



Agenda

Meeting: **Planning and Licensing Committee**
Date: **30 October 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 25 September 2018.

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

There are no Licensing Sub-Committee minutes to agree at this meeting.

5. **Pennings and Juniper Cottage, School Road, Saltwood, Hythe Y18/0444/SH (Pages 11 - 22)**

Report DCL/18/22 Erection of a two storey building comprising 7 residential apartments, including landscaping and parking following demolition of the existing pair of existing semi-detached dwellings and garaging.

6. **Land at 31 Castle Road, Hythe Y18/0339/FH (Pages 23 - 34)**

Report DCL/18/23 Erection of a 2 storey dwelling.

7. **Olivia Court, Court Road, Hythe, CT21 5HD Y18/0670/FH (Pages 35 - 48)**

Report DCL/18/24 Erection of a fourth storey on both apartment blocks to create two penthouse flats.

8. **Aspendos, Prospect Road, Hythe, Kent, CT21 5NH Y18/1064/FH (Pages 49 - 58)**

Report DCL/18/25 Retrospective application for revised external finishes to the existing shop front, including revision to the front parapet wall.

9. **Exclusion of the Public**

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

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

‘Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime’.

10. **Unauthorised External Finishes to the existing Shop Front, including revision to the Front Parapet Wall (Pages 59 - 74)**

Report DCL/18/21 considers the appropriate action to be taken regarding the unauthorised external finishes to the shop front of this building, including a revision to the front parapet wall. The existing parapet wall has

been increased in height and has a curved feature across the width of the shopfront. This features paint work, mock stonework and stall risers and raised rendered pilasters. This report recommends that an Enforcement Notice be served to require the removal of the shopfront and the reinstatement of the previous shopfront.

*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, 25 September 2018
Present	Councillors Alan Ewart-James, Clive Goddard (Chairman), David Godfrey, Miss Susie Govett, Len Laws, Michael Lyons, Philip Martin, David Monk, Damon Robinson and Russell Tillson
Apologies for Absence	Councillor Mrs Jennifer Hollingsbee, Councillor Dick Pascoe, Councillor Paul Peacock and Councillor Roger Wilkins
Officers Present:	David Campbell (Development Management Team Leader), Louise Daniels (Senior Planning Officer), Alexander Kalorkoti (Graduate Planning Officer), Sue Lewis (Committee Services Officer) and Lisette Patching (Development Management Manager)
Others Present:	

29. Declarations of Interest

Councillor Michael Lyons declared a pecuniary interest in respect of application Y18/0215/SH, Redlynch House, 19 Hillcrest Road, Hythe. He left the meeting during discussion and voting on this item.

Councillor David Monk declared a pecuniary interest in respect of application Y18/0976/SH, Land rear Plot 15, Collins Road, New Romney. He left the meeting during discussion and voting on this item.

Councillor Ms Susie Govett declared a voluntary announcement in respect of application Y18/0976, Land rear Plot 15, Collins Road, New Romney. As her interest was as she is a trustee of Romney Resource Centre and ward member she remained in the meeting during discussion and voting on this item.

Councillor Alan Ewart-James declared a voluntary announcement in respect of application Y17/1543/SH, Pensand House, South Road, Hythe. His interest

arose as he is the Cabinet Member for Housing. He remained in the meeting during discussion and voting on this item.

30. **Minutes**

The minutes of the meeting held on 28 August 2018 were submitted, approved and signed by the Chairman.

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

The minutes of the meeting held on 10 September 2018 were submitted, approved and signed by the Chairman.

32. **Y18/0215/SH - Redlynch House, 19 Hillcrest Road, Hythe**

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

Michael Young, local resident spoke against the application.
Leo Griggs, applicant's agent spoke in support of the application.

Proposed by Councillor Alan Ewart-James
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 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.

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

33. **Y17/1543/SH - Pensand House, South Road, Hythe, Kent**

Planning permission was 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.

Michelle Grant, local resident spoke against the application.
Richard Taylor, applicant's agent spoke in support of the application.

Proposed by Councillor Russell Tillson
Seconded by Councillor David Monk and

Resolved: That planning permission be granted subject to the conditions set out in 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 6 ; Against 4; Abstentions 0)

34. **Y18/0824/FH - 159 Canterbury Road, Hawkinge, Folkestone**

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

Terence Kelly, local resident spoke against the application.
Roger Joyce, applicant's agent spoke in support of the application.

Proposed by Councillor Len Laws
Seconded by Councillor Philip Martin and

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

(Voting: For 9; Against 0; Abstentions 1)

35. **Y18/0348/SH - Land Adjoining Hayward House Kennett Lane, Stanford**

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.

A statement from Councillor Mrs Jenny Hollingsbee, Ward Member was read out. A summary of which is as follows:

In principle a house on this site is acceptable and the design is sympathetic to the property and character to the area. Members were reminded of 8.3 in the report stating that the new property would be lower in height.

The new design merits those already in the area, which already has a mixture of different dwelling designs.

Therefore I feel the proposed application should be approved as it is not against planning policy.

A statement from Councillor Ms Susan Carey, Ward Member was circulated to members of the committee prior to the meeting and copies were provided for the public gallery on the night.

A statement from the applicants was read in support of the application. A summary of this is as follows:

The applicants have lived in Hayward House for over 38 years and have grown to love it as a home for their children and extended family.

They are pleased to receive a unanimous approval from our Local Parish Council and the support of so many of our neighbours. They would like to thank their local district councillor, Susan Carey, for her support in helping with this application. They were very specific with the design that would pick up on the character of adjacent heritage buildings without diminishing their appearance.

There are already a number of examples of modern design in Stanford that have added to the vibrancy of the village character and we were keen that our plans would compare favourably with them.

The applicants wish to remain living in the village and therefore ask that this application is approved.

Simon McKay, applicant's agent spoke in support of the application informing that although the design would not be acceptable to all it has been carefully thought through by both the applicants and the architect. There are many different designs of properties in the area and this will add a further dimension. Both the Parish and Town Councils are happy with the design and it is therefore hoped the Committee will approve the application.

Proposed by Councillor Russell Tillson
Seconded by Councillor Clive Goddard and

Resolved: That planning permission be granted as the development is considered appropriate to the street scene and reflects the character of the area and as such it meets the requirement of planning policies BE1, HB10 and HO1, and that delegated authority be given to the Development Management Manager to impose the relevant conditions that she considers necessary.

(Voting: For 7; Against 3; Abstentions 0)

36. **Y17/1126/SH - Land Adjacent Brickwall Farm, Dengemars Road, Lydd**

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.

Jake Jones, local resident, spoke on the application.

Proposed by Councillor Damon Robinson
Seconded by Councillor Clive Goddard and

Resolved: 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.

(Voting: For 8; Against 1; Abstentions 1)

37. **Y18/0976/FH - Land Rear Plot 15, Collins Road, New Romney, Kent**

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

Proposed by Councillor Russell Tillson
Seconded by Councillor Len Laws and

Resolved: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority is 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 0; Abstentions 0)

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Agenda Item 5

DCL/18/22

Application No: Y18/0444/SH

Location of Site: Pennings and Juniper Cottage, School Road, Saltwood, Hythe

Development: Erection of a two storey building comprising 7 residential apartments, including landscaping and parking following demolition of the existing pair of existing semi-detached dwellings and garaging.

Applicant: Mr Samuel De Haan

Agent: Mrs Emma Hawkes
DHA Planning Ltd
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent
ME14 3EN

Date Valid: 09.04.18

Expiry Date: 04.06.18

PEA Date: 02.11.18

Date of Committee: 30.10.18

Officer Contact: Louise Daniels

SUMMARY

This application is for a new building to accommodate 7 flats on School Road in Saltwood following the demolition of the existing semi-detached dwellings. The design, scale and layout of the proposed building would reflect the character of the area with a design that resembles a single dwelling house that has evolved over time with traditional materials. The amenities of existing and future occupants are safeguarded and there is no objection on highway safety.

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 agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a two-storey building comprising seven flats, including landscaping and parking following demolition of the existing pair of existing semi-detached dwellings and garaging. The proposed

building would be located in a similar position to the existing dwelling, set back from School Road with parking provision to the front. The design of the proposed building follows a more traditional approach and is designed in a fragmented way with some single storey elements to the side, front and rear. Sash windows and stone cills are proposed throughout, with exposed rafter feet to the roof.

- 1.2 The front elevation would have a white rendered barn-hip projection. A single storey tiled canopy detail is proposed to the barn-hip projection with traditional timber frames and matching roof tiles to the main roof. Hanging tiles are proposed to the first floor of the main building with plain tiles and brick detailing to the ground floor. Plinth brick detailing is proposed to the ground floor single storey projection which would have a hipped roof with plain tiles to match the main roof.
- 1.3 The rear elevation would again have white render to the barn-hip projection. A single storey rear addition is proposed which would have a vaulted ceiling and a fully glazed façade. Another single storey canopy detail is proposed to the barn-hip projection with matching roof tiles to the main roof. Tile hanging is also proposed to the first floor of the main building with plain tiles with brick detailing at the ground floor.
- 1.4 The building would accommodate the following arrangement of apartments:

Ground Floor

Flat 1 = 2 double bedrooms, 1 en-suite, bathroom, and lounge/kitchen/diner
Flat 2 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner
Flat 3 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner
Flat 4 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner

Each of the ground floor flats would have access to a private rear garden.

