



# Agenda

Meeting: **Planning and Licensing Committee**  
Date: **25 September 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.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Apologies for Absence**
2. **Declarations of Interest**

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

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

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c) voluntary announcements of other interests.

3. **Minutes (Pages 5 - 10)**

To consider and approve, as a correct record, the minutes of the meeting held on 28 August 2018.

4. **Minutes of the Licensing Sub-Committee (Pages 11 - 14)**

To consider and approve the minutes of the meeting held on the 10 September 2018.

5. **Y18/0215/SH - Redlynch House, 19 Hillcrest Road, Hythe (Pages 15 - 28)**

This report considers whether planning permission should be granted for a replacement building to accommodate 8 apartments following demolition of the existing residential care home.

6. **Y17/1543/SH - Pensand House, South Road, Hythe, Kent (Pages 29 - 42)**

Planning permission is sought for alterations and extensions to both Marlborough Court and Pensand House, including the creation of six units within a new roof proposed for Pensand House

7. **Y18/0824/FH - 159 Canterbury Road, Hawkinge, Folkestone (Pages 43 - 52)**

This report considers whether planning permission should be granted for a detached infill dwelling on this site.

8. **Y18/0348/SH - Land Adjoining Hayward House Kennett Lane, Stanford (Pages 53 - 64)**

This report considers whether planning permission should be granted for the erection of a detached dwelling and associated landscaping on this site, together with a detached double garage for the existing house.

9. **Y17/1126/SH - Land Adjacent Brickwall Farm, Dengemarsh Road, Lydd (Pages 65 - 80)**

This report considers whether planning permission should be granted for the erection of a two storey detached dwelling to provide farm worker's accommodation with associated parking, access and infrastructure works.

10. **Y18/0976/FH - Land Rear Plot 15, Collins Road, New Romney, Kent (Pages 81 - 98)**

Planning permission is sought for the erection of a business hub building, together with associated access and parking.

## Planning and Licensing Committee - 25 September 2018

### \*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

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# Minutes

## Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 28 August 2018
Present	Councillors Alan Ewart-James, Clive Goddard (Chairman), Miss Susie Govett, Mrs Jennifer Hollingsbee, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock, Carol Sacre (In place of Damon Robinson), Russell Tillson and Roger Wilkins (Vice-Chair)
Apologies for Absence	Councillor Damon Robinson
Officers Present:	Kate Clark (Committee Services Officer), Louise Daniels (Senior Planning Officer), Claire Dethier (Development Management Team Leader), Paul Howson (Senior Planning Officer), Sue Lewis (Committee Services Officer) and Lisette Patching (Development Management Manager)
Others Present:	

### 24. **Declarations of Interest**

Councillor Miss Susie Govett declared a voluntary announcement in respect of applications Y17/1390/SH, Y17/0327/SH and Y18/0361/SH as she is ward member for New Romney and her daughter attends one of the primary schools mentioned in report DCL/18/14. She remained in the meeting during discussion and voting on these items.

Councillor Michael Lyons declared a voluntary announcement in respect of application Y18/0361/SH as he is known to the applicant. He remained in the meeting during discussion and voting on this item.

### 25. **Y17/1390/SH Land adjoining Hope All Saints Garden Centre, Ashford Road, New Romney, Kent**

Report DCL/18/14 - Outline planning application for the erection of up to 117 dwellings with public open space, landscaping and sustainable urban drainage system (SuDS) and vehicular access from Ashford Road. All

matters reserved except for means of access.

Pauline Reynolds, local resident spoke against the application. As a member of the Rolfe Lane residents association she informed that the development does not conform to the Core Strategy policy CSD8 for New Romney and is unacceptable due to the lack of spine road and the impact on junctions and roads in an area already congested.

She informed that the bus service to this area is unacceptable due to the lack of routes to Ashford Hospital and other towns and any additional traffic movement in the area would make it extremely difficult and dangerous for residents. A build-up of traffic would be felt in Rolfe Lane and Fairfield Road.

Members discussed the application and raised a number of issues, mainly those highlighted below:

- Lack of spine road and connectivity to neighbouring development;
- S106 monies and how much will be provided;
- Traffic calming measures proposed inadequate;
- Public transport is already poor in the area so contrary to saved policy TR2 – provision for buses in major developments;
- Protection of the countryside;
- Lack of infrastructure – this should be in place before any new development is considered;
- Ashford Road turning point is too busy now and would become a danger to road users;
- A259 access is already dangerous;
- Lack of medical facilities – surgeries are already struggling;
- Healthcare contributions insufficient
- Core Strategy being ignored;
- School Contributions - St Nicholas School will miss out with contributions being taken out of New Romney;
- Highways England should be studying this application in more detail;
- Emergency access – how will this be managed and is it sufficient;
- Loss of improvements to playing field for St Nicholas School

Although some changes to the previous application have been made some members did not consider the application should be rejected, particularly not because of a lack of spine road and medical facilities, the second of which is not a planning consideration.

Officers made it clear that there is an aspiration to have the road connectivity to the other site in the area but this is not currently possible due to the ownership of the land in question. KCC have a lease agreement with the local school and this is a long-term arrangement.

Members noted that affordable housing contributions have been agreed.

Members also noted that all contributions listed within the report have been agreed by the applicant and although the contributions are being sought for Greatstone Primary School this has been raised by officers with KCC and continued conversations will take place if members resolve to grant planning permission.

:

Proposed by Councillor Russell Tillson

Seconded by Councillor Michael Lyons that

planning permission be refused due to lack of internal link road connectivity to the neighbouring site which is one of the criteria of Core Strategy policy CSD8, the proposal will result in increased traffic congestion on local roads contrary to parts (c) and (g) of policy CSD8, which would be detrimental to the amenity of local residents

**Resolved:**

**That planning permission be refused for the reason set out below, with delegated authority given to the Development Management Manager to finalise the wording:**

- 1. Due to lack of internal link road connectivity to the neighbouring site which is one of the criteria of Core Strategy policy CSD8, the proposal will result in increased traffic congestion on local roads contrary to parts (c) and (g) of policy CSD8, which would be detrimental to the amenity of local residents.**

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

**26. Y18/0327/SH Land opposite Dorland, Cockreed Lane, New Romney**

Report DCL/18/15 - Erection of 8 dwellings.

Ian Bull, applicant spoke on the application.

Proposed by Councillor Dick Pascoe

Seconded by Councillor Philip Martin and

**Resolved:**

**That planning permission be granted subject to the conditions set out at the end of the report, and any additional conditions the Development Management Manager considers necessary.**

(Voting: For 7; Against 5; Abstentions 0)

**27. Y17/1398/SH Land adjoining Millside, Rhee Wall Road, Brenzett, Kent**

Report DCL/18/16 - Outline application for the erection of 6 houses with matters of scale, appearance and landscaping reserved for future

consideration.

The Planning Team Leader updated members in respect of the acoustic assessment informing that a report had now been received informing of a low risk of disturbance from the neighbouring farm. Officers had not had a chance to discuss the result with the environmental team, once this had been done any necessary changes to the proposed condition would then be made.

Andrew Wellstead, local resident spoke against the application.  
Helen Whitehead, applicant's agent spoke on the application.

Proposed by Councillor Russell Tillson  
Seconded by Councillor Michael Lyons and

**Resolved:**

**That outline planning permission be granted subject to the conditions at the end of the report and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.**

(Voting: For 9; Against 3; Abstentions 0)

**28. Y18/0361/SH All Saints Farm, Ashford Road, New Romney TN28 8TH**

Report DCL/18/17 - Erection of 3 sheds (resubmission of planning application Y17/0305/SH).

Briony Kapoor, applicant spoke on the application informing that the site was organic and not a commercial venture.

The sheds already on site hold farming tools and equipment and the additional space is required for more of these and food stock for the animals on the site. They will also provide shelter for the donkeys. The farm is supported by Historic England due to the nature of the site and archaeological interest.

Although members were of the opinion that the sheds already on site should not have been built until planning permission had been granted it was felt that there is a need for them and that they will weather in time.

The archaeology of the site is of interest for visitors and therefore should be enhanced and protected and the applicant should be encouraged to promote this.

The majority of members agreed that it was the start of something good for the site and agreed with the siting, scale and colour of the sheds. Members considered the development meets the criteria of saved Local Plan policies CO1 and CO5 as it maintains and enhances the landscape; and the criteria of saved policy CO18 as it is necessary for agriculture and appropriate in scale,



siting and materials. They considered the public benefits of the visitor attraction outweigh the impact on the scheduled monument and overall they welcomed the development.

Proposed by Councillor Len Laws

Seconded by Councillor Mrs Jenny Hollingsbee and

**Resolved:**

- 1. That planning permission be granted as the development maintains and enhances the landscape; is necessary for agriculture; the siting, scale and materials of the sheds are in keeping with the surroundings; and the public benefits as a visitor attraction to that part of the marsh outweigh the less than substantial harm to the heritage asset. As such the development is in accordance with saved Local Plan Review policies CO1, CO5 and CO18 and the aims of the National Planning Policy Framework.**
  
- 2. To delegate authority to the Development Management Manager to authorise the necessary conditions.**

(Voting: For 11; Against 0; Abstentions 1)

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# Minutes

## Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Monday, 10 September 2018
Present	Councillors Miss Susie Govett, Michael Lyons and Russell Tillson
Apologies for Absence	None
Officers Present:	Kate Clark (Committee Services Officer), David Kelly (Legal Services Manager), Andrew Rush (Corporate Contracts Manager) and Briony Williamson (Senior Licensing Officer)
Others Present:	Mr Mihirbhai Patel and a representative from the EI Group

### 12. Election of Chairman for the meeting

Proposed by Councillor Michael Lyons  
Seconded by Councillor Ms Susie Govett and

**Resolved: To appoint Councillor Russell Tillson as Chairman for the meeting.**

### 13. Declarations of interest

There were no declarations of interest.

### 14. Declarations of lobbying

Declaration forms completed and returned.

### 15. Reconsideration of a condition on the Premises Licence for The Swan Hotel, 59 High Street, Hythe, CT21 5AD

Report DCL18/19 set out the facts for the Licensing Committee to consider following a Review of a premise licence, at which conditions were added to the licence. The licensing committee is the Licensing Authority acting in a role previously taken by the Magistrates Court. It was, therefore,

not appropriate for officers to make additional comments other than in the capacity as a Responsible Authority under the legislation of the Licensing Act 2003. Therefore there were no comments from Legal, Finance or other officers included in this report.

The Chairman, after introducing those present, reminded members of the need to pursue the four licensing objectives and the reason for the meeting was the need to reconsider Condition 13 detailed on the Notice of Determination.

Miss Briony Williamson, Senior Licensing Officer, presented the report.

Mr Mihirbhai Patel, Licence Holder, was invited to speak. He thanked everyone for their help and support and listed the improvements he had made at the premises;

- On site manager
- All staff are now trained to operate the CCTV
- CCTV upgraded
- Good reviews received via social media
- A keenness to promote the licensing objectives.

Mr Patel advised he is also planning a sports bar and grill.

Members were impressed with the improvements and were mindful that the premises must remain well managed and controlled.

The Sub-Committee then adjourned to make a decision, in private, The Council's legal officer and committee officer joined them.

The Sub-Committee returned to the Chamber and the Chairman read out the decision paying attention to the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Members agreed the following:

**Resolved:**

- 1. To receive and note Report DCL18/19.**
- 2. To remove condition 13 in its entirety from the Notice of Determination dated 19 June 2018.**

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

**16. Exclusion of the public**

Proposed by Councillor Michael Lyons  
Seconded by Councillor Ms Susie Govett

**Resolved:**

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

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

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

**UNRESTRICTED MINUTES**

**17. Review of a Hackney Carriage Driver's Licence**

Report DCL/18/18 considered whether any action should be taken against a Hackney Carriage Driver's Licence.

Miss Williamson presented the report to members and explained that the Hackney Carriage Driver had been smoking in the vehicle and had been spoken to by officers on three separate occasions since 2016.

Members were advised that a licensed driver who commits two or more offences of smoking inside a licensed vehicle may have their status as a ‘fit and proper’ person to hold a Hackney Carriage or Private Hire driver's licence review by the Licensing Committee hence the reason for today's meeting.

The applicant was invited to speak and explained that as a driver many hours are worked per week and understands the regulations when providing a smoke free vehicle to passengers. The applicant was aware of the consequences of not adhering to these regulations.

Members pointed out the regulations and the health risks to passengers as well as advising that it is perfectly acceptable to smoke when not in the vehicle.

Members adjourned to consider the information and decision.

Proposed by Councillor Michael Lyons  
Seconded by Councillor Ms Susie Govett and

**RESOLVED:**

- 1. Report DCL/18/18 was received and noted.**
- 2. That the Driver's Licence remains valid on this occasion, however that a further offence of smoking in the vehicle will be taken extremely seriously and may result in the revocation of the licence to hold a Hackney Carriage Driver's Licence.**

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

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**Application No:** Y18/0215/SH

**Location of Site:** Redlynch House, 19 Hillcrest Road, Hythe

**Development:** Demolition of existing building (former residential home) and erection of 8 new apartments with associated car parking and amenity areas (resubmission of application Y16/0866/SH).

**Applicant:** Redlynch Residential Home Limited

**Agent:** Mr Laurence Mineham  
Ubique Architects  
11 Ashford House  
Beaufort Court  
Sir Thomas Longley Road  
Rochester  
ME2 4FA

**Date Valid:** 28.02.18

**Expiry Date:** 25.04.18

**PEA Date:** 01.10.18

**Date of Committee:** 25.09.18

**Officer Contact:** Miss Louise Daniels

## **SUMMARY**

This report considers whether planning permission should be granted for a replacement building to accommodate 8 apartments following demolition of the existing residential care home. The report recommends that planning permission be granted as it is considered that the amenities of existing and future occupants would be safeguarded and that the design, materials and layout of the proposed building would reflect the neighbouring properties and would be in keeping with the streetscene of Hillcrest Road.

**RECOMMENDATION:** That planning permission be granted subject to the conditions set out at the end of the report, and that delegated authority be given to the Development Management Manager to finalise the wording of the conditions and add any other conditions she considers necessary.

## **1.0 THE PROPOSAL**

- 1.1 This application is for a new building following demolition of the existing residential care home which is currently a mixture of single, two and three storeys, to provide eight apartments.
- 1.2 The replacement building when viewed from Hillcrest Road, would be three storeys high with the third floor within the roof space. The building would have an asymmetrical appearance in the street scene to the front elevation

with two gable roofs which would be tile hung. Bay windows are proposed to one of the gable projections and would be 2-storey high and finished with a parapet roof. A two-storey square bay incorporating the entrance door is also proposed to be off-centre and a plinth brick feature is proposed to the building's perimeter. The building would be set down slightly within the site and the single storey elements to the side would be similar to the neighbouring buildings which have single storey side projections. The overall ridge height of the building would be lower than both the neighbouring properties.

1.3 The building would accommodate the following arrangement of apartments:

*Lower Ground Floor*

Unit No.1 = 2 double bedrooms, 1 en-suite, bathroom, and lounge/kitchen/diner

Unit No.2 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner

*Ground Floor*

Unit No.3 = 2 double bedrooms, 2 en-suites, bathroom and lounge/kitchen/diner

Unit No.4 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner

Unit No.5 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner

*First Floor*

Unit No.6 = 2 double bedrooms, 2 en-suites, 1 walk in wardrobe and lounge/kitchen/diner

Unit No.7 = 2 double bedrooms, 2 en-suites and lounge/kitchen/diner

*Second Floor*

Unit No.8 = 2 double bedrooms, 2 en-suites, WC and lounge/kitchen/diner

1.4 To the rear of the building, the lower ground floor would be set partially within the site. Together with the lower ground floor, the building would have four floors to the rear, with the top floor, as with the front of the building, being within the roof space. The rear would have two flat roof dormers, one with an inset balcony and a Juliet balcony to the window in the single rear gable.

