rear elevation, the new extension to the second floor is proposed to be flat-roofed which is not generally considered to be acceptable, however in this instance the extension would not be readily visible from Castle Road and would be a very small addition to the existing flat roof extension and therefore is considered on balance to be visually acceptable. The new fenestration to the rear would be uPVC. Whilst the use of uPVC is regrettable, it is considered on balance to be acceptable given the significant amount of uPVC already installed within this property and within this terrace row of properties in general.
- 8.10 The biggest and most prominent alteration would be to the rear roof slope where a pitched roof dormer window is proposed to be installed. Whilst it is considered to be a prominent feature to the rear elevation it will replace an existing, albeit smaller flat-roofed dormer. Whilst larger than the existing, this is not considered to be unduly large or top heavy to the detriment of the visual amenity of the conservation area, as it is considered it would sit comfortably within the roof slope. Further, other properties in the immediate vicinity have rear dormers of similar size and design and therefore it is considered that it is

visually acceptable in this instance and would conserve the character and appearance of the conservation area in accordance with saved Local Plan Review policies BE1, BE4 and BE8. Furthermore the development is considered to be in accordance with Sandgate Village Design Statement policies SDS 4, 5 and 6, where the development conserves the conservation area and the development provides detailed elevation plans which show that the scale, form and design is visually acceptable.

### **Neighbouring Amenity**

- 8.11 In terms of residential amenities, it is considered that the development would safeguard the amenities of surrounding residents. It is considered that a residential use would be appropriate within this mixed use area which already has many similar houses, flats and maisonettes. The building currently has a commercial use with residential above and it is considered that the change to full residential would result in a less intensive use than existing.
- 8.12 There would be no neighbouring impact to the front which fronts onto the busy Sandgate High Street and only marginal impact to the rear from the external alterations which would not significantly impact upon neighbouring amenity in terms of overbearing or overshadowing. With regard to the proposed dormer window this is also not considered to result in any overbearing/overshadowing issues as it is positioned high in the roof level and away from other neighbouring windows. Some overlooking to the south would occur towards other houses in Castle Road, but this is a replacement dormer and therefore the situation will not significantly alter from the current position and is therefore considered acceptable and not significantly more harmful than existing. Castle Road is also very narrow with properties positioned on both sides of the road where there is already a degree of interlooking occurring. As such any overlooking from the dormer window is considered to be acceptable.
- 8.13 At second floor level upon the rear of the building an existing flat roof terrace area is proposed to be used as an external amenity space. This already exists but is to be brought up to acceptable standards with the installation of a glass balustrade. In this instance it is considered that the impact of its use would be no greater than existing where the terrace area could be currently used.

### **Highways/Transportation**

- 8.14 With regard to location and wider sustainable connectivity, the site is located within the centre of Sandgate and benefits from good connectivity having access to road and pedestrian footpath networks and close to local services. The site also benefits from public transport services with a bus stop on the A259 immediately outside. As such, the site is considered to be a sustainable location in transport terms.
- 8.15 In terms of car parking, the existing site does not have any off street car parking and the proposed development does not propose any. There is some on street parking available within the local area and there is a public car park nearby in Castle Road to the rear of the site. Nevertheless in the absence of

off street parking, this is considered acceptable given the sustainable location where occupiers would not necessarily need to use a car.

- 8.16 It is noted that policy SDS11 of the Sandgate Design Statement requires all planning applications to demonstrate adequate off-road parking provision in accordance with car parking standards. However, based on the existing use of the building (ground floor retail unit and residential above) in this case the proposed development will result in a small reduction in parking demand particularly during daytime when the shop would have been open. Therefore it is considered that the development is acceptable in this regard.

### **Other Considerations**

- 8.17 The application proposes to connect to the main public sewer for foul and surface water disposal which is acceptable. Refuse and recyclables storage is also proposed in a communal area to the rear of the building which is considered acceptable and can be conditioned for retention. Although the site is located within an area of known land instability it is considered that a soil stability condition would not need to be applied as no new foundations are proposed.
- 8.18 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.
- 8.19 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £100 per square metre for new residential floor space.
- 8.20 The proposal would not create enough new floorspace for the CIL charge to take effect and therefore a CIL charge would not be applicable in this instance.
- 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 £1224 for one year and £4896 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**

8.22 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 given the views of Sandgate Parish Council.

## **9.0 SUMMARY**

9.1 The development proposes to make efficient use of an existing empty retail unit. It is a previously developed site and proposes a self-contained unit at ground/basement level that conforms to the Council's minimum standards for properties undergoing conversion to self-contained flats and that would contribute to the mix of housing stock in the area. Sandgate High Street is not identified as a primary or secondary shopping area and so the loss of the shop use is not considered to be a material consideration. The external alterations are acceptable and would conserve the character or appearance of the conservation area and the development would safeguard the amenities of residents. There are no adverse highway issues.