First Floor

Flat 5 = 1 double bedroom, bathroom and lounge/kitchen/diner
Flat 6 = 2 double bedrooms, 1 en-suite, bathroom and lounge/kitchen/diner
Flat 7 = 1 double bedroom, bathroom and lounge/kitchen/diner

All flats would have access to the communal garden to the rear of the site.

- 1.5 The existing vehicular entrance and exit would be utilised to provide an entrance to the west of the site with alligator teeth within the site to prevent vehicles exiting from this point, rather exiting to the east. Secure cycle parking is proposed to the front of the site together with covered bin storage adjacent to the visitor parking space.
- 1.6 The application is accompanied by a Design and Access Statement, a Planning Statement, a pre-development Tree Survey and Report and a Bat Report following comments received by KCC Ecology.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Inside Hythe settlement boundary
- To the east (approx. 56m away) is the boundary with the Kent Downs AONB.

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The site is located on the northern side of School Road and is currently occupied by Juniper Cottage and Pennings, a pair of semi-detached two-storey dwellings of an Arts and Craft architectural style. The dwellings are set within large plots, set back from School Road providing a large driveway, yet still providing a large rear garden. There is a detached row of three garages to the front of the site against the side boundary.

3.2 The existing dwellings are set slightly further back within the site than the other dwellings to the west of the site. 'Magnolia Cottage', the neighbouring dwelling to the west, is a detached bungalow. To the east are the rear gardens of properties located on Castle Road, which include 'Kiln Cottage', 'Broadview', 'Hilltop' and 'Rosemount' all two-storey detached dwellings.

3.3 This area of School Road generally comprises large detached family size houses set in spacious landscaped plots. As you move from east to west along School Road towards the village, the character gradually changes to a tighter urban form and greater density with smaller gardens.

4.0 RELEVANT PLANNING HISTORY

4.1 No planning history for the site.

5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

5.2 Saltwood Parish Council

Object on the grounds that the development is not characteristic of the area, School Road is predominantly detached houses in substantial plots and not flats or shared accommodation, insufficient parking and cars will be forced to park on School Road, and that the development and loss of trees to the front of the property which would be detrimental to the street scene.

5.3 Hythe Town Council (neighbouring Town Council)

Object on the grounds of insufficient parking provision for the number of units, the scale of the building would be out of keeping with the street scene and would be contrary to policies SD1, BE1 and BE8.

5.4 KCC Highways and Transportation

No objection subject to conditions safeguarding a construction management plan, retention of cycle and vehicle parking spaces, completion and maintenance of the access (including Alligator Teeth), visibility splays, use of a bound surface and provision to prevent the discharge of surface water onto the highway.

5.5 KCC Ecology

No objection subject to conditions to secure a lighting design strategy for biodiversity and ecological enhancements.

5.6 Arboricultural Manager

No objection subject to condition relating to tree protection measures.

5.7 Southern Water

No objection subject to an informative requiring a formal application to connect to the public foul sewer and an informative should be applied.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 12.09.2018

7.0 REPRESENTATIONS

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

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

Responses are summarised below.

7.2 22 letters/emails received objecting on the following grounds:

- The building bulk is substantially increased in height and depth, resulting in a dominating roofline.
- Over intensive development, less flats or houses would be more in keeping on the site and adequate parking could also be achieved.
- May set a precedent for other large projects in the area which would be detrimental to Saltwood.
- Flats would be out of character and would set a precedent for other houses to be demolished and developed in the same way.
- Overbearing on neighbours.
- Waste provision would be inadequate and the collection would be difficult.

- To accommodate the visibility splays the vegetation and trees to the front will need to be removed, impacting negatively upon the 'sylvian' character of the area.
- Car parking is inadequate for the number of flats and the car parking would urbanise the frontage, impacting negatively upon the character of the area. 1 visitor space would mean that visitors would be required to park on the road which would be dangerous.
- Visitors parking on the road would force cars to travel on the opposite side of the road.
- Proposed visibility splays would cross land owned by Kiln Cottage.
- Visibility splays do not meet the original splays specified by Kent Highways, and can not be achieved.
- Highway safety, the development would make the road dangerous with potentially 24 people using the access if full occupancy happens.
- If future residents leave on foot there is no footpath, and visibility is limited.
- Alligator teeth may be noisy, how will wheelchair users use it? The use of them shows how poor the development is.
- Ugly signage will be required to ensure the alligator teeth are used successfully.
- Dust and disruption during construction would be detrimental to neighbouring amenity.
- Adverse impact upon neighbours from increased parking and associated vehicle movements.
- Site notice should have been posted.
- House prices will be affected.
- Busy road and has previously been reduced to 20mph due to safety issues.

7.3 Hythe Civic Society object on the following grounds:

- Mass and scale is greater than surrounding buildings.
- Insufficient on-site parking, 1 space per flat and only 1 visitor space for the whole building.
- Poor visibility onto School Road for traffic exiting the site.
- Fast growing plants would be required to be planted to the front so that the development to fit in with surrounding properties.
- Alligator teeth may not prevent all vehicles, particularly those of visitors.

8.0 RELEVANT POLICY GUIDANCE

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

8.2 The following saved policies of the Shepway District Local Plan Review apply:
SD1, HO1, BE1, BE16, TR11, TR12, TR13, U2.

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

DSD, SS1, SS2, SS3, SS5, CSD1, CSD5, CSD7

- 8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:
HB1, HB2, HB3, HB10, T2, T5, CC2 and CC3.

The emerging local plan is at an advanced stage, and these policies have no significant objections and are consistent with the NPPF, and therefore in accordance with paragraph 48 of the NPPF 2018, the LPA can give considerable weight to these policies.

- 8.5 The following paragraphs of the National Planning Policy Framework 2018 apply:

8 – Achieving sustainable development
11 – Presumption in favour of sustainable development
38 – Positive, creative and proactive approach to development proposals
41 – Pre application
47 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise
109 – Development should only be refused if there would be an unacceptable impact on highway safety
127 – Criteria for assessing good design

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this application are design and layout, impact on street scene and surrounding character, neighbouring amenity and highway safety.

Principle of Development

- 9.2 The site is located in a residential area within the settlement boundary and within the village of Saltwood. Policy H01 of the Local Plan allows for new residential development on existing sites including the residential development of previously developed sites or infill development within existing urban areas, subject to environmental and highway safety considerations. As such, the provision of additional residential units on the site would result in an efficient use of land in a sustainable location with good connectivity to public services. 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 saved policies of 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.

- 9.3 The existing building is not a listed building or within a conservation area, nor is it considered to be a non-designated heritage asset. Therefore the principle of demolishing the buildings is considered to be acceptable.

Design and Layout

- 9.4 The building would be set slightly further back within the site than the existing dwellings in order to enlarge the existing parking area to the front. This would also result in the proposed building being slightly further set back within the site than the existing and neighbouring dwellings. Although the proposed building would be larger in footprint and taller than the dwellings it would replace, the plot is wider and deeper than other plots within School Road and the surrounding area and the building would be set some distance from neighbouring properties. In addition although some of the trees and vegetation would be required to be cleared to provide the required visibility splays, retaining the in and out entrance with the island in the centre of the front of the site 'breaks-up' the development rather than fully opening the whole frontage to School Road. As such, it is considered that the layout is appropriate and would not impact negatively on the character of the street scene.
- 9.5 In terms of the character of the area, it is very much comprised of family dwellings set within spacious plots; blocks of purpose-built flats are not considered to be characteristic of the area. However, it should be recognised that within School Road there is an existing mix of house types including semi-detached and detached properties which feature a variety of styles and ages. Although the existing properties on the site are used as a pair of semi-detached dwellings, due to their matching design, they read as a single dwellinghouse. The proposed development has been carefully designed to ensure that the scale and forms resembles a single dwelling house that has evolved over time. To achieve this, the form is broken up by incorporating a mixture of single and two storey elements with projecting features and the use of materials to introduce architectural interest and reducing the bulk. The detailing and use of traditional materials together with the considered design would result in a high quality designed building which would integrate well within the street scene and character of the area.
- 9.6 In terms of design and layout and visual impact on the streetscene, the proposal is considered acceptable and in accordance with the NPPF and saved local plan policy BE1 of the SDLPR and HB1 of the PPLP which requires new residential development to deliver high quality development which makes a positive contribution to the location and surroundings. Whilst the building would be larger in terms footprint, bulk and height, it has been carefully designed to ensure it would integrate with the street scene and character of the area.

Amenity

- 9.7 The proposed building has been designed with no side facing windows above ground floor and as such there would be no loss of privacy to

Magnolia Cottage, or the dwellings on Castle Road, which include Kiln cottage, Broadview, Hilltop and Rosemount.

- 9.8 To the west facing elevation, a cat slide roof is proposed which would reduce the bulk of the two-storey building along this side boundary. A separation distance of approximately 4.4m would also exist between the single storey side projection of the application building and the side boundary to Magnolia Cottage. Although the application building would be stepped back within the site, the rear of the application building would face north, to the east of Magnolia Cottage and therefore given the separation distance and that the building would be stepped down to single storey along this side boundary, it is not considered that the proposed building would cause a significant loss of light to this neighbouring dwelling or have an unacceptable overbearing impact.
- 9.9 The east facing elevation of the application building features two central two-storey elements with single storey projections to the front and rear which help to 'break-up' the mass of the building. The neighbouring dwellings to the east of the application site are located perpendicular to the application site as they are located on Castle Road. The application building would be positioned approximately 22m from the rear of Broadview, and approximately 16m from Hilltop with their rear gardens joining with the side boundary of the application site. Due to this separation, the proposed building would not result in detrimental overshadowing or overbearing impacts upon these neighbouring properties.
- 9.10 Whilst the proposal may result in an increase in activity due to a likely increase in occupation and car movements, this would not be significantly detrimental to warrant refusal of the application.
- 9.11 Policy SD1 of the Shepway District Local Plan Review, HB1 of the PPLP and the NPPF (paragraph 17) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development. The flats at ground floor have been designed to provide private gardens, with all flats having access to the communal garden to the rear of the site. All flats would achieve suitable sized rooms and adequate light and outlook to all habitable rooms.
- 9.12 As such it is considered that the proposal would not result in any significant harm to neighbouring or future occupier's amenity.

