



Agenda

Meeting: **Planning and Licensing Committee**
Date: **19 March 2019**
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);
- c) voluntary announcements of other interests.

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Email: committee@folkestone-hythe.gov.uk or download from our
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3. **Minutes (Pages 3 - 8)**

To consider and approve, as a correct record, the minutes of the meeting held on 26 February 2019.

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

There are no Licensing Sub-Committee minutes to approve.

5. **Y18/1035/FH Land adjoining The Mount, Barrow Hill, Sellindge (Pages 9 - 26)**

Outline application for the erection of up to 11 dwellings with the formation of a new access with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.

6. **Y18/1580/FH Bridge Tavern, 129 Station Road, Lydd TN29 9LL (Pages 27 - 38)**

Change of use from Drinking Establishment (Class A4) to 3 residential units (Class C3) comprising two 4 bedroom dwellings and one 5 bedroom dwelling with associated parking and garden areas.

7. **Y18/0982/FH Hawkinge Cemetery and Crematorium, Aerodrome Road, Hawkinge (Pages 39 - 58)**

Extension to existing memorial garden and creation of additional car parking spaces.

8. **Supplementary Information (Pages 59 - 60)**

*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item



Minutes

Planning and Licensing Committee

Held at: Council Chamber - Civic Centre, Folkestone

Date: Tuesday, 26 February 2019

Present: Councillors Clive Goddard (Chairman),
Miss Susie Govett, Len Laws, Michael Lyons,
Philip Martin, Dick Pascoe, Paul Peacock,
Mrs Carol Sacre (In place of Damon Robinson),
Russell Tillson and Roger Wilkins (Vice-Chair)

Apologies for Absence: Councillor Alan Ewart-James, Councillor Mrs Jennifer Hollingsbee and Councillor Damon Robinson

Officers Present: Louise Daniels (Senior Planning Officer), Sue Lewis (Committee Services Officer), Llywelyn Lloyd (Chief Planning Officer), Lisette Patching (Development Management Manager) and Jemma West (Senior Committee Services Officer)

Others Present:

60. **Declarations of Interest**

There were no declarations of interest.

61. **Minutes**

The minutes of the meeting held on 18 December 2018 were submitted, approved and signed by the Chairman.

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

There were no Licensing Sub-Committee minutes to approve at the meeting.

63. **The Cottage, Hillside, Sandgate, Folkestone**

Erection of a four-storey building containing 6 No. 2 bedroom apartments and a two-storey building containing 1 No. 2 bedroom apartment together with car parking, cycle and bin storage following removal of the existing

house and garage.

Oliver Allen spoke against the application and suggested that members visit the site to see the concerns of the local residents. He raised the following issues:

- The road had not been tested for stability
- Access issues had not been addressed, particularly in respect of safety of residents whilst construction vehicles come and go from the site.
- The entrance is far too narrow onto the site for this type of construction.
- There is a loss of privacy for residents
- The design and character is not in keeping with the area.

Mr Tim Prater, spoke against the application on behalf of Sandgate Parish Council. He raised the following issues:

- No form of consultation has been done on the Ground Investigation Report
- The retaining wall has not been amended
- Sandgate Parish Council views have not been considered
- Access and traffic flow should be considered, as it stands it is too tight and far too dangerous for local residents.

Councillor Rory Love, ward member spoke against the application. He commended officers on a very detailed and fair report. He raised a number of issues as follows:

- A report should be brought back on stability issues already raised
- Members should analyse all aspects of the build not just the design
- Sandgate design Statement must be considered
- Not enough parking on the site for the required number of units, far more is needed
- The design is not in keeping with the area and the Council should preserve the character of the area and hillside.

Giles Taylor, applicant's agent spoke in support of the application informing Members that he had worked closely with the Council and the application was fully compliant with planning policies. He informed Members that the land stability issue was addressed and therefore the application should not be rejected on this. The scale and design sits well within the site and surrounding properties. Highways have no objection to the access to the site and therefore the Council should approve the application.

