



Agenda

Meeting: **Planning and Licensing Committee**
Date: **20 February 2018**
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 23 January 2018.

4. **Appeals Monitoring Information 3rd Quarter 2017/18 - 1 October to 31 December 2017**

5. **Application Number: Y17/0710/SH - Ingles Meadow Garden Centre Jointon Road Folkestone Kent CT20 2RF**

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Report DCL/17/38 - Full planning application for the erection of 40 No. dwellings with associated access, parking, landscaping and open space

6. **Application Number: Y17/1310/SH - Home Farm Longage Hill Rhodes Minnis Canterbury**

Report DCL/17/38 - Change of use and conversion of barn to a residential dwelling, including the demolition of existing derelict farm buildings & erection of new garage and store building.

7. **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.

8. **Unauthorised use of land**

Report DCL/17/35 considers the appropriate action to be taken regarding the unauthorised use of a piece of land.

9. **Unauthorised development of land**

Report DCL/17/36 considers the appropriate action to be taken regarding the unauthorised development at land.

10. **Unauthorised development of land**

Report DCL/17/36 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

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- 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

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Minutes

Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 23 January 2018
Present	Councillors Miss Susan Carey (In place of Roger Wilkins), Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock and Russell Tillson
Apologies for Absence	Councillor Alan Ewart-James, Councillor Miss Susie Govett, Councillor Mrs Mary E Lawes and Councillor Roger Wilkins
Officers Present:	Alexander Kalorkoti (Graduate Planning Officer), Sue Lewis (Committee Services Officer) and Lisette Patching (Development Manager)
Others Present:	

44. **Declarations of Interest**

There were no declarations of interest.

45. **Minutes**

The minutes of the Planning and Licensing Committee held on 19 December 2017 were submitted, approved and signed by the Chairman.

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

The minutes of the Licensing Sub-Committee held on 13 December 2017 were submitted, approved and signed by the Chairman.

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

Report DCL/17/32 sets out the planning applications that will be considered by the Planning and Licensing Committee.

1. **Y17/1105/SH - 29 RADNOR CLIFF, FOLKESTONE, KENT CT20 2JJ**

Mr Russell Lewis, local resident spoke against the application explaining that, although he is not adverse to compromise, this application would have an unacceptable impact on the amenity of neighbouring residents and he felt strongly that there would be a loss of light to these residents, particularly to the right. He felt the application was overbearing and against the heritage of the area.

Mr Guy Valentine-Neal, Sandgate Parish Council spoke against the application informing that, as is stated in the report, they had considered the planning application but felt that it was not compliant with the Sandgate Design Statement and that the Council should take note of this and the 38 representations received.

Councillor Rory Love, Ward Member, spoke against the application explaining that he had 2 particular causes for concern; amenity on local residents and Heritage value of property.

The Sandgate Design Statement by the Parish Council has been accepted and adopted by Shepway District Council giving this particular property significance as a feature of character, with experts saying that it is an innovative design and therefore this needs to be taken into consideration, together with the impact on neighbouring properties. He had concerns that the lack of sun light would also impact on neighbouring properties.

Danka Stefan, applicant's agent spoke on the application informing that the scheme is of a modest, high quality addition and the design team had worked with officers to bring this application to the committee. She felt it was sympathetic and enhances the area and existing properties and did not have a detrimental effect on neighbouring properties in respect of overshadowing, overbearing and loss of privacy.

Members raised a number of concerns in respect of the application expressing that the dimensions are larger than a previous application in 2014 and although that application was not in front of them now felt that this was a consideration that should be noted as to the impact on neighbouring properties.

They felt the application was overbearing to neighbouring properties who would also suffer a loss of light and although applicants are not obliged to provide a sun light analysis with this application it was a concern raised.

Although the application provided screening this was not felt to be enough protection for the privacy of neighbouring properties and this could therefore be considered for a ground for refusal due to the amenity area and terrace.

Although the application site is within a conservation area and area of special character officers advised that they did not consider that a ground of refusal on design and visual impact grounds could be defended on appeal given the previous planning permission and the flat roofed design of the existing building

could be ground for refusal. Officers raised similar concerns regarding the proposed refusal on loss of privacy given the 1.8 metre screening proposed.

On reflection Members proposed the following recommendation **as they considered that the proposal would have an unacceptable impact on the amenity of neighbouring residents.**

Proposed by Councillor Russell Tillson
Seconded by Councillor Len Laws and

Resolved:

1. **To receive and note Report DCL/17/32.**
2. **Members resolved to refuse planning permission for the following reason as they considered that the proposal would have an unacceptable impact on the amenity of neighbouring residents:**

Due to the depth and height of the extension and the height of the glazed screens adjacent to the side boundaries the development would have an unacceptable overbearing, enclosing and overshadowing impact on the terraced amenity areas of Nos. 27 and 31 Radnor Cliff to the detriment of the amenities of the occupants. As such the development is contrary to saved policies SD1 and BE8a of the Shepway District Local Plan Review which seek to safeguard and enhance the amenity of residents and ensure that extensions do not cause undue overshadowing of neighbouring property.

(Voting: For 7; Against 1; Abstentions 1)

48. **Section 106 Agreements - Planning Contributions**

Some planning decisions are subject to Section 106 Legal Agreements that require developers to make financial contributions to the Council and Kent County Council (KCC) or provide for on or off site infrastructure to mitigate the impact of development.

The adequacy and effectiveness of the procedures and controls relating to Section 106 Agreements was reviewed by the East Kent Audit Partnership in 2008. A further review was carried out in 2014 which resulted in a completed report being produced on 5 June 2014. A progress report by East Kent Partnership was carried out in May 2015.

The audit reports recommended that the position regarding planning obligations that involve financial contributions should be reported to members on an annual basis.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Paul Peacock and

Resolved:

- 1. To receive and note Report DCL/17/31.**
- 2. To receive and note Appendix 1 and Appendix 2.**

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

APPEALS MONITORING INFORMATION – 1st October 2017 – 31st December 2017 3rd QUARTER 2017

Application No: Y17/0282/SH

Site Location: 31 Bybrook Field Sandgate Folkestone Kent

Proposal: Increase in height of roof to provide additional living accommodation, installation of side dormer extensions including a balcony, together with erection of a single storey rear extension.

Officer Recommendation: - **Committee Decision:** **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 24th October 2017 **Costs Awarded:** No

Application No: Y17/0586/SH

Site Location: The Willows Ashford Road Newingreen Hythe

Proposal: Erection of single storey side extensions, together with other external alterations

Officer Recommendation: - **Committee Decision:** **Delegated Decision:** Refused

Outcome: Appeal Allowed **Date of Decision:** 24th October 2017 **Costs Awarded:** No

Application No: Y17/0417/SH

Site Location: 8 Varne Mews Coast Drive Greatstone New Romney

Proposal: Installation of a rear balcony, together with other external alterations.

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 27th October 2017 **Costs Awarded:** No

Application No: Y16/1339/SH

Site Location: Building Adjoining Upper Dane Farm Elvington Lane Hawkinge Kent

Proposal: Erection of a single dwellinghouse, following removal of the existing outbuilding.

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 2nd November 2017 **Costs Awarded:**

Application No: Y17/0008/PA

Site Location: Nobbs Hall Old House Lane Brookland Romney Marsh

Proposal: Determination as to whether prior approval is required under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use and conversion of 3 agricultural buildings to 3 No. dwelling houses (Class C3).

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Prior Approval Refused

Outcome: Appeal Dismissed **Date of Decision:** 20th November 2017 **Costs Awarded:** No

Application No: Y17/0193/SH

Site Location: Hawkhurst West Lawn Gardens Sandgate Folkestone

Proposal: Demolition of existing single storey extension and erection of two storey extension with terraces at ground and first floor

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Allowed **Date of Decision:** 8th December 2017 **Costs Awarded:** No

Application No: Y17/0466/SH

Site Location: Apartment 6 21 Eversley Park Folkestone Kent

Proposal: Installation of replacement uPVC windows to flat. Resubmission of Y17/0083/SH.