Highway Safety

- 9.13 Saved policy TR12 of the Local Plan Review and T2 of the PPLP states that new development, redevelopment or a change of use will only be permitted if it makes provision for off street parking on or near the site in accordance with the current maximum vehicle parking standards. This proposal utilises an existing onsite parking area which is proposed to be slightly enlarged due to the proposed building being set further back from the position of the existing building. The proposal would provide one space per flat and one visitor space for the development, eight spaces in total which is compliant

with the Kent Design Guide Review: Interim Guidance Note 3 (November 2008). Kent Highways did initially request two visitor spaces in their comments dated 23rd April 2018. However following other highway amendments to the scheme, Kent Highways have stated that whilst two visitor spaces would be desirable for a development of this size, they would accept the provision of only one visitor parking space and therefore raise no objection. In addition, a secure cycle parking area is proposed with additional individual cycle parking within the private gardens for each of the ground floor flats.

- 9.14 The existing in and out access to the site would remain in the same layout as currently. However, following comments from Kent Highways and to achieve the required visibility splays, the proposals were amended to impose alligator teeth to the western most access to ensure only the eastern most access is used for exiting from the site. Kent Highways raise no objection to the application following these amendments to achieve acceptable visibility splays within the application site and highway land.

Trees

- 9.15 Some trees to the front boundary are proposed to be removed as part of the application to enable the provision of visibility splays from the exit. The submitted Tree Report states that it will be necessary to remove five trees (T1, T5, T6, T7 and T8). The five trees to be removed are all seeding origin specimens and are considered to possess low public visual amenity value (category C). T1 is a dead tree (category U) that requires removal regardless of the development proposal due to the threat it poses to users of School Road. The Council's Arboricultural Manager has no objection to the loss of these trees or the removal of the other trees identified within the site as these are classified as being of low visual amenity value.
- 9.16 A landscaping condition is recommended to ensure suitable replacement trees and shrubs are planted within the site to secure the planting of appropriate species within the site to ensure the site integrates within the leafy character of the area.

Environmental Impact Assessment

- 9.17 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Other Issues

- 9.18 The building would be connected to mains drainage for both foul and surface water.
- 9.19 Objections from local residents include that a site notice was not posted outside the site. The site is not within a conservation area, neither is the building listed and all properties with an adjoining boundary were sent

neighbour letters in accordance with the Council protocol, as such a site notice was not required to be posted.

Local Finance Considerations

- 9.20 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.
- 9.21 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.
- 9.22 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £8,908 for one year and £35,633 for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. 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

- 9.23 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.
- 9.24 This application is reported to Committee due to the objection by Saltwood Parish Council.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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 agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

1. Standard time condition
2. Approved plan numbers
3. Materials
4. Vehicle and cycle parking
5. Completion and maintenance of the access (including Alligator teeth)
6. Visibility splays
7. Use of a bound surface
8. Provision to prevent discharge of surface water onto the highway
9. Lighting design strategy for biodiversity and ecological enhancements
10. Tree protection measures
11. Landscaping scheme
12. Water efficiency
13. Contamination

Y18/0444/SH
Pennings and Juniper Cottage
School Road
Saltwood



./Application No: Y18/0339/FH

Location of Site: Land at 31 Castle Road, Hythe

Development: Erection of a 2 storey dwelling

Applicant: Mr & Mrs Jones

Agent: Mr T Parrett,
Rubicon Building Consultancy Ltd,
One Step Beyond, Westfield Lane,
Etchinghill,
CT18 8BT

Date Valid: 24.04.18

Expiry Date: 09.11.18

PEA Date: N/A

Date of Committee: 30.10.18

Officer Contact: Katy Claw

SUMMARY

This application is for the erection of a detached two storey dwelling with detached garage to the front, to be sited in the rear garden of the existing property at 31 Castle Road, with pedestrian and vehicular access via Quarry Road. The design, materials and layout of the proposed dwelling are considered to reflect the neighbouring properties and would be in keeping with the streetscene. The amenities of existing and future occupants are considered safeguarded. There are no highway safety concerns.

RECOMMENDATION: That Members resolve to grant planning permission subject to the conditions set out at the end of the report and that delegated authority be given to the Development Management Manager to issue the decision after the expiry of the 21 day notice period, subject to no new material planning issues being raised; and to agree and finalise the wording of the conditions and add any other conditions that she considers necessary

1.0 THE PROPOSAL

- 1.1 This application is for the erection of one detached dwelling in an undeveloped garden plot located to the rear of 31 Castle Road, a detached, two-storey dwelling that fronts onto and is accessed from Castle Road. The proposal includes off-street parking provision for one car, a detached garage for one car positioned to the front of the property and seeks to form a new vehicular and pedestrian access onto Quarry Road. To enable this dwelling

to be built, the existing trees/shrubs within the garden of 31 Castle Road would need to be removed and the existing land levels would need to be reduced, with the construction of retaining walls within the site.

- 1.2 The dwelling would be set over two floors, with the overall height of the building to the ridge being approximately 8.5 metres. At ground floor the dwelling would provide a living room, kitchen, family room, study and WC, whilst at first floor there would be 4 bedrooms, 1 en-suite and one family bathroom. The design of the dwelling includes front and rear projections which would both be set at a lower ridge height to the main dwelling. The external finishes of the dwelling are proposed to be render with brickwork and features of boarding to the front elevation, a tiled roof and grey uPVC fenestration. The garage would be single storey and approximately 4.85 metres in height to the ridge, and is proposed to be constructed of brick with a pitched, tiled roof.
- 1.3 Amended plans have been received during the course of the application to address officer concerns relating to the overall height of the dwelling. The dwelling has now been reduced from a 3 storey dwelling at 9.3m in height to a 2 storey dwelling at 8.5m in height, a reduction of 0.8m.
- 1.4 The application is accompanied by a design and access statement, a tree removal plan and a topographical survey.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Inside settlement boundary
- Area of Archaeological Potential

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site forms part of the rear garden of 31 Castle Road which is a large, detached, two-storey residential dwelling. The proposed dwelling would be located to the west of this property, in the rear garden, which comprises an approximately 15 metre by 33 metre lawn area with well-established planting and a low picket fence to the western boundary with the neighbouring property and the southern boundary with Quarry Road, from which the land rises sharply by approximately 3.2 metres from north to south.
- 3.2 The planting in the garden area comprises low undergrowth and large shrubs such as Laurel and Purple Plum, which have incorrectly been identified as trees on the applicant's tree removal plan.
- 3.3 Abutting the application site to the west is another two storey dwelling which forms one half of a semi-detached pair that sit at a lower level than the existing application site. To the north, the application site abuts the rear gardens of properties fronting Castle Avenue. Access to the application site

would be via Quarry Road which is listed as a private road under the Kent Highways gazetteer.

- 3.4 Quarry Road contains a variety of styles and scale of buildings, all using a mix of external materials (including brick, render, horizontal boarding and uPVC fenestration) with no over-riding design pattern although it is noted that six properties at the lower end of the road are more uniform in appearance and form a group. However, in general the predominant built form is that of two storey, detached dwellings that are set back in their plots and finished in a variety of materials. It is also noted that they do also differ in ages, with planning history for dwellings approved in the 1960s to the most recent detached dwelling in Quarry Road being granted planning permission in 2015.
- 3.5 Whilst it is noted that Quarry Road itself is a private road, public footpath number HB29 runs from Castle Road, down Quarry Road where it branches off between 'Conifers' and Barfleur and exits onto Hillcrest Road, located to the south.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The recent planning history refers to a planning application in 2015 for the erection of a detached double garage and the erection of a pitched roof over the existing flat-roofed garage. These garages are located to the front amenity area of the main dwelling at 31 Castle Road (to the east) and are not impacted by the proposal.
- 4.2 A certificate of lawful development was also granted in 2015 for a proposed single storey side extension to the main dwelling.

5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

5.2 Hythe Town Council

Object to the amended plans as this development would change the streetscene and the visual amenity of the area. Members considered the development to be over-intensive and were concerned by the lack of height dimensions on the plan. Members felt that there would be considerable construction traffic issues affecting the residents of Quarry Road.

5.3 KCC Archaeology

Confirmed that no archaeological measures are required.

5.4 Arboricultural Manager

No objections to the proposed development.

6.0 PUBLICITY

- 6.1 Neighbours notified by letter. Expiry date 17.05.2018
Amended plans letter. Expiry date 16.08.2018

7.0 REPRESENTATIONS

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

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

Responses are summarised below.

- 7.2 21 letters/emails received from 12 neighbouring properties objecting on the following grounds:

- Construction / delivery vehicles blocking/using/damaging privately maintained road
- Water run-off from development draining into private road
- Height of development
- Too close to neighbouring property
- Disrupt lives of residents
- Loss of privacy to rear gardens
- Loss of trees/greenery
- Removal of bank could de-stabilise side wall of neighbouring property
- Materials of build are not sympathetic to surroundings
- Dwelling will look out of place in streetscene
- Development will not help local housing supply
- Location of driveway would be a hazard to vehicles and pedestrians
- Foul water drain cuts across the garden of 31 Castle Road

- 7.3 One statement containing four signatures was sent to Hythe Town Council and copied to the Local Planning Authority. .