## **10.0 BACKGROUND DOCUMENTS**

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

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

1. Standard Three Year Condition.
2. Approved plans.



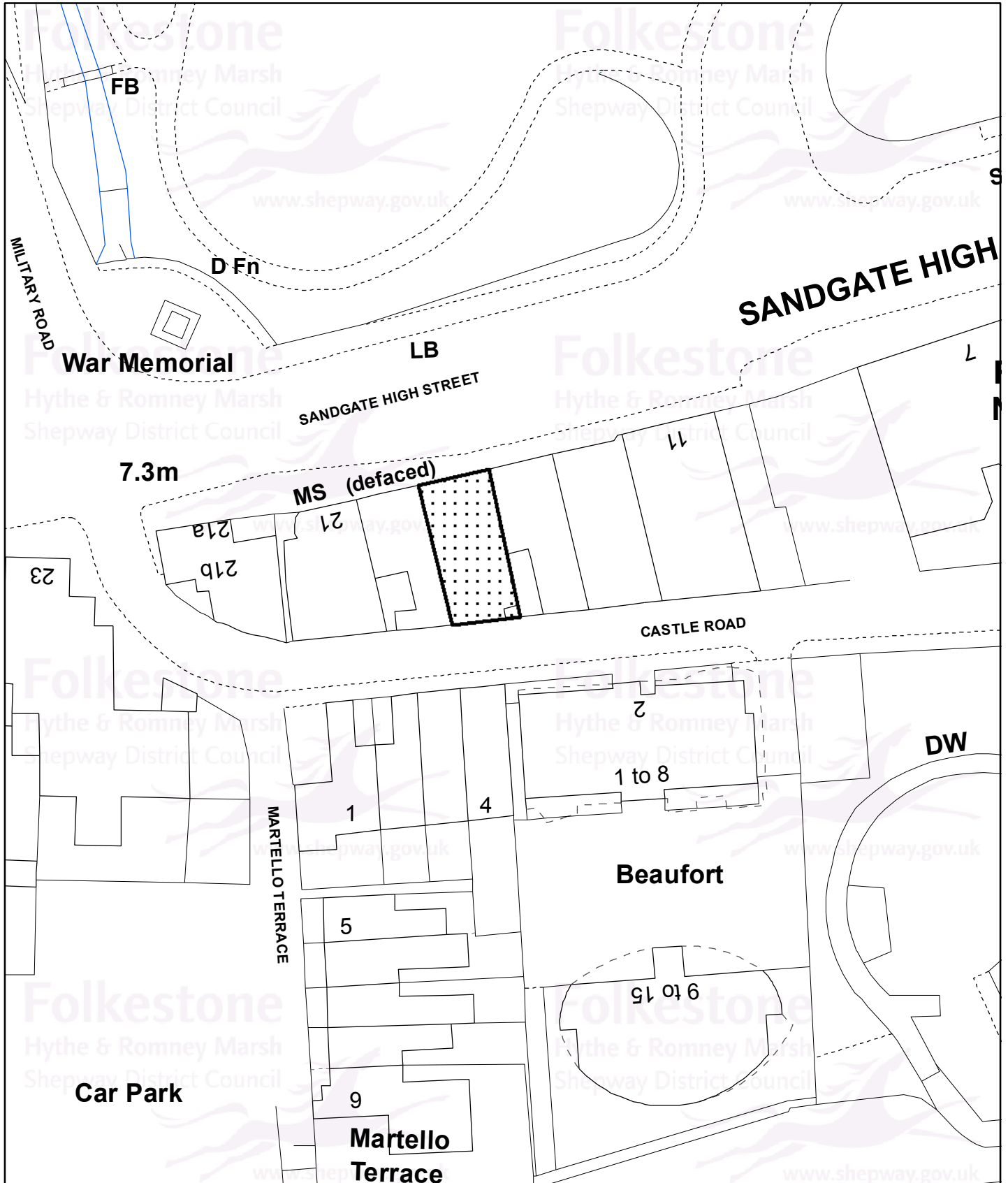
3. Details to be submitted to and approved prior to commencement of development for the following;
  - Colour/ materials of proposed weatherboard to rear elevation
4. Provision and retention of refuse/recyclables storage
5. The new windows/ doors on the front elevation shall be timber. Joinery details for them to be submitted and approved.

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Decision of Committee



**Application Y17/1370/SH**  
**17 Sandgate High Street, Sandgate, Kent, CT20 3BD**

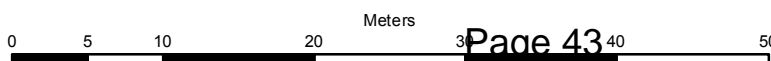


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08 Dec 2017

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**Application No:** Y17/1264/SH

**Location of Site:** Pedestrian Precinct Sandgate Road Folkestone Kent

**Development:** Use of land as a street market

**Applicant:** Mr Robert Richardson  
Folkestone Town Centre Management  
The Management Suite  
Bouverie Place Shopping Centre  
Folkestone  
Kent  
CT20 1AU

**Date Valid:** 11.10.17

**Expiry Date:** 06.12.17

**Date of Committee:** 19.12.17

**Officer Contact:** Miss Beth Lennon

<b>RECOMMENDATION:</b> That planning permission be granted subject to the conditions set out at the end of the report.
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## **1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for use of the land as a street market on any day of the week, for a maximum of 104 days per year. The opening times of the market would be 9am to 6pm Monday to Saturday and 9am to 4pm on Sundays and bank holidays.
- 1.2 Although the proposal is for 104 days of markets per year, the applicant has confirmed that, other than for December, one market event would last for no more than 7 days at one time, with 5 days between market events. The Christmas market would be in place throughout the month of December as the wooden huts are more permanent structures than the frame tents and cannot be removed on a daily basis.
- 1.3 Layout plans of the proposed market have been submitted which show 6 frame tents to be used in the general market which would each have a width of 6 metres and a depth of 3 metres. The proposal includes a Christmas market to be run from the end of November each year throughout December which would use up to 8 wooden cabins instead of frame tents, these cabins would measure 3 metres by 3 metres. The proposed market stalls would be positioned back to back with the front of the stalls fronting onto the adjacent shops.
- 1.4 The application form states that refuse would be removed by individual traders. No toilet or handwashing facilities are to be provided, however there are public toilets in close proximity to the site. Also, it is understood that the

existing market at the lower end of Sandgate Road and Guildhall Street is also reliant on public facilities.

- 1.5 The application as submitted also included events for up to 30 days per year, however, it has been determined that the events proposed would not require planning permission and have therefore been removed from the application.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The application site is the upper end of the pedestrianised area of Sandgate Road, beginning where the road becomes pedestrianised ending approximately in line with West Cliff Gardens and Alexandra Gardens.
- 2.2 The application site is within the defined settlement boundary of Folkestone and is immediately adjacent to one Grade II Listed Building (Lloyds Bank). The site is outside of the Leas & Bayle Conservation Area which begins at the end of the high street (almost 100 metres from the application site) and across Bouverie Place.
- 2.3 The site has an area of approximately 0.18 hectares, the width of the high street at this point is approximately 18 metres.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 There is a long history for the site including advert consents and planning permission for the use of the land as a street market. There are numerous permissions for the lower end of Sandgate Road and Guildhall Street for street markets which include a current permission. The application site was granted a permission in 2000 for use of the land as a street market but this was a temporary permission which only allowed use of the land for street markets for two years – this permission was never extended or renewed so is no longer applicable.

- 3.2 Permissions for the lower end of Sandgate Road and Guildhall Street:

96/0059/SH	-	use of land as a street market on Thursdays and Saturdays. Approved with Conditions. 04.03.96.
97/1073/SH	-	Renewal of temporary Planning Permission 96/0059/SH for use of land as a street market on Thursdays and Saturdays. Approved with Conditions. 01.05.98.
Y02/0990/SH	-	Use of land as a street market on Saturdays and Thursdays. Approved with Conditions. 22.11.02.
Y07/0052/SH	-	Use of land for Sunday street market (relocated from Folkestone seafront). Approved with Conditions. 27.02.07.