1.5 All balconies would have timber balustrading. Three balconies are proposed to the ground floor. The balcony to unit No.5 would be set back from the main rear elevation of the dwelling, and the other two balconies at first floor would serve units No.3 and No.4. The balconies at the ground floor would be at a similar level to the ground floor of the neighbouring properties although acknowledging that the application building extends further into the site so they would be elevated at the first floor level. Two balconies are proposed at the first floor to units No.6 and No.7 and these would be set behind the roof hip of the ground floor. An inset balcony within the roof pitch



is proposed to the second floor which would be positioned centrally within the roof slope.

- 1.6 To either side of the building are two single storey projections. To the west elevation a hipped addition is proposed with a flat roof within the centre which would incorporate unit No.5, and to the east elevation is a smaller projection with a hipped roof that would incorporate unit No.3.
- 1.7 To the front of the site, seven off-street parking spaces are proposed with an off-centre entrance path with grass/landscaping either side. Another path is proposed to the west side of the site to access the cycle parking and refuse storage. The building would follow the building line of Hillcrest Road, and the two front gable projections would be in line with the neighbouring buildings.
- 1.8 The application is accompanied by a supporting statement, a slope stability report and a surface water drainage strategy.

## **2.0 SITE DESIGNATIONS**

2.1 The following apply to the site:

- Inside settlement boundary
- Area of archaeological potential
- Latchgate area
- Area of Special Character

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The application site is a vacant 2 storey residential care home previously converted from a large detached house, located on the south side of Hillcrest Road, midway between Brockhill Road to the west and Castle Road to the east. It sits within an elevated section of Hythe with dwellings running generally laterally across the slope of the hillside, benefitting from views of Hythe and the English Channel.
- 3.2 The site is located within a predominantly residential area and within a designated Area of Special Character. The front of the property incorporates separate in and out vehicular accesses and a garden to the rear, beyond the end boundary of which the land slopes steeply downwards to Quarry Cottage, Quarry Lane to the rear.

## **4.0 RELEVANT PLANNING HISTORY**

Y16/0866/SH - Demolition of existing building (former residential home) and erection of 9 new apartments with associated car parking and amenity areas. Refused.

The applicant appealed against this decision and the appeal was dismissed.

## **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 Hythe Town Council  
No objection.

- 5.3 KCC Highways and Transportation  
No objection subject to conditions safeguarding visibility splays, a construction management plan, provision and retention of cycle and vehicle parking, measures to prevent discharge of surface water onto the highway and a use of a bound material for the first 5m of the access and parking and turning areas.

- 5.4 Environmental Health  
No objection subject to a condition for contamination.

## **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/>

Responses are summarised below:

- 6.2 20 letters/emails received objecting on the following grounds:

- Contravenes the findings of the Inspector.
- Obtrusive building
- Dominate over neighbouring dwellings resulting in overbearing impact, loss of privacy from the balconies and loss of light due to the scale of the building.
- At least 50% larger than the existing building.
- Dominate views from the Green, the seafront and the canal.
- Rainwater discharge is not robust enough given the site is on an area of land instability.
- Depth of the excavation now required could cause negative impact upon the stability of the ground, could result in subsidence.
- Poor quality design, loss of character.
- Contrary to policy BE12 as the building would be unacceptable in scale, mass and height.
- Inadequate off-street parking provision and road safety risks.
- Loss of character to Hillcrest Road which is characterised by large single family homes with gardens.
- Resulting pressure on the road network.

- Setting an undesirable precedent for similar proposals in the future, resulting in a gradual erosion of what currently makes the street attractive to larger families.
- Impinge and compromise the view of the skyline from and to the Royal Military Canal.
- The dwelling to the rear of the site depends on gas and water through the application site.
- Flats not acceptable in the area.

6.3 Hythe Civic Society object on the following grounds:

- Mass and scale is greater than the existing surrounding buildings although the design attempts to fit the surroundings.
- Contrary to policy BE8 and BE12
- Insufficient parking

## **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 policies of the Shepway District Local Plan Review apply: SD1, BE1, BE12, U2, U4, U10a, TR5, TR11, TR12, HO1

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD7

7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application: 8, 102, 110 and 127.

## **8.0 APPRAISAL**

### **Background**

8.1 The Planning Inspector's decision on the previous proposal assessed under application Y16/0866/SH forms a material planning consideration in the assessment of this application. The Inspector stated the following main objections to the proposal:

- The scale/width of the building within the site would have a negative impact on the spaciousness of the area, which is a designated Area of Special Character.

- The height of the building would be visually more prominent in views from the south and would compromise the skyline when viewed from the Royal Military Canal and The Green to the south.
  - The building would be extremely prominent in outlook from the neighbouring properties (17 and 21 Hillcrest Road), harmful to their living conditions.
  - The elevated position of the building, in close proximity to Quarry Cottage, would create the perception of being observed for these neighbouring residents when using their outdoor living space, even if not directly overlooked.
  - The building would create inappropriate living environments for future occupiers of the proposed apartments (for two second floor bedrooms which would have rooflights, and therefore no outlook).
- 8.2 The proposal originally submitted for this current application had been reduced in the depth from that dismissed at appeal. However Officers did not consider this was sufficient to overcome the Inspectors reasons for refusal. A number of detailed discussions took place during the processing of this application between Officers and the applicant's agents to arrive at the amended scheme which has reduced the number of apartments from nine to eight and reduced the bulk, mass and scale of the building.

### **Relevant Material Planning Considerations**

- 8.3 The relevant issues for consideration with regard to this current application are the acceptability of the principle of development, the visual impact upon the surrounding area and Area of Special Landscape Character, residential amenity and highway safety.

### **Principle of Development**

- 8.4 The site is located in a residential area outside of Hythe town centre and has been in use as a care home for many years, however, is now vacant. The applicants declare that the care home is dilapidated, no longer viable and upgrading the care home to Care Quality Commission standards would also not be a viable option. The application did not include any viability information to justify this assertion. However, it is considered that the loss of the care home does not constitute a loss of a community facility and there are no national or local plan policies that seek to retain private residential care homes.
- 8.5 Hythe is identified as a strategic town within the district and plays a prominent role in the district as an attractive town to live, work and visit. Policy CSD7 of the Shepway Core Strategy states that Hythe should develop as the high-quality residential, business, service, retail and tourist centre for central Shepway. New development should respect the historic character of the town and the established grain of the settlement in line with the place-shaping principles set out in policy SS3. Hythe is identified as this partly due to the range of key services it provides to residents including a primary and secondary school, range of local shops, eateries, doctors surgery to name but a few. As such, the Council has assessed the town to be a highly sustainable settlement where significant development will be

accommodated. Taking this into consideration, it is considered that the demolition of the care home to provide additional residential units would result in an efficient use of land in a sustainable location with good connectivity to public services. As such, the proposed development would accord with saved policy HO1 of the Shepway Local Plan Review and policy SS3 of the Shepway Core Strategy.

- 8.6 In this context, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the Shepway Local Plan Review and Core Strategy, acceptable, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location.

### **Design and Layout**

- 8.7 The design of the proposed building follows the more traditional approach with tiled pitched roofs, hanging tiles to the front and side elevations, brickwork and timber balustrading for the balconies. The traditional design with asymmetric form is considered to integrate well within the street scene, with a residential domestic character to the building in keeping with the character of surrounding properties.
- 8.8 Although it is acknowledged that the proposal is larger than the existing building on site, it would have the same ridge height as the main part of the existing building and a ridge height that would be slightly less than the neighbouring dwellings. It is accepted that the building would be three stories whereas the existing building is two stories however, the third storey of the proposal (when viewed from Hillcrest Road) is within the roof space with small windows to the gable frontages resulting in the features and building scale diminishing with height, not dissimilar to other properties within Hillcrest Road.
- 8.9 It is also acknowledged that with the two front gables and the roof ridge that follows through the building to the rear, the building would have a mass which extends back within the site. However, the three storey element of the building is set centrally within the site, retaining separation from the side boundaries with single storey projections to the sides which 'break-up' the side elevations and reduce the dominance of the building when viewed from an angle from Hillcrest Road.
- 8.10 It is therefore considered that the proposal would be in keeping with the prevailing built form of surrounding buildings, taking account of the degree of separation which exists between properties in Hillcrest Road. As such, the proposed building is considered to be an appropriate scale within the street scene of Hillcrest Road and is considered to comply with saved policy BE1 of the Local Plan.

### **Visual Impact**

- 8.11 Saved policy BE12 of the Shepway Local Plan Review states that planning permission for further development within Areas of Special Character will not be granted if the development will harm the existing character of that area, by reason of either a loss of existing vegetation, especially in relation to important skylines; or a greater visual impact of buildings. Policy BE16 requires proposals to retain important existing landscape features.
- 8.12 The application site is located within an elevated section of Hythe within an Area of Special Character with dwellings running generally laterally across the slope of the hillside, benefitting from views of Hythe and the English Channel. The application site and rear of neighbouring buildings on the south side of Hillcrest Road are, therefore, highly visually prominent from lower public areas and roads within the centre of Hythe and from the coastal areas beyond.
- 8.13 The proposal would have the same ridge height as the existing building and the rear elevation of the existing building has a gable projection with a hipped roof. It is not considered that the rear elevation of the proposed building with a hipped roof and one rear gable projection would have an overly dissimilar appearance significant enough to be detrimental to the character and appearance of the designated Area of Special Landscape Character. As such, the proposed development would be acceptable in accordance with policies BE1, BE12, BE16, and HO1 of the Local Plan Review.

### **Neighbouring Amenity**

- 8.14 Saved policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents. Paragraph 127 of the NPPF sets out that decisions should seek to secure a high standard of amenity for existing and future users.
- 8.15 The closest residential properties are Nos.17 and 21 Hillcrest Road situated either side of the application site and Quarry Cottage sited at the bottom of the steep slope to the southern boundary to the application site.

#### No.17 Hillcrest Road:

- 8.16 The footprint of No.17 Hillcrest Road is an 'L shape' incorporating a wide main frontage and a 2 storey rear projection with a small ground floor addition to the rear. A raised patio area is located within the recess of the 'L shape' adjacent to the application site. Although the footprint of the application building would extend past the rear elevation of No.17 this would only be at the lower ground and ground floor levels. The first and second floor of the proposed building would not be too dissimilar in position to the two-storey projection of No.17. This together with the separation distance from No.17 and the application building, of approximately 5.9m, means that it is not considered that the building would result in a detrimental impact upon neighbouring amenity in terms of causing an overbearing impact.
- 8.17 In terms of loss of light, due to the orientation of the site with the rear of the site facing south, together with the separation distances, it is not considered the proposed building would have a significantly detrimental impact upon

loss of light to this neighbouring dwelling sufficient to warrant refusal on this basis.

- 8.18 In terms of loss of privacy, the only side facing windows to the proposed building would be to the ground floor side projection and these would be conditioned to be obscure glazed which although would be a bedroom window, it is not the only window to that bedroom so can be reasonably conditioned. In addition, in terms of loss of privacy, 1.8m high privacy screens are proposed to the first floor balconies to ensure there would be no overlooking, these privacy screens would be conditioned to ensure they are retained.

No.21 Hillcrest Road:

- 8.19 The footprint of No.21 Hillcrest Road is wide across the plot, with the two-storey element set approximately 9.5m away from the side boundary and then single storey extending up to the side boundary. Although the footprint of the application building would extend past the rear elevation of No.21 this would only be at the lower ground and ground floor levels. The first and second floors of the proposed building would not extend as far into the site. The first and second floor would also be set in from the side boundary by approximately 8.4m, which would leave a total separation between the two-storey element of No.21 Hillcrest Road and the first and second floor of the application building of approximately 17.9m. As a result, it is not considered that the proposed building would have a detrimental impact upon neighbouring amenity in terms of causing an overbearing impact.

- 8.20 In terms of loss of light, due to the orientation of the site with the rear of the site facing south, together with the separation distances, it is not considered the proposed building would have a significantly detrimental impact upon loss of light to this neighbouring dwelling to warrant refusal on this basis.

- 8.21 In terms of loss of privacy, three side facing windows are proposed to the ground floor side projection and a single window above. All these windows would be conditioned to be obscure glazed as these are secondary windows, and the window above at first floor would also be a secondary window to a bedroom and so could be reasonably conditioned. In addition, all balconies would be conditioned to have 1.8m high privacy screens to ensure there would be no overlooking.

Quarry Cottage:

- 8.22 The first floor and roof of the existing building are visible from the upper amenity area of Quarry Cottage above the rear boundary hedge. The top of the rear gable end is visible from the main rear garden area where garden furniture is positioned. In terms of the proposed building, the ground floor would have two balconies which would be the closest point of the proposed building to Quarry Cottage, and there would be a separation distance of approximately 14.8m. The building is proposed to be partially set within the site so the floor level of the ground floor is similar to the ground floor level of the neighbouring properties No.17 and No.21 Hillcrest Road. The first and second floor of the proposed building would be more visibly from Quarry Cottage however, the rear elevation at this point would be positioned

approximately 21m away from the rear boundary. The roof of the proposed building would have a gable end and the rest of the roof would be hipped, with the two balconies to the first floor set behind the roof hip of the ground floor. It is therefore considered that the bulk, mass and scale of the building would not have an unacceptable impact upon Quarry Cottage in terms of overbearing impact, or in terms of loss of privacy given the separation distance and given that the lower ground floor would be set partially within the site, reducing the dominance of the building and ensuring the ridge height of the proposed building would be no higher than the ridge of the existing building.

Standard of Accommodation for Future Occupiers:

- 8.23 The accommodation proposed within the flats are of a good size and layout. All bedrooms would all have windows with an outlook, and those windows to be obscure glazed are secondary windows to the bedrooms and rooms.

**Highway Safety**

- 8.24 Save policy TR11 of the Shepway District Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access. Saved policy TR5 refers to the provision of cycle storage facilities and TR12 refers to car parking standards.
- 8.25 The proposal involves the provision of 7 off-street parking spaces to the front of the site where the existing front wall and vegetation would be removed to facilitate the spaces. Cycle parking storage would be provided to the west side of the building adjacent to the side boundary with No.21 Hillcrest Road.
- 8.26 KCC Highways were consulted and raise no objection to the proposed development on highway grounds.

**Local Finance Considerations**

- 8.27 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.
- 8.28 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 £109.40 per square metre for new residential floor space.
- 8.29 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. The New Homes Bonus



funding regime is currently under review and is anticipated to end. Under the scheme the Government matches the council tax raised from new homes. This is for the period covering the first four years. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £10,180.73 when calculated on the basis of council tax Band D average dwellings. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

## **Human Rights**

8.30 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.

8.31 This application is reported to Committee as the application has been called in by Cllr Dearden on the grounds that any judgment about the acceptability of proposal in terms of policy BE12 will be crucial for the long-term protection of the Hythe skyline within the Area of Special Character and that judgment should be made by members; also that the parking/road safety implications are contentious because the on-site parking is inadequate by KCC's usual standards [just 7 parking spaces for 8 2-bedroom flats]. KCC has failed to defend its acceptance of questionable survey results which it deems to justify the extra dangers arising on a bus route, punctuated by many crossovers offering poor visibility, also used by huge agricultural machinery and equestrians.