- Private road owned by six residents who will not allow construction vehicles to use, turn or park
- Inconvenience to residents whilst works are undertaken
- Surface water run-off
- Dwelling will not enhance area

8.0 RELEVANT POLICY GUIDANCE

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

- 8.2 The following saved policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE16, HO1, U1, TR11, TR12

- 8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD5, CSD7
- 8.4 The following saved policies of the Shepway District Local Plan Review apply:
SD1, HO1, BE1, TR5, TR11, TR12
- 8.5 The following policies of the Places and Policies Local Plan Submission Draft apply:
HB1, HB3, HB10, T2, T3, T5, CC2
- 8.6 The following paragraphs of the National Planning Policy Framework 2018 apply:
11, 12, 38, 47, 48, 127

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration are the acceptability of the principle of the proposed development, the design of the property and its visual impact on the streetscene, the impact on neighbour amenity, parking and highway considerations and arboricultural constraints.

Principle of development

- 9.2 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 development is likely to be acceptable in defined and sustainable settlements. However, this is subject to environmental, highways, and other material planning considerations as identified above.

Design and layout

- 9.3 Policy SD1 requires new development to 'maintain and improve the character and vitality of the built environment, promote a high quality design and ensure that development density is appropriate to its location'. Policy CSD7 relates to new development in Hythe and requires that new residential development should be of high quality and respect the historic grain of the settlement. The NPPF does not rule out the location of new dwellings in existing gardens but requires that such development should be considered on a case by case basis and be refused if the development would cause harm to the local area. The NPPF presumes in favour of sustainable development unless the development conflicts with Local Plan policies or material considerations indicate otherwise.

- 9.4 Emerging policy HB10 of the Places and Policies Local Plan says that development proposals involving development of residential gardens within settlement boundaries will be permitted provided that the proposal responds to the character and appearance of the area, as well as layout and pattern of the existing environment, taking into account views from streets, footpaths and wider residential and public environment. 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, therefore it carries significant weight.
- 9.5 With regard to layout, the application site is considered to provide sufficient room to accommodate the proposed dwelling without the plot appearing cramped, whilst being sympathetic in relation to the scale, layout and spacing of the existing built form. The front façade of the main dwelling would be sited approximately 7.9m back from the highway, thereby reducing the overall visual impact and ensuring that the proposal would not appear incongruous within the context of the immediate streetscene. Bin storage has not been indicated on the proposed plans but there is sufficient space within the application site to provide the required storage, which can reasonably be secured by condition.
- 9.6 It is accepted that the proposed garage would be sited forward of the principle elevation of the main dwelling, approximately 1.2m from the highway and would therefore appear more visually prominent in the streetscene. The ground level of the garage would not be noticeably higher than the existing road and at 4.6m in height to the ridge, it would be less visually prominent than the dwelling to which it relates. Further, being set 'side on' within the plot it would allow the views of the garage upon approach from the east or west along Quarry Road to be of the narrower front or rear elevations, highlighting the pitched roof design, which would slant away from the highway, further reducing the visual impact. Consequently, it is considered that the positioning of the garage would be acceptable.
- 9.7 Turning to design, it is clear that the properties in Quarry Road are of varied architectural forms and are all finished with a mix of materials, including various shades of brick, white render, blue/grey horizontal boarding and some tile hanging. The proposal is considered to be of good design that would sit comfortably within the existing, varied streetscene. The front and rear projections are designed so as to be at a lower ridge height to the main dwelling and this combined with a mix of materials to the front façade would add architectural interest to the property. The materials proposed are considered acceptable, subject to final approval via suitably worded condition, should permission be granted.
- 9.8 The proposal also involves the excavation of the site to allow for a more usable plot, as it currently slopes significantly from the southern frontage, towards the rear of properties in Castle Avenue. Whilst the site would still slope, the land upon which the proposed dwelling is to be sited would be level and reduced by a maximum of approximately 1.8m bringing the proposed ground level upon which the dwelling would be sited down to approximately 0.85m higher than the immediate neighbour to the west.

There are no objections to the excavation works, which would result in the ridge height being approximately 1.4 metres higher than the dwelling to the west, with the resulting building position and the retaining walls to the side and rear considered likely not to be visually obtrusive, or detrimental to the character of the street scene. The site is not located within an area of land instability.

- 9.9 The proposal would involve the loss of established planting that currently fronts Quarry Road with a consequent change to the character of the immediate area. The Council's Arboriculture Manager has confirmed that the trees shown for removal are large shrubs compromising predominately Laurel and Purple Plum that would not be eligible for inclusion in a Tree Preservation Order and could be removed at any time without the need to seek consent from the Council. A suitably worded condition would be placed upon any approval to require a comprehensive landscaping scheme and management plan.
- 9.10 It is noted that the block plan refers to a 2m high close-boarded fence, the full extent of which is not clear from the plans. It would not be appropriate or necessary for such a fence to extend down to the highway. With this in mind, boundary treatments along with hard and soft landscaping can be secured via condition along with an appropriately worded condition to ensure that no subsequent fences above and beyond those agreed via condition would be erected at the site.
- 9.11 Overall, it is considered that the design, layout and materials proposed for the new dwelling, in conjunction with suitably worded conditions, would align with the aims of saved local plan policy BE1 and emerging policy HB10 which seek a high standard of layout, design and choice of materials ; that development should accord with and respond to existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height and elevational details.

Amenity

- 9.12 The development would reduce the garden area of 31 Castle Road. The existing garden is substantial in size and a good sized garden would still be retained, so as to afford an acceptable amenity space for the occupants. The proposed dwelling would not adversely impact upon this neighbour with regard to loss of light, overshadowing or overbearing as there is approximately 15m between the two units. As regards privacy, the proposed dwelling would present a side wall to number 31 Castle Road, with a 2 metre high boundary fence between the existing and proposed units. A first floor side window in the proposed dwelling would serve a bathroom and could reasonably be conditioned to ensure that it is non-opening below 1.7m and obscure glazed, whilst current permitted development rights preclude further windows being added to the first floor side elevation, unless they too are fitted with obscure glazing and are non-opening. For the future occupants of the proposed dwelling, the proposed boundary fence, change in levels and

15 metre separation distance to 31 Castle Road would limit opportunities for overlooking, safeguarding the privacy of future occupants.

- 9.13 The neighbour to the immediate west, 'Heidi Ho', is a two storey semi-detached dwelling. Once engineered, the application site would be approximately 0.9m higher than the neighbouring plot, with a separation distance of approximately 5.4 metres between the two dwellings. Furthermore, the proposed dwelling would be approximately 1.4 metres taller than the neighbouring property. As the existing property is south-facing, the rear garden area will already be overshadowed by the property itself and in conjunction with the separation distance it is considered that the proposed dwelling would not significantly detrimentally impact upon the neighbour in terms of loss of light, overshadowing or overbearing presence. A 2 metre high boundary fence would separate the application site from this neighbour.
- 9.14 Turning to privacy, the proposed dwelling would be set further back in its plot than the neighbour and any overlooking to the most private rear elevation of this neighbour would not be possible. Further, the rear garden of the neighbour is already partially overlooked by the other half of the semi-detached pair and the properties to the north in Castle Avenue are also two stories in height with windows that face towards the rear elevations of the application site and the existing neighbour. A degree of inter-overlooking is to be expected in built up, urban areas but it is considered that the most private areas to the immediate rear elevations of these properties (existing and proposed) would not be detrimentally impacted to an unacceptable level.
- 9.15 It is considered that the neighbour opposite the application site to the front, known as 'Cosy Corner' and the neighbours to the rear of the site (in Castle Avenue) would not be adversely affected by the proposal in terms of loss of light, overshadowing or overbearing given the separation distance from the application site. This separation distance would also ensure that overlooking would not be so significant as to be detrimental to either the future occupants of the proposed dwelling or the existing neighbours. There is currently a degree of overlooking to/from these properties already given the built-up situation and the proposal would not significantly exacerbate the current situation. The front elevation of 'Cosy Corner' is not private and can already be seen by other neighbouring properties and from the highway.
- 9.16 Overall, it is considered that the proposed development would accord with paragraph 127 (f) of the NPPF (2018) and saved policy SD1, which seek to ensure that design should achieve a good standard of amenity for all existing and future occupiers, which includes layout and access arrangements and ensure that development contributes towards ensuring a better quality of life for everyone, now and for generations to come.
- 9.17 Comments have been received by local residents with regard to amenity and are summarised above at paragraphs 7.2 and 7.3. They have been addressed in the above paragraphs.

Highway Safety

- 9.18 In terms of parking the application form states that three spaces would be available. However, this includes the garage space, which the KCC Interim Guidance Note 3 does not count toward parking provision. Further, when applying the minimum size requirements for vehicle parking spaces, the space would allow for one vehicle on the hard-standing area. Whilst this would fall below the KCC Interim Guidance Note 3 requirement of '2 independently accessible parking spaces per unit', the site is located within an area where there are no on-street parking restrictions and parking on the surrounding roads is not at capacity. Consequently, the proposed level of parking is considered accepted.
- 9.19 The proposed access would be onto a private road (Quarry Road) and consequently is not within the jurisdiction of Kent Highways and Transportation. Quarry Road is a private 'no-through-road' where vehicle speeds and volume of traffic are likely to be lower than other roads. The agent has confirmed that the proposed 2m high boundary fence would run as far as the back of the garage and then reduce in height to 1.2m on the right hand side and 900mm on the left hand side, at the entrance with the highway, so adequate sight lines would be provided. Given the particulars set out above and that the new access will serve only one additional dwelling it is considered that the proposed access would not result in any increase in dangers to other highway users. There are a number of other private driveways that exit onto Quarry Road and the new access will not be any worse than these.
- 9.20 Overall, the new access and parking provision for the proposed development is considered to be acceptable with regard to saved policies TR11 and TR12 which seek to ensure new accesses are not detrimental to highway safety and that parking provision would have no adverse effect upon road safety or traffic management.