Y09/1210/SH - Variation of condition 1 of planning permission Y07/1562/SH to allow the continued use of land as a street market on Saturdays and Thursdays. Approved with Conditions. 11.02.10.

3.3 Permission for the application site:

Y00/0831/SH - Use of land as a street market on Thursdays and Saturdays. (Extension to existing street market area). Approved with Conditions. 10.10.00.

#### 4.0 CONSULTATION RESPONSES

##### Folkestone Town Council

Object – subject to more detail on the running of the market, layout, quality of awnings etc., opening hours, rubbish collection, toilet provision, handwashing facilities.

These details have since been provided by the applicant but the Town Council have not yet provided additional comments.

##### KCC Highways and Transportation

I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

I would add that a clear path through the area intended for the markets and events should be maintained at all times, to ensure the safe passage of pedestrians and the emergency services.

I would also suggest consulting the emergency services for their views on this application.

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 country 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 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 <https://kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-land/highway-boundary-enquiries>

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.

#### Listed Building Consultant

No aspect of the proposal would affect the historic environment of the Conservation Area, since the proposals only involve temporary stands or stalls on the existing street with no physical alterations. There may be consequential requirements such as the provision of power access pillars and these need to be carefully considered. Retractable pillars would be best as they disappear out of sight when not in use. It might also be worth discussing the imposition of a design code covering the shape and colour of the Trader's stands. This would make for a more attractive and classier market than would be the case if traders are left to their own devices.

#### Environmental Health

No objection to the granting of this application. Conditions will be addressed at the licensing phase.

#### Economic Development

Regarding the above planning application, markets and events have the potential to uplift town centres. The market should provide an impetus for the wider engagement of town centre retailers to ensure the programme of markets and events has wide support and provide an opportunity for those retailers to engage. Markets should also attract additional footfall such as by offering speciality markets and increasing the hours the town centre is 'open' through evening trading. Some research by Manchester Metropolitan University showed that markets held on Mondays, Tuesdays, Wednesdays and Thursdays also tended to increase footfall to town centres than would otherwise be the case. Adding value is important as it avoids markets becoming direct competitors and diverting consumer spending away from local retailers which, in more marginal town centres such as Folkestone (490/500 in the town centre vitality ratings in 2014) could lead to retail unit vacancy rates increasing to the detriment of the town. Conversely, a market that attracts footfall has the potential to attract new businesses into the area on a permanent basis. Markets also provide an opportunity for independent retailers to test their products or services and success may also lead to a permanent presence in the town. In addition to the number of days being quantified, there ought to be some measures to ensure there is added value in terms of the quality of the offer. So perhaps there ought to be some conditions relating to quality of the market too. Would any of the following be permissible in planning terms e.g.

- 1) Each year, local businesses to be consulted on a programme of markets and events for the ensuing year.



Reason: To ensure local retailers support the programme, can align with their own marketing and engage with activities proposed.

2) The type of market should be 'speciality' with no market having more than 10% of traders that compete directly with permanent independent traders in Folkestone town centre. Reason: To extend range and quality of goods available in the town.

3) The market hours of operation to extend to 11 pm Reason: To extend the life of the town centre beyond 6pm and increase its commercial vitality.

4) The market should be operated to improve the image and visual appearance of Folkestone town centre. Reason: To ensure the standards, equipment and materials are of high quality that add to the town centre.

#### Fire Safety Officer Kent Fire and Rescue

No response received. Expiry date 10.11.2017

#### Kent County Constabulary

No response received. Expiry date 10.11.2017

#### South East Ambulance

No response received. Expiry date 10.11.2017

## **5.0 PUBLICITY**

5.1 Neighbours notified by letter. Expiry date 02.11.2017

5.2 Site Notice displayed. Expiry date 16.11.2017

5.3 Press Notice. Expiry date 16.11.2017

## **6.0 REPRESENTATIONS**

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

- Poorly constructed application with no supporting information
- The red line meets the existing street trading area which could cause conflict
- Restricted to day time activity only, ignoring the economy might benefit from evening or night markets
- Request additional information to be provided (including, but not limited to, supporting statement, business plan, statement of consultation, justification for number of events and markets, conditions to restrict the permission if successful)
- The proposal conflicts with the Council's street trading policy

- Gives no information about the types of events
- The application has been made by Folkestone Town Centre Management but does not state whether this organisation is a charity, limited company or other organisation
- Local businesses should be consulted yearly on a programme of markets and events for the year
- The type of market should be speciality type markets
- The application states the persons operating the markets and events will be liable for their own waste and recycling but does not state how / when this will be inspected by FTTCM after an event
- The visual aspects of the market are important
- No information about how vehicle access will be controlled, lighting, water / washing facilities, hygiene (toilets), how the markets and events will be managed as required by the Street Trading Policy
- Will charities be treated differently and not be charged?
- Potential or uncontrolled charges
- Sales oriented installations such as private market trading should be controlled
- Has the applicant spoken to other stakeholders?
- Appears there will be little or no benefit to the town – purely commercial exercise that will not benefit the local economy and will detract spend from local shops and existing market traders
- Can evidence be provided for the ‘model’ of the events and markets which has been adapted from Canterbury, Ashford, and Maidstone etc.?
- Are the tents in the precinct meant to be the Christmas markets?

## **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 BE5
- 7.3 The following policies of the Shepway Local Plan Core Strategy apply:  
DSD SS1 SS3 SS4 CSD6
- 7.4 The following Supplementary Planning Documents and Government Guidance apply:

## **8.0 APPRAISAL**

### **Background**

- 8.1 The application site was granted temporary planning permission in 2000 for use of the land as a street market on Thursdays and Saturdays as an extension to the existing street market at the lower end of Sandgate Road and Guildhall Street. This permission was a temporary permission and expired in 2002, therefore no planning permission remains in place on the application site for use of the land as a street market.

### **Relevant Material Planning Considerations**

- 8.2 The main issues to be considered are the impact on the vitality and viability of the town centre, the design and visual impact, the impact on amenities of the neighbouring properties and highway issues.
- 8.3 Issues such as the licence for the market or Shepway's Street Trading Policy are not planning considerations as they are dealt with under a separate legislative regime which has different considerations. These two regimes are designed to be separate and should therefore not overlap in terms of conditions.

### **Policy**

- 8.4 Paragraph 23 of the NPPF states "local planning authorities should retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive".
- 8.5 Core Strategy policy SS4 states a town centre first policy will operate for applicable uses in line with national policy. Potential town centre activities should be located sequentially, looking firstly at locations within town centres and with regard to their impact on the vitality and viability of the defined town centre.