## **9.0 BACKGROUND DOCUMENTS**

9.1 The consultation responses set out at Section 5.0 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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<p><b>RECOMMENDATION –That planning permission be granted subject to the following conditions and that delegated authority be given to the Development Management Manager to finalise the wording of the conditions and add any other conditions she considers necessary.</b></p>
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1. Standard time condition

2. Approved plan numbers
  3. Materials
  4. Visibility splays
  5. Parking
  6. Cycle parking
  7. Construction Management Plan
  8. Measures to prevent discharge of surface water onto highway
  9. Bound surface for 5m
  10. Completion of the access
  11. Contamination
  12. Privacy screens
  13. Obscure glazing to windows
  14. Height of building
  15. Soil stability
-

Y18/0215/SH  
Redlynch House  
19 Hillcrest Road  
Hythe



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**Application No:** Y17/1543/SH

**Location of Site:** Pensand House & Marlborough Court, South Road, Hythe, Kent, CT21 6HH

**Development:** Replacement of existing pitched roof of Pensand House with 6 penthouse apartments arranged over two floors, together with render finish, new windows and balconies to Pensand House and Marlborough Court, and associated hard and soft landscaping

**Applicant:** Mr Sanjay Sharma

**Agent:** Mr Richard Taylor

**Date Valid:** 16.01.18

**Expiry Date:** 13.03.18

**PEA Date:** 03.10.18

**Date of Committee:** 25.09.18

**Officer Contact:** Alexander Kalorkoti

## **SUMMARY**

Planning permission is sought for alterations and extensions to both Marlborough Court and Pensand House, including the creation of six units within a new roof proposed for Pensand House. The report considers that the proposal would constitute an improvement with regard to the appearance of the buildings and the visual amenity of the area, would provide for appropriate residential amenity for future occupants whilst not harming the amenity of surrounding neighbours by reason of overlooking, interlooking, overshadowing, overbearing or loss of outlook, and is acceptable with regard to the flood risk classification of the site. The development is therefore considered sustainable and as required by the provisions

**RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that**

of the NPPF should be approved, subject to appropriate conditions

## **1.0 THE PROPOSAL**

1.1 The alterations proposed to Pensand House include the replacement of the existing pitched roof with two decks of penthouse apartments, providing a total of six units within the new roof, the rendering of the exterior walls of the building and the installation of new windows and balconies. The proposed works to Pensand House also include an infill extension to the south, between the promenade/sea wall and the main building, which would provide allocated secure storage space in association with the residential units and given the

change of levels from the sea wall/promenade to the main building of Pensand House, the single storey extension would provide an external terrace with link bridges, balconies and planted garden areas above. To the rear/north-facing elevation, the proposal includes the addition of balconies at all levels above ground, which are to be located within the wings of the building which protrude beyond the main central section of the rear elevation.

- 1.2 The proposal also includes the construction of balconies to the first floor with glazed balustrades to the north-facing elevations of Marlborough Court onto South Road and the addition of a render finish to the full extent of the external walls interspersed by new aluminium framed windows, patio doors and new entrance lobbies to both north and south elevations. Throughout Marlborough Court, windows and doors would be replaced with grey powder coated aluminium replacements. The proposed external works also include alterations to the existing hard surfacing and landscaping within the site.
- 1.3 The number of off-street parking spaces within the site would remain unchanged at 66 spaces, However the changes proposed to the width, length and turning areas for the spaces would result in an increase in the number of spaces which are considered to be usable. With regard to the parking requirement of the site, the proposal for six Penthouse apartments would, in accordance with Kent Design Guide: Interim Guidance Note 3, equate to a net increase of 3 parking spaces to serve the proposed residential occupants of Pensand House.
- 1.4 In relation to the boundary treatments included in the proposed external works to the courtyard, a Zaun rigid metal mesh fencing with Russian Vine to the east and west boundaries of the site was initially proposed. Following discussions with the agent, this has been replaced by a 2m high rendered wall with piers with concrete capping features. The rendered wall would be partly finished with rain screen panelling, which is an outer skin to provide additional thermal insulation and prevent water ingress/damage, on the elevations which face in to the site, to match the material to be used to differentiate the ground floor of Pensand House from the rendered residential fenestration above.
- 1.5 In relation to soft landscaping, following discussions with the agent, the proposed Cupressus macrocarpa has been replaced with Pinus mugo, which is suitable for coastal locations such as the application site and is not subject to the build-up of detritus within the crown of the tree.
- 1.6 In relation to hardsurfacing, the proposal includes the use of granite block paving for the access into the site from South Road, the differentiation of parking spaces with concrete block paving and tarmac to the sides of the parking court and Pensand House.

## **2.0 SITE DESIGNATIONS**

2.1 The following apply to the site:

- Within settlement boundary of Hythe

- Within flood zones 2 and 3 of Environment Agency flood risk maps
- Hythe, High Street and Vicinity Conservation Area located on the northern side of South Road

### **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The main buildings of the application site comprise the twenty flats within the two terraces of Marlborough Court that front onto South Road, and the thirty-six flats within Pensand House, which fronts the promenade. Between Marlborough Court and Pensand House is a parking court, accessed via South Road, with additional undercroft parking accessed from the rear of Pensand House, providing a total of 66 spaces.
- 3.2 Marlborough Court is two storeys with facing brickwork, a pitched roof and front and rear dormers designed in a pastiche Edwardian/Victorian terrace style. Pensand House is a five storey building with a hipped and pitched roof form containing both front and rear dormers, as well as south-facing balconies providing sea views at roof level and inset balconies to the lower floors. Pensand House currently has a slate tiled roof with facing brickwork walls, with soldier courses running horizontally across the building to demark each floor.
- 3.3 Marine Parade in Hythe is typical of many seaside frontages. It is defined by substantial terraces many from the Victorian period and large detached houses and, as in the case of Pensand House, more recent blocks of apartments. The substantial terraces, detached houses and apartment blocks of Marine Parade are generally uniform in their appearance, many with white painted stucco finishes, others finished in brick. Whilst of varying architectural merit and styles these buildings have one thing in common they do not dominate the street scene.
- 3.4 To the east of the site is the Hythe Swimming Pool, a single storey structure with a pitched main roof and flat-roofed extensions, and to the west are the residential terraces fronting on to South Road and Marine Parade.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 The most relevant planning history in relation to this application is:

Y16/0725/SH – Construction of new balconies to all floors on southern and northern elevations, erection of a single-storey ground floor extension to the southern elevation, addition of doors to existing car ports to form garages, together with other external alterations, all on Pensand House; Construction of balconies to the first floor on the northern elevations, construction of entrance lobbies to both north and south elevations, together with other external alterations, all on Marlborough Court; Installation of replacement windows and doors to all properties, erection of free-standing porticos and a glazed privacy screen along the southern boundary with the promenade, together with alterations to existing hard surfacing and landscaping within the

site. Approved with conditions. This permission is relevant as a number of the proposed alterations and extensions have been unimplemented and carried through to this proposal.

88/0317/SH - Variation of permission SH/87/1023 to provide an additional two flats (as amended by drawings received 4th May 1988 accompanying letter dated 29th April 1988). Approved with conditions.

87/1023/SH - Erection of three blocks of flats totalling 52 units (as amended by drawing no. MP/H/1 accompanying letter dated 11th November 1987). Approved with conditions.

## **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 Hythe Town Council**

Object to the proposal on the grounds that it would change the street scene and visual amenity of the area, contrary to saved policy BE8.

### **5.3 Environment Agency**

Based on the amended plans submitted, the previous objection on the grounds of the flood risk Exception Test has been withdrawn.

## **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/>

Responses are summarised below:

6.2 Following the submission of the application and amended plans 11 representations have been received from local residents objecting on the following grounds:

- Additional bulk and mass
- Not in keeping with adjacent Victorian buildings.
- Loss of social/affordable housing
- Increase in height



- Impact on views of the Conservation Area
- Insufficient parking
- Formal notice not received by current tenants

6.3 One representation was received from Hythe Civic Society which did not raise an objection but raised concern about the potential for rust staining of the exterior render arising from inappropriate balcony supports.

## **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, BE8, BE16, HO1 & TR12

7.3 The following policies of the Shepway Local Plan Core Strategy apply:  
DSD & SS3

7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application:

12 - Achieving Sustainable Development

124 -131 – Achieving well-designed places

155 –161 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

7.5 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Guidance

Kent Design Guide

## **8.0 APPRAISAL**

### **Relevant Material Planning Considerations**

8.1 The main considerations in the determination of this application are design and visual appearance, impact on the amenity of neighbouring occupiers, landscaping, flooding and parking and highway matters.

8.2 The site is within an identified settlement boundary and Hythe is identified as a Strategic Town within the Shepway Core Strategy Local Plan. As such, the principle of new residential development in this location is supported by saved local plan policy HO1, which supports residential infill within existing defined settlements; and Core Strategy policy SS3 which states the principle of developments are likely to be acceptable in defined settlements.

## **Design and Layout**

8.3 Although the proposal will materially alter the appearance of Marlborough Court through the introduction of a render finish in place of the existing facing brickwork, it is considered that this approach with a single finish will maintain the uniformity of the existing arrangement. It is considered that the new entrance lobbies and balconies provide additional articulation to the elevations. In addition, it is noted that the South Road street frontage presents terraces with a variety of external treatments and as such the replacement of facing brickwork with a render finish is considered to be acceptable in design terms.

8.4 In relation to materials, it is considered that the proposed replacement of white uPVC windows and doors with grey coated aluminium is positive, with this material and colour matching the aluminium balconies proposed at first floor level. As a result, the proposal in relation to Marlborough Court is considered to be acceptable in design terms and accords with the high standard of design and choice of materials sought by saved policy BE1 of the Shepway District Local Plan Review.

8.5 Turning to Pensand House, it is considered that this is an uninspiring building finished in brick with a slate tiled roof. Although the building is currently bland, it is noted that it is unobtrusive in relation to its scale, bulk and massing, which is in keeping with the context of the street scene. It is noteworthy that the building is more visible from the rear facing north and the historic core of Hythe. The building is not within the Conservation Area but is immediately adjacent to it, with the opposite/north side of South Road within the Conservation Area. Similar to Marlborough Court, the proposal includes the addition of a full-height render finish to all elevations. As with the proposal for Marlborough Court, the proposed single rendered finish would maintain the uniformity of the existing facing brickwork, with the exception of the ground floor of the rear/north and side elevations which would demark the undercroft parking entrances and storage area at the base of the building from the fenestration of the residential units above.

8.6 The proposed alterations to Pensand House are considered to be more visually intrusive than in the case of Marlborough Court due to the additional scale of the building, its visual prominence as noted above, the replacement of the pitched and hipped roof with two decks of penthouse apartments, and to a lesser extent the infill extension to the south to provide storage topped by garden areas and terraces. In terms of the rendered finish, given the current weathered and tired appearance of the brickwork, it is considered that the introduction of render is acceptable in this case and will serve to enliven the appearance of the substantial building.

- 8.7 The proposed changes to the roof provide a new character for the building, which is picked up in the windows and balconies. The unification of windows on the stairwells provides additional interest and is an improvement on the current fenestration. As demonstrated on the submitted plans, the maximum height of the building would not be substantially increased as a result of the proposal. However, the form and bulk of the roof space would be significantly altered by the replacement of the simple pitched and hipped tiled roof with two decks of penthouse apartments.
- 8.8 The aims and objectives of saved policy BE8 (c) and (d), which seek to avoid flat-roofed extensions which are visible from the public realm and alterations/extensions in the roof space of existing buildings which would present a top-heavy and flat-roofed appearance, are noted. It is considered that the proposed new roof and elevation treatments to Pensand House would, however, create a new contemporary appearance for the substantial building, which would deliver an improvement compared with the bland and tired existing appearance, and would not create conflict with the aims of saved policy BE8 to deliver the principles of good design. Furthermore, it is noted that examples of contemporary architecture exist along Marine Parade and West Parade in Hythe, and a high degree of variation exists in the built form of the frontage.
- 8.9 Following discussions with the applicant, the submitted plans have been amended to introduce dark grey Marley Eternit Equitone Tectiva (rainscreen) panelling to differentiate the ground floor garages and access doors from the rendered elevations of Pensand House on the north, east and west elevations. This is considered to be a positive change which would anchor the building in its setting.
- 8.10 The design and relative location of the single storey extension to the south of Pensand House would ensure that it is unobtrusive with regard to visual impact as it would not be generally visible from the public realm of the promenade or the streetscene of South Road. As a result, the single storey extension across the south elevation is considered to be acceptable with regard to design and visual appearance. To the front/south-facing elevation, the proposal includes the addition of new balconies at all levels above ground floor. However unlike the rear elevation the balconies are located both throughout the building's wing and in groupings across the central element of the front elevation. Crucially, the regimented symmetry of the proposed elevations of Pensand House echo that of the existing building and, with the choice of materials mirroring those proposed for Marlborough Court, it is considered to be acceptable in design terms.
- 8.11 In light of the above, it is considered that the proposed additions and alterations to the form and appearance of both Marlborough Court and Pensand House would not result in any discernible detrimental visual impact on the character and appearance of the application site, the streetscene, or views from and to the nearby Conservation Area. As such, the application is considered to be acceptable with regard to design and visual appearance and

in accordance with the aims and objectives of saved policies SD1, BE1 and BE8 and NPPF Paragraphs 124-131.

## **Amenity**

- 8.12 With regard to overlooking, the proposal would be of principal concern to the occupiers of the nearest neighbouring properties in South Road and Marine Parade. In relation to Marlborough Court, additional instances of overlooking would be available from the new first floor balconies to the north elevation. However it is considered that this new elevated vantage point would overlook the public realm of South Road and would not cause undue loss of privacy for occupiers of neighbouring properties, and has previously been permitted under planning permission Y16/0725/SH.
- 8.13 In relation to Pensand House, the proposal includes the addition of balconies which protrude beyond the principal elevations in locations where existing inset balconies are located, as well as the provision of additional balconies to both wings of the building to the south and north elevations of the building, as per permission Y16/0725/SH. Although the vantage point and dwell time (i.e. time spent in a position to overlook neighbouring land) of the overlooking available from the balconies will be materially different to that currently available, slatted privacy screens would be provided to the sides of the balconies which would prevent direct overlooking towards the neighbouring gardens of properties in South Road. As a result, it is considered that additional instances of overlooking from these locations would not bear a significant or detrimental impact on the amenity of neighbouring occupiers subject to a condition to secure the installation and retention of the aforementioned privacy screens.
- 8.14 It is considered that the proposed balconies within the two decks of the new roof would be of principal concern to neighbouring occupiers, particularly given that the top floor deck would have a balcony area which would extend across the side elevation of the building. Although this element of the proposal would provide additional vantage points, it is considered that given the separation distance of over 23 metres to the nearest private rear garden which could be affected, and when the vertical separation is taken into account, that although the balconies would result in additional instances of overlooking this would not be direct or in close proximity such that the relative locations of the new balconies would not result in unacceptable loss of privacy for neighbouring occupiers.
- 8.15 Given the scale and relative location of the proposed alterations to Marlborough Court and Pensand House, with the new roof exceeding the ridge of the existing building by a maximum of 0.7m, and the separation distances to neighbouring properties, it is considered that the proposal would not result in any unacceptable overshadowing impact or overbearing/enclosing presence to the detriment of neighbouring amenity.
- 8.16 In light of the above, the proposal is considered to be acceptable with regard to impact on neighbouring amenity.

## **Landscaping**

- 8.17 With regard to the proposed landscaping scheme, the parking court between Pensand House and Marlborough Court is currently dominated by tarmac and does not contribute positively to the setting of the buildings or the surrounding area. The introduction of a range of new, high quality materials such as granite block paving at the entrance from South Road, natural stone paving, concrete block paving to parking bays, and contrasting block paving to divide the spaces, as well as retaining existing planting and augmenting it with new trees, would contribute to a positive hard and soft landscaping scheme that would enhance the buildings and the area, as well as improve legibility within the parking court.
- 8.18 In relation to the side boundaries of the application site, which can be viewed from South Road and the sea wall promenade, following negotiation, a 2 metre high rendered wall with piers, concrete capping and partly finished with rain screen cladding to match that used on the ground floor of Pensand House has been proposed. It is considered that the wall would provide a high quality boundary treatment in keeping with the architectural aesthetic and detailing of the development proposal, which is not considered incongruous within the surrounding street scene.
- 8.19 On the basis of the above, the proposal is considered to be in accordance with the aims of saved policy BE16 in relation to the retention of existing landscape features and appropriate provision for new planting, and is therefore acceptable with regard to landscaping.

## **Flood Risk**

- 8.20 The site is located in Flood Zones 2 and 3. The NPPF states that a sequential approach should be used in areas known to be at risk from any form of flooding, with the Sequential Test applied with the aim to steer new development to areas with the lowest risk of flooding (para. 158). The NPPF further states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding with the strategic flood risk assessment (SFRA) providing the basis for applying this test. According to the Shepway District Council SFRA, at predicted sea-levels in 2115, accounting for climate change, the site falls outside of the flood risk zone. However, due to its location within Flood Zones 2 and 3, it is still necessary to undertake a sequential test.
- 8.21 The Government Planning Practice Guidance advises that a pragmatic approach on the availability of alternatives should be taken when assessing individual planning applications, as for proposals to extend existing premises, it would be impractical to suggest that there are more suitable alternative locations elsewhere. For this proposal, as it is an existing block of flats with the additional units located on top of the building, it is considered that, adopting the pragmatic approach, that sequentially, the site is acceptable. As such, the future occupants would be safe in the event of a flooding event.