Environmental Impact Assessment

- 9.21 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Other Issues

- 9.22 The application form indicates that the new dwelling would be attached to the mains drainage. This is considered to be acceptable and no further details are required to be submitted to the local planning authority.
- 9.23 It has been brought to the LPA's attention by a local resident that there may be a foul water drain that cuts across the garden of 31 Castle Road. No evidence has been supplied to confirm this. Re-routing of foul drainage is not a material planning consideration as it will be dealt with under other legislation and would be addressed outside of the planning process.

- 9.24 Concern has been raised by local residents with regards to surface water and that there is currently an issue with surface water which runs from the higher parts of Quarry Road to the lower parts and to soakaways which become blocked and need to be maintained by the residents of the road. The site is too small to be considered for a Sustainable Urban Drainage scheme but the agent has confirmed that all hard-standing areas can be laid with a porous material to prevent surface water from running onto the highway. This can be dealt with via condition for a hard and soft landscaping scheme to be submitted and approved.
- 8.25 Further, Building Regulations control surface water drainage from a building and do not permit surface water to drain onto a highway. Taking the above into consideration it would not be appropriate to withhold planning permission as mitigation measures can be put into place to avoid surface water discharging onto the highway.
- 9.26 It is noted that a number of local residents are concerned about damage to the private highway and inconvenience to the existing residents. Whilst this is noted, it is not a material planning consideration. Any consents needed to access the plot of land from the private highway and any costs for any damage incurred or general use would be a civil issue and not one that the LPA can become involved with.
- 9.27 The section of Quarry Lane that provides access to the application site is not public highway and is not under the ownership of the applicant. As required by legislation, the applicant has served notice on the landowners and a decision on the application cannot be issued until at least 21 days after the serving of this notice. Therefore, delegated authority is sought for the Development Management Manager to grant planning permission following the expiry of the 21 day period.

Local Finance Considerations

- 9.28 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.
- 9.29 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.
- 9.30 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period.

The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £X for one year and £X for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. 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

9.31 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.

9.32 This application is reported to Committee due to the objection from Hythe Town Council.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That Members resolve to grant planning permission subject to the following conditions and that delegated authority be given to the Development Management Manager to issue the decision after the expiry of the 21 day notice period subject to no new material planning issues being raised; and to agree and finalise the wording of the conditions and add any other conditions that she considers necessary:

1. Standard time condition
2. Approved plans
3. Water efficiency
4. Materials to be submitted and approved
5. Removal of permitted development rights for fences/walls/gates
6. Refuse/recycling details to be submitted
7. Parking/cycle parking to be provided and retained
8. First floor window in eastern elevation obscure glazed and non-opening
9. Hard and soft landscaping details
10. Boundary treatments



Application No: Y18/0670/FH

Location of Site: Olivia Court, Court Road, Hythe, CT21 5HD

Development: Erection of a fourth storey on both apartment blocks to create two penthouse flats.

Applicant: Mr J Digges

Agent: Mr Stan Beanland
Beanland Associates Architects Ltd
Unit 4 Observation Court
84 Princes Street
Ipswich
Suffolk
IP1 1RY

Date Valid: 21.05.18

Expiry Date: 16.07.18

PEA Date: 02.11.18

Date of Committee: 30.10.18

Officer Contact: Paul Howson

SUMMARY

This is an application for the increase in height of two blocks of apartments, through the addition of a fourth storey to create two penthouse apartments. The application buildings are a landmark development on the coastal frontage. The design and proportions of the additional storey are important given the visual prominence of the site, and the proximity to Scheduled Monuments. In this regard, as set out in this report, it is considered that the proposal represents an enhancement to the appearance of the building and the wider streetscene. The setting of heritage assets, the amenities of existing and future occupants, and telecommunications infrastructure are all safeguarded, and the proposal raises no highway safety concerns.

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 agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a fourth storey on both apartment blocks to create two penthouse flats. The proposal would raise the height of the buildings from 16.5m to 19.1m.

- 1.2 The proposed units would be handed and would each contain a living / kitchen room, three en-suite bedrooms, a study, a utility room and a WC. The main living area and principle bedrooms would be served by balconies.
- 1.3 The proposed additional storey would be partially set in from the existing elevations with a lipped eaves detail to provide greater articulation. The design would incorporate the material palette of the existing development, with white render, powder coated windows, and laminate cladding.
- 1.4 The application is accompanied by a Design and Access Statement, a Heritage Statement, and a Flood Risk Assessment.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Within the Seabrook/Hythe settlement boundary
- Small section of the site is in Flood Zones 2 & 3
- The site is not shown at risk from flooding in the SFRA
- The site lies between a group of Scheduled Monuments

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is in a prominent location between the A259 Seabrook Road and the coastal frontage. To the south of the site is a public footpath and Princes Parade road, separating the application site from the beach. Immediately to the west of the site is a pumping station which includes a 7m high single storey building, and a telecommunications mast. West of this is the outfall where the Royal Military Canal discharges to the sea. To the east of the application site separated by Court Road are a petrol filling station a single storey building previously used as a restaurant and currently empty. To the north of the site on the opposite side of Seabrook Road is residential development.
- 3.2 The application buildings comprise two contemporary 3 storey blocks of 11 apartments per block over three floors (22 in total, constructed approximately 3 – 4 years ago under planning permission Y13/0172/SH. The buildings have contemporary green and grey cladding and white render finishes. The existing buildings are three storeys above a lower ground floor, with balconies on three of the elevations, and featuring a flat roof design. The site formerly contained a collection of outbuildings used by Seapoint Canoe Centre and the Seabrook Youth Club.

4.0 RELEVANT PLANNING HISTORY

- | | | |
|-------------|---|--|
| Y07/1137/SH | - | Erection of 14, three storey dwellings with semi basement parking and provision of a community |
|-------------|---|--|

facility with associated storage facilities comprising development affecting a public right of way following demolition of existing building. Approved with conditions. 03.10.08.

- Y10/0573/SH - Section 73 application - variation/removal of conditions 2, 4, 5, 23, 27 and 29 of planning permission Y07/1137/SH, which provided for 14 dwellings with semi-basement parking and provision of a community facility, to remove the on-site community facility provision and substitute this with a contribution of £150,000 and allocation of community facility space for parking & ancillary facilities, in connection with the development. Approved with conditions. 12.01.11.
- Y11/0435/SH - Erection of 14 three storey dwellings with semi basement parking and contribution of £150,000 towards community facilities comprising development affecting a public right of way and following demolition of the existing building. Approved with conditions. 02.03.12.
- Y13/0172/SH - Erection of two three storey blocks of 22 flats with semi basement parking, comprising development affecting a public right of way. Approved with conditions. 28.10.13.
- Y17/1021/SH - Removal of condition 7 of planning permission Y13/0172/SH to omit the requirement for further works to the highway, and variation of condition 23 to enable the brick boundary wall to be retained as constructed. Approved with conditions. 31.10.17.

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 on grounds that this development was overintensive, affects the streetscene, would affect the amenity of surrounding properties, and be contrary to the saved Local Plan Review policies SD1, BE1 and BE8.

5.3 Sandgate Parish Council

Object to the proposal on the grounds the building dominates the eastern end of the Royal Military Canal (RMC), a scheduled monument. The NPPF and the Core Strategy emphasise the setting of the scheduled monument as equally meriting protection from harm as the monument itself.

The developer's Heritage Statement / Visual Impact Assessment considers that an additional storey does less than significant harm to that setting and is therefore assessed as low impact. Sandgate Parish Council does not agree with this assessment. Taking the viewpoints in the developer's own heritage statement the parish council is strongly of the view that Viewpoint A, figure 42, Viewpoint D, figure 48, clearly highlight a significant adverse visual impact on the setting of the RMC, a harm that is incrementally and exponentially increased by each additional storey (and by any additional development).

5.4 Historic England

Has no objection on heritage grounds.

5.5 Environment Agency

Has no comments to make.

5.6 EE

Has no objection.