### **Impact on town centre**

- 8.6 The proposed market is a town centre use, therefore the town centre is the ideal location for a market as it is a highly sustainable location which will attract footfall and increase the vitality of the existing town centre allowing shoppers (and those visiting for other town centre uses) to combine their visits to the town centre for more than one reason. Providing such a use within a town centre helps to encourage more visits to the town centre helping to boost existing retail uses and other services. National planning policy encourages the creation of new markets where appropriate. It is considered that the proposed site is an appropriate location for a street

market and, with adequate conditions, it can be ensured that the market is appropriate in regard to vitality of the town centre, visual appearance and neighbouring amenity.

- 8.7 With regards to the comments received from Economic Development, whilst officers share their aim to have a high quality market which helps to support and boost the vitality of the town centre and understand their desire to have a comprehensive approach to the markets within the town centre, we can only consider what has been proposed within the application and material planning considerations. The conditions recommended by Economic Development such as requiring the market to operate in the evenings and specifying the type of goods sold (controlling competition) go above what can be required under a planning permission and therefore cannot be controlled by planning condition.
- 8.8 The proposed layout plan shows the market to have a maximum width of 6 metres for both the general market and the Christmas market. Sandgate Road at this point has a width of over 18 metres which would allow a gap of approximately 6 metres on either side of the market stalls to the adjacent shops. This is considered to be sufficient to allow easy access to the existing retail units so as to not impact on the viability of these stores and not impact on the pedestrian traffic through the high street. As such, the proposed layout of the market is considered to maintain the vitality of the existing town centre.
- 8.9 National policy requires new markets to remain competitive, however, while planning can consider the impact on the town centre as a whole, it cannot directly control competition or be prescriptive in the types of goods sold. Putting too many conditions or restrictions on the market is not encouraging competition, but restricting it. One objection received recommended the market should only be used as an artisan market, however, this is outside the scope of what planning can control. The market should be able to adapt to demand and changing market conditions and therefore imposing the types of goods to be sold would be too restrictive and would not allow the market to adapt to trends in demand, thereby restricting competition, contrary to paragraph 23 of the NPPF.

### **Visual Amenity/Design**

- 8.10 The proposed stalls would be provided by the operator rather than the individual stall holders and would therefore have the same visual appearance, rather than a clutter of different stalls. The proposed Christmas market (proposed to start in 2018) would use wooden huts which are considered to be high quality market stalls. These would be a more permanent feature within the town centre and would be erected for the majority of December. For the rest of the year, the market stalls would be frame tents but again would all have the same uniform appearance creating a tidier appearance to the market.
- 8.11 As the applicant has confirmed all the markets would be provided by the same company and would therefore have a uniform appearance, it is

considered reasonable to condition that the stalls be of a uniform appearance and maintained in good condition in order to preserve the visual amenity of the area.

### **Neighbouring Amenity**

8.12 The proposed market would be in a town centre location which is busy with a variety of different activities occurring throughout the day. The application proposes for the market to close at 6pm on Mondays to Saturdays and at 4pm on Sundays and Bank Holidays. These times are considered to be in keeping with the existing town centre activity of this location and would not cause significant disturbance to neighbouring residents above and beyond the existing town centre activities.

### **Highways**

8.13 The site is within a highly sustainable town centre location where people will be visiting not just the market, but also other town centre facilities, thereby reducing the number of trips needed. Due to the sustainable location of the site, no additional parking is needed as there are a number of car parks in close proximity to the site, along with good connectivity to public transport with both the bus centre and Folkestone Central Train Station within walking distance.

8.14 It is therefore considered that the proposal is in a highly sustainable location and will have no detrimental impact in terms of parking and highways.

### **Other Issues**

8.15 As set out above, matters relating to the street traders licence and Shepway's Street Trading Policy are licensing issues and therefore not relevant to the determination of this planning application.

8.16 The application form states that refuse and recycling will be removed by individuals operating the market stalls. It is considered reasonable to impose a condition which requires refuse and recycling to be cleared at the end of every day that the market is operational.

### **Local Finance Considerations**

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

8.18 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme,

which in part replaces planning obligations for infrastructure improvements in the area. This application is not CIL liable as the proposal does not involve the creation of additional floorspace. The New Homes Bonus is not relevant in this case due to the nature of the proposal.

## **Human Rights**

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

8.20 This application is reported to Committee as the recommendation is contrary to the views of Folkestone Town Council.

## **9.0 SUMMARY**

9.1 National and local policies support market uses in town centre locations, subject to them being appropriate. It is considered that with the recommended conditions imposed, the proposed market would be appropriate for the town centre and would increase competition and help to attract more visitors to the town centre, whilst preserving the visual amenity of the area and neighbouring amenity.