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 8th December 2017 **Costs Awarded:** No

Application No: Y17/0710/SH

Location of Site: Ingles Meadow Garden Centre Jointon Road
Folkestone Kent CT20 2RF

Development: Full planning application for the erection of 40 No. dwellings with associated access, parking, landscaping and open space

Applicant: Murston Construction Ltd
Unit 8
Murston Business Centre
Norman Road
Ashford
Kent
TN23 7AD

Agent: Mr Nathan Anthony
Lee Evans Planning
St Johns Lane
Canterbury
Kent
CT1 2QQ

Date Valid: 17.07.17

Expiry Date: 16.10.17

Date of Committee: 28.11.17

PEA : 29.12.2017

Officer Contact: Mrs Wendy Simpson

SUMMARY

This report considers whether planning permission should be granted for the redevelopment of the site for 40 dwellings with associated access, parking, landscaping and open space.

The design and scale of the various dwellings are considered to be appropriate for the area and generally responds well to the existing street scenes. It is considered that overall the proposal will result in high quality, sustainable housing.

The layout, design, retained tree cover and proposed landscaping are such that the development will be sympathetic to the character of the surrounding area, including the Leas and Bayles Conservation Area, and without harm to the setting of Ingles Manor, which is Grade II listed.

The proposal will not result in harm to the living conditions of neighbours and subject to conditions will not result in harm to the principle aquifer, human health or buried heritage assets. The use of conditions will also ensure that the site-wide drainage will not increase flood risk in the area.

In addition to the provision of open space and play space on the site, the applicant has agreed to a monetary obligation of £44,737.30 towards the upgrade of play equipment within Radnor Park and the maintenance of the play equipment and open space. Furthermore an off-site contribution in respect to affordable housing

is to be made of £188,708.65 and a Community Infrastructure Levy Payment of £302,291.35 is also liable for this development.

RECOMMENDATION: That subject to the signing of a S106 agreement covering those matters as set out under Developer Contributions in the report, planning permission be granted subject to conditions and that delegated authority be given to the Head of Planning to determine the wording of the S106 agreement and any additional conditions which are considered reasonably necessary.

Background

Previously the application site formed phases 2 and 4 of a four phased development granted planning permission under reference Y12/0767/SH. (*“Hybrid application encompassing; 1) Full application for the erection of 13 dwellings with associated parking and landscaping together with 3 two storey office buildings with parking and landscaping forming phases 1 and 3. and 2) Outline application for the erection of 46 dwellings with associated parking and landscaping forming phases 2 and 4 (matters relating to access, landscaping and layout. Approved 21 August 2013 subject to a Section 106 agreement.”*) This previous planning permission also included the adjacent Ingles Mews housing (phase 1), which has been built out, and commercial development (office buildings) within Ingles Barn area (phase 3), which has not commenced. This previous planning permission however has now expired.

1.0 THE PROPOSAL

- 1.1 This proposal involves the demolition of all buildings on the site and seeks full planning permission for the erection of 40 no. dwellings with associated access, parking, landscaping and open space.
- 1.2 The proposed housing consists of 2 x 1-bed flats, 2 x 2-bed flats, 11 x 3 bed-houses (semi-detached), 13 x 4 –bed (semi-detached) houses, 11 x 4-bed terraced houses, 1 x 5-bed house (detached).
- 1.3 The development is proposed in 2 phases – A and B. The larger of the two phases (phase B) would have houses arranged facing outwards onto Jointon Road and Shorncliffe Road. A new access road is proposed in to the site from Jointon Road, with houses within the site facing on to a central green space. The smaller of the two phases (phase A) would be for five of the houses which would have separate access, coming from the existing ‘Ingles Barn’ access off Jointon Road. Some of the on-street visitors parking spaces for the wider development will be situated within this phase. In addition to the central green space in the larger phase (B) an equipped play space is proposed at the southern boundary of the site.
- 1.4 A similar architectural language is used across the site with the use of steeply pitched roofs, feature bay windows, flat roofed dormers and chimneys. The proposed external materials palette consists of plain clay roof tiles, handmade clay hanging tiles, ‘Old Country Blend’ red brickwork, ‘gunmetal grey’ fibre cement panelling to feature bay windows and white

framed doors and windows. The proposal therefore continues the architectural style and materials of phase 1.

- 1.5 The five houses within phase A (two pairs of semi-detached houses and a detached house) are accessed off the existing access to Ingles Barn, to the south of the site, and fronting onto Jointon Road. The semi-detached houses are two-storey in height with rooms in the roofspace and a small flat roofed dormer on the rear elevation. (Approximately 10.5m to the roof ridge.) The detached house in this phase is also two storey in height with rooms in the roofspace and small flat roof dormers to front and rear. (approximately 10.3m high to the roof ridge) This house is also proposed with an attached garage.
- 1.6 Within the inner area of the site (Phase B) are proposed terraced and semi-detached houses with attached or integral garages. These 'inner area' houses are all proposed as two-storeys in height with rooms provided in the roofspace, served by small flat roofed dormer windows. The heights of these houses range from about 9.85m, to the roof ridge, to about 11.5m to the roof ridge.
- 1.7 The houses in Phase B proposed to front onto Jointon Road are a pair of semi-detached houses and a block of four apartments. The proposed houses are two-storey in height with rooms in the roofspace and a small flat roofed dormer on the rear elevation. (Approximately 10.35m to the roof ridge.) The apartment block would be two and a half storeys in height with the one of the four apartments being within the roof space, served by gable windows and dormer windows. (Approximately 11m to the roof ridge.) In part the uppers floors of this block will be tile hung with Ashdown handmade clay plain tiles.
- 1.8 The houses within Phase B fronting onto Shorncliffe Road consists of three pairs of semi-detached dwellings, a staggered terrace of 3 dwellings and a staggered terrace of 4 dwellings. These dwellings all vary slightly but are proposed of a consistent palette of materials with the rest of the site and all but two of the dwellings have integral garages. The two dwellings without integral garages have detached garages. The houses are all proposed as three storey in height with staggered roof ridge heights.
- 1.9 In support of the application has been submitted a Viability Assessment, Tree Survey, Arboricultural Report, Contamination desktop study, Site Investigation and Risk assessment Report, Planning, Design and Access statement, Ecology Scoping Survey, Flood Risk Assessment and Surface Water Drainage Strategy, Archaeology Assessment.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site relates to the site of the former Wyevale garden centre within the urban confines of Folkestone, located on the southern side of Shorncliffe Road with site frontage to Jointon Road (west), Shorncliffe Road (north) and Castle Hill Avenue (east). The site area is of 1.27 hectares.
- 2.2 The area is predominantly residential but key exceptions are to the south of the site with Ingles Manor (Grade II listed Manor House) and its ancillary cottage and ancillary buildings (Ingles Yard), all in commercial use. Also to

the southern side of the site are residential properties in Castle Hill Mews, which form phase 1 of the wider policy allocation.

- 2.3 To the east and west of the site, on Castle Hill Avenue and Jinton Road, are residential properties and to the north of the site, on the opposite side of Shorncliffe Road, is the municipal open space of 'Kingsnorth Gardens'.
- 2.4 The site is characterised by a number of established trees, many of which are the subject of Tree Preservation Orders (TPO's). Castle Hill Mews is in part characterised by a tree lined avenue and there are mature tree lined boundaries, within grass verges, along the Jinton Road and Shorncliffe Road frontages.
- 2.5 The site is immediately adjacent to the Folkestone Leas and Bayle Conservation Area on its eastern and the southwestern part of the application site also falls within this conservation area.
- 2.6 There are no flood risks to the site in respect to flooding from seas, rivers or reservoirs but the site does have some localised surface water flooding history (from low to high risk) within its boundary and the site is also located over the principal aquifer.

3.0 RELEVANT PLANNING HISTORY

- | | | |
|-------------|---|---|
| Y15/0490/SH | - | Felling of a Sycamore and a Beech (T1 and T4) and pruning of a Sycamore (T3) all subject of Tree Preservation Order No 1 of 1972 (Approved) |
| Y12/0767/SH | - | S106BA application to amend the S106 for planning permission Y12/0767/SH so no Affordable Housing provision will be provided. (Refused) |
| Y12/0767/SH | - | A hybrid application encompassing; 1) Full application for the erection of 13 dwellings with associated parking and landscaping together with 3 two storey office buildings with parking and landscaping forming phases 1 and 3. and 2) Outline application for the erection of 46 dwellings with associated parking and landscaping forming phases 2 and 4 (matters relating to access, landscaping and layout). (Approved 21.08.13) |

4.0 CONSULTATION RESPONSES

Consultation responses are available in full on the planning file on the Council's website:

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

Responses are summarised below.