Members noted a number of points for and against the application and these are summarised below:

For

- Although there are a large number of objections to the application it is very difficult for members to reject it on planning grounds
- The report has addressed the issues surrounding land stability since the application first came to committee
- Planning Law should be adhered to
- Planning policies have been followed
- Highways have raised no issues.

Against

- Land stability – conditions must be adhered to
- Traffic management of construction vehicles – a condition should be added if the application is approved
- Width of road is far too narrow and residents' concerns are justified as there will be an increase in car movements in a very small area
- Overbearing and out of keeping with the area
- Damage to existing properties because of construction
- Emergency vehicle access
- Number of dwellings is far too many and would have an adverse impact on existing residents

Proposed by Councillor Dick Pascoe
Seconded by Councillor Roger Wilkins and

Resolved: That planning permission be granted subject to the conditions set out at the end of the addendum 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.

(Voting: For 3; Against 7; Abstentions 0)
Upon being put this vote was LOST.

Proposed by Councillor Russell Tillson
Seconded by Councillor Ms Susie Govett and

Resolved: That planning permission be refused on the following grounds:

- 1. The additional vehicular activity associated with the provision of 7 units on this site, in an area characterised by detached single dwellings, would have an unacceptable detrimental impact on the amenity of neighbouring residents due to the constrained access to the site. As such the development would be contrary to saved policy SD1 of the Shepway District Local Plan Review and policy HB1 of the Places and Policies Local Plan Submission Draft which seek to ensure that proposals do not lead to an adverse impact on the amenity of neighbours.**

- 2. That delegated authority be given to the Development Management Manager to finalise the wording of the refusal.**

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

64. Chapel Cottage, Lymbridge Green, Stowting Common

Erection of two holiday lets together with access and parking.

The Planning Officer read out a statement from Councillor Mrs Hollingsbee, Ward Member as follows:

1. Sustainability - The North Downs is a very popular holiday destination and there are a number of successful holiday lets within the vicinity of this application. This is confirmed by Visit Kent Deputy Chief Executive who states:

“there are visitor benefits to be derived from the accommodation as planned. With a growing demand for high quality self-catering accommodation we would encourage investment in a development such as this”

The North Downs Trail Manager of the AONB is that:

“The trail follows the ancient Pilgrims Way – one third of worldwide tourism is currently driven by tourism, as a result we are seeing growing numbers along the trail.”

Mulberry Cottages believe there is a growing need for this type of accommodation in the Rural area.

There are a large number of tourists, particularly from abroad for rural accommodation and that they also like to visit adjacent towns (not always stay in them).

The George Public House on Stone Street is the closest, and the six mile garage caters for fuel and general needs. There is a regular bus service to Canterbury, Ashford and Folkestone.

Should the application be approved, a S106 agreement could ensure that the accommodation is part of Chapel Cottage and could not be sold separately.

2. Regarding insufficient internal floor space- policy HB3 requires a floor area of 50 sqm for a two person single storey dwelling, however the proposal is for holiday lets and not permanent accommodation. As this is a new emerging policy, the use of a Mezzanine area could be interpreted as meeting the policy.

3. Regarding the design and scale and materials – it would fit well within the site and would not be harmful to the setting and character of the AONB or the SLA.

I therefore conclude that this application falls within policy and should be approved.

Philippa Hawley, the applicant spoke in support of the application informing the Committee that she had lived in Stowing 30 years and had witnessed visitor numbers increasing year on year. The holiday lets proposed are of high quality which would replace existing run-down buildings.

There is support from the Parish Council, Ward Councillor and Kent Leader Programme who have all identified a need for this type of accommodation to encourage rural tourism.

She informed the Committee that the floor space is adequate and urged the Committee to support the application.

A number of Councillors spoke in support of the application giving their reasons as follows:

- The floor space is adequate for this type of accommodation
- Should welcome the change of building from run down to high quality holiday lets
- The Council should encourage this type of venture.
- Redundant buildings would be removed and other high quality accommodation should be welcomed.
- Conditions could be included to control the use if the application is approved.

A number of Councillors spoke in support of the officer recommendation to refuse with the reasons set out in the report and the comments by members below:

- access is insufficient