## **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).

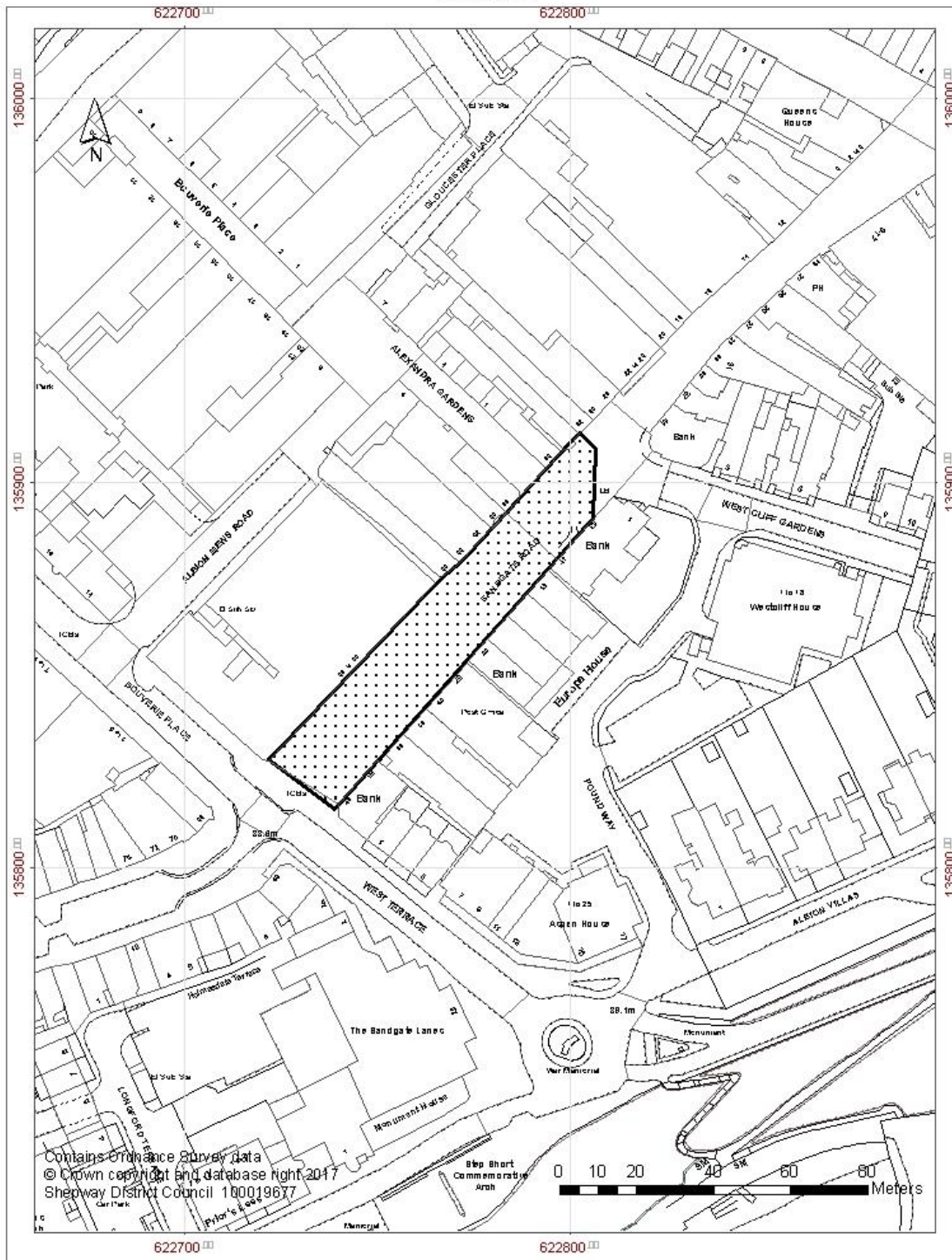
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### **RECOMMENDATION – That planning permission be granted subject to the following conditions:**

1. Development to begin within 3 years
2. Layout / number of stalls (as shown on submitted plans) with stalls facing outward
3. Days of operation – other than December, each market event to last no more than 7 consecutive days with a minimum of 5 days between market events
4. Stalls to be removed at the end of each market event

5. Refuse and recycling to be cleared at the end of every day the market is in operation
  6. All market stalls should be uniform in appearance and maintained in good condition by the operators of the market
-

Y17/1264/SH  
Pedestrian Precinct  
Sandgate Road  
Folkestone





**Application No:** Y17/1434/SH

**Location of Site:** 20 Minter Avenue Densole Folkestone Kent

**Development:** Demolition of existing free standing garage and timber porch and erection of single storey attached garage (resubmission of Y17/0688/SH)

**Applicant:** C/O Agent

**Agent:** Mr Paul Kegos  
Martello Building Consultancy  
Studio 9  
2 South Street  
Folkestone  
CT20 1RW

**Date Valid:** 08.11.17

**Expiry Date:** 03.01.18

**Date of Committee:** 19.12.17

**Officer Contact:** Miss Beth Lennon

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

## **1.0 THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a single storey side extension, following the demolition of the existing porch and detached garage. The proposed extension would form a garage.
- 1.2 The proposed extension attempts to maximise internal space and is therefore proposed to be an irregular shape, with the external side wall following the diagonal line of the boundary. The extension would have an almost triangular shape with a width of approximately 3.9 metres across the front elevation and approximately 7.7 metres along the rear. The proposed extension would have a flat roof and would include a garage door on the front elevation with one door and one window on the rear elevation. Due to the odd shape of the proposed extension, it would not sit flush with the front wall of the host bungalow, but project forward of the front build line at an angle.
- 1.3 Proposed materials would be a felt roof on the flat roof, with clay facing brickwork to match the main dwelling and white uPVC fenestration.
- 1.4 Along with the set of plans, a Design & Justification Statement has been submitted in support of the application.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The application site is within the defined settlement boundary, in the village of Densole. Minter Avenue is a residential road characterised by detached bungalows, some of which have rooms in the roof space.
- 2.2 The application property itself is a single storey, detached dwelling, constructed of brick and render with concrete interlocking tiles. To the front of the building is a grassed garden, with a detached garage set back from the front elevation of the bungalow to the side and hardstanding in front of the garage which provides off street parking. The neighbouring property no. 18 also has a garage set back from the front of the bungalow by a similar distance.
- 2.3 The application site is within the Kent Downs Area of Outstanding Natural Beauty (AONB).

## **3.0 RELEVANT PLANNING HISTORY**

CH/8/62/16/	-	44 bungalows. Acceptance
CH/8/62/16/AI	-	Erect 44 bungalows. Acceptance
CH/8/62/16A/AC-		Revised designs for bungalows. Acceptance
CH/8/62/16C/AB-		Amended application for bungalows. Acceptance
Y17/0688/SH	-	Demolition of existing free standing garage and timber porch and erection of single storey attached garage. Refused. 10.08.17. This was an identical application to the one currently being considered.

## **4.0 CONSULTATION RESPONSES**

- 4.1 Swingfield Parish Council – support

## **5.0 PUBLICITY**

- 5.1 Neighbours notified by letter. Expiry date 06.12.2017

## **6.0 REPRESENTATIONS**

- 6.1 One letter of support has been received from a neighbouring resident on the grounds that there are other flat roofs in the area which are visible from other roads whereas this extension would only be visible from in front of the application 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 BE1 BE8
- 7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD CSD4
- 7.4 The following Supplementary Planning Documents and Government Guidance apply:
- National Planning Policy Framework  
National Planning Policy Guidance  
Kent Design Guide

## **8.0 APPRAISAL**

### **Background –**

- 8.1 This exact proposal has recently been refused, in August 2017, under application Y17/0688/SH for the following reason:

*The proposed extension is of a poor design featuring a large flat-roof and odd form which would fail to relate to the existing character of the dwelling. In addition, the proposal would result in a prominent development that is unsympathetic and incongruous to the character and appearance of the streetscene. The proposal is therefore considered to be unsustainable development that constitutes poor design and is therefore contrary to saved policies SD1, BE1 and BE8 of the Shepway District Local Plan Review and policy DSD of the Shepway Core Strategy.*

- 8.2 The design of the proposed extension has not been amended following this decision, but a design & justification statement has been submitted in support of the application. This statement states that there are no clear policy objections to the proposal and the refusal was based on the opinion of an officer.
- 8.3 There has been no change of planning policy or circumstances on the ground since the recent decision to refuse planning permission was made. As such, there is no change in material planning considerations since that decision was made. The applicant had the opportunity to appeal the previous decision but chose to resubmit the same application rather than appeal the decision.
- 8.4 Following receipt of the resubmitted application, the case officer contacted the agent advising that as no amendments had been made, it was likely that the officer recommendation would be the same and suggested withdrawing the current application and working together through a pre-application advice request (which would be free of charge as the proposal is a householder

development) in order to find a solution which was acceptable for both the applicant and the Council. No response was received to this email.