4.1 Folkestone Town Council

Objection for reasons of the remaining trees on the site will be too sparse; 12 affordable housing units should be provided where none are proposed and the additional hardsurfacing will exacerbate the surface water drainage problems on the site, particularly at the corner of Shorncliffe Road and Castle Hill Avenue.

4.2 Environmental Health

Merebrook consider the contamination report to be of a suitable standard and generally agree with the assessment method and the risks identified but consider additional investigation is required in respect to asbestos in soils and the remedial strategy and clean cover requirements are updated following completion of the supplementary investigations into asbestos in soils. These matters can be addressed through planning conditions and the remaining sections of the standard contamination condition are also required.

No objection subject to conditions related to contamination investigation and a Construction Environmental Management Plan, including restricted hours of construction work at the site boundary. The officer also advises that some of the dwellings are facing an existing busy road [Shorncliffe Road] and there is mixed use on the site from commercial premises [Ingles Yard]. A noise survey is required to ascertain if which noise exposure category the development will fall in to and if the noise exposure category is C or D then it is recommended that the application is refused. Category A or B then details can be submitted with the report to ensure that adequate sound insulation is obtained from the structure of the dwellings.

4.3 KCC Lead Local Flood Authority (LLFA)

No objection subject to conditions requiring a site wide drainage strategy, details of the management and maintenance of the drainage scheme, no filtration to ground of surface water in areas of known contamination and consultation with the Environment Agency.

4.4 Environment Agency

No objection subject to conditions requiring contamination investigation of the site, no piling or intrusive foundation design without the LPA agreement, submission and agreement of a surface water drainage scheme.

4.5 Southern Water

No objection subject to a condition requiring a site wide drainage strategy to be submitted to the LPA and considered with Southern Water review.

4.6 KCC Ecology

No objection subject to a condition requiring details of biodiversity enhancement features.

4.7 KCC Highways And Transportation

No objection subject to conditions to require the installation of double yellow lines at the new access onto Jointon Road (by Traffic Regulation Order), details of construction vehicle and operational matters, provision and maintenance of vision splays, provision of parking and maintenance of garages for parking, provision of road access.

4.8 Housing Strategy Manager

An off-site contribution towards to affordable housing will be acceptable.

4.9 Arboriculture Manager

No objection subject to the installation of tree protection measures and notice be given ahead of the commencement of works so the installation can be checked on site. These matters can be dealt with by planning condition.

5.0 REPRESENTATIONS

5.1 Representation responses are available in full on the planning file on the Council's website:

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

Responses are summarised below:

- The proposal to remove/prune so many well-established trees to accommodate the proposed housing will harm the character of the area;
- Trees protected by TPOs should not be allowed;
- The removal of trees will harm the ecology of the area;
- Replanting of trees of a significant size is needed;
- The site should be redeveloped for retail/job creation/medical/tourist space and not housing;
- The lack of any social housing provision is not acceptable;
- The public open space would need to be managed from the outset;
- Bin stores need to be well designed;
- The existing site is a green space (lung?) within the middle of town and should be preserved;
- The removal of trees will affect soil stability.

5.2 One representation was received neither objecting nor supporting the application.

5.3 Two emails have been received supporting the proposal. One does not expand on their views whilst the other comments that the existing developers housing in the adjacent site is of a high standard and the site is not public or open space.

5.4 The New Folkestone Society has written objecting to the proposal siting that the site is a green lung and the amount of trees to be removed will harm an important characteristic of the area.

6.0 RELEVANT POLICY GUIDANCE

- 6.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 6.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO1, HO2, BE1, BE4, BE5, BE16, BE17, TR5, TR11, TR12, U2, U4, U10a, FTC3, LR9, LR10, CO11
- 6.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD4, CSD5.
- 6.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework particularly paragraphs 7, 9, 11, 14, 15, 17, 42, 47, 49, 50, 56, 57, 58, 103, 109, 111, 118, 120, 121, 123, 126, 128, 204, 205, 206.

National Planning Policy Guidance

7.0 APPRAISAL

Relevant Material Planning Considerations

- 7.1 The main matters for consideration are:

- Principle
- Design and Appearance
- Impact on Conservation Area/setting of the Listed Building
- Amenities
- Ecology
- Contamination/Drainage
- Archaeology
- Parking and Highway matters
- Planning Obligations
- Other Matters
- Environmental Impact Assessment

Principle

- 7.2 Policy HO2 of the Shepway Local Plan Review allocates 'Ingles Manor' (of which the site forms part) as a redevelopment site for housing subject to policy FTC3. Policy FCT3 states redevelopment will be permitted subject to the protection of the setting of the listed buildings (Ingles Manor and curtilage buildings), substantial retention of the existing tree cover, included

those protected by Tree Protection Orders (TPOs), the scale, layout, bulk and design of new buildings are sympathetic to the adjacent buildings and spacing and the character of the Conservation Area, the design of the proposal is high quality and the site includes apartments. The site also forms part of a wider allocation site within the draft Places and Policies Local Plan (regulation 19 submission draft). At this time the draft plan has a limited weight.

- 7.3 As an allocated residential site the proposal has already been considered as sustainable in its location, being close to the town centre, train station, bus station and key distributor routes through the district and to the wider area. Therefore the principle of the development is acceptable but the application needs to be assessed in respect to the type and density of units proposed, scale and design, impact on the conservation area and other material considerations.

Design and Appearance

- 7.4 The NPPF and saved local plan policy BE1 requires new development to be of 'high quality' housing in term of the appearance of the development, ensuring that the development density is appropriate for its location, the impact on the street scene and character of the area and also the functionality and layout of the development design. Paragraph 9 of the NPPF seeks positive improvements in the quality of the built environment (in part) by the 'replacing poor design with better design'. Para 56 of the NPPF says that 'good design is a key aspect of sustainable development'. Para 57 and 58 refer to high quality and inclusive design, that is visually attractive as a result of good architecture and appropriate landscaping, that adds to the overall quality of the area and responding to local character and history and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 7.5 Following the submission of the previous application (Y12/0767/SH) the Council applied a Tree Preservation Order to a number of trees/groups of trees around the perimeter of the site. The removal of protected trees is moderated by policy BE17 of the Shepway District Local Plan Review and the retention of existing landscape features is the subject of policy BE16 of the local plan review.
- 7.6 The choice of red brick with plain tile roofs seems appropriate to this site within the Radnor Estate area. In this case the design approach is given extra legitimacy since it is a continuation of the palette of materials and design used in the Phase 1 development of the Y12/0767/SH planning permission (Castle Hill Mews), which is seen to be successful.
- 7.7 In terms of layout the scheme will generally integrate well with its surroundings and create an attractive and spacious appearance at the centre of the development. There is pedestrian permeability through Phase B. There is also access to/from Phase B and Castle Hill Mews through the proposed Play Area, allowing direct access to this facility and then beyond into and through the proposed site.
- 7.8 The perimeter development onto existing streets, Jointon Road, Shorncliffe Road and Castle Hill Avenue, is mostly set behind areas of open grass

verge with established trees. This compliments the landscaped character of these various streets and helps to integrate the new development into the existing street scenes.