8.22 Consequently, as the proposal includes 'more vulnerable' development, it is necessary to apply the exception test. The exception test states that in order to grant planning permission or allocate a site;

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment;
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

8.23 As regards sustainability benefits, the site is within the Hythe settlement boundary, a Strategic Town for Shepway (now Folkestone & Hythe) that can accommodate significant development in order to help maintain the viability of local transport hubs, the town centre and tourism, employment and public services. The additional units would contribute to these aims.

8.24 With regard to the second criterion, although the introduction of the landscaped garden area and raised external terraces would have created a pathway for floodwater arising from wave overtopping to reach the lowest-level residential properties at the site, subsequent changes to create a separation between the garden area and the terraces of the residential properties and showing the link bridges to be constructed from an aluminium slatted surface, would eliminate these pathways and allow floodwater to drain through, as was previously the case.

8.25 The Environment Agency raise no objection to the amended plans, with a recommendation that a condition relating to implementing flood resilience measures, where appropriate, in relation to basement car park and storage areas is considered. Consequently the proposal is considered to be acceptable with regard to flood risk in accordance with Core Strategy Policy SS3 and NPPF Paragraphs 155-161.

### **Parking and Highways**

8.26 In respect of the existing parking provision within the site, Kent Highways and Transportation (KHAT) note that of the existing 66 spaces, only 46 spaces meet current requirements in terms of width, length and turning provision, so as to be considered usable. The proposed alterations would result in 56 useable spaces to be provided within the site to current acceptable standards as part of the current proposal, there would be an increase in the number of usable spaces by 10, which has led KHAT to recommend that the increased parking requirements have been adequately provided for, without leading to any additional parking on the highway.

8.27 Consequently, the proposal is considered to be acceptable with regard to parking and would not lead to any significant or detrimental issues of highway safety in accordance with the Kent Design Guide: Interim Guidance Note 3.

## **Other Issues**

8.28 Throughout the consultation period for this application, concern was raised regarding the loss of social/affordable housing units, and the displacement of existing tenants. Following a review of the planning history for the site, it has been confirmed that the existing rent levels for the residential units has not been delivered or secured via a planning legal agreement, rather the owners have opted to let out the residential units on this basis and the tenancy typology is not subject to any restrictions. As such, the potential change in tenure of the flats could be carried out without the grant of this planning permission and as such is not a material planning consideration and has no weight in the determination of this application.

## **Local Finance Considerations**

8.29 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.

8.30 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. The New Homes Bonus funding regime is currently under review and is anticipated to end. Under the scheme the Government matches the council tax raised from new homes. This is for a period covering the first four years. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £7,635.54 when calculated on the basis of council tax Band D average dwellings. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

8.31 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. The site is located in charging zone C and the CIL levy in the application area is charged at £109.40 per square metre for new dwellings. The net additional gross internal floorspace following development would be 874 sq m, which would equate to a CIL levy of £95,615.60.

## **Human Rights**

8.32 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.

8.33 This application is reported to Committee due to the objection of Hythe Town Council and the officer recommendation for approval.

## **9.0 BACKGROUND DOCUMENTS**

9.1 The consultation responses set out at Section 5.0 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 and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.**

1. Standard 3 year permission
  2. Materials as specified in application (inclusive of windows)
  3. Approved plan numbers
  4. Landscape maintenance scheme
  5. Flood resilience measures (parking and storage areas)
  6. Retention of parking and turning areas as shown on plans
  7. Storage details for refuse and recycling
  8. Installation and retention of privacy screens
-



Y17/1543/SH  
Pensand House and Marlborough Court  
South Road  
Hythe



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**Application No:** Y18/0824/FH

**Location of Site:** 159 Canterbury Road, Hawkinge, Folkestone CT18 7AX

**Development:** Erection of detached dwelling (re-submission of Y17/1383/SH)

**Applicant:** Mrs A Charles

**Agent:** Mr Roger Joyce  
Roger Joyce Associates  
3 Jointon Road  
Folkestone  
CT20 2RF

**Date Valid:** 09.07.18

**Expiry Date:** 03.09.18

**PEA Date:** 28.09.18

**Date of Committee:** 25.09.18

**Officer Contact:** Paul Howson

## **SUMMARY**

This report considers whether planning permission should be granted for a detached infill dwelling on this site. The report recommends that planning permission be refused as it is considered that due to the scale and proportions of the proposed dwelling in relation to the surrounding development, and the host building in particular, the proposal would be contrary to the surrounding built form, and the building hierarchy expectation for garden infill sites. With the exception of changes to the access arrangement to allow cars to turn within the site and leave in a forward gear, the proposal is identical to a scheme refused earlier this year. Although the previous highway ground of refusal has been overcome there have been no changes to the building itself, so there is no justification on planning grounds to now reach a different decision in relation to the other ground for refusal of the building being an incongruous form of the development, and to do so would be acting unreasonably.

**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 detached dwelling, in an undeveloped garden plot. The proposal includes the creation of a new access from Tye Lane to serve the proposed development, with a hard surface parking/turning area.

- 1.2 The proposal would provide a chalet style bungalow with a living room, a kitchen dining room with larder, a study, and a bathroom at ground floor level. The first floor within the roofspace would provide two bedrooms, a box room, a further bathroom, and a walk in wardrobe. The external finishes would be stock brickwork, grey interlocking slate tiles, and aluminium powder coated fenestration.
- 1.3 The application is accompanied by a Design Statement, an Archaeological desk based assessment, a photographic survey of neighbouring houses, and a Tree Survey.

## **2.0 SITE DESIGNATIONS**

2.1 The following apply to the site:

- Within the Hawkinge settlement boundary
- Part of the site is within an Area of Archaeological Potential
- Within the Kent Downs Area of Outstanding Natural Beauty
- Within the Special Landscape Area

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 159 Canterbury Road is a detached bungalow, the proposed development site being an enclosed section of the garden to the rear of the existing dwelling. This separated part of the garden is level and features a shed and a summerhouse. The garden plot is located to the west of the existing dwelling and comprises a lawn area enclosed by a 1.8m timber fence and hedging/trees on a bank to the boundary fronting Tye Lane.
- 3.2 Abutting the site is a bungalow directly to the rear (west) of the plot, part of a modern development of bungalows served by the private road Tye Lane; and, the rear garden of 161 Canterbury Road is to the north of the plot.

## **4.0 RELEVANT PLANNING HISTORY**

- Outline permission for detached bungalows in garden was refused in 1960
- Use of land for the siting of a residential caravan for use as a granny annexe was approved with conditions in 1983
- Erection of detached dwelling was refused 28.03.2018

## **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 Hawkinge Town Council

Strongly support the application, subject to two parking spaces being provided on site.

5.3 KCC Archaeology

Recommended a programme of archaeological works.

5.4 Southern Water

Has advised there is a public sewer crossing the site, and recommended conditions and advisory informatives.

5.5 Arboricultural Manager

No objection subject to condition relating to tree protection measures.

## 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/>

Responses are summarised below:

6.2 6 letters/emails have been received, objecting on the following grounds:

- Additional vehicle movements
- Single vehicle access only due to narrowness of Tye Lane
- Access issues during construction
- Right to use the private road
- Highway safety
- Alternative access should be provided via Canterbury Road
- Loss of hedgerow to front of site
- Harm to wildlife from loss of hedge
- Scale not in-keeping with surrounding bungalows

## 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 policies of the Shepway District Local Plan Review apply:  
SD1, BE1, HO1, TR5, TR11, TR12

7.3 The following policies of the Shepway Local Plan Core Strategy apply:  
DSD, SS1, SS2, SS3, SS5

7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application:

Paragraphs: 48, 124, 130

Sections: 2. Achieving sustainable development and 12. Achieving well-designed places

## **8.0 APPRAISAL**

### **Background**

8.1 An application was submitted earlier this year for a dwelling on the site under planning reference Y17/1383/SH. This was refused on the grounds of being an incongruous form of development, and on highway safety grounds. This re-submitted application is an identical design, but with the layout amended to address the access / parking arrangements.

### **Relevant Material Planning Considerations**

8.2 The relevant issues for consideration with regard to this current application are the principle of the proposed development, the design and visual appearance, the impact on the streetscene, the impact on neighbour amenity, parking and highways, arboricultural constraints, archaeological potential, and other issues raised by neighbours.

### **Principle**

8.3 The principle of new development in this location is supported by saved local plan policy HO1, which supports residential infill within existing urban areas; and Core Strategy policy SS3 which states that the principle of developments is likely to be acceptable in defined settlements. However, this is subject to environmental, highways, and other material planning considerations. The main material considerations in this instance are building typology, the impact of accessing the private road, and the impact on neighbour amenity.

### **Design and Layout**

8.4 The design and visual appearance of the proposed chalet bungalow is not unacceptable per se. It features large double level glazing on the rear elevation, 'Juliet' balconies on both flank elevations and a roof overhang over the front entrance. It is considered these features along with aluminium fenestration would give the property an interesting contemporary

appearance. However, the proposed development has to be considered in the context of the proportions of the plot and the surrounding development.

- 8.5 159 Canterbury Road) is a relatively small conventional bungalow, which is set back from the road roughly in the middle of the plot, following the established building line on the western side of this part of Canterbury Road. The neighbouring property (161 Canterbury Road) is also a bungalow. Furthermore, the two dwellings to the rear of the site are also bungalows albeit the one directly to the rear has a small dormer. The photographs of neighbouring buildings submitted with the application confirm that all the buildings around the application plot are bungalows. Therefore in the context of the impact on the streetscene, the proposed dwelling would be incongruous in relation to these low level dwellings. Of particular issue is that at approximately 7m high the proposed dwelling would be significantly higher and bulkier than the host dwelling. This would not respect the hierarchy of dwellings, where the expectation is that back land dwellings should be subservient to the host house, with the bigger property fronting the street. In the case of the proposed dwelling, the proposed infill dwelling is larger than the host dwelling, and as such it would appear dominant in views from Canterbury Road, exacerbated by being on slightly raised land (Tye Lane has a slight upward incline from Canterbury Road). As such, the proposed one and a half storey dwelling would not sit comfortably between two sets of low level bungalows, and would be contrary to the established surrounding form of development, conflicting with saved policy BE1. Furthermore, the plot does not lend itself well to sub-division, due to the central position of the existing dwelling, which restricts the space available for an additional dwelling.
- 8.6 In the light of this emerging policy HB10 of the Places and Policies Local Plan seeks to resist redevelopment of residential garden land where the proposals fail to respond to the character and appearance of the area. It also seeks to resist development which is not of an appropriate scale and layout for the plot. The emerging local plan is at an advanced stage of preparation, and policy HB10 has no significant outstanding objections and is consistent with the NPPF, and therefore in accordance with paragraph 48 of the NPPF 2018, the LPA can give weight to policy HB10 of the emerging plan. The proposal is also considered to conflict with the aims of the NPPF as at paragraph 124 the guidance seeks that design should contribute positively to making places better for people and it is considered that the proposal conflicts with this aspiration. As such, in accordance with paragraph 130, planning permission should be refused for development that fails to take the opportunity to improve the character of the area and the way it functions.

## **Amenity**

- 8.7 Paragraph 127 f) of the NPPF (2018) seeks design should achieve a good standard of amenity for all existing and future occupiers, which includes layout and access arrangements. With regard to the amenities of neighbouring occupiers the proposal would introduce potential amenity issues due to featuring an upper storey. There would be some loss of light



and overshadowing in relation to 7 Tye Lane to the rear, but this would be restricted to early morning. The same would apply to the host dwelling 159 Canterbury Road, in terms of loss of late evening light. However, overall with no dwellings directly to the north of the proposed dwelling, it is considered that the harm from overshadowing would not be significant enough to justify refusing planning permission.

8.8 In terms of overlooking, the double level window on the rear elevation would serve the stairwell and as such would not be overly intrusive. However, the 'Juliet' balcony serving the bedroom on the northern flank elevation would have an outlook to the rear elevations of 6 Tye Lane and 161 Canterbury Road. There are however mature trees in the garden of 161 Canterbury Road that would restrict the outlook, and mitigate any overly intrusive overlooking in relation to both properties. Overlooking from the south facing 'Juliet' balcony would be to the front of 1 Tye Lane, which is open to the public domain, due to the open plan nature of the Tye Lane development so there would not be any increased loss of privacy. The proposed rooflights in the south elevation would serve a landing, bathroom and box room respectively, and could be secured by condition to be 1.7m above the internal floor level (as shown on the drawings), and obscure glazed where appropriate, and as such they would not represent a significant overlooking threat for the existing dwelling 159 Canterbury Road. As such, overlooking would not be a significant constraint for the proposed development.

8.9 Further to the above, the proposed development is within relatively small plot, with a lack of garden space for future occupiers of a family size 2/3 bedroom home. Furthermore, the proposal would result in the loss of the private amenity space for the host dwelling, only leaving the property with a front garden. However, overall, in the light of the above, whilst the proposal would result in some additional adverse impact on the amenity of residential occupiers, this would not be considered to be significant enough to be a reason for refusal in its own right.

### **Highway safety**

8.10 The proposal would be accessed from Tye Lane, with the layout featuring a parking area along the eastern side of the plot, with a turning bay to the front (south) of the proposed dwelling to enable vehicles to leave in forward gear. A 2/3 bedroom dwelling would need to provide 2 vehicle parking spaces, and the proposed parking area could accommodate this requirement. Tye Lane is a narrow private road, with realistically only single vehicle width, hence it has a passing bay, and traffic speed is controlled by speed humps. It is considered, the revised access and parking arrangement overcomes the previous highway safety concerns as it would no longer be a slow and awkward manoeuvre to access Tye Lane, with potential to cause congestion to vehicles trying to access / egress the houses on Tye Lane. The proposed revised new access onto this unadopted road would therefore not be considered to be detrimental to the safety of vehicle traffic, and would be no more hazardous or disruptive than the existing accesses other dwellings have onto this narrow road. As such, the proposal would be acceptable from a parking and highways perspective, and that previous reason for refusal is considered to be overcome.



8.11 Neighbours have raised concern about the upkeep of the private road and the right of access over it. However, this is not a planning consideration, and would be a civil matter between residents.

### **Trees**

8.12 There are no arboricultural constraints that would restrict the proposed development. However, tree protection measures would need to be secured by condition, and all the required tree protection measures would need to be in place prior to the commencement of the development, to be inspected by the Arboriculture Manager.

8.13 It is acknowledged that there will be loss of hedging to the front of the site, and this should be restricted to being outside the nesting season, secured by condition. However, the Tye Lane development is generally open frontages, and as such from a visual amenity perspective its loss would not be incongruous, and the mature tree remains to soften the proposed development.

### **Archaeology**

8.14 The site is within an area known to have potential for buried archaeological remains. As such, the County Archaeological Officer has recommended a programme of archaeological works, which can be secured by condition.

### **Environmental Impact Assessment Regulations 2017**

8.15 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**

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

8.17 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. The New Homes Bonus funding regime is currently under review and is anticipated to end. Under the scheme the Government matches the council tax raised from new homes. This is for a period covering the first four years. In this case, an estimated

value of the New Homes Bonus as a result of the proposed development would be £1272.59 when calculated on the basis of council tax Band D average dwellings. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

- 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. The CIL levy in the application area is charged at £54.70 per square metre for new residential floor space.