### **Relevant Material Planning Considerations**

- 8.4 The main issues to be considered are design and visual impact (including impact on the AONB), the impact on amenities of the neighbouring properties and parking.

### **Policy**

- 8.5 Saved policy BE1 of the Shepway Local Plan review requires a high standard of layout, design and choice of materials for all new development.
- 8.6 Saved policy BE8 of the Shepway Local Plan Review states that extensions to existing buildings should reflect the scale, proportions, materials, roof line and detailing of the original building and should not adversely affect the amenity enjoyed by the occupiers of neighbouring properties or have a detrimental impact upon the streetscene.
- 8.7 Saved policy BE8 part (c) states permission will not be given for flat-roofed extensions, unless the proposed extension would not be generally visible from a public place and would serve only as an adjunct to the main building, or the provision of a flat roof is the only practicable means of providing an extension.
- 8.8 Core Strategy policy CSD4 states 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.

### **Visual Amenity / Design**

- 8.9 Due to the restricted nature of the plot, the proposed extension has been designed to follow the side boundary resulting in a 'wedge shaped' extension that would be much wider at the rear than at the front. This has resulted in an extension that appears to have been wedged into a very small space where the design has been dictated by the constraints of the site rather than a well thought out design approach, appropriate to the character of the dwelling and wider street scene. The attempt to maximise the space within the garage has created an extension which is of alien shape and form and appears at odds with the existing building. Due to the irregular shape of the extension, the extension would be difficult to roof which is why a flat roof has been proposed. However, this does not make the proposed flat roof acceptable.
- 8.10 Further, the proposed 'wedge shaped' extension would project forward of the principle elevation of the existing dwelling. The existing flat roof garage and neighbouring garage are currently both set back from the front elevation by approximately 2m and over 16 metres from the highway with space to park a car in front which reduces their prominence in the streetscene.

However, as the proposed extension would project forward of the front elevation, it would be highly prominent in the streetscene and would be an incongruous addition to the dwelling.

- 8.11 As such, the proposed extension would not promote a high quality of design as it would feature a large prominent flat roof and odd form which would be unsympathetic to the original design concept and character of the host building and would appear incongruous in the streetscene, being harmful to its character and appearance. The large flat roof would clearly be visible from the streetscene and would therefore not comply with saved policy BE8.
- 8.12 It is considered that a symmetrical, rectangular shaped extension could be provided which would provide sufficient space as a garage and could also incorporate a pitched roof or lean-to style roof which would complement the roof form of the existing dwelling. A flat roof is therefore not the only practicable means of providing an extension in this instance.
- 8.13 The Design & Justification statement that has been submitted with the application gives a number of examples of other flat roof garages within Minter Avenue and other surrounding roads. Having visited each of these properties, it is clear that most are set back from the front elevation of the dwelling and are subservient additions. Additionally, none of the properties mentioned in the Design & Justification statement have been granted planning permission since 2006 when the current Local Plan policies were adopted. The existence of these flat roofs does not set a precedent for allowing flat roofs in the area and it is considered that the proposed extension would be a more prominent and incongruous addition within the streetscene.
- 8.14 There are no objections to the choice of materials for the external walls which will match those used in the main dwelling.
- 8.15 The application site is within the AONB and to the rear of the application site are open fields with a public footpath running parallel to Minter Avenue. Policy CSD4 of Shepway's Core Strategy 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. However, due to the significant distance between this public footpath and the application site (almost 200 metres), it is not considered that the proposed extension would be highly visible from public vantage points within the AONB. It is therefore considered that the proposal would conserve the natural beauty of the AONB and would not have a significant impact on its setting.

### **Neighbouring Amenity**

- 8.16 The proposed extension would be single storey and would therefore not result in significant overlooking to neighbouring property.
- 8.17 Saved policy BE8 states that extensions to existing buildings should not cause undue overshadowing of neighbouring property. The proposed

extension would extend to the shared boundary with 18 Minter Avenue, however, the extension would be separated from the main dwelling by the neighbour's garage which would reduce any overshadowing impact. The proposed extension would also be positioned at an angle to this neighbouring property. Therefore due to the position of the proposed extension and the distance between the extension and habitable rooms within this neighbouring property, the proposed extension is not considered to result in undue overshadowing to neighbouring property.

- 8.18 The proposed extension is not considered to have a significant impact on the amenity of neighbouring properties on the other side of the road or no 22 Minter Avenue (adjacent to the application site) due to the separation distances between the proposed extension and these properties.

### **Parking & Highways**

- 8.19 Garages are no longer considered as parking space by KCC Highways so the proposed loss of the existing garage and erection of a larger garage is not considered to impact on the provision of parking within the site. No bedrooms are proposed as part of this application so the proposal is not considered to increase parking demand for the site. The existing hardstanding to the front of the dwelling would be retained and no alterations to existing access are proposed. As such, the proposal is not considered to have a significant impact on parking and highways.

### **Local Finance Considerations**

- 8.20 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.

In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for CIL as it is a household extension and would not result in the creation of an additional dwelling. The New Homes Bonus is not relevant in this case for the same reason.

### **Human Rights**

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

regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.22 This application is reported to Committee as it has been called in by Councillor Phillip Martin.

## **9.0 SUMMARY**

9.1 This application is a resubmission of a previously refused identical proposal, but no amendments have been made to overcome the original reason for refusal. Free pre-application advice has been offered to find a solution which is acceptable to both the applicant and the Local Planning Authority but this has not been accepted by the agent. The submitting design & justification statement does not provide sufficient justification as to why a large flat roof is required or why the proposal should be approved even though it is contrary to saved policy BE8(c).