- 7.9 The scale and massing of all the blocks are appropriate to the setting. Two storeys are used along the Jointon Road side, appropriate to the generally inter-war suburban character of this street. The taller three storey houses facing Shorncliffe Road also seem appropriate to the grander scale of Shorncliffe Road, which is one of the streets laid out as part of the Radnor Estate at the end of the c19th. Castle Hill Avenue is one of the primary axes of this plan and the even higher scale of the corner block (units 11-12) is appropriate here and responds to the buildings on the opposite (east) side of Castle Hill Avenue which are four to five storeys in height.
- 7.10 Whilst ideally there may have been a dwelling with its frontage to Castle Hill Avenue, to continue the development frontage onto that street also, the flank of the easternmost terrace unit onto Shorncliffe Road has interest and scale, that this is considered to suitably turn the corner into the street scene of Castle Hill Avenue, and together with the use of generous open grass verge and mature retained trees the treatment of this part of the development is considered to be well thought through.
- 7.11 To the Jointon Road frontage the built development in Phase B is closer to the road than the dwellings to the southern side of Ingles Yard. This proximity does result in the loss of some boundary trees at the northern end of the site to Jointon Road, however the proposed use of the site is of a very different nature than the existing. It is also noted that the trees around the perimeter of the site that are proposed to be removed are the same that were approved to be removed under the previous planning permission Y12/0767/SH. (There is one additional tree to be removed under this proposal (G78(B)), but this is not located on the perimeter of the site and a further substantial tree has been required of the applicant within the central green space within the site.)

Impact on the Conservation Area and Setting of the Listed Building

- 7.12 Saved policy BE4 of the Shepway Local Plan Review requires new development to respect and either preserve or enhance the character or appearance of any conservation areas of which it may be part, including the retention of trees, verges and hedgerows which might enhance the setting and character of the Conservation Area. Policy BE5 requires new development to preserve the setting of listed buildings.
- 7.13 In this case, the Grade II listed Ingles Manor and its ancillary grounds and outbuildings, known as 'Ingles Yard', are closely located to the southwestern part of the application site. The southwestern part of the application site is also located within the Folkestone Leas and Bayle conservation area. (Castle Hill Mews and Castle Hill Avenue, which both bound the application are also within the Folkestone Leas and Bayle conservation area.)
- 7.14 In most respects the proposed layout is very much as per the previously approved scheme at the southwestern part of the site. Improvements were sought however by officers to ensure there would be a visual link between the listed building and the proposed residential development. The originally proposed close-boarded fencing along the southern boundary of the application site is now agreed to be replaced with a low brick wall topped with railings between the playspace area/footpath link to Castle Hill Mews and Ingles Manor and Ingles Yard to the south. Whilst details of a wall with have been submitted

they are not currently of a suitable design for their location within the setting of a listed building and the conservation area. A suitable design and the exact extent of the low wall/railings can be achieved by planning condition. (Generally within the proposal private boundaries with public areas are to be separated using walls whilst private areas to other private areas are to be divide using close-boarded fencing, details of which to be agreed by condition.)

- 7.15 Subject to final approval via condition the design, detailing and materials of the proposed dwellings and the proposed layout of spaces and trees are considered to be meet policy requirements to preserve or enhance the character or appearance of the conservation area and preserves the setting of Ingles Manor and Ingles Yard.
- 7.16 Details of landscaping, the management of areas of public landscaping, the protection of trees, use of materials, boundary detailing and delivery can be the subject of planning conditions and subject to such conditions there are no objections to the proposal in terms of design and appearance or the impact on the setting of the listed building or conservation area.

Residential Amenities

- 7.17 Policy SD1 of the Shepway Local Plan Review and paragraph 17 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 7.18 In respect to future occupiers all of the houses will provide a suitable level of internal space and a suitable layout for the number of occupiers for which they are designed. However it is considered that some of the houses would only have a small garden for the size of the houses with which they are associated. For example the large family houses fronting Shorncliffe Road have lawn areas in the rear gardens of about 3.7m wide by 9.3m depth in addition to a small patio area. In other plots it is seen that gardens will be overhung by existing mature trees, most particularly those adjacent to Castle Hill Mews. These matters are considered on balance with: the site being allocated for housing; the quantum and type of development for the development of the site to be viable; that the site is urban and highly sustainable; and, that the Castle Hill Mews development has employed a similar approach with the open space in that phase providing additional useable space for families in addition to gardens. The current proposal also provides areas of open space and play space and links through to the open space of the Castle Hill Mews development also. (Furthermore, the applicant has agreed to pay a monetary contribution towards the development and maintenance of the existing open/play space at Radnor Park.)
- 7.19 The Council's Environmental Protection officer raises the matter of the potential for noise disturbance for occupiers of houses facing onto Shorncliffe Road. That officer proposes that no development should be agreed without an acoustic assessment however, this site is allocated for housing within the Local Plan (with a recently expired planning permission) and in urban design terms the layout of housing best respond to Shorncliffe Road by fronting onto it as proposed. It is however appreciated that both Shorncliffe Road and Castle Hill Avenue (with the roundabout junction between them), are busy roads but both these roads have only one lane of traffic in each direction. There is no reason to expect that an acoustic assessment would lead to such high readings of noise that the development

would be unacceptable for that reason. However to safeguard a quiet amenity for occupiers of the properties fronting Shorncliffe Road , planning conditions can be used which require glazing and ventilation systems that reduce noise penetration into the houses, whilst allowing for ventilation. This has been verbally agreed by the Council's Environmental Protection Officer.

- 7.20 In respect to neighbours' amenities there are no existing residential properties directly sharing a boundary with the application site. Due to this separation, no neighbours will suffer harm to their living conditions in terms of loss of outlook, privacy, and loss of daylight or overshadowing.
- 7.21 A Construction Environmental Management Plan (CEMP) can also be required by planning condition to ensure that neighbours' living conditions would not be harmed by ongoing construction activities on the site.
- 7.22 Subject to suitably worded conditions no objection is raised to the proposal in respect to residential amenity matters.

Ecology

- 7.23 The matter of ecology falls under the 'environmental' aspect of sustainable development and the NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Saved policy CO11 of the Shepway Local Plan Review states that permission will not be given for development which would endanger plant or animal life to habitat protected under law or if it causes the loss or damage to habitat and landscape features of importance to nature conservation. This is unless the need for the development outweighs the nature conservation considerations and mitigation measures are undertaken to fully compensate for remaining adverse effects.
- 7.24 In support of this application has been submitted an Ecology Scoping Survey which has been reviewed by the Kent County Council ecologists who accept that sufficient information has been provided to assess this aspect of the proposal.
- 7.25 KCC Ecology agree with the conclusions of the proposal in respect to protected species that the site is located within an urban area and consists of predominantly hard standing and amenity grasslands and has limited potential to result in ecological impacts. They are satisfied that the buildings have negligible potential for roosting bats.
- 7.26 Therefore no objection is raised to the proposal subject to a condition requiring details of enhancements to the site to encourage biodiversity, in accordance with paragraph 118 of the NPPF.

Contamination/Drainage

- 7.27 Matters of land contamination and drainage for new development are often interrelated, particularly when Sustainable Drainage Systems [SuDS) are proposed.
- 7.28 Policy U4 of the local plan states that development will not be permitted if it would lead to unacceptable risk to the quality or potential yield of the surface or ground water resources or lead to an unacceptable risk of pollution. The

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

7.29 Policy U2 of the local plan states that planning permission for housing developments of five or more dwellings and other forms of development generating a similar flow of effluent will be refused unless connection is made to the nearest available mains drainage system with capacity to serve the development or details are submitted which show how the development will be connected to a mains drainage system.

7.30 In this case the site is located over the principal aquifer for the area, the phase 1 land contamination report shows some contamination of the site, which requires mitigation and some further investigation also needs to be undertaken. The use of SuDs is proposed for the disposal of surface water and the foul water is proposed to be disposed of to the public drainage infrastructure. In the first instance Southern Water advised that they did not have capacity for the development to be connected to the public sewerage without the development providing additional local infrastructure. The applicant has been liaising directly with Southern Water however who have now advised the applicant (copy of correspondence provided to the case officer) that *“In principle the below [drainage strategy] would be acceptable as you are proposing a reduction to the existing flow. We will however require to see evidence that you have complied with part H3 of Building regulations and a full drainage layout including the final connection point to the public network which includes all relevant discharge calculations. Please submit this at discharge of condition stage for foul and surface water drainage so we can carry out the full assessment.”*

7.31 Therefore in respect to the drainage strategy Southern Water have stepped back from the position of objection they originally held and, should planning permission be granted, subject to the use of a planning condition in respect to a site wide foul and surface water drainage system.