## **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 due to the views of Hawkinge Town Council.

## **9.0 BACKGROUND DOCUMENTS**

- 9.1 The consultation responses set out at Section 5.0 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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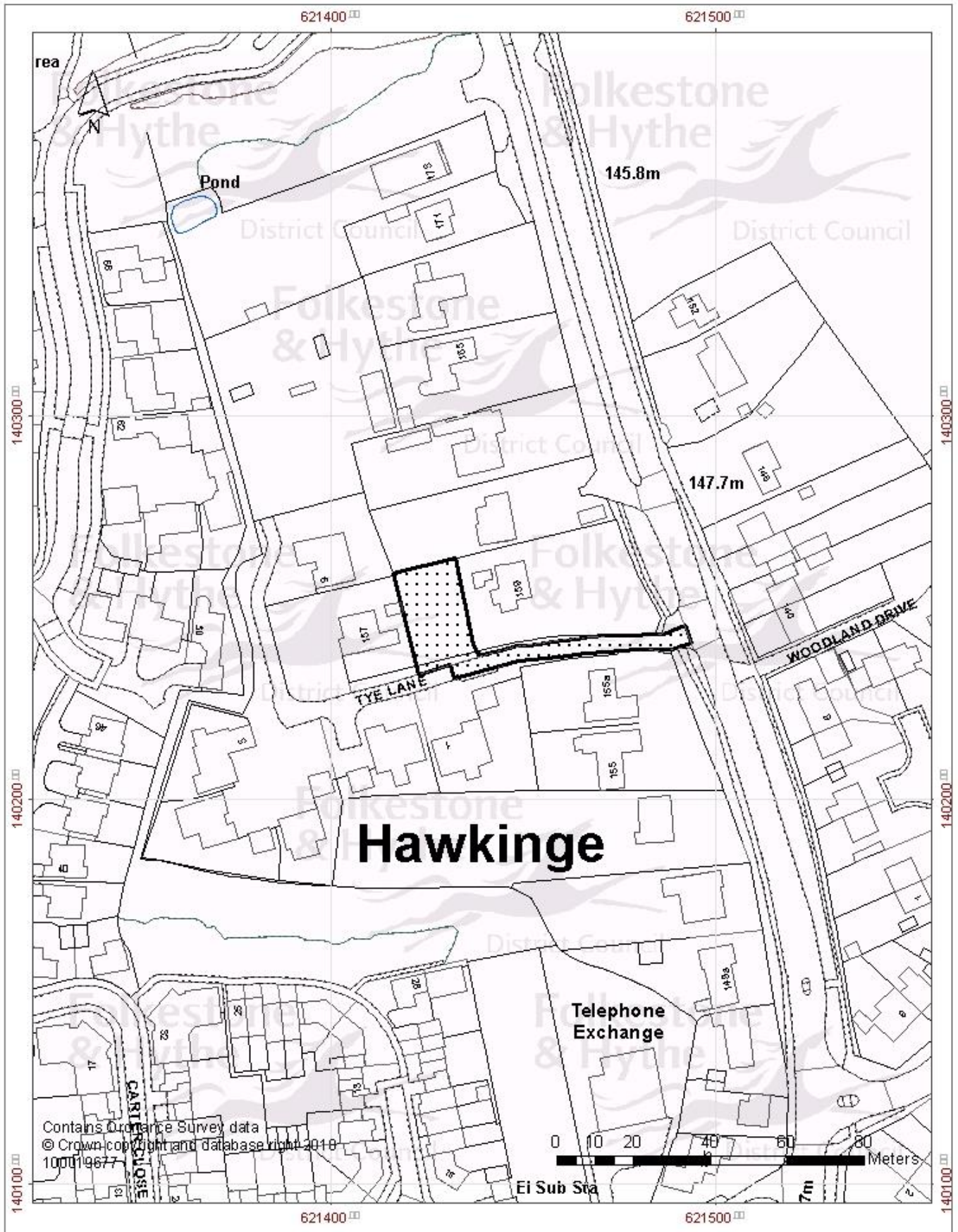
### **RECOMMENDATION – That planning permission be refused for the following reason:**

The proposed infill dwelling, by virtue its height, bulk, massing and being greater in size than the host dwelling on a backland site, would fail to respect the layout and pattern of development in the area resulting in an incongruous form of development which fails to respond to the existing character and appearance of the streetscene in Tye Lane which is characterised by low level dwellings. The proposal would therefore be harmful to the character of the area, incongruous with the existing development in the locality and would appear over dominant compared to its surroundings. The proposal is therefore contrary to the aims of paragraphs 124, 127 and 130 of the National Planning Policy Framework

(2018), saved policy BE1 of the Shepway District Local Plan Review and emerging policy HB10 of the Places and Policies Local Plan which seek amongst other things to ensure that development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass and height.

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Y18/0824/SH  
159 Canterbury Road  
Hawkinge



**Application No:** Y18/0348/SH

**Location of Site:** Land adjoining Hayward House Kennett Lane  
Stanford TN25 6DG

**Development:** Erection of a detached dwelling and associated landscaping, together with erection of detached double garage for existing house.

**Applicant:** Mr & Mrs Clinch

**Agent:** Mr Simon McKay  
SJM Planning And Construction Ltd  
Browning House  
Draper Street  
Southborough  
Tunbridge Wells  
Kent  
TN4 0PA

**Date Valid:** 13.04.18

**Expiry Date:** 08.06.18

**PEA Date:** 28.09.18

**Date of Committee:** 25.09.18

**Officer Contact:** Paul Howson

## **SUMMARY**

This report considers whether planning permission should be granted for the erection of a detached dwelling and associated landscaping on this site, together with a detached double garage for the existing house. The report recommends that planning permission be refused as it is considered that the design of the proposed dwelling features a conflict between the connecting elements, and that the integration between them is crude and unrelated. Therefore the design would not reflect the neighbouring properties nor be in keeping with the semi-rural streetscene.

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

- 1.1 This application is for the erection of a detached dwelling and associated landscaping in the garden of Hayward House, together with erection of detached double garage for the existing house.
- 1.2 The proposed detached dwelling would be a convoluted design with three pitched roof elements connected by two flat roof linking sections in a loosely 'L' shaped layout. It would feature a mix of external finishes including brick,

tile hanging, render and vertical and horizontal boarding. The ground floor would provide a kitchen/dining/family room, a lounge, a study, a garden room, and a garage. The first floor would provide a master bedroom with en-suite and walk in wardrobe, along with three further bedrooms (one en-suite) and a bathroom. The dwelling would have a ridge height of approximately 8.8 metres.

- 1.3 The application is accompanied by a Tree Survey Report, a Landscape Proposal, an Ecological Scoping Survey, and a Planning Statement.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:

- Inside the Stanford settlement boundary
- There are protected trees within the site (TPO No.9 of 2018)
- Within an area of archaeological potential
- Grade II\* listed Stanford Windmill is 90m from the proposed development

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The site forms part of the side garden of Hayward House. Hayward House is a large three storey detached dwelling (with the upper floor in the roofspace). The site is level undeveloped garden, and connected via steps up a small bank to the existing house which is raised in relation to the garden plot. The garden plot is located to the east of the existing dwelling. It comprises of a lawn dissected by a driveway with access onto Kennett Lane, leading to a garage/outbuilding and hardstanding parking area in the rear south east corner of the garden. The site is enclosed by a 2 metre high close boarded timber fence set back from the highway by a grass verge.
- 3.2 The site is by the junction of Stone Street and Kennett Lane. There are dwellings on the western side of the site along Kennett Road, and there are dwellings to the south of the site along Stone Street. The closest of these to the proposed infill dwelling on the southern side of the site is Barnstormers, which is a large converted barn. To the north on the opposite side of Kennett Lane is the dwelling Barn Lodge, and the substantial agricultural buildings of Yew Tree Farm. There is no uniform built form in the linear development along this part of Stone Street. A public footpath cuts across the open agricultural land to the east of the site on the opposite side of Stone Street, crossing the East Stour River which runs parallel to Stone Street 100m into the fields.
- 3.3 A Grade II\* listed windmill is approximately 90m from the proposed development. Due to this degree of separation and the fact the proposed development is not within the sightlines of the windmill when viewed from the public footpath, the proposed development is not considered to affect the setting of the listed building.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Erection of a 1.8m high close boarded fence and use of land as garden in connection with Hayward House was approved with conditions in 1983.
- 4.2 Erection of a two storey extension to provide bathroom and kitchen with store over was approved in 1985.
- 4.3 Erection of a link extension to the roof and installation of two dormer windows to the side facing roof slope was approved with conditions in 2002.

## **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 Stanford Parish Council  
Support the application
- 5.3 Arboriculture Manager  
The submitted arboriculture impact assessment is sufficient, and recommend tree protection measures are secured by condition
- 5.4 KCC Archaeology  
The area is known for archaeological finds, and recommend archaeological measures are secured by condition
- 5.5 KCC Ecology  
Sufficient ecological information has been submitted, and recommend ecological measures are secured by condition
- 5.6 Southern Water  
There is a public sewer crossing the site, and recommend conditions and advisory informatives.

## **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/>

Responses are summarised below:

- 6.2 2 representations have been received making the following comments:
- impact of the garage on neighbouring windows



- maintaining tree screen to protect privacy

## **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 policies of the Shepway District Local Plan Review apply: SD1, BE1, BE5, BE16, BE17, CO1, TR5, TR11, TR12, HO1
- 7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3
- 7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application:

Paragraphs: 48, 124, 130

Sections: 2. Achieving sustainable development and 12. Achieving well-designed places

- 7.6 National Planning Policy Guidance

## **8.0 APPRAISAL**

### **Relevant Material Planning Considerations**

- 8.1 The relevant issues for consideration with regard to this current application are design and layout; visual impact on the streetscene and the landscape, neighbouring amenity, protected trees, archaeology, highway safety, ecology, and drainage.
- 8.2 The site is within an identified settlement boundary and Stanford is identified as a Primary Village within Shepway's Core Strategy. As such, residential development is acceptable within this area, in principle. Therefore, the principle of new residential development in this location is supported by saved local plan policy HO1, which supports residential infill within existing defined settlements; and Core Strategy policy SS3 which states the principle of developments are likely to be acceptable in defined settlements.

### **Design and Layout**



- 8.3 Hayward House is an attractive building and dates back to 1704. As such, the dwelling could be considered to be a non-designated heritage asset. Development of the site therefore needs to be sensitive to the setting of Hayward House. The proposed dwelling would have a lower ridge height than Haywards House at approximately 8.5m as opposed to approximately 9.5m for the existing house. Furthermore, the garden plot is on slightly lower land than the top end of the site where the existing house is sited. However, this insignificant differential in terms of height, would not address the significant variance in footprint. The proposed dwelling would have a footprint of approximately 193sqm as opposed to approximately 136sqm for the existing Hayward House. Consequently a two storey dwelling which would not be significantly lower than the existing house, with a considerably greater footprint, would appear significantly more bulky and dominant than the existing house, accentuated by the discordant design. It is considered that any development of this garden plot should not relegate the existing house to being subservient, and should respect the scale and form of the host dwelling. The proposed house would have a similar scale and height of the existing neighbouring dwelling Barnstormers. It is not considered this should set a template for the scale of the proposed dwelling, as this was a conversion of an existing large barn, the scale of which was therefore pre-determined.
- 8.4 The design approach adopted is not considered to be appropriate. The proposal involves a number of different architectural features with the elevations and roof forms being complex and convoluted, all competing for maximum interest. It is considered there is an awkward conflict between the connecting elements and main elements, and that the integration between them is crude and unrelated. This multifaceted design is not appropriate to the semi-rural streetscene and would compete with and dominate Hayward House. The application makes a case that the 'deconstructed architecture' is a modern interpretation that would not compete with the host building as it would be from a different era, and would they would read as completely different buildings. It is not considered that this adopted approach of picking out individual elements from existing surrounding buildings, and linking them together in a confusing mixture of styles, forms a 'whole' that would integrate with the surrounding built form. It is hard to see how a building of this scale and unconventionality would not be a visual imposition on the site, and visually jar in these semi-rural surroundings. Contrary to the claims set out in the planning statement, it is not considered the multidimensional architectural detailing would be in keeping with its surroundings. At paragraph 124 the guidance contained in the NPPF (2018) seeks that design should contribute positively to making places better for people and it is considered that the proposal conflicts with this aspiration. As such in accordance with paragraph 130 of the NPPF planning permission should be refused for development as it fails to take the opportunity to improve the character of the area and the way it functions.

## **Streetscene/Landscape**

8.5 In terms of the visual impact on the rural streetscene, the proposed dwelling would be accessed via Kennett Lane and turns the corner to have an interface with the streetscene here. It would also be very visible from Stone Street and the public footpath across the adjacent field, albeit it is acknowledged the retained trees along the Stone Street frontage would serve to soften the proposed development. Paragraph 70 of the NPPF (2018) seeks consideration of policies to resist inappropriate development of residential gardens, where for example they would cause harm to the local area. In the light of this emerging policy HB10 of the Places and Policies Local Plan seeks to resist redevelopment of residential garden land where the proposals fail to respond to the character and appearance of the area. It also seeks to resist development which is not of an appropriate scale and layout for the plot. The emerging local plan is at an advanced stage of preparation, and policy HB10 has no significant outstanding objections and is consistent with the NPPF, and therefore in accordance with paragraph 48 of the NPPF 2018, the LPA can give weight to policy HB10 of the emerging plan. It is considered the proposed development would fail to integrate successfully with the local built form which is characterised primarily by a myriad of styles of houses in the rural vernacular, including converted barns, simple agricultural workers cottages and bungalows, farm buildings, and grander rural residences such as the host dwelling. As such, the proposal would not be considered to sit comfortably in the streetscene or in the landscape, where the site forms part of the edge of the settlement boundary.

### **Neighbour Amenity**

8.6 In terms of the amenities of neighbouring occupiers Paragraph 127 f) of the NPPF seeks to ensure planning decisions 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. The main consideration in this regard is Barnstormers, a large converted barn to the south of the proposed dwelling. Given the spatial relationship, with the proposed dwelling to the north of this neighbouring dwelling and with 17m space separation, it is considered that there would no issues with overshadowing or loss of daylight. Furthermore, the first floor window orientation of the proposed dwelling would mean direct interlooking would be minimised. There are three dormer windows in the neighbouring roof slope facing the proposed dwelling, where the windows serving a roof void, a bathroom and a linen room could be obscure glazed, secured by condition. The two proposed rear elevation windows serving bedroom 4 would have an outlook onto the part of the roof slope with two rooflights. Given these are high level, and the 17m space separation it is considered the likely level of overlooking of windows and amenity areas would not be significantly intrusive. The tree planting shown on the landscaping proposal would take significant time to establish to provide any kind of privacy screen and cannot be relied on to protect privacy, nonetheless, in the light of the above it is considered that the impact on the occupiers of Barnstormers would not be a constraint on the proposed development, as the impact on their amenity would not be so significant as to warrant withholding planning permission.

8.7 In terms of Hayward House there would only be one first floor window facing this existing dwelling, which would serve a bathroom, and as such would be obscure glazed. Furthermore with 9m space separation and being on lower land the proposal would not be deemed overbearing in regard to the occupiers of the host dwelling. There would be some loss of morning sunlight to the east elevation of Hayward House from the proposed development, but by mid-morning the host dwelling would get uninterrupted sunlight throughout the rest of the day. In terms of the neighbouring bungalow, Conifers, it is considered the 4m space separation from the proposed garage would ensure the levels of morning shadow would not exacerbate that which exists from the existing three storey dwelling. Overall, due to the generous proportions of the plot, it has been possible to design a building that would not impact excessively on neighbouring occupiers, and as such residential amenity is not considered to be a constraint on the proposed development. Furthermore, the dwelling has been designed to provide good sized outdoor amenity space, and good sized rooms and adequate light and outlook to all habitable rooms, which would provide good quality living conditions for future occupiers.

### **Protected Trees**

8.8 The site has several trees mostly around the edges of the site which have an important amenity value, and consequently are protected by a Tree Preservation Order (TPO). It is proposed that 7 trees would be removed to accommodate the proposed development, but that this would be mitigated by replacement planting. Regarding the retained trees the Council's Arboricultural Manager has approved the root protection measures, which can be secured through a condition. He has requested he is given the opportunity to inspect the tree protection when installed, to ensure compliance with the approved protection measures. This can be secured by condition Overall, it is considered that there would be a short term impact on the site trees from the proposed development, but subject to the retained trees being adequately protected during construction, and with suitable replanting and landscaping, this short term impact can be mitigated against, which can be secured by planning conditions.

### **Archaeology**

8.9 The site is adjacent to the Roman Road (Stone Street) which is an area of known archaeological finds. Consequently the KCC Archaeologist has recommended a watching brief, which can be secured by condition.