9.2 The proposed 'wedge shaped' extension, with a large area of flat roof that would project forward of the front build line is considered to constitute poor design which would fail to relate to the character of the existing dwelling and would be an incongruous addition within the streetscene. The application is recommended for refusal on these grounds.

9.3 There are no objections to the proposal in terms of neighbouring amenity, parking and highways or impact on the AONB.

## **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).

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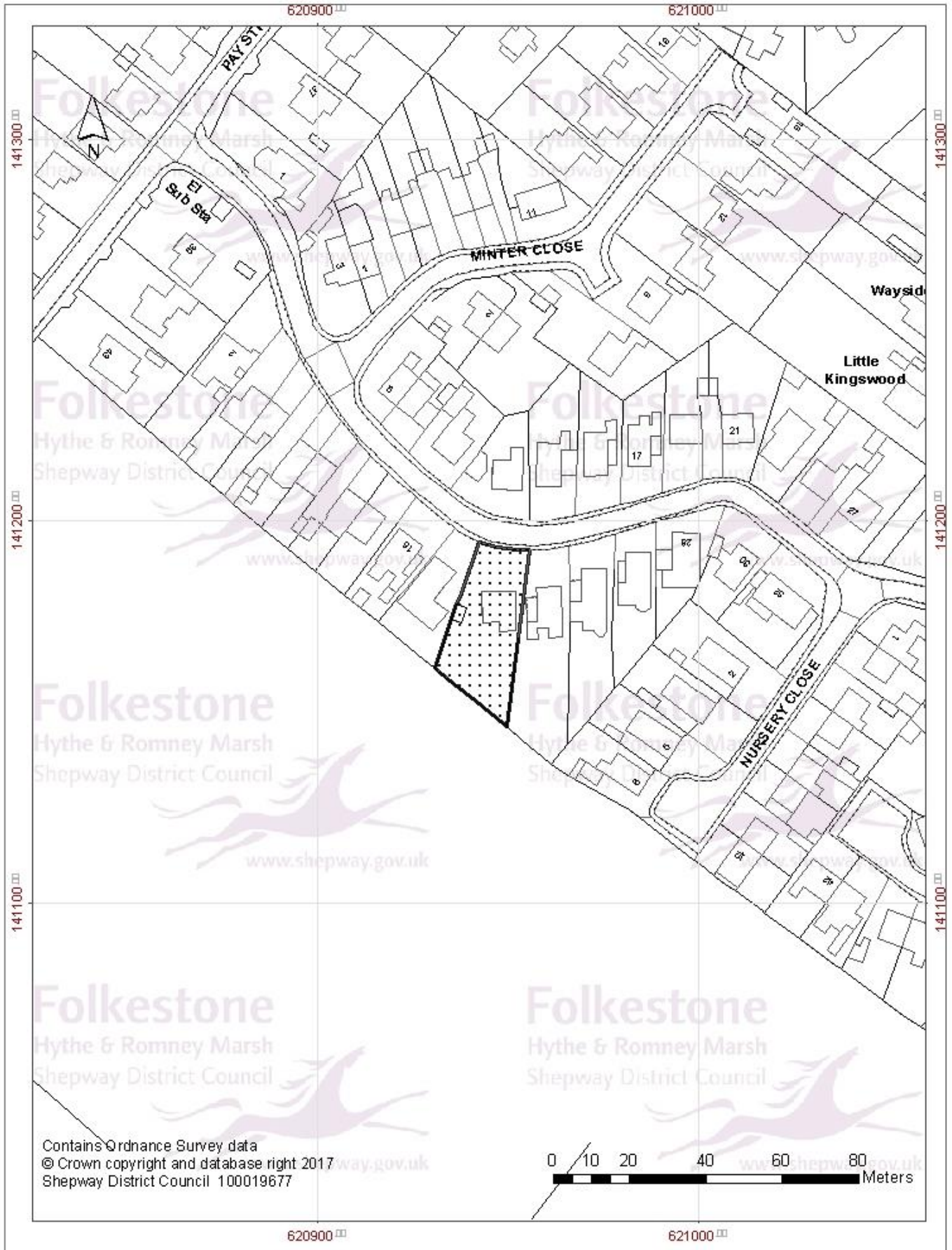
### **RECOMMENDATION – That planning permission be refused for the following reason(s):**

1. The proposed extension is of a poor design featuring a large flat-roof and odd form which would fail to relate to the existing character of the dwelling. In addition, the proposal would project forward of the principle elevation of the dwelling, resulting in a prominent development that is unsympathetic and incongruous to the character and appearance of the streetscene. The proposal is therefore considered to be unsustainable development that constitutes poor design and is therefore contrary to saved policies SD1, BE1 and BE8 of the Shepway District Local Plan Review and policy DSD of the Shepway Core Strategy.

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Decision of Committee

Y17/1434/SH  
20 Minter Avenue  
Densole



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## LIST OF DEVELOPMENT PLAN POLICIES

### SHEPWAY CORE STRATEGY LOCAL PLAN (2013) & SHEPWAY DISTRICT LOCAL PLAN REVIEW (2006) POLICIES

#### Core Strategy (2013) policies

##### Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

##### Chapter 4 – The Spatial Strategy for Shepway

SS1 - District Spatial Strategy  
SS2 - Housing and the Economy Growth Strategy  
SS3 - Place Shaping and Sustainable Settlements Strategy  
SS4 - Priority Centres of Activity Strategy  
SS5 - District Infrastructure Planning  
SS6 - Spatial Strategy for Folkestone Seafront  
SS7 - Spatial Strategy for Shorncliffe Garrison, Folkestone

##### Chapter 5 – Core Strategy Delivery

CSD1 - Balanced Neighbourhoods for Shepway  
CSD2 - District Residential Needs  
CSD3 - Rural and Tourism Development of Shepway  
CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation  
CSD5 - Water and Coastal Environmental Management in Shepway  
CSD6 - Central Folkestone Strategy  
CSD7 - Hythe Strategy  
CSD8 - New Romney Strategy  
CSD9 - Sellindge Strategy

#### Local Plan Review (2006) policies applicable

##### Chapter 2 – Sustainable Development

SD1 - Sustainable Development

### **Chapter 3 – Housing**

- HO1 - Housing land supply – Relates to allocated sites on the Proposals Map and a list of exceptions subject to specified criteria.
- HO2 - Land supply requirements 2001-2011.
- HO6 - Criteria for local housing needs in rural areas.
- HO7 - Loss of residential accommodation.
- HO8 - Criteria for sub-division of properties to flats/maisonettes.
- HO9 - Subdivision and parking.
- HO10 - Houses in multiple occupation.
- HO13 - Criteria for special needs annexes.
- HO15 - Criteria for development of Plain Road, Folkestone.