7.32 In respect to surface water drainage the Environment Agency, the Council’s land contamination consultant and Kent County Council as the Local Lead Flood Authority are all minded that surface water drainage (to ground) must take account of matters of contamination to prevent the contamination of the principle aquifer below the site. There are also matters in respect to contamination to be satisfied further in relation to human health and the proposed use of the site for residential purposes. Conditions are required to ensure neither water sources or human health are harmed through the development, including the need for further investigations and justifications, particularly in respect to asbestos.

7.33 Subject to such suitably worded conditions no objection is raised in respect to matters of contamination or surface water management and drainage.

Archaeology

- 7.34 An Archaeological Desktop Assessment has been submitted. The report is dated November 2011 and is the same report as was submitted under the Y12/0767/SH application. There has been no significant change to the site in the interim which would affect the archaeological interest, other than the construction of the houses in the Castle Hill Mews phase.
- 7.35 KCC's archaeological officer previously reviewed the report and concluded that, given the archaeological potential of the site, it is likely that the proposed development will impact upon buried archaeological remains. A condition was therefore used to require a programme of archaeological works.
- 7.36 Subject to a condition in respect to a programme of archaeological works (in each of phases A and B) no objection is raised respect to the impact on buried heritage interests.

Parking and Highway matters

- 7.37 Policy TR12 of the Shepway Local Plan Review relates to car parking levels to serve new development. Policy TR11 relates to the impact of new development on the highway network. Policy TR5 relates to the provision of cycle parking. Paragraph 32 of the National Planning Policy Framework states, in part, that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*
- 7.38 In this case the parking layout meets the required number of spaces for residents and visitor parking, as laid out in the KCC Interim Parking Standards. However the proposal does rely on garages being included in the parking numbers, which is not usually acceptable under the KCC Interim Parking Standards. In this case it has been taken into account that the garages are all generously sized, with the internal space measuring 5.5m depth by 3.5m width, and are considered acceptable to count as formal parking spaces in this dense urban development, which is also highly sustainable. Visitor parking is provided on the street across Phases A and B.
- 7.39 One matter on the layout drawing which will require amendment, by the use of a condition, is the pedestrian table shown across the main road into the site needs rather to be the whole of the T-junction – thereby providing priority pedestrian linkage between the playspace and open space areas.
- 7.40 The proposed new access to the site and the increase of traffic using the Ingles Yard site is all acceptable. Double yellow lines will be required around the junction of the new access to prevent cars parking in such a way as to be hazardous to vehicular traffic entering and exiting the site. This can be achieved by a Grampian style planning condition.
- 7.41 Overall the site has good access to both train and bus hubs and is in close walking distance to the town centre. A condition will be required to ensure the provision is made for the storage of bicycles for each dwelling at a ratio of 1 per bedroom. Subject to suitably worded conditions no objections are raised to the proposal in respect to highway and parking matters.

Planning Obligations

7.42 Planning obligations are used to mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations are enshrined within the NPPF and are also the subject of policies DSD and SS5 of the Shepway Core Strategy. Planning obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Open space/play space

7.43 Saved policy LR9 of the Shepway Local Plan Review requires that, in areas where open space deficiency exists that sites of 25 dwellings or more should provide open space on the site. Saved policy LR10 requires that developments containing 20 or more child bed spaces should provide children's play space or make a commuted sum payment towards off site provision.

7.44 Policy LR9 (open space) and LR10 (play space) calculation for this development shows that an under provision of both play and open space are proposed within the site in this case. The policies do allow for the provision of a monetary contribution in lieu of onsite provision and in this case, a monetary obligation, in addition to the undersized on-site provision, is considered to be acceptable in principle to provide for the upgrade of play equipment within Radnor Park and maintenance of the play equipment and open space.

7.45 The policy calculation, based on the under-delivery of open space and play space on the site, is that monetary contributions are required in this case of £26,262.25 towards off site Play Space and £34,925.55 towards off site Open Space. Totalling = £61,187.80. The applicant has offered monetary contributions towards the offsite provision of play/open space of £13,108 towards Play Space and £31,629.30 towards Open Space. Totalling £44,737.30.

7.46 The above figure has been considered in the light of the applicant's viability report, submitted with the application. This report has been reviewed by independent viability assessment and on the basis of the financial constraints evidenced to allow for the commencement of the proposed development officers have agreed the applicant's proposed contributions in this case. The on-site space will likely be needed to provide contractors space while the development is under construction and as such the timing for the delivery of these spaces will need to be agreed within the S106 taking this into account. These will be the subject of a Section 106 agreement.

Affordable housing

7.47 Policy CSD1 of the Shepway Core Strategy requires that new housing developments of 15 or more units should provide 30% affordable dwellings on-site or through a financial contribution of broadly equivalent value off-site, subject to viability.

- 7.48 The National Planning Policy Framework states that the burden of planning obligations should be understood in the context of local economic conditions and market realities. The NPPG on viability says that this should not undermine ambition for high quality design and wider social and environmental benefit but such ambition should be tested against the realistic likelihood of delivery. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.
- 7.49 In this case the provision of 30% affordable housing units would equate to 12 affordable housing units. However, the applicant has submitted a viability assessment in support of the application which concludes that the provision on any affordable housing units would mean that the development would not be viable to commence. It should be noted that the viability appraisal includes the CIL requirements for the development of £302,291.35.
- 7.50 The Council commissioned expert consultants to undertake an independent review of the applicant's viability report to determine whether the conclusion reached was acceptable and in accordance with best practice. Following further negotiations the applicant has agreed to a contribution of £188,708.65, towards off site affordable housing. This sum is in accordance with the independent advice received by the Council's consultants and has been agreed on a profit of 16.7% on Gross Development Value. This is comparable in monetary terms to 10% on site shared equity units.
- 7.51 Therefore, in this case a monetary contribution of £188,708.65, is to be paid the Council towards to provision of off-site affordable housing. The timing of this payment in relation to the phasing of housing delivery is currently under discussion with the applicant. This will be the subject of a Section 106 agreement. The Housing Strategy Manager has confirmed that this sum is acceptable, given the viability review conclusion reached by our expert consultants. It is considered that the application therefore complies with policy CSD1 by providing an appropriate off site affordable housing contribution, subject to viability.

Other Issues

- 7.52 Policy CSD5 of the Shepway Core Strategy and paragraph 42 of the NPPF seek the provision of high quality communications infrastructure, to sustain economic growth. Subject to the use of a planning condition to require the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community no objection is raised under policy CSD5 of the Shepway Core Strategy and paragraph 42 of the NPPF.
- 7.53 In term of water sustainability, policy CSD5 of the Shepway Core Strategy in part requires that all developments should incorporate water efficiency measures. The policy states development for new dwellings should include specific design features and demonstrate a maximum level of usage should be 105 litres per person per day or less. This usage level figure is adjusted to 110 litres per person per day under the guidance of Building Regulations Approved Document G (which came into effect in October 2015). This can be controlled by planning condition.

Environmental Impact Assessment Regulations 2017

7.54 In accordance with the EIA Regulations, the site falls outside of any sensitive area and the development is below the thresholds for Schedule 2 and therefore does not need to be screened under these regulations.

Financial considerations

7.55 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 but are to be reported.

7.56 In this case, an approximate value of the New Homes Bonus as a result of the proposed development would be approximately £48,344 per annum for 4 years (subject to the outcome of required consultation). This figure is based on an annual Council Tax revenue calculation from the proposed development of approximately £193,376 per annum.

7.57 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 £54.70 per square metre for new residential floor space (less existing buildings floor area). The CIL liability for this development is £302,291.35 (until 30 October 2018).

Human Rights

7.58 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.

7.59 This application is reported to Committee due to objection to the proposal by the Folkestone Town Council for reasons of the remaining trees on the site will be too sparse; 12 affordable housing units should be provided where none are proposed and the additional hardsurfacing will exacerbate the surface water drainage problems on the site, particularly at the corner of Shorncliffe Road and Castle Hill Avenue.