### **Highway Safety**

8.10 The proposal would utilise the same access as the existing Hayward House, which in turn would be provided with a new dedicated vehicle access, avoiding intensification of the existing access, which is close to the junction with Stone Street. As such there would be a neutral impact on highway safety. Kent Highways Interim Guidance Note 3 sets the requirements for parking provision, which, for a 4 bedroom house in this location would be 2 independently accessible parking spaces. The proposed driveway/turning

area for the proposed new dwelling would comfortably accommodate this. Kent Highways no longer consider garages to be parking spaces and therefore the proposed garage for Hayward House would not contribute towards this parking requirement. However, the site plan indicates space for two off road parking spaces forward of the proposed garage, and as such this would meet the necessary requirement.

## **Ecology**

8.11 The site contains mature trees and is adjacent to open countryside so there is potential habitat for protected species such as bats. Consequently additional ecological surveys were required to assess the ecological impact of the proposed development. KCC Ecologists are now satisfied that the presence of bats and breeding birds can be mitigated by suitably worded conditions, as well as securing more general biodiversity enhancements.

## **Environmental Impact Assessment Regulations 2017**

8.12 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the thresholds for Schedule 2 10(b) urban development projects and therefore does not need to be screened under these regulations.

## **Drainage**

8.13 Southern Water have advised about a public sewer crossing the site and options to deal with this, and the agreed measures that would be needed to be secured by condition.

## **Other**

8.14 This application is reported to Committee due to the views of Stanford Parish Council. The application has also been called in by Cllr Carey as the appropriateness of design is subjective, and as such the proposed design should be debated by members.

## **Local Finance Considerations**

8.15 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 £125 per square

metre for new residential floor space and the proposal would generate £38,016.50.

- 8.16 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. The New Homes Bonus funding regime is currently under review and is anticipated to end. Under the scheme the Government matches the council tax raised from new homes. This is for a period covering the first 4 years. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £1,272.59 when calculated on the basis of council tax Band D average dwellings. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

### **Human Rights**

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

## **9.0 BACKGROUND DOCUMENTS**

- 9.1 The consultation responses set out at Section 5.0 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:**

The proposed infill dwelling, by virtue of the complex and convoluted design compounded by the excessive breadth would fail to respect the form of development in the area, resulting in an incongruous form of development which fails to respond to the existing character and appearance, which is characterised primarily by a mix of styles of houses in the rural vernacular. The proposal would therefore be harmful to the character of the area, incongruous with the existing development in the locality, and would appear discordant and dominant in respect to its surroundings. As such, the proposal would be contrary to the National Planning Policy Framework

(2018), to saved policy BE1 of the Shepway District Local Plan Review, and emerging policy HB10 of the Places and Policies Local Plan which seek amongst other things to ensure that development should accord with existing development in the locality.

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**Application No:** Y17/1126/SH

**Location of Site:** Land adjacent Brickwall Farm, Dengemarsh Road, Lydd Kent

**Development:** Erection of a detached dwellinghouse to provide farm worker's accommodation with associated parking, access and infrastructure works.

**Applicant:** Mr E Butcher

**Agent:** Mrs L Parker, BTL Design

**Date Valid:** 12.10.17

**Expiry Date:** 07.12.17

**PEA Date:** 01.10.18

**Date of Committee:** 25.09.18

**Officer Contact:** Mr Julian Ling

## **SUMMARY**

This report considers whether planning permission should be granted for the erection of a two storey detached dwelling to provide farm worker's accommodation with associated parking, access and infrastructure works. Whilst the application site is outside of the settlement boundary and in an isolated location in the countryside it is recommended that planning permission be granted as the development constitutes sustainable development that is essential for the continued efficient operation of the farm holding where it is considered that there is a justifiable functional and financial need to provide on-site 24 hour care as set out in the NPPF and saved Local Plan Review policy CO18. The site is Located within the Dungeness, Romney Marsh and Rye Bay SSSI and adjacent to the Dungeness SAC as well as the Dungeness, Romney Marsh and Rye Bay Ramsar and SPA, where with suitable mitigation measures in place the development would not have an adverse impact upon the ecological integrity and conservation objectives of these nature conservation designations, nor harm individual protected species. It is also considered that the design is acceptable and would have no adverse impact upon the countryside and wider landscape. The development meets the sequential and exceptions tests in terms of flood risk as, although it is located within an area of significant tidal flood risk the accommodation is essentially required to be in this location. The development is acceptable in terms of highway safety and the amenities of existing and future occupants would be safeguarded. Contamination and landscaping matters can all be safeguarded by condition and there are no archaeological issues.

**RECOMMENDATION:** That planning permission be granted subject to the conditions set out at the end of the report, and that delegated authority be given to the Development Management Manager to finalise the wording of the conditions and add any other conditions that she considers necessary.

## **1.0 THE PROPOSAL**

- 1.1 This application seeks full detailed planning permission for the erection of a detached dwellinghouse to provide farm workers' accommodation with associated parking, access and infrastructure works. The dwellinghouse is intended to provide full time permanent accommodation for a farm worker on site at Shinglebank Farm, one of seven farms operated by the applicant for rearing of 350,000 to 400,000 turkeys each year.
- 1.2 The development would be on an area land adjacent to Brickwall Farm House where the remains of an old agricultural barn stands. The development would be sited adjacent to the road parallel to the roadside and have a footprint of approximately 133 sqm including the external decked area. Inside at ground floor there would be an entrance hall, sitting room, WC, utility room and a combined kitchen and dining room. At first floor there would be four bedrooms (one with en-suite bathroom) and a family bathroom.
- 1.3 Externally the dwellinghouse would be two storey in scale with a pitched gable roof of an approximate ridge height of 8.1 metres and an eaves level of 5.8 metres. It would be built using the external materials of facing red brick and horizontal timber cladding, smooth plain roof tiles and upvc windows and doors. The property would be accessed via a narrow side road and have two vehicular parking spaces. The immediate areas to the north, south and east would be used as garden area enclosed by a 1.2 metre post and rail fence with a native hedgerow planted besides the fence.
- 1.4 Owing to the location within the Dungeness, Romney Marsh and Rye Bay SSSI and the loss of part of a shingle area around the proposed house, the development includes as mitigation to the SSSI the removal of an area of hardstanding of 150 sqm to return this area to natural shingle to re-compensate the SSSI and ensure there is no net loss of shingle. This area is directly to the south of the development area, approximately 110 metres away.
- 1.5 The application is accompanied by the following supporting documents;
  - Design and access statement,
  - Flood risk assessment
  - Ecology survey
  - Financial details about the farm.
  - Methodology statement for construction works.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site.

Outside the settlement boundary, within the countryside.

- Dungeness, Romney Marsh and Rye Bay SSSI
- Adjacent to the Dungeness, Romney Marsh and Rye Bay Ramsar and Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC). Page 66
- Environment Agency Flood Zones 2 and 3a

- Strategic Flood Risk Assessment Year 2115 hazard rating – significant.
- Partly within area of archaeological potential (area to the south).
- Special Landscape Area.

### **3.0 LOCATION AND DESCRIPTION OF SITE**

3.1 The application site is located within the open countryside of the Romney Marsh area within the coastal parish of Lydd. It is positioned approximately 50 metres to the south of Dengemarsh Road adjacent to Brickwall Farmhouse. The site is redundant and comprises an area of 429 sqm of previously developed land where the remains of an old building is present with broken hardstanding and low lying vegetation. The site is accessed from Dungeness Road with a narrow access road immediately to the west. The area is flat and the surrounding land is predominantly farm land with long reaching views across the landscape.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 There is no recent and relevant planning history for this site.

### **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 Lydd Town Council  
Objection.

Recommend refusal on the grounds of flooding and that the property is not needed for agricultural purposes but should the District Council allow it an agricultural occupancy permission for a minimum period of ten years be imposed.

5.3 KCC Highways and Transportation Services  
No comments to make.

5.4 KCC Archaeology  
No archaeological measures are required.

5.5 KCC Ecology  
No objection subject to conditions. Sufficient information has been provided for the determination of the planning application. The following conditions should be imposed with any grant of planning permission.

Reptiles – No development shall take place until a scheme of reasonable avoidance measures for reptiles on site has been submitted to and approved in writing by the LPA.

Bats – No development shall take place until a lighting design strategy for biodiversity for the site boundaries has been submitted to and approved in writing by the LPA.

Designated site – The site is within the SSSI. We recommend including specific prevention measures in to the construction management plan to minimise the impact the development will have on the designated site.

Enhancement – We advise that the details of the ecological enhancements to be incorporated in to the proposed development must be detailed within the site and landscape plans and submitted as a condition of planning permission if granted.

#### 5.6 Natural England

No objection subject to appropriate mitigation being secured.

Natural England considers that without appropriate mitigation the application would damage or destroy the interest features for which the Dungeness, Romney Marsh and Rye Bay SSSI, Ramsar and Dungeness Special Area of Conservation (SAC) have been notified.

Natural England concur with the conclusions of the Appropriate Assessment carried out by the Local Planning Authority as the competent authority.

In order to mitigate these effects and make the development acceptable, the following mitigation measures are required/or the following mitigation options should be secured – Mitigation is required to address potential impact from demolition/construction and proposed landscaping on the notified features of the SSSI site. Natural England advises that appropriate planning conditions or obligation is attached to any planning permission to secure these measures.

Construction environmental methodology statement (CEMS) – Prior to commencement of development a methodology statement to address potential impact on the SSSI shall be submitted to and approved in writing by the LPA.

Hard Landscaping - Prior to commencement of development details of the proposed hard landscaping shall be submitted to and approved in writing by the LPA.

Soft Landscaping - Prior to commencement of development details of the proposed soft landscaping shall be submitted to and approved in writing by the LPA.

Ecological Clerk of Works (ECW) – To ensure compliance with the details within the approved CEMS, confirmation of the appointment of an Ecological Clerk of Works (ECW) shall be submitted to and approved in writing by the LPA prior to the commencement of development. The ECW to be engaged throughout the project and needs to be a qualified ecologist and would ideally be the application ecologist.

#### 5.7 Environment Agency

No objection subject to conditions

This development is located in a poorly defended area and is at significant risk in a 1 in 200 year breach flood event accounting for climate change up to 2115.

The development would be placing a more vulnerable residential development in an area of significant risk.

The LPA will need to decide whether this development is truly a change of use or a new build, applying the sequential test if appropriate. If the sequential test is applied and passed then the following conditions must be included in any permission granted.

- Finished floor levels being set no lower than 3.85 metres AOD.
- The finished first floor level is to be set no lower than 6.5 AOD.
- All sleeping accommodation is to be located on the first floor only.

#### 5.8 Rural Planning Consultant Support

The application relates to part of Shinglebank Farm, one of 7 farms operated by the applicant for the rearing some 350,000 to 400,000 turkeys each year. Based on the submitted information, it appears that Shinglebank Farm is a profitable and viable part of the overall business. There is a justifiable functional and financial need to warrant the need for a full time manager on site and the proposed dwelling.

#### 5.9 Romney Marshes Area Internal Drainage Board Views awaited

### 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/>

Responses are summarised below:

6.2 Two letters of objection received making the following summarised comments:

- The property located approximately 60 metres north west is not a Grade II listed building.
- The remains of the structure on site are not steel framed.
- The integrated sewage treatment plant will not be within the footprint and will require groundworks which will disturb the ground.
- No mention of the central heating that will be needed which will have to be oil, calor gas or electric.
- The design and building would not reinstate the original appearance of the site where it was a Dutch barn for storing hay.
- The development would conflict with planning policy BE1 where the development would not accord with existing development within the locality.
- A native species hedgerow is ~~Page 69~~ a feature for the area and would not grow in this locality.

- Accommodation is already available in the area. A few hundred metres to the north east of the site at Dengemarsh Farm, there are seven properties which are all rental properties where the farm worker could potentially live.
- This development will not secure economic and social development and will have an impact upon the SSSI land.
- The development is not required for the purposes of agriculture and the operational needs of the agricultural unit.
- Once built this house will have no effect on employment in the area.
- The Landscape Character Assessment of Kent is not relevant to this site.
- Farm workers do not regularly attend the site and there is no need to accommodate some here full time.
- Whilst this area is prone to power failures there is a back up generator on site.
- It is not considered that there is a security threat. The area is regularly patrolled by civil nuclear police, RSPB wardens and MOD security.
- Concerns over ecology. Potential damage to the SSSI and local habitats and protected species.
- Concerns over narrowing of access road.

## 7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 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 policies of the saved Local Plan Review apply: SD1, HO1, BE1, BE16, CO1, CO4, CO11, CO14, CO18, U10a, TR5, TR11, TR12.

7.3 The following policies of the Local Plan Core Strategy apply: DSD, SS1, SS3, SS5, CSD1, CSD3, CSD4, CSD5.

7.4 The following supplementary planning documents apply:  
Kent Design Guide

7.5 The following paragraphs of the National Planning Policy Framework 2018 are of particular relevance to this application:

- 7, 8, 9, 10 – Achieving sustainable development
- 11 – Presumption in favour of sustainable development
- 47– Determining applications
- 54, 55 – Planning conditions and obligations
- 79 – Rural housing
- 83, 84 – Supporting a prosperous rural economy.
- 127 – Achieving well-designed places.
- 149, 150 – Planning for climate change.
- 155 -163 – Planning for flood risk.

170, 171, 173 – Conserving and enhancing the natural environment  
174, 175, 176, 177 – Habitats and biodiversity.  
178, 179, 180 – Ground conditions and pollution.  
212 - 217 – Annex 1 Implementation

## **8.0 APPRAISAL**

### **Background**

8.1 In 2016 the agent sought pre application advice for the acceptability of a farm worker's dwelling. Based on limited information the acceptability of such a proposal could not be established at that stage and Officers set out the main planning considerations and advised that the applicant would have to clearly demonstrate the need and address the principle material considerations for any development to be considered favourably.

### **Relevant Material Planning Considerations**

8.2 The relevant issues for consideration are the acceptability of the site for a farm worker's dwelling in terms of planning policy given its isolated countryside location outside of the designated settlement boundary, as well as visual impact, flood risk and drainage, ecology, highways and transportation, impact upon the amenities of local residents, archaeology and contamination.

### **Acceptability of a farm workers dwellinghouse**

8.3 The site is within the open countryside outside of any settlement boundary where there is a general presumption in favour of protecting the countryside. Paragraph 79 of the NPPF 2018 seeks to prevent isolated new homes in the countryside, unless a) there is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside. This is also reflected in policies SS3 and CSD3 of the Core Strategy Local Plan 2013, which directs development toward existing sustainable settlements but does support development required for agricultural purposes. Saved Policy CO18 also supports new agricultural buildings.

8.4 In this regard, the development proposes a single agricultural worker's dwellinghouse to allow a farm worker (including his/her family) to live on site to serve the poultry business at Shinglebank Farm. In order to assess whether there is a genuine functional and financial need for a farm worker to live on site, the Council uses a rural planning consultant to provide specialist advice.

8.5 In terms of the functional need, Shinglebank Farm is one of seven farms operated by the applicant for the rearing of between 350,000 and 400,000 turkeys each year. This farm includes two large buildings which are used for the initial rearing of various batches of young turkeys brought in as day-old chicks of approximately 42,000 a year. The applicant's case is that an on-site farm worker is required for the proper care of the young poults and to provide a quick response in the case of emergencies that could threaten the health and safety of the flock as well as provide security against theft,

vandalism and bio-hazards. Such duties include, checking and maintenance of systems, disease prevention and disinfecting, administering vaccinations, vermin control, feeding and the on site management of gas and feed deliveries. The applicant is currently having to travel up to 55 minutes from their home to carry out these daily duties and address any urgent problems, which is far from ideal. The Quality British Turkey Standards also require that a rest room, washing facilities and toilet are available for staff in order to ensure bio-security (such as the prevention of Avian Flu) is of the highest standard to ensure bird welfare has the highest priority, none of which are currently available on site. The applicant operates a number of farms which are audited by Quality British Turkeys, Tesco supermarkets and freedom food farm insurance schemes, so the applicant is seeking to maintain the required standards.