5.7 Wireless Infrastructure Group

Has no objection.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 14th June 2018

6.2 Site Notice. Expiry date 21st June 2018

6.3 Press Notice. Expiry date 28th June 2018

7.0 REPRESENTATIONS

7.1 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:

7.2 55 letters/emails received objecting on the following grounds:

- Disturbance to residents during construction
- Security issues during construction
- Health and Safety issues during construction
- Disturbance to residents below after occupation
- The existing Penthouse flats will no longer be the top level flats

- Loss of value of other properties in block
- Developers only interested in profit
- No significant public benefit
- Overdevelopment of site
- Visual prominence of the building would be increased
- Impact adversely on the appearance of the building
- Would impact negatively on visual amenity of streetscene
- Increased light pollution
- Would be incongruous with surroundings
- Would dominate the canal setting
- Harm to Scheduled Monument
- Insufficient parking
- Insufficient bin storage
- Loss of views for neighbouring occupiers
- Increased overlooking of neighbouring properties
- Overlooking of existing balconies
- Overbearing in relation to surrounding properties
- Loss of light for neighbouring properties
- Would set a precedent for other local developments

7.3 Statement containing 18 signatures:

- 15 supporting
- 3 objecting

7.4 19 letters/emails of support raising the following points:

- Would enhance and complete the appearance of the building
- Would be set back to protect privacy
- Would create a more iconic landmark building

7.5 Sandgate Society objects to the proposal

- Spoils setting of canal
- Detrimental to streetscene
- Does not preserve historic environment

8.0 RELEVANT POLICY GUIDANCE

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

8.2 The following saved policies of the Shepway District Local Plan Review apply:
SD1, BE1, BE11, HO1, HO4, LR9, LR10, SC1, SC2, SC7, TR5, TR6, TR11, TR12, U1a, U2, U4, U10, U10a, U15

8.3 The following policies of the Shepway Local Plan Core Strategy apply:
CSD1, CSD2, CSD5, SS1, SS2, SS3, SS5

- 8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:

HB1, HB3, HB8, T2, T5.

The emerging local plan is at an advanced stage, and these policies have no significant objections and are consistent with the NPPF, and therefore in accordance with paragraph 48 of the NPPF 2018, the LPA can give considerable weight to these policies.

- 8.5 The following Supplementary Planning Documents apply:
Sandgate Design Statement

- 8.6 The following paragraphs of the National Planning Policy Framework 2018 apply:

- Chapter 2 Achieving sustainable development
- 8 – Achieving sustainable development
- 11 – Presumption in favour of sustainable development

- Chapter 5 Delivering a sufficient supply of homes
- 73 – Requirement to provide a minimum 5 year supply of housing, including a buffer

- Chapter 10 – Supporting high quality communications
- 112- Reliable communications infrastructure is essential for economic growth

- Chapter 12 Achieving well designed places
- 124 – Creation of high quality buildings is fundamental to planning
- 127 – Decisions should ensure developments are visually attractive

- Chapter 16 Conserving & enhancing the historic environment
- 190 – LPAs to identify and assess significance of a designated heritage asset
- 192 – Criteria to be used when determining applications
- 196 – Proposals resulting in less than substantial harm
- 200 – New development within settings to enhance or better reveal their significance

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this application are the acceptability of the proposed design of the additional storey and its impact on the overall design and appearance of the existing buildings and the streetscene, heritage issues, neighbour amenity, highway safety, flooding and telecommunications.

Design and Layout

- 9.2 The two buildings comprising Olivia Court, are now an established part of the streetscene in a visually prominent seafront location at the junction Princes Parade, Seabrook Road and Court Road. They bookend Princes Parade at the eastern end, with the Hythe Imperial Hotel at its western end. The existing blocks of apartments punctuate the skyline in views when heading westwards from Sandgate Esplanade in particular, and less so in views from Seabrook Road and Princess Parade due to partial screening from vegetation, and in the case of the latter due to the backdrop of the escarpment. As such, the existing development makes a clear visual statement, and has an established visual prominence making no claim to accord with the surrounding built environment. Given this it is considered that the proposed addition of an additional storey to each block which would increase the height of the buildings by approximately 2.6m would not significantly exacerbate the visual presence of the buildings in the streetscene as evidenced in the Visual Impact Assessment contained within the submitted Heritage Statement.
- 9.3 In terms of the acceptability of the design of the additional storeys and their impact on the overall design and appearance of the buildings, they currently have flat roofs of uniform height across the full extent of the buildings. It is considered that the proposed additional storey on each, set back from the elevations of the buildings, with a roof overhang detail and a light render finish, would give the buildings a softer, more articulated and complete appearance, which would enhance their appearance. The proposal would therefore embellish the existing high quality design and maintain the high specification of materials by carrying forward the existing external finishes of white render, powder coated windows, and laminate cladding. It is considered therefore that improvement to the overall appearance of the buildings would be a positive outcome for the visual amenity of the area.
- 9.4 Overall the design and appearance of the additional storey to both buildings is considered acceptable as their visual prominence would not be significantly exacerbated and their overall appearance would be more holistic aesthetically pleasing appearance. As such the proposal is considered to be in accordance with section 12 of the NPPF and local plan policies which seek good design and the creation of high quality buildings.

Impact on heritage assets

- 9.5 It is not considered that the current proposal would compromise the existing design principle of the two blocks being separated to allow views through the site, particularly in relation to the Royal Military Canal (RMC). This was an important consideration in the original scheme as it enables the ability to appreciate the significance of the functional interrelationship between the RMC and the surrounding Napoleonic fortifications. There would be no direct impact from the proposal on these Scheduled Monuments, as the footprint of the buildings would not change. Therefore, the assessment on the significance of any harm revolves around any changes to the setting of these monuments. Harm to the setting of the Scheduled Monuments was addressed through design modifications during the evolution of the current

development on the site. The scale and design of the existing buildings has been accepted through the granting of planning permission for them, following consultation with Historic England. The assessment now rests with whether the proposed increase in height and mass of the buildings that would result from the additional storey to each will cause any additional harm in this regard. The Heritage Statement submitted with the application concludes that the level of additional harm to the heritage significance of the Scheduled Monuments would be low, and Historic England officers concur with this view. As such, the proposal is considered acceptable on heritage grounds, as the appreciation of the heritage assets would not be undermined. In conclusion the modest extension and alteration to these existing buildings is considered to represent 'less than substantial harm' to the historic interest of the heritage assets (Royal Military Canal, The Battery Wall and the Martello Tower). Paragraph 196 of the NPPF requires that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. In this case the public benefits are considered to be the improved appearance of the buildings in the streetscene and the provision of two additional dwellings while making more efficient use of the site. These are considered to outweigh the 'less than substantial harm' to the heritage assets.

Amenity

- 9.6 It is not considered that the proposed modest increase in height and the provision of two additional dwellings would result in any more impact on the amenity of surrounding residents and those in the existing building flats in Olivia Court than already exists. The proposed modest increase in height would not significantly reduce light received to the houses directly opposite on the northern side of Seabrook Road (Wellesley Villas) given the space separation of the road. Furthermore, any perception of interlooking would not be any worse than existing, especially given the slight set back of the new storey. Further to this, with over 45m of space separation it is considered residents on the higher ground of Battery Point would not be affected. Objections raised regarding the intensity of the development and the design are subjective, and concerns regarding a loss of view are not a planning consideration. Overall, it is considered the two additional units can be provided without significant impact on the amenity of surrounding occupiers.
- 9.7 Saved policy SD1 of the Shepway District Local Plan Review, policy HB8 of the Places and Policies Local Plan and the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development. The proposed additional dwellings have been designed through the set back of the proposed balconies to minimise loss of privacy and enjoyment of the use of the existing balconies in the apartments below. The additional floor would not be considered to be significantly overbearing or to have a significant enclosing impact on occupiers of the existing units due to the levels of space separation between the blocks. At the closest point of 8m space separation the existing units are designed with just one small secondary window. The main outlook and light source being on the outward facing elevations. The remainder of the

courtyard elevations benefit from 23m of space separation. In the light of the above, the proposed modest increase in height would not be considered to have an adverse overbearing or enclosing impact on existing residents. The Building regulations would ensure there is sufficient insulation between the floors to minimise noise disturbance for occupiers below the proposed development. The additional units, as is the case with the existing units in the block, provide generous levels of living accommodation, along with outdoor private amenity space.

- 9.8 Disturbance to neighbours during construction is not a planning consideration.

Highway Safety

- 9.9 The proposal includes reconfiguring the lower ground floor layout to provide two further parking spaces per unit, which is considered sufficient for the additional two 3 bedroom apartments the development would provide. Kent Highways and Transportation officers have provided informal advice that the parking arrangement is workable, and have no objection to the proposal on highways grounds. Cycle parking and bin storage is retained in association with this. Further to this the site has two public car parks immediately to both the west and east of the site. As such, parking and highways matters are not a constraint to the proposed development.

Flood risk

- 9.10 Flood risk would not be a constraint to the proposed development as the proposed additional accommodation would be at fourth floor level. The residents would be safe from flooding and the additional storeys would not increase flood risk elsewhere.
- 9.10 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.
- 9.11 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.

9.12 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.

9.13 As regards sustainability benefits, the site is within the Hythe settlement boundary, a Strategic Town for 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.

9.14 With regard to the second criterion, the development would be safe from flood risk as it is on the top floor of a building. The residents would be safe from flooding and the additional storeys would not increase flood risk elsewhere. 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.

Telecommunications infrastructure

9.15 Adjacent to Olivia Court on its western side is a telecommunications mast, which has recently been upgraded. The construction of Olivia Court caused disruption to the signal from the original mast. The original mast has since been replaced with a taller structure to overcome this issue. There were initial concerns that raising the height of the existing buildings would once again interfere with the signal coverage of the replacement mast, and consequently EE and the Wireless Infrastructure Group objected to the proposal. Subsequently, following clarification of building levels, both parties are now satisfied that this would not be the case, resulting in both objections being rescinded. As such, impact on telecommunications infrastructure is not a constraint on the proposed development.

Environmental Impact Assessment

9.16 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Other Issues

- 9.17 In terms of other matters raised in the representations that are not covered in this report, property values and profits generated from a development are not material planning considerations.