8.0 BACKGROUND DOCUMENTS

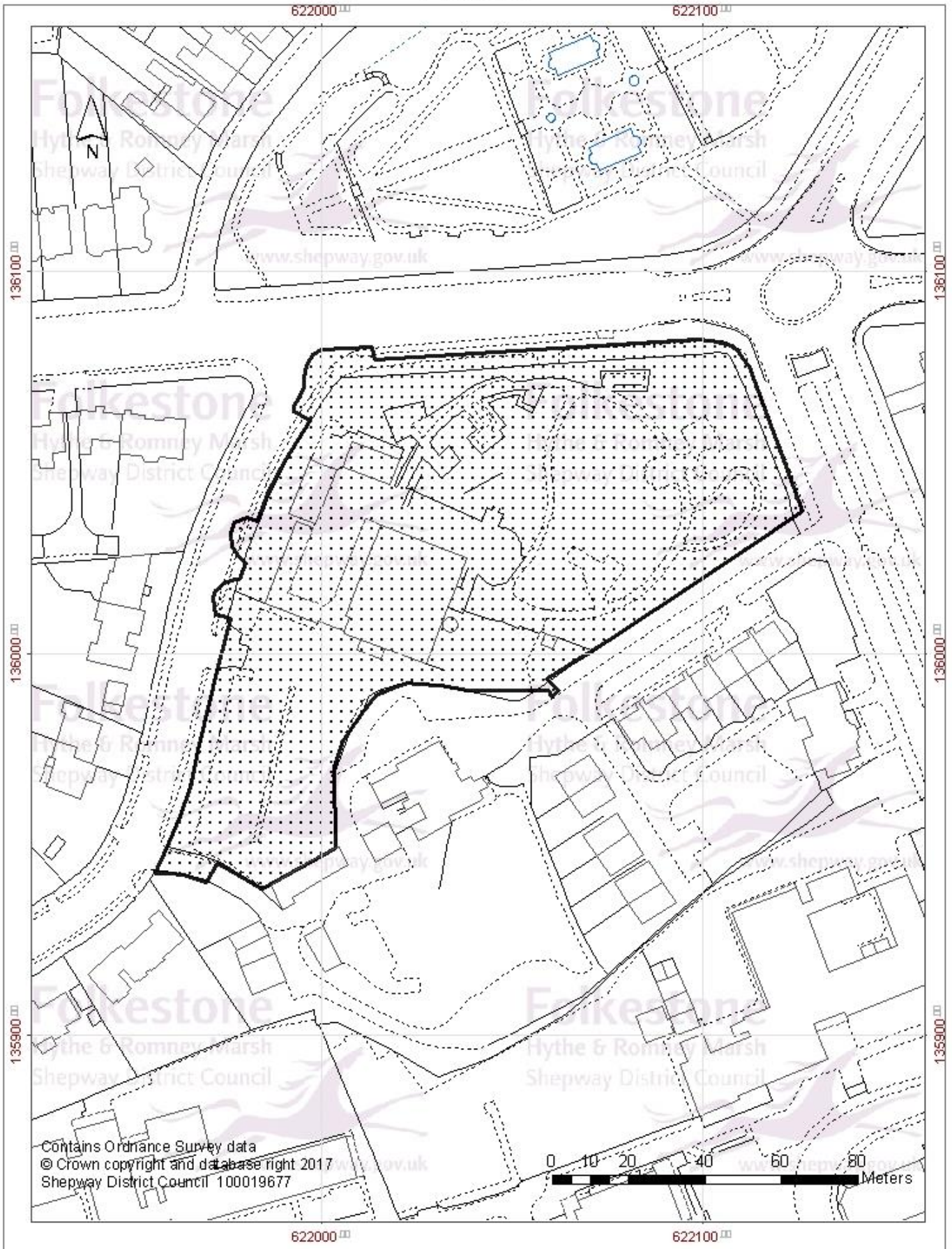
8.1 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles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

RECOMMENDATION – That planning permission be granted subject to a S106 agreement and the following conditions:

1. 3 year standard time condition
2. Drawing numbers
3. Materials as specified
4. Additional investigations be carried out in respect to asbestos/the recommendations of the submitted report/mitigation
5. Remaining parts of the standard contamination condition
6. Site wide surface water drainage scheme
7. Drainage management and maintenance
8. No infiltration drainage in areas of contamination
9. No piling or penetrative foundation design without agreement of the LPA
10. Archaeological watching brief
11. Measures to enhance biodiversity
12. Construction Environmental Management Plan
13. Tree Protection Measures
14. Fronting Shorncliffe Road - use of double glazing with 16mm air gap between 4mm glazing, acoustic airbricks and window vents
16. Pedestrian table required across T-junction
17. Landscaping condition including replacement trees
18. Landscape management plan for communal landscape areas
19. Replanting if landscaping fails
20. Details of low wall/railings
21. Standard water efficiency condition
22. TRO to change and provide double yellow lines around the new access (Grampian condition)
23. Garages retained unrestricted for parking purposes at all times

24. Provision of access roads in each phase
25. Details of play area equipment
26. Provision of the open space and play space
27. Installation of high speed fibre optic broadband (FTTP)
28. Removal of permitted development rights in respect to rear extensions on some properties
29. Provision and maintenance of vision splays.
30. Architectural detailing

Y17/0710/SH
Ingles Meadow Garden Centre
Jointon Road
Folkestone



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Application No: Y17/1310/SH

Location of Site: Home Farm Longage Hill Rhodes Minnis Canterbury

Development: Change of use and conversion of barn to a residential dwelling, including the demolition of existing derelict farm buildings & erection of new garage and store building.

Applicant: Mr Francesco Conte

Agent: Mr James Govier
The JTS Partnership LLP
1st Floor
44 St Peter's Street
Canterbury
CT1 2BG

Date Valid: 20.11.17

Expiry Date: 15.01.18

Extension of time: 26.02.18

Date of Committee: 20.02.18

Officer Contact: Julian Ling

SUMMARY

This report considers whether planning permission should be granted for the change of use and conversion of a curtilage listed barn to residential together with the demolition of existing derelict farm buildings and the erection of a new garage and store building. This application is a resubmission of a previously refused application. The report recommends that planning permission be granted subject to conditions as it is considered that the previous grounds of refusal have been satisfactorily overcome and the change of use and conversion to residential would make the most optimal viable use that would safeguard the heritage asset, would be acceptable in highway terms, would safeguard existing and future occupant's amenities and all other material planning issues are acceptable and can be controlled via planning condition. Altogether, it is considered that these material considerations would, in this instance, override countryside conservation and sustainability policies.

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

1.1 This application seeks full planning permission for the change of use and conversion of an agricultural barn to a residential dwelling, including its partial rebuilding, and the demolition of existing derelict farm buildings and

the erection of a new garage and storage building in its place. The site area is proposed at 0.42 hectares.

- 1.2 The barn would be converted to habitable living accommodation over two and a half levels, being the ground, first and mezzanine floors, with the single storey front projecting addition also incorporated into the conversion and main habitable area. The main building would have a proposed footprint of approximately 214 sqm.
- 1.3 The principle access to the building would be to the northwest elevation with an entrance lobby and a full-height glazed vaulted hallway. At ground floor level a glazed link is proposed to the front elevation connecting the existing single storey addition (where the proposed bedrooms would be) to the main building.
- 1.4 Externally the building would have a new pitched tiled roof (with heritage tiles) that would be fully hipped to the west roof slope. The building would have an overall height of approximately 8.7 metres and an eaves level of 4.8 metres tall. External materials are proposed to be flint, stone, brick and timber weatherboard and windows would be low profile powder coated aluminium. To the front (northwest) elevation the existing single storey addition would be renovated and converted with a new slightly higher pitched gable slate tiled roof at a height of 4.5 metres, timber black stained weatherboard elevations and low profile powder coated glazing. To the front outside the building a hardstanding courtyard area is proposed and to the south (rear) a landscaped garden is proposed. The site is proposed to be enclosed via a 1.8 - 2.0 metre close boarded fence, wall and gates.
- 1.5 Included as part of the application is the construction of a separate detached building for garage parking for two cars as well as a store and office/store room and wc above at first floor. This would be sited immediately adjacent to the southwest of the barn and require the removal of an existing Atcost barn. This would have a footprint of approximately 60 sqm and have a height of 5.4 metres and an eaves level of 2.4 metres and constructed of a timber frame with a slate tiled barn gable roof with full hip to the west roof slope, conservation roof lights and timber doors.
- 1.6 Vehicular and pedestrian access to the site would be along the existing shared access track to the east off Longage Hill highway. Parking spaces and a turning area are proposed at the front courtyard area.
- 1.7 The application is accompanied by a heritage assessment, structural survey, costing and financial appraisal and a tourism report.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Grade II curtilage listed building
- Outside the settlement boundary and within the open countryside