- 8.6 In terms of alternative accommodation, it is acknowledged that the applicant does own Brickwall Farm and its associated Bungalow close by to the north west. However the bungalow is already occupied by a farm worker managing Brickwall Farm and it would not be possible for this worker to run both farms. In this regard Brickwall Farm and Shinglebank Farm are completely different operations where in addition to the existing work load and volume of Brickwall Farm, a different skills set and expertise are required. The proposed dwelling is considered to meet the reasonable needs of the applicant and the future occupier and his/her family in terms of location and accommodation as the dwelling is in close proximity to Shinglebank Farm allowing for a quick response in emergencies and provides four bedrooms, a kitchen and dining area, a sitting room and a utility room together with some external amenity space for a good level of accommodation. As such it is therefore considered that there is a strong functional need for a farm worker on site, which the Rural Planning Consultant fully supports, and the proposed dwelling would fulfil that need.
- 8.7 In addition to the functional need it is also necessary to ensure that the business is financial sound such that it can support the construction a dwelling and is also not likely to fold in the immediate future leaving a dwelling for which there is no longer an agricultural need. As previously stated, Shinglebank farm is one of seven farms operated by the applicant. To support the need for the agricultural dwelling, the applicant has supplied financial information in the form of typical costs and returns from this farm including labour, utility costs, food, water and bedding as well as other returns such as from the solar panels fitted to the building. The financial details confirm that Shinglebank Farm is a profitable and viable part of the overall business and is able to support the cost of a full time manager as well as the cost of the proposed new dwelling.
- 8.8 It is therefore considered that having reviewed the case of need and the financial position of the farm there is a strong functional and financial justification for the construction of an agricultural worker's dwelling to accommodate a permanent full time member of staff. In this sense the development is considered to comply with Core Strategy policy CSD3, saved Local plan Review policy CO18 as well as paragraph 79a) of the NPPF: 2018, where an isolated house in the countryside can be justified where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.



- 8.9 The Romney Marsh Character Area is identified by the Core Strategy, amongst other things, as an area where landscapes are to be protected. The site is also within the Dungeness Special Landscape Area where policy CO4 also requires proposals to protect or enhance the landscape character of the Special Landscape Area. The site already accommodates the remaining parts of a Dutch barn used for the storage of hay where part of the tall frame still stands, which has an approximate height of 6.6 metres which therefore does result in a degree of visual impact upon the locality.
- 8.10 As proposed, the development seeks to dismantle the remaining barn and construct a new detached two storey dwellinghouse with associated parking and landscaping over the existing footprint. In siting, the development is considered acceptable being a reasonable distance away from the farm buildings of approximately 100 metres to enable a quick response in the event of an emergency. It would also be mostly on previously disturbed ground where a building currently stands and only a very small proportion being the parking area would be on undisturbed land. The siting is adjacent to an existing road which provides an acceptable pedestrian and vehicular access. As such it is considered that the siting is visually acceptable.
- 8.11 In terms of height, the proposed dwelling house would have a ridge height 1.5 metres taller than the existing structure on the site and very similar to the adjacent farm house – Brickwall Farm House which is a large traditional two storey farm house. Therefore it is not considered to be unduly tall to the detriment of the visual amenity of the landscape and is generally acceptable in scale and height. The bulk and massing is acceptable as the roof would be of a low pitch and is not considered bulky and the buildings' bulk and mass would be visually broken up by the differing materials of the brick and weatherboarding as well as the windows and porch canopy.
- 8.12 Concerning general design and appearance, the original submission was considered to be visually unacceptable as it was considered that the building had a very utilitarian appearance with little identity as a domestic dwelling house. As such, during the processing of the application negotiations took place with the agent to amend the design. The development now proposes a visually acceptable dwellinghouse with good proportions and parameters with a visually pleasing pitched roof and domestic features such as a porch canopy and detailing including brick windows cills, and brick header courses that add interest to the building. The external materials are also acceptable and include brick and timber clad elevations and plain roof tiles that would help the building to integrate into the rural environment. Landscaping is also proposed to help soften the development including a native species hedgerow upon the north, south and east boundaries. It is therefore considered that the development is acceptable in scale and appearance, proposing a high standard of design in accordance with saved Local Plan Review policies SD1 and BE1.
- 8.13 Located within the open flat countryside of the Dungeness Special Landscape Area, the development will have a visual impact. However, having accepted that there is a genuine agricultural need for the dwelling that justifies this rural location and that the overall appearance and scale of the development is acceptable, it is considered that the proposed site is an appropriate location for it. The area is fairly open and sparse where there is little in the way of natural screening such as trees and vegetation, but this is

the natural character of the environment where the majority of other buildings and structures are also visible in the landscape and this development would have no greater visual impact than others. It utilises land on which there was previously a fairly substantial building, so will not be introducing additional built development into a previously undisturbed location and is located close to the access road. Overall, for the reasons set out it is considered that the impact of the development will be limited and acceptable and as such the development would be in accordance with saved Local Plan Review policies CO1 and CO4.

## **Flood Risk and Drainage**

- 8.14 The site is located within the Environment Agency tidal flood zones 2 and 3a, where in accordance with the NPPF, the sequential and exceptions test should be applied based on the Strategic Flood Risk Assessment (SFRA) and Environment Agency flood risk zones due to the type of development being considered a 'more vulnerable' use.
- 8.15 According to the Shepway District Council Strategic Flood Risk Assessment, the site falls within an area of significant risk in 2115 (taking into account climate change and sea level rise). When applying the sequential test and considering alternative sites, due to the identified agricultural need for this farm workers dwelling it needs to be located close to the farm and it cannot functionally be located within an area of lower risk within the character area of the Romney Marsh. Even when applying the sequential test to inside the site, there are no safer areas of lower flood risk as the whole of Shinglebank Farm is at significant risk. As such, given the essential need and that there are no alternative sites of lower flood risk, it is considered to pass the sequential test.
- 8.16 Following the sequential test the NPPF also advises that the exceptions test should then be applied. This requires the development to provide wider sustainability benefits to the community and for the development to be safe for its lifetime without increasing flood risk elsewhere. In this regard, it is considered that the site passes the exceptions test as the development would contribute to the efficient operation of a farm business and its continued viability that is beneficial to the wider Romney Marsh community and rural economy. The development can be made safe from flood risk for its lifetime as advised by the FRA (Flood Risk Assessment) which recommends that to reduce any residual risk further, the floor levels are set above the 1 in 200 year flood levels of 3.85 ODN for the ground floor and 6.5 ODN for the first floor. Other flood resilience measures are also proposed to be incorporated into the development. These can be secured by condition. The Flood Risk Assessment has also confirmed that given the small scale of the development this would not have any impacts on flood risk elsewhere either during or after the construction. The Environment Agency has raised no objection subject to conditions on the basis that the Local Planning Authority is satisfied that the development passes the sequential test, which as stated above, it does. The development is therefore considered to pass both the sequential and exceptions tests and is acceptable in terms of tidal flood risk and is in accordance with the NPPF: 2018 and Core Strategy policy SS3.

8.17 In terms of surface water disposal there is no public sewer to discharge to and owing to the ground conditions and shallow water table, it would not be possible to discharge surface water to a soakaway. Instead it is proposed to discharge to the watercourse located approximately 50 metres south east of the site which will need its own separate consent from the Romney Marsh Internal Drainage Board. For foul drainage, similarly there are no public sewers within the area to connect to, therefore it is proposed for the foul drainage to be discharged to a private storage and treatment plant (Klargester) which will also need separate consent from the Environment Agency. Both means of surface and foul water disposal are considered to be acceptable in such an isolated rural location and are in accordance with saved Local Plan Review policies U1 and U4.

### **Ecology and biodiversity**

8.18 The site is located within the Dungeness, Romney Marsh and Rye Bay SSSI which is a national designation and adjacent to the European sites of the Dungeness, Romney Marsh and Rye Bay Ramsar and Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC). This is a nationally important coastal landscape which has been formed through special coastal geomorphological processes which has shaped a barrier of extensive single beaches and sand dunes across an area of intertidal mud and sand flats. Dungeness contains the largest and most diverse area of shingle beach in Britain, with shingle ridges and low lying hollows providing nationally important saline lagoons, natural fresh water pits and basin fens. The LPA is required to give special regard to the protection of the habitats and species of these designated areas but also the general biodiversity of the area.

8.19 In terms of the impact upon the Dungeness, Romney Marsh and Rye Bay SSSI, Natural England has advised that of particular concern is the impact upon the buried geomorphology, particularly the erosion and collapse of shingle and prevention of any future access to the buried geomorphology for academic research and advised that there should not be an overall increase in coverage of the designated shingle as a result of this proposed development so that the development will not result in damage to the designated features. In this regard, the footprint of the house including the decked area would be within the existing footprint of the old farm building (to be removed). However, the parking area and proposed package treatment plant together with other services would encroach into shingle area.

8.20 To mitigate this loss of shingle the application therefore proposes to remove an area of hardstanding (approximately 150 sqm) and return it to shingle to the south of the site, which Natural England considers acceptable. To mitigate the demolition and construction phase of the development as well as landscaping on the notified features of the SSSI, Natural England has recommended conditions to secure a construction environmental methodology statement which shall secure details of use of machinery, access onto the adjacent SSSI, carrying out below ground works, installation of fencing, removal of hardstanding areas, hard and soft landscaping and the appointment of an ecological clerk of works. As such it is considered that with the proposed mitigation measures and conditions there would be no demonstrable harm to the SSSI and its notifying features (which Natural England confirms) in accordance with saved Local Plan Review policies SD1, CO11 and the NPPF.

8.21 The application site is within close proximity to the European designated sites of the Dungeness, Romney Marsh and Rye Bay Ramsar and Special Protection Area (SPA) and Dungeness Special Area of Conservation (SAC). Therefore in accordance with the habitats regulations The LPA (as the Competent Authority) is also required to have regard to any potential impact on these areas. In this instance the applicant has proposed mitigation measures in the form of a construction management plan which is considered acceptable mitigation. The Council (as the competent Authority) has undertaken an Appropriate Assessment of the proposal on the impact on the European sites, taking into account the construction management plan, and concluded that the proposal would not result in adverse effects on the integrity of any of the sites. Natural England concurs with this. As such it is therefore considered that there would be no adverse impact upon the European nature conservation sites adjacent to this development in accordance with saved Local Plan Review policies SD1 and CO11 and the NPPF.

8.22 In terms of protected species on the site and general biodiversity, a preliminary ecological scoping survey has been carried out which has ruled out the majority of protected species being present on the site itself including, bats, badgers, birds and amphibians, but advised that reptiles may be present in part of the site. KCC ecologists have advised that sufficient information has been submitted to determine the application and recommended that in the case of reptiles a precautionary approach be taken and a condition be imposed for avoidance measures be agreed. For other species KCC has also recommended that conditions be secured for mitigation measures and biodiversity enhancement measures. It is therefore considered that there would be no harm to individual protected species in accordance with saved Local Plan Review policies SD1 and HO1

### **Highways and Transformation**

8.23 A new vehicular access and parking area for two vehicles is proposed off the adjacent private road to the west of the house which is considered acceptable and in accordance with current adopted standard. It is not considered that the additional traffic associated with one dwelling would have an unacceptable impact on the local highway network. As such the proposal is in accordance with saved Local Plan Review policies SD1, TR11 and TR12.

### **Residential Amenities**

8.24 The development site is located within an isolated rural area where there are very few surrounding properties and residents. In this regard the nearest residents would be those residing at Brickwall Farm House to the west and it is considered that there is sufficient space separation of approximately 55 metres to prevent any overbearing, overshadowing and loss of privacy. Concerning future occupiers of the new house, it is considered that the dwellinghouse proposes good internal room sizes with adequate light and ventilation together with a small external decked area and garden for outdoor space. As such it is considered that the amenities of existing and future residents would be safeguarded in accordance with saved Local Plan Review policy SD1.

## **Archaeology**

8.25 The main development area for the new dwelling is outside of the area of archaeological interest. The southern part of the site where part of the existing hard standing road is to be removed and restored to natural ground is however within an archaeological protection zone. Given that this is such a small area and is previously disturbed ground, KCC Archaeological Officers have advised that no archaeological measures are required.

## **Contamination**

8.26 The site currently has the remains of an agricultural barn on it where ground contamination may therefore be present. It is therefore recommended that the standard contamination condition is applied to any grant of planning permission.

## **Environmental Impact Assessment Regulations 2017**

8.27 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**

8.28 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.

8.29 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. The New Homes Bonus funding regime is currently under review and is anticipated to end. Under the scheme the Government matches the council tax raised from new homes. This is for a period covering the first four years. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £1,123 for one year and £5,090 for 4 years when calculated on the basis of council tax Band D average dwellings. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

8.30 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. Within Lydd, this area has a zero (£0) levy and no payment is required.

8.31 This application is reported to committee due to the views of Lydd Town Council and at the request of Cllr Len Laws on grounds of flood risk and that there is no need for continuous labour on site.

## **Human Rights**

8.32 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.

## **9.0 BACKGROUND DOCUMENTS**

9.1 The consultation responses set out at Section 5.0 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 conditions set out at the end of the report, and that delegated authority be given to the Development Management Manager to finalise the wording of the conditions and add any other conditions that she considers necessary:**

1. Standard time condition
2. Approved plan numbers
3. Water efficiency
4. Agricultural Occupancy condition
5. Materials
6. Landscaping
7. Contamination
8. Removal of PD rights (all)
9. Retention of car parking.
10. Boundary treatment
11. Ground floor and first floor finished floor levels to set at 3.85 and 6.5 ODN (advised by the EA).
12. Flood mitigation measures as set out in the FRA to be incorporated into the construction.
13. Scheme for reptile avoidance measures on site (requested by KCC ecologists).
14. Lighting design strategy (requested by KCC ecologists).
15. Ecological enhancements as set out in the preliminary ecology survey.
16. A construction environmental methodology statement (for the SSSI as requested by Natural England).
17. The area of hardstanding to be reduced as shown on drawing number P500128 P103-PL08 Rev A shall be carried out prior to the first occupation of the house and carried out in accordance with the btl design methodology construction statement.



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**Application No:** Y18/0976/FH

**Location of Site:** Land Rear Plot 15, Collins Road, New Romney, Kent

**Development:** Erection of a business hub building, together with associated access and parking

**Applicant:** Mrs Katharine Harvey

**Agent:** Mr David Shore  
Folkestone & Hythe District Council  
Civic Centre  
Castle Hill Avenue  
Folkestone  
Kent  
CT20 2QY

**Date Valid:** 02.08.18

**Expiry Date:** 27.09.18

**Date of Committee:** 25.09.18

**Officer Contact:** Alexander Kalorkoti

## SUMMARY

Planning permission is sought for the erection of a business hub building, together with associated access and parking. The assessment of the application set out below considers that the proposal is in accordance with the policy designation of the site as an employment opportunity site and is acceptable with regard to design and visual appearance, neighbouring amenity, parking and highways, ecology and archaeology. The development is therefore considered to be sustainable and as required by the provisions of the NPPF should be approved, subject to appropriate conditions

## 1.0 THE PROPOSAL

**RECOMMENDATION:** That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

- 1.1 The proposed business hub building would provide for 12 separate office spaces of varying sizes, as well as a shared reception/break out area, kitchen, meeting room, WCs and plant/storage. The total floor area of the proposed building would be 763 sq m in an L-shaped floor plan. The building would stand at a maximum height of 5.5m and would have a staggered pitched roof arrangement with clerestory windows to provide natural light to the central corridors. In terms of materials, the building would have brise soleil to the south elevation with walls finished with metal castellated cladding. The roof of

the building would be finished with profiled metal sheeting and the building would have aluminium colour coated windows and doors.

- 1.2 The proposal includes the laying of hardsurfacing to create 31 parking spaces including 3 spaces for disabled users, as well as cycle storage and bin storage. The application also includes the extension of the existing footpath at 1.8m in width to the new vehicle access, which is proposed from Mountfield Road and maintenance access to adjoining land to the east of the site. In terms of boundary treatments, the proposal includes soft landscaping to the site's western boundary with the highway, and around the outer edges of the parking areas.