Local Finance Considerations

- 9.18 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 9.19 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £109.40 per square metre for new residential floor space.
- 9.20 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £2,545 for one year and £10,181 for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. 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

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

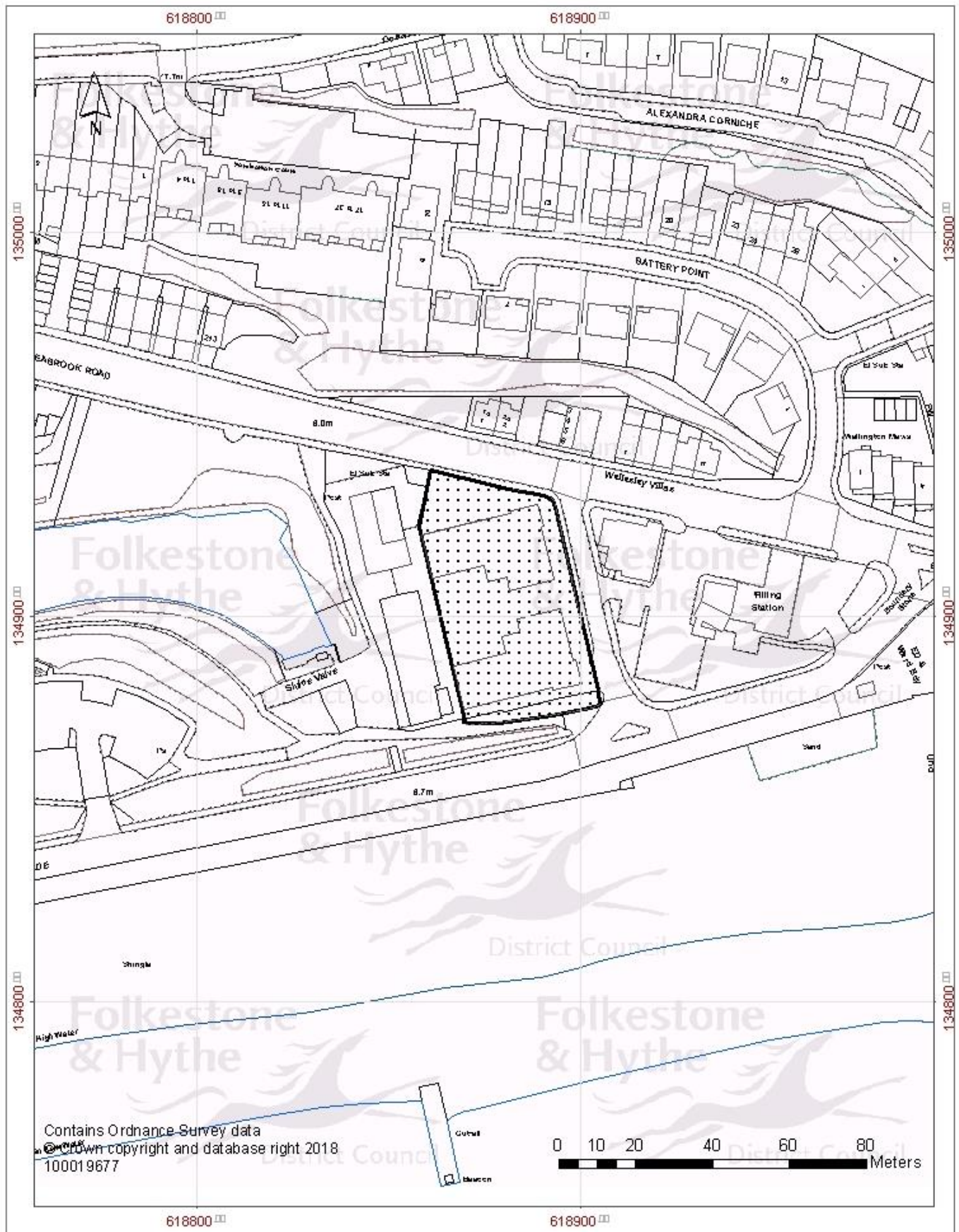
10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 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 be 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 time condition
2. Approved plan numbers
3. Materials
4. Parking retained as per approved plans
5. Cycle parking retained as per approved plans
6. Bin storage retained as per approved plans

Y18/0670/FH
Olivia Court
Court Road
Hythe



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Application No: Y18/1064/FH

Location of Site: Aspendos, Prospect Road, Hythe, Kent, CT21 5NH

Development: Retrospective application for revised external finishes to the existing shop front, including revision to the front parapet wall

Applicant: Mr Necati Gunes

Agent: Mr Stuart Ingleston
S.I.Chartered Bldg Surveyors
8 Jinton Road
Folkestone
Kent
CT20 2RG

Date Valid: 21.08.18

Expiry Date: 16.10.18

PEA Date: N/A

Date of Committee: 30.10.18

Officer Contact: Isabelle Hills

SUMMARY

This application seeks retrospective planning permission for revised external finishes to the existing shop front, including a revision to the front parapet wall. The changes have already been carried out and there is a separate report regarding enforcement action. The changes to the shopfront are considered out of keeping and detrimental to the character of the streetscene and the visual amenity of the area in terms of both the materials used and the design and the application is recommended for refusal.

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

1.0 THE PROPOSAL

- 1.1 The existing parapet wall has been increased in height by approximately 0.4 metres and has a curved feature located across the width of the shopfront. This is a painted feature with a stonework finish upon render. A painted feature of mock stonework has also been installed on the shopfront stallrisers. A raised pilaster in render has been installed to either side of the shopfront and replacement signage stating 'Aspendos' in raised gold lettering has been installed to the front elevation of the shopfront. The signage falls under the Advertisement Regulations and does not form part of this application.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Area of Archaeological Potential
- Adjacent to the Hythe High Street Conservation Area
- Flood Zones 2 & 3 as identified by the Environment Agency

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The application site is located within the settlement of Hythe, on Prospect Road which is an area with a mixture of single dwellings, flats, and commercial uses. The application property is a single storey detached business premises operating as a takeaway (Use Class A5), as approved under planning application reference Y09/0083/SH, which fronts Prospect Road.

4.0 RELEVANT PLANNING HISTORY

- 4.1 SH/74/353 Change of use for sale of take away food. Approved with conditions
- 4.2 Y03/0969/SH Change of use from veterinary surgery to storage in connection with the adjacent Chinese takeaway (Class A3). Approved with conditions
- 4.3 Y07/1557/SH Erection of a first floor extension to provide ancillary residential accommodation. Refused
- 4.4 Y08/0631/SH Erection of a first floor extension to provide ancillary residential accommodation (Re-submission of Y07/1557/SH). Refused
- 4.5 Y09/0083/SH Change of use from Veterinary Surgery (Class D1) to hot food take away (Class A5) and retention of replacement shopfront, increased parapet height, increased rear wall height and a flue extraction system. 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 on the grounds that there is a lack of detail particularly with reference to height that the design which is visually prominent from a public space is out of keeping with the street scene. As such, the development would be contrary to saved policies SD1, BE1 and BE8 of the Shepway District Local Plan Review, which seek to preserve the character and design of existing buildings, policy DSD of the Shepway Core Strategy and with the NPPF which seeks to secure high quality design.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date: 18.09.2018

6.2 Site Notice. Expiry date: N/A

6.3 Press Notice. Expiry date: N/A

7.0 REPRESENTATIONS

7.1 Representation responses are available in full on the planning file on the Council's website.

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

Responses are summarised below:

7.2 2 letters/emails received objecting on the following grounds

- Council needs to take responsibility for dreadful situation that has taken place without any change of planning consent. If every shop in Hythe was allowed to do this it would be chaos.
- Occupants of Blythe Court suffered from fumes and cooking smells from these premises, particularly during this summer when they need to open windows.
- Encouraging expansion of this food outlet would only increase the problem.
- The front of the Aspendos building has been raised already by 1 metre and raised previously to accommodate unsightly new fascias and signs which block sight out from the first floor corridor windows.
- Extremely large air conditioning / extractor unit added to the rear of the property the continual noise from which detrimentally affects Blythe Court and residents of William Pitt Close to the rear.
- Pipes have been extended out onto the public walkway and work on the roof area have been undertaken recently apparently without consent.
- The alterations are not acceptable to the neighbouring residents of the premises and are not in character with the type and style of development and signage normally permitted in Hythe. Appears to be an overdevelopment in such a visible and central location of the town.
- Works out of keeping with every other building and has detrimental effect on adjacent Conservation Area.

- Premises located at main entry point to Hythe and on main thoroughfare and therefore visible. Isn't sympathetic to surroundings.
- Work appears to be poor quality.
- No planning notice has been posted on site.
- The D&A Statement is incorrect - there are no specifically takeaway restaurants within sight of Aspendos and the statement mentions saved policies SD1 which appears irrelevant and policies S3, S4 and S7 which does not appear to refer to Hythe.

8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.
- 8.2 The following saved policies of the Shepway District Local Plan Review apply: SD1, BE1, BE4, BE9
- 8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD
- 8.4 The following policies of the Places and Policies Local Plan Submission Draft apply: HE1, HB1, RL10
- 8.5 The following paragraphs of the National Planning Policy Framework 2018 apply: 127, 130, 192,193

9.0 APPRAISAL

Background

Relevant Material Planning Considerations

- 9.1 The main issues to be considered are design and visual impact and the impact on the streetscene, neighbouring conservation area and amenities of the neighbouring properties.