- AONB and Special Landscape Area
- Environment Agency Ground Water Protection Zone 3

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is located within the rural hamlet of Rhodes Minnis. Rhodes Minnis has no settlement boundary and is located within the open countryside of the Area of Outstanding Natural Beauty and Special Landscape Area. The site is located at the end of a shared private access track off Longage Hill where agricultural land surrounds the site, together with some residential properties sporadically located nearby.
- 3.2 The immediate site comprises a large two storey agricultural barn located within the historical farmstead of Home Farm, which is a Grade II listed farm house with ancillary out buildings. The building the subject of this application is a traditional Kentish local vernacular barn constructed of brick, ragstone and flint with a corrugated sheet roof and has a single storey addition to the front. It is positioned upon the southern boundary sited opposite the listed farmhouse and is currently used for agricultural purposes. To the southwest, immediately adjacent to the structure is an Atcost barn and opposite the barn are historic remains of an old oast house and stables. The site is relatively flat with a slight rise in an east to west direction.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site was the subject of a previous planning application, Y15/1264/SH, for the change of use and conversion of the barn to residential together with the demolition of existing derelict farm buildings and the erection of a detached garage and annex building. This was refused on three grounds relating to residential use in an unsustainable countryside location, design and impact upon the heritage asset and saved Local Plan policy CO19 where the development failed to consider alternative business uses first.

5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

- 5.2 Lyminge Parish Council

Objects on the basis of being a barn conversion which is in the open countryside that would be out of place in the AONB and grounds of a Grade II listed building where there is no justification.

- 5.3 KCC Ecology
No objection subject to mitigation and enhancement conditions.
- 5.4 Environmental Health Manager
No objection subject to standard ground contamination condition. b
- 5.5 Southern Water
No objection
- 5.6 Conservation Consultant
Recommend approval subject to conditions requiring details of construction, fenestration, materials and rainwater goods

6.0 REPRESENTATIONS

- 6.1 Representation responses are available in full on the planning file on the Council's website:

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

- 6.2 No representations received.

7.0 RELEVANT POLICY GUIDANCE

- 7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 7.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE5, BE8, BE16, CO1, CO4, CO11, CO19, U1, U4, U10a, TR5, TR11, TR12, and HO1.
- 7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, CSD3, CSD4.
- 7.4 The following supplementary planning documents apply: Kent Downs AONB Design Handbook.
- 7.5 The following paragraphs of the National Planning Policy Framework are of relevance to this application:

- | | | |
|----|---|--|
| 7 | – | Achieving sustainable development |
| 14 | – | Presumption in favour of sustainable development |

- 17 – Core planning principles
- 49 – Delivering a wide choice of high quality homes
- 56, 58 and 64 – Requiring good design
- 109, 111 and 115 – Conserving and enhancing the natural environment
- 131, 132, 140 – Conserving and enhancing the historic environment

8.0 APPRAISAL

Relevant Material Planning Considerations

8.1 Following the previous refusal the applicant has amended the design and carried out a viability assessment of alternative uses. The relevant issues for consideration in the determination of this application are whether the previous grounds of refusal have been satisfactorily overcome in terms of planning policy. The main considerations are the impact upon the heritage asset; sustainable development in the countryside and consideration of alternative non-residential uses, amenities of neighbouring residents, highways issues, drainage and the protection of ground water and contamination.

Impact upon heritage asset

8.2 As a Grade II curtilage listed building, of key importance in the determination of this application is the impact upon the historic building and its appearance within the wider setting of the farmstead.

8.3 The scheme has been revised compared to the previously refused application where it is now considered to propose an acceptable design which retains the main features and appearance of the barn. Externally the conversion retains the main scale, form and layout, whilst internally the two storey open hall retains the central space and internal height and proposes acceptable high quality materials. Improvements have been made by virtue of reducing the number of roof lights and the gable window has been reduced in size to be more proportionate. The front extension proposes a more traditional appearance and roof pitch more akin to the original and the contemporary glazed link separating it from the barn has been set at a lower level with the barn so as to appear as a subservient link. With regard to the garage, a hipped roof to the west roof slope has been proposed that would create a better visual relationship with the main barn and it has also been reduced in scale to single storey making it appear as an ancillary out building.

8.4 Overall, the development is an improvement on the previously refused design in that it proposes a sensitive conversion of the existing barn with a simplified site layout and low key treatment of the farm yard areas. The new garage and store outbuilding is also considered to be visually acceptable and in keeping with the historic character. The Conservation Consultant supports the development. It is considered that in accordance with saved Local Plan policy BE5 and the NPPF, the development is a sensitive conversion that protects the existing scale, form, and general appearance

and therefore the historic setting but also proposes a development that would preserve the heritage asset in the long term for future generations.

Development In the countryside

- 8.5 The previous application was refused on grounds of being unsustainable residential development within the countryside. Paragraph 55 of the NPPF seeks to prevent isolated new homes in the countryside. This is reflected in policy SS3 of the Shepway Core Strategy Local Plan 2013 which directs development toward existing sustainable settlements. Rhodes Minnis is not identified as a sustainable settlement in the preamble to this policy.
- 8.6 Future occupiers of the new dwelling would be isolated from main public services such as shops, hospitals, community facilities and a local public house and be reliant upon the private motor car, with the village of Lyminge approximately 2 km away where the route is not flat, with no public footpaths or street lighting, therefore deterring people from walking or cycling. It is noted that there is a limited bus service running six times a day through Rhodes Minnis with a bus stop close to the site on Longage Hill. Whilst the bus service provides some public transport and is beneficial to local people this is limited and does not in itself make the site sustainable and it remains a consideration that the site is, in policy terms, unsustainable for a residential use.
- 8.7 Whilst strategic countryside policies generally seek to resist new residential development in the countryside, this can be balanced against other material considerations. Paragraph 55 of the NPPF identifies one such consideration as being where “development would represent the optimal viable use of a heritage asset” with paragraph 131 requiring local planning authorities to “take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”. This is also the aim of Shepway District Local Plan Review saved policy BE5. As set out above the application proposes an acceptable design that is now considered to preserve the historic character of the building and heritage asset.
- 8.8 In terms of the visual impact upon the wider countryside, the development is also considered to be acceptable. The development would retain the existing form, scale and siting of the existing barn and the garage building would not be unduly tall, being single storey. Neither building would appear overly tall or bulky in the landscape and generally would be screened from long range views owing to the surrounding buildings and existing landscaping. The design and materials are acceptable within the context of the AONB character and the proposed residential curtilage has been reduced compared to the previously refused application so the visual domestication of the site would be less. Additional landscaping would also be incorporated into the development that would enhance the site and rural setting. Therefore in accordance with the NPPF and Local Plan policies CO1 and CO4 the impact upon the countryside is considered acceptable.