## **2.0 SITE DESIGNATIONS**

2.1 The following apply to the site:

- Inside settlement boundary
- Area of archaeological potential
- Area of interest to the Romney Marshes Area Internal Drainage Board
- Employment Opportunity Site (saved policy E2 of the Shepway District Local Plan Review)

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The site is currently vacant land within Mountfield Industrial Estate located between existing industrial units to the north and the New Romney Household Refuse and Recycling Centre to the south. The land forms part of a wider site within single ownership, including a substantial area of vacant greenfield land on the opposite/west side of Mountfield Road. To the east of the site, outside it but within the applicant's ownership, is a vegetated strip of land which runs north-to-south and marks the edge of the settlement of New Romney with the open countryside.

## **4.0 RELEVANT PLANNING HISTORY**

- 4.1 There is no relevant planning history in relation to this application.

## **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 New Romney Town Council

No objection

## 5.3 Kent Highways and Transportation

Following amended plans including the extension of the existing footpath, KHaT have no objection to raise subject to conditions outlined in the appraisal below.

## 5.4 Environmental Health & Merebrook

The Council's land contamination consultants, Merebrook advised that the Phase 1 Desktop Study Report is of suitable scope and standard to be considered to fulfil the requirements of the first part of the standard land contamination condition. The Environmental Health team advised that given the level of parking proposed, an informative should be attached regarding the installation of an electric car charging point.

## 5.5 KCC Archaeology

No comment.

## 5.6 KCC Ecology

Raised no objection subject to conditions outlined in the appraisal below.

## 5.7 Kent Fire & Rescue

The means of access is considered to be satisfactory.

## **6.0 REPRESENTATIONS**

6.1 None 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, E2, BE1, BE16, TR11 & TR12

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

DSD, SS3 & SS4

7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application:

12. Achieving Sustainable Development  
80 - 83. Building a Strong, Competitive Economy  
180. Ground Conditions and Pollution

7.5 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Guidance  
Kent Design Guide

## **8.0 APPRAISAL**

### **Relevant Material Planning Considerations**

8.1 The main considerations in the determination of this application are the principles of the proposed use, design and visual appearance, impact on the amenity of neighbouring occupiers, parking and highway matters, ecology and archaeology.

### **Principle of the Proposed Use**

8.2 Saved policy E2 of the Shepway District Local Plan Review states that planning permission for business and commercial development or redevelopment will be granted on new employment opportunity sites shown on the Proposal Map. The policy sets out that permissible uses are restricted to Use Classes B1, B2 and B8, and states that development of the Phase IV land will be subject to provision of necessary improvements to the junction of Mountfield Road and Station Road. As the proposed business hub building would provide Class B1(a) office space only, it is considered that the proposal complies with the permissible uses set out within the policy, and as the proposal does not include the development of Phase IV land it does not trigger the requirement for junction improvements. Therefore, it is considered that the proposed use is in accordance with saved policy E2.

8.3 It is considered that the proposed use of the business hub building is also supported by NPPF Paragraphs 80-82, which seek to create the conditions in which businesses can invest and expand to address the specific locational requirement of different sectors, including making provision for clusters or networks, through the provision of an office hub building.

8.4 Consequently, it is considered that the proposal complies with the policy designation of the site as an Employment Opportunity Site, with the proposal

supported by local adopted policy and national policy in relation to planning policies and decision-making for business space and the associated job generation. On this basis, the proposed use of the site is considered to be acceptable in principle on policy grounds.

## **Design & Visual Appearance**

- 8.5 The proposed building has been designed with staggered pitched roof forms and clerestory windows, which are considered to represent a pragmatic solution to providing natural light to the interior, as well as adding interest to the appearance of the fenestration. In terms of materials, the choice of metal castelatted cladding to the walls and profiled metal sheeting as the roofing material are considered to be practical choices which are appropriate given the context of the site within an established industrial estate. It is considered that the choice of aluminium windows and doors would contribute positively to the appearance of the building, and the addition of brise soleil to the south elevation of the building would provide a practical and aesthetically interesting solution to the temperature control of the interior office space.
- 8.6 In terms of visual impact, as noted above the design and choice of materials is considered to be positive, and it is considered that the proposed building would not appear to be incongruous within the street scene of Mountfield Road within the industrial estate given its comparable scale to the neighbouring industrial units to the north, and given the relatively low density of built form proposed within the plot. It is considered that the proposed development would suitably step down in terms of the pattern of development towards the edge of the settlement, which is immediately to the east and within close proximity to the south of the application site. The inclusion of soft landscaping to the edges of parking areas and site boundaries is considered to further soften the net visual impact and clutter of the proposed development in close proximity to the edge of the identified settlement. It is considered that the staggered pitched roof forms included in the design would help to reduce the bulk and mass of the proposed office building compared with the utilitarian neighbouring industrial units to the north. As a result, it is considered that the scale, design, layout and choice of materials respond appropriately to the site's context.
- 8.7 Consequently, it is considered that the proposal is in accordance with saved policy BE1, which seeks to secure a high standard of layout, design and choice of materials.

## **Amenity**

- 8.8 In relation to impacts on the amenities of neighbouring occupiers, it is noted that the site is bound to the east by a vegetated strip of land which demarks the edge of the settlement from the open countryside, and to the west by vacant land on the opposite side of Mountfield Road. As such, it is considered that the proposal would be of principal concern to the neighbouring occupiers to the north and south.

- 8.9 It is considered that the industrial units to the north of the site and refuse and recycling centre to the south do not constitute sensitive receptors with regard to impact on neighbouring land. Notwithstanding this, it is noted that given that the office building would have accommodation at ground floor only, would retain significant separation distances to north and south boundaries and with a relatively modest overall scale and form, with a maximum height of 5.5m, that the proposal would not result in any significant or detrimental impact on the occupiers of neighbouring land by way of overlooking, overbearing/enclosing presence or overshadowing impact. It is considered that the proposed office use would not generate a noise level which would cause an undue level of disturbance to the users of neighbouring sites given the proposed office use and the separation distances to neighbouring buildings.
- 8.10 It is considered that the neighbouring use would not bear any significantly detrimental impact on users of the office space, with noise disturbance being the principal concern, due the siting of the proposed office building within the plot and the layout of the neighbouring refuse and recycling plant, which has the noise generating operation located away from the northern common boundary with the application site. Consequently, the proposal is considered to be acceptable with regard to amenity for future users of the site and neighbouring plots.

### **Parking & Highways**

- 8.11 In accordance with the Maximum Goods Vehicle & Car Parking Standards set out in Appendix 6 of the Shepway District Local Plan Review and referenced in saved policy TR12, given the size of the office space proposed, the recommended parking requirement for the building would be 1 space per 25m<sup>2</sup>, equating to 31 spaces. The proposal includes the provision of 31 parking spaces within the proposed hardsurfaced car park, including 3 spaces for disabled users. The notes to the relevant standards include that adequate facilities should be provided for delivery vehicles to access the site and manoeuvre clear of the public highway.
- 8.12 In response to comments from Kent Highways & Transportation (KHaT), an amended proposed site layout plan with vehicle tracking for an 11.4m long refuse vehicle has been provided which demonstrates that larger vehicles can manoeuvre clear of the highway and leave the site in a forward gear. On the basis of the amended plans, which also show the extension of the 1.8m wide footpath to the north along the eastern edge of Mountfield Road, to meet the proposed new entrance, it is noted that KHaT raise no objection subject to measures being controlled via condition, including a Construction Management Plan, surface water measure to avoid discharge onto the highway, and provision and permanent retention of parking and turning space, cycle parking facilities and visibility splays. On this basis, it is considered that the proposed new access from Mountfield Road would not be detrimental to the safety of vehicle traffic, cyclists or pedestrians, in accordance with saved policy TR11.

8.13 Consequently, subject to the conditions outlined above and detailed in the consultation response from KHaT, it is considered that the proposal is acceptable with regard to parking, in accordance with the relevant standard and saved policies TR11 and TR12, and would not result in any issues of highway safety.

### **Ecology**

8.14 An ecological survey has been submitted with the application which identified the site as suitable for reptiles along the eastern boundary, in the adjoining vegetated strip of land. The presence of reptiles in this area has been corroborated by the Kent and Medway Biological Records Centre (KMBRC) biological records. The applicant has confirmed that the land to the east of the site will be retained and not be affected by the development. However, it is deemed appropriate that a condition is applied to ensure that suitable protection measures are in place during construction to safeguard the established reptile habitat.

8.15 KCC Ecology have considered in their consultation response the potential impact of the proposal on breeding birds, with the land along the eastern boundary having a high probability of containing nests, and foraging bats, which can be disturbed by lighting associated with the development proposal. KCC Ecology have recommended an informative in relation to breeding birds, and as referenced above the applicant has confirmed that the eastern boundary will be protected and will remain undisturbed during construction. KCC Ecology recommend a condition requiring a lighting plan to be submitted for approval is attached to ensure that impact on bats is minimised in accordance with NPPF Paragraph 180 and The Bat Conservation Trust's UK guidance. A condition to secure opportunities for biodiversity enhancements within the site would also be attached to any subsequent permission in line with advice received from KCC Ecology.

8.16 Subject to the conditions and informatives outlined above and detailed in KCC Ecology's consultation response, it is considered that the proposal is acceptable with regard to ecological impact.

### **Other issues**

8.17 As referenced above, KCC Archaeology were consulted due to the multi-period potential of the site, however no response was received. Notwithstanding this, given the previously undisturbed nature of the land and its location within an areas of archaeological potential it is considered appropriate that a condition is attached to any subsequent permission to safeguard and record remains of archaeological interest which may be uncovered during construction.

8.18 Subject to the aforementioned condition, the proposal is considered to be acceptable with regard to impact on remains of archaeological interest.

8.19 A Phase 1 Desktop Study Report for contamination has been submitted with the application which the Council's land contamination consultants,

Merebrook have advised is of suitable scope and standard to meet the requirement of the first part of the standard contamination condition. As such, it is considered appropriate that a land contamination condition is attached to any subsequent permission, with the exception of the requirement for a desktop study, which is considered to be met by the submitted report. On this basis, the proposal is considered to be acceptable with regard to contamination subject to the condition outlined above.

### **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.

8.21 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. This application would not be CIL liable given the proposed B1(a) office use for the site which is exempt/zero-rated under the Charging Schedule.

### **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 as the Council has an ownership interest in the land and the application does not constitute a small-scale proposal.

## **9.0 BACKGROUND DOCUMENTS**

9.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).



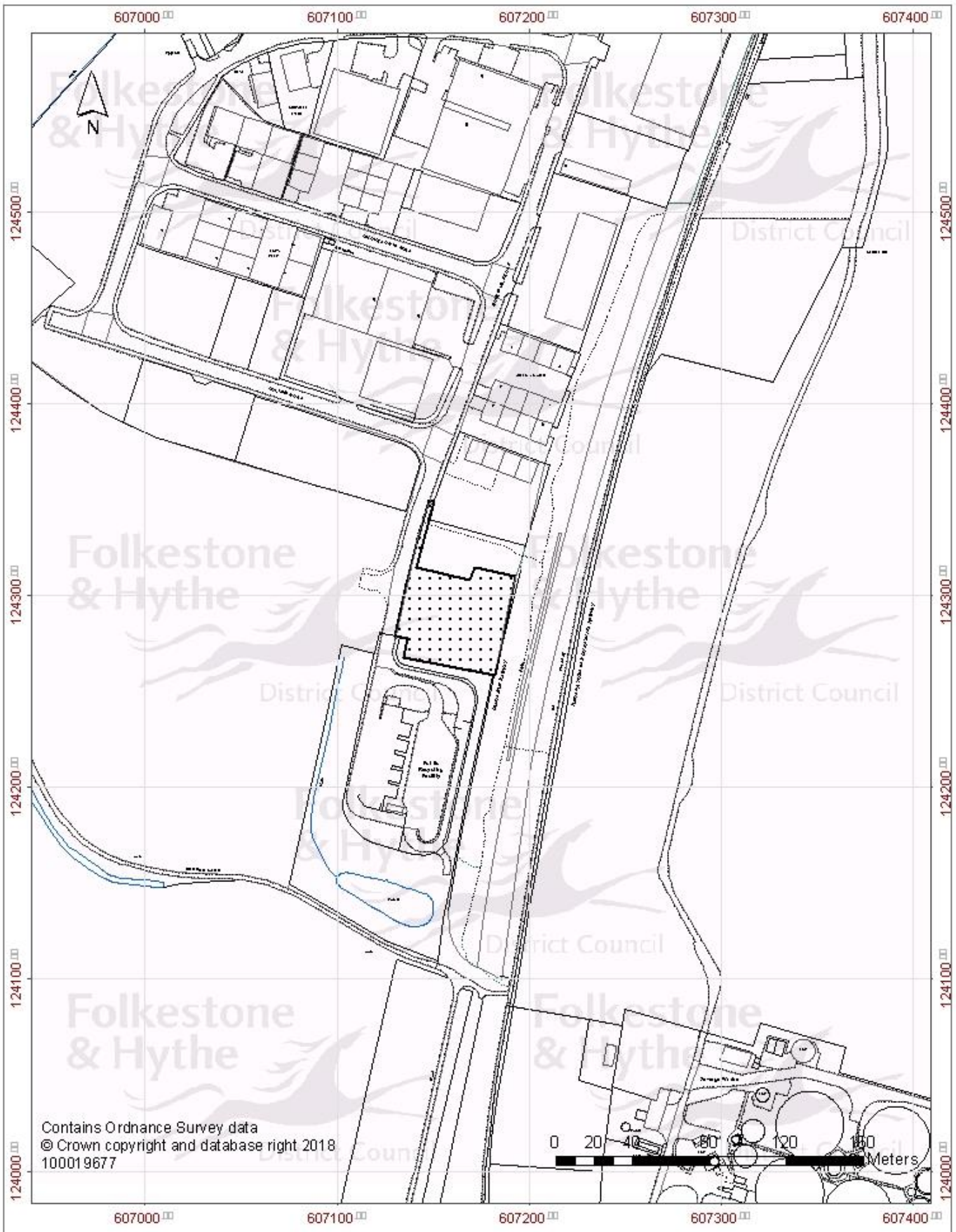
**RECOMMENDATION – That planning permission be granted subject to the following conditions and that delegated authority given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.**

1. Standard 3 year permission
2. Materials as specified in application
3. Contamination
4. Construction Management Plan
5. Surface water discharge details
6. Provision and retention of parking and turning areas
7. Provision and retention of cycle parking
8. Provision and retention of visibility splays
9. Ecological protection measures during construction
10. Lighting Plan to protect foraging bats
11. Archaeological programme/watching brief
12. Landscaping details
13. Use Classes

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Decision of Committee

Y18/0976/SH  
Land rear of Plot 15  
Collins Road  
New Romney



## LIST OF DEVELOPMENT PLAN POLICIES

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

#### Core Strategy (2013) policies

##### Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

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

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

##### Chapter 5 – Core Strategy Delivery

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

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

##### Chapter 2 – Sustainable Development

SD1 - Sustainable Development

### **Chapter 3 – Housing**

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

### **Chapter 4 – Employment**

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

### **Chapter 5 – Shopping**

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

### **Chapter 6 – Tourism**

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

## Chapter 7 – Leisure and Recreation

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

## Chapter 8 – Built Environment

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

## **Chapter 9 – Utilities**

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

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

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

## **Chapter 11 – Transport**

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

## Chapter 12 – Countryside

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

## Chapter 13 - Folkestone Town Centre

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

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**FOLKESTONE & HYTHE DISTRICT COUNCIL  
PLANNING AND LICENSING COMMITTEE – 28 August 2018**

**Declarations of Lobbying**

Members of the Committee are asked to indicate if they have been lobbied or not, 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>
Y18/0215/SH Redlynch House, 19 Hillcrest Road, Hythe	..... .....
Y17/1543/SH Pensand House, South Road, Hythe, Kent	..... .....
Y18/0824/FH 159 Canterbury Road, Hawkinge, Folkestone	..... .....
Y18/0348/SH Land Adjoining Hayward House Kennett Lane Stanford	..... .....
Y17/1126/SH Land Adjacent Brickwall Farm, Dengemarsh Road, Lydd Kent	..... .....
Y18/0976/FH Land Rear Plot 15, Collins Road, New Romney ,Kent	..... .....

SIGNED: .....

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

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