Design and Layout

- 9.2 Saved policy BE1 of the Shepway District Local Plan Review seeks a high standard of design and choice of materials for all new development with materials being sympathetic to those predominating locally in type, colour and texture. Furthermore, 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, height and elevational details. Policy BE9 states new or replacement shopfronts will only be permitted if they relate well to the building and take into account the design and materials of neighbouring shopfronts so that they will fit in with the character of the streetscene. Policy BE9 further states that new shopfronts will only be permitted if they take into account the design and

materials of neighbouring shopfronts so that they will fit in with the character of the streetscene. These policies are reflected in HB1 and RL10 of the Places and Policies Local Plan Submission Draft which require a proposal to make a positive contribution to its location and surroundings and that the design, materials and proportions of any altered shopfront relate to the character of the building and its locality.

- 9.3 The building is a single storey, stand-alone take-away unit located to the side of Blythe Court and faces onto Prospect Road. Due to its location on the corner plot of the A259 the premises are visually prominent when viewed from the streetscene. The previous shopfront was rendered and finished in brown paint, with a parapet wall and associated signage above the shop window. While it was not overly attractive it was unobtrusive and did not stand out in the streetscene. It is considered that the increase in height of the existing parapet wall and the curve of this feature fails to relate well to the architectural style of the existing building and fails to reflect the elevational details of surrounding properties. Furthermore, it is considered that the introduction of light coloured unashamedly mock stonework and mock pillars significantly alters the character of the host property, with the materials failing to appear sympathetic to those predominating locally in type, colour and texture. The shopfront appears as not only obviously fake stonework, but also the design is totally alien to the area.
- 9.4 It is considered that the introduction of the curved parapet wall, mock stonework and pillars to the host property fail to reflect the features and materials present within the streetscene. As such, the alterations to the shopfront are considered to constitute an incongruous addition to the streetscene which fail to maintain and improve the character of the built environment.
- 9.5 As such, the works are considered to fail to comply with the requirements as set out within saved policies BE1 and BE9 and policies HB1 and RL10 and, therefore, permission should not be granted.

Amenity

- 9.6 Saved policy SD1 requires all development proposals to safeguard and enhance the amenity of residents. The alterations to the shopfront includes the increase in height of the existing parapet wall by approximately 0.8 metres. As has been noted from an objection received, the increase in height of the building blocks sight out of the first floor corridor windows of Blythe Court. Whilst it is acknowledged that the parapet wall now encroaches somewhat closer towards the side windows of Blythe Court, it is not considered that this increase in height results in a significant impact in terms of overbearing or overshadowing to the occupants. Moreover with regard to outlook, the previous situation saw these side windows overlooking the roof of Aspandos and the existing parapet wall to the front elevation. As such it is considered that the alterations have not resulted in a significant impact on these windows and as such the proposal does not have a significantly adverse impact upon the amenity of neighbouring residents.

- 9.7 Several objections to this application have been received relating to fumes and cooking smells and the addition of a large air conditioning / extractor unit added to the rear of the property. However, this application concerns the alterations to the existing shop front only and it has been confirmed within the submitted Design and Access statement that there have been no changes made to the ventilation system originally installed and approved by the Council.

Conservation Area

- 9.9 The application site falls outside the conservation area but is close to its boundary which runs along the opposite side of the A259. Local and national policies require proposals to respect the setting of conservation areas. Given the intervening 'A' road and the relatively small scale of the proposal it is not considered that it has a significant impact on the setting of the conservation area.

Flooding

- 9.9 It is noted that the application site is located within Flood Zones 2 & 3 as identified by the Environment Agency. However, due to the application being for external alterations to the shopfront only, it is not considered in this instance that the work carried out on site would impact upon flooding.

Highway Safety

- 9.10 The proposed development would not alter the existing parking or access arrangements on site. As such, the proposal is considered to have no impact on parking or highway safety.

Other Issues

- 9.11 A consultation response stated that a site notice was not posted near the application site to notify of this application. However it should be noted that this application did not meet the requirements for a site notice and as such one was not posted near the application site.

Local Finance Considerations

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

- 9.12 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. However there would be no CIL charge as a result of the application.

Human Rights

- 9.13 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.

- 9.14 This application is reported to Committee as authorisation is being sought to take enforcement action, which is the subject of a separate report.

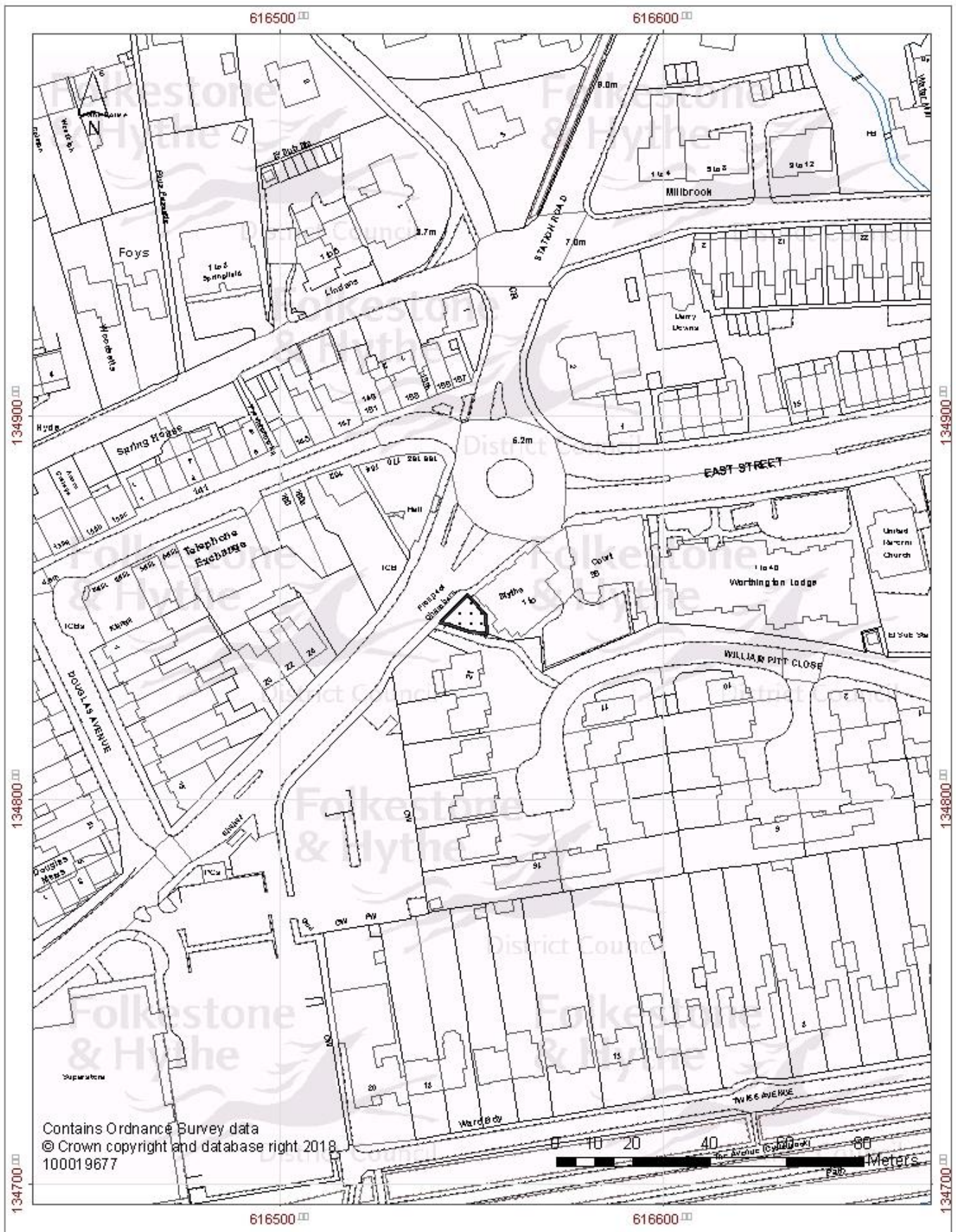
10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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

1. The external alterations and new parapet wall, by virtue of introducing materials which are out of keeping with those used in the surrounding area and which are obviously fake; and by virtue of the design which is alien to the surrounding built development and draws no reference from it, detrimentally alter the character and appearance of the host building and appear as an incongruous and visually harmful element in the streetscene. As such, the proposal is contrary to saved policies BE1 and BE9 of the Shepway District Local Plan Review 2006 and policies HB1 and RL10 of the Places and Policies Local Plan Submission Draft which require materials to be sympathetic to those predominating locally in type, colour and texture; require development to make a positive contribution to its location and surroundings and the design, materials and proportions of altered shopfronts to relate to the character of the building and locality.

Y18/1064/FH
Aspendos
Prospect Road
Hythe



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By virtue of paragraph(s) 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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LIST OF DEVELOPMENT PLAN POLICIES

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

Core Strategy (2013) policies

Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

Chapter 4 – The Spatial Strategy for Shepway

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

Chapter 5 – Core Strategy Delivery

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

Local Plan Review (2006) policies applicable

Chapter 2 – Sustainable Development

SD1 - Sustainable Development

Chapter 3 – Housing

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

Chapter 4 – Employment

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

Chapter 5 – Shopping

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

Chapter 6 – Tourism

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

Chapter 7 – Leisure and Recreation

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

Chapter 8 – Built Environment

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

Chapter 9 – Utilities

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

Chapter 10 – Social and Community Facilities

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

Chapter 11 – Transport

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

Chapter 12 – Countryside

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

Chapter 13 - Folkestone Town Centre

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

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**FOLKESTONE & HYTHE DISTRICT COUNCIL
PLANNING AND LICENSING COMMITTEE – 30 OCTOBER 2018**

Declarations of Lobbying

Members of the Committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e. letter, telephone call, etc.) in respect of the planning applications below:

Application No:	Type of Lobbying

SIGNED:

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

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