### **Chapter 4 – Employment**

- E1 - Development on established employment sites.
- E2 - Supply of land for industry, warehousing and offices. Allocated sites on the Proposals Map.
- E4 - Loss of land for industrial, warehousing and office development.
- E6a - Loss of rural employment uses.

### **Chapter 5 – Shopping**

- S3 - Folkestone Town Centre – Primary shopping area as defined on the Proposal Map.
- S4 - Folkestone Town Centre – Secondary shopping area as defined on the Proposal Map.
- S5 - Local Shopping Area – Hythe.
- S6 - Local Shopping Area – New Romney.
- S7 - Local Shopping Area – Cheriton.
- S8 - Local centres – last remaining shop or public house.

### **Chapter 6 – Tourism**

- TM2 - Loss of visitor accommodation.
- TM4 - Static caravans and chalet sites.
- TM5 - Criteria for provision of new or upgraded caravan and camping sites.
- TM7 - Development of the Sands Motel site.
- TM8 - Requirements for recreation/community facilities at Princes Parade.
- TM9 - Battle of Britain Museum, Hawkinge

## Chapter 7 – Leisure and Recreation

- LR1 - Loss of indoor recreational facilities.
- LR3 - Formal sport and recreational facilities in the countryside.
- LR4 - Recreational facilities – Cheriton Road Sports Ground/Folkestone Sports Centre.
- LR5 - Recreational facilities – Folkestone Racecourse.
- LR7 - Improved sea access at Range Road and other suitable coastal locations.
- LR8 - Provision of new and protection of existing rights of way.
- LR9 - Open space protection and provision.
- LR10 - Provision of childrens’ play space in developments.
- LR11 - Protection of allotments and criteria for allowing their redevelopment.
- LR12 - Protection of school playing fields and criteria for allowing their redevelopment.

## Chapter 8 – Built Environment

- BE1 - Standards expected for new development in terms of layout, design, materials etc.
- BE2 - Provision of new public art.
- BE3 - Criteria for considering new conservation areas or reviewing existing conservation areas.
- BE4 - Criteria for considering development within conservation areas.
- BE5 - Control of works to listed buildings.
- BE6 - Safeguarding character of groups of historic buildings.
- BE8 - Criteria for alterations and extensions to existing buildings.
- BE9 - Design considerations for shopfront alterations.
- BE12 - Areas of Special Character.
- BE13 - Protection of urban open space and criteria for allowing redevelopment.
- BE14 - Protection of communal gardens as defined on the Proposals Map.
- BE16 - Requirement for comprehensive landscaping schemes.
- BE17 - Tree Preservation Orders and criteria for allowing protected trees to be removed.
- BE18 - Protection of historic parks and gardens as defined on the Proposals Map.
- BE19 - Land instability as defined on the Proposals Map.

## **Chapter 9 – Utilities**

- U1 - Criteria to be considered for development proposals relating to sewage and wastewater disposal for four dwellings or less, or equivalent.
- U2 - Five dwellings or more or equivalent to be connected to mains drainage.
- U3 - Criteria for use of septic or settlement tanks.
- U4 - Protection of ground and surface water resources.
- U10 - Waste recycling and storage within development.
- U10a - Requirements for development on contaminated land.
- U11 - Criteria for the assessment of satellite dishes and other domestic telecommunications development.
- U13 - Criteria for the assessment of overhead power lines or cables.
- U14 - Criteria for assessment of developments which encourage use of renewable sources of energy.
- U15 - Criteria to control outdoor light pollution.

## **Chapter 10 – Social and Community Facilities**

- SC4 - Safeguarding land at Hawkinge, as identified on the Proposal Map, for a secondary school.
- SC7 - Criteria for development of Seapoint Centre relating to a community facility.

## **Chapter 11 – Transport**

- TR2 - Provision for buses in major developments.
- TR3 - Protection of Lydd Station.
- TR4 - Safeguarding of land at Folkestone West Station and East Station Goods Yard in connection with high speed rail services.
- TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes.
- TR6 - Provision for pedestrians in new developments.
- TR8 - Provision of environmental improvements along the A259.
- TR9 - Criteria for the provision of roadside service facilities.
- TR10 - Restriction on further motorway service areas adjacent to the M20.
- TR11 - Accesses onto highway network.
- TR12 - Vehicle parking standards.
- TR13 - Travel plans.
- TR14 - Folkestone Town Centre Parking Strategy.
- TR15 - Criteria for expansion of Lydd Airport.

## Chapter 12 – Countryside

- CO1 - Countryside to be protected for its own sake.
- CO4 - Special Landscape Areas and their protection.
- CO5 - Protection of Local Landscape Areas.
- CO6 - Protection of the Heritage Coast and the undeveloped coastline.
  
- CO11 - Protection of protected species and their habitat.
- CO13 - Protection of the freshwater environment.
- CO14 - Long term protection of physiography, flora and fauna of Dungeness.
  
- CO16 - Criteria for farm diversification.
- CO18 - Criteria for new agricultural buildings.
- CO19 - Criteria for the re-use and adaptation of rural buildings.
- CO20 - Criteria for replacement dwellings in the countryside.
- CO21 - Criteria for extensions and alterations to dwellings in the countryside.
  
- CO22 - Criteria for horse related activities.
- CO23 - Criteria for farm shops.
- CO24 - Strategic landscaping around key development sites.
- CO25 - Protection of village greens and common lands.

## Chapter 13 - Folkestone Town Centre

- FTC3 - Criteria for the development of the Ingles Manor/Jointon Road site, as shown on the Proposals Map.
- FTC9 - Criteria for the development of land adjoining Hotel Burstin as shown on the Proposals Map.
- FTC11 - Criteria for the redevelopment of the Stade (East) site, as shown on the Proposals Map.

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**SHEPWAY DISTRICT COUNCIL  
PLANNING AND LICENSING COMMITTEE – 19 DECEMBER 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:

<b>Application No:</b>	<b>Type of Lobbying</b>
Y/17/1201/SH Land adj Orchard Cottage	..... .....
Y17/1370/SH 17 Sandgate High Street	..... .....
Y17/1264/SH Pedestrian Precinct Sandgate HS	..... .....
Y17/1434/SH 20 Minter Avenue	.....

SIGNED: .....

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

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