Alternative non – residential uses

- 8.9 Policy CO19 of the saved Local Plan Review seeks to support the re-use or adaptation of rural buildings to alternative sustainable uses where it meets the policy criteria. Application Y15/1264/SH was refused on the ground that alternative non-residential uses were not considered.
- 8.10 This application has now considered alternative non-residential uses in the form of commercial office, storage and workshop uses as well as a tourism holiday let use, which could all be appropriate rural uses. The appraisals of each use have identified the minimum amount of work required to create a business unit that would be attractive to the relevant market place, applied typical costing and financial factors including the initial cost of the land. Costings have been referenced against the RICS Building Cost Information Service and the SPONS Architects and Builders Price book. The analysis has also taken into account comparable properties on the market.
- 8.11 For a commercial workshop use it is estimated that following an initial purchase and conversion costs of £410,000 (£110,000 for the conversion works) and with a standard three year lease on the property using a competitive rent fee, the annual return compared to the initial investment would be minimal at an estimated 1.8% which would represent a poor investment and unattractive to future investors. Concerning an office use, the estimated conversion cost and initial purchase would equate to approximately £680,000 and similarly on the basis of a three year lease with a competitive rent, would result in a return of approximately 3.7% which is also considered to be a poor return that would be unattractive to investors. Lastly when considering a holiday let use this would have the same costings as a residential use (renovated to living standards) which would be clearly the most expensive option from the list of alternative uses. This is estimated to cost approximately £780,000 and together with the purchase price would be an initial investment of £1,080,000. Based on a five year business plan, using competitive rental prices and taking into account furnishings and running costs, it is estimated that a holiday let would provide a financial return of 2% which again is not an attractive prospective investment. On this basis these alternative uses are not considered to be financially viable and unlikely to attract an investor.
- 8.12 It is therefore considered that appropriate alternative uses have now been adequately assessed and demonstrated to not be financially viable uses in accordance with criterion e) of saved Local Plan policy CO19, where it is now considered that residential is the most optimum viable use of the building. The development is considered to pass the remaining criteria of policy CO19 requiring the building to be of a permanent and substantial construction; the proposed conversion to be sympathetic to the building's intrinsic character and appearance; the development would not prejudice the agricultural working of a farm or viability of a nearby village; and adequate provision can be made to meet access, serving and parking arrangements. As such the application has satisfactorily addressed the third ground of refusal of Y15/1264/SH.

Residential Amenities

8.13 The closest property to the site is Home Farm to the northeast. In this regard it is considered that the occupiers of Home Farm Cottage are far enough away to not be affected. Given the separation distance of approximately 30 metres, it is considered that there would be no loss of privacy or an overbearing impact to the occupiers. The residential use is considered compatible and would not give rise to significant noise or disturbance and the marginal increase in the use of the access with additional cars is not considered likely to be of significant detriment to residential amenities. As such the development is considered to safeguard residential amenities in accordance with saved policy SD1.

Highways and Transportation

8.14 In terms of access and parking, the development is considered acceptable. The access would be via a shared farm track where a marginal increase in activity would occur, but with no detriment to highway safety and sufficient parking proposed within the front courtyard area. The development is considered acceptable in transport terms in accordance with saved Local Plan Review policies TR5, TR11 and TR12.

Drainage

8.15 The site is located within an Environment Agency Ground Water protection zone, where policy seeks to protect the ground water resource. In this rural location there is no public drainage system so the development would have to use an alternative private system such as a waste water treatment works or a septic tank for foul drainage and soakaways for surface water disposal. The development is not large scale and these systems are considered to be generally acceptable, with details reasonably sought by condition, should permission be granted. It is considered that the development is acceptable in drainage terms in accordance with saved Local Plan Review policies U1 and U4.

Contamination

8.16 As previously developed land, last used for agriculture, there is a reasonable possibility that the land is contaminated. It is therefore recommended that the standard contamination condition be applied should consent be granted, which will require detailed investigation and if required mitigation measures.

Environmental Impact Assessment Regulations 2017

8.17 In accordance with the EIA Regulations the site falls within a sensitive area and within Schedule 2 10(b) urban development projects. A screening opinion has been carried out and it has been concluded that the development is not EIA development and as such an Environmental Statement is not required. A copy of the screening opinion is available on the planning file.

Local Finance Considerations

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

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 £136.75 per square metre for new residential floor space. A CIL self-build exemption form has been submitted to the Council and as such there will be an exemption from the CIL levy.

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 £2,103.00 for one year and £8,412.00 for four years and calculated on the basis of council tax bands B and G 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

8.20 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.

8.21 This application is reported to Committee due to the views of Lyminge Parish Council.

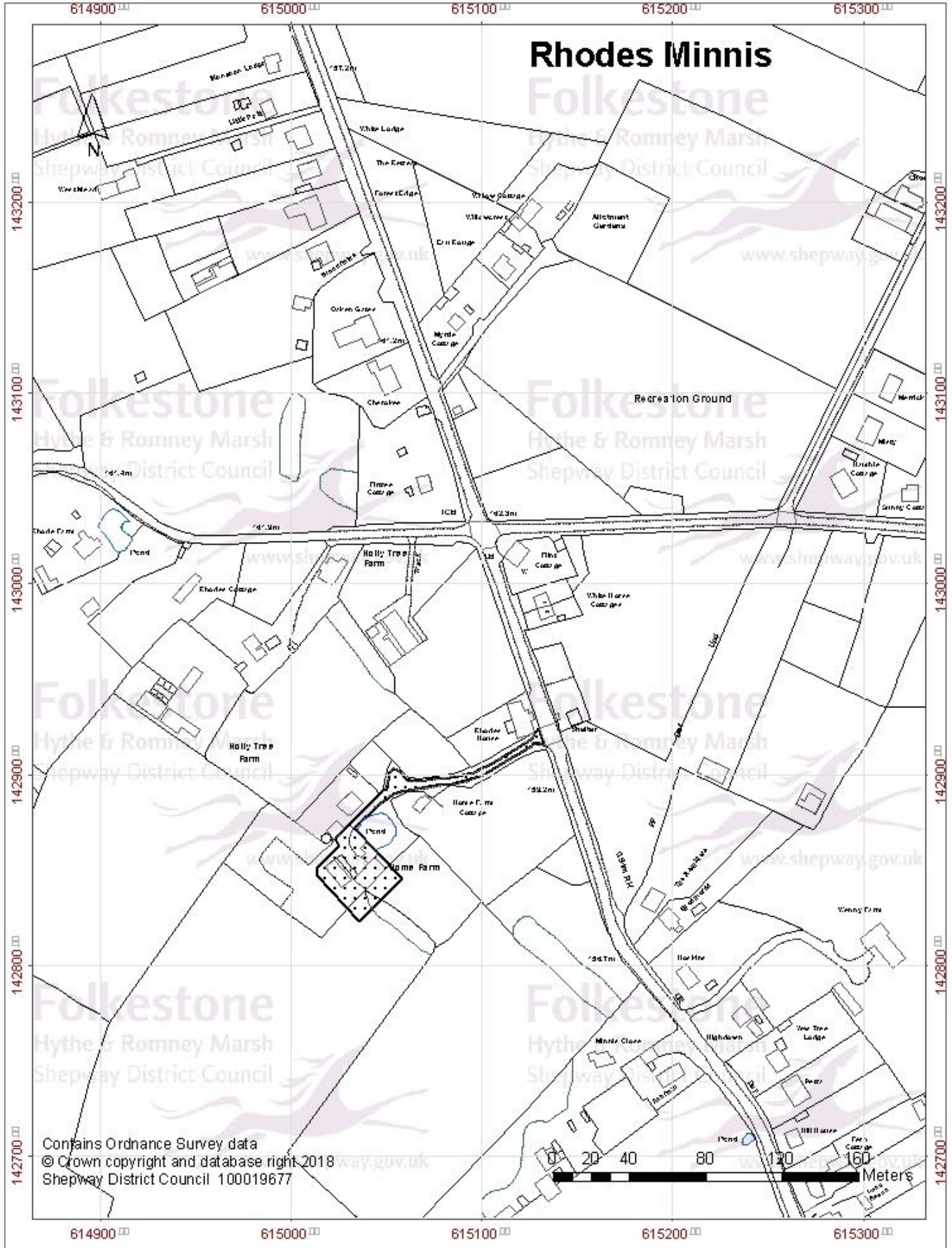
9.0 BACKGROUND DOCUMENTS

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

1. Standard time condition
2. Approved plan numbers
3. Materials
4. Construction details
5. Door/window details
6. Roof light details
7. Rainwater goods
8. Landscaping
9. Boundary treatment
10. Parking
11. Cycle parking
12. Contamination
13. Drainage (foul and surface water)
14. Removal of PD Rights (classes A, B, C, D, E & F).
15. Garage building first floor to be used for ancillary purposes only.
16. Ecology
17. Water efficiency

Decision of Committee



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SHEPWAY DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE – 20 FEBRUARY 2018

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:

Type of Lobbying:

Email/Letter/Phone

Application No:

Y17/0710/SH - Ingles Meadow Garden Centre Jinton Road Folkestone Kent CT20
2RF

Y17/1310/SH - Home Farm Longage Hill Rhodes Minnis Canterbury

SIGNED:

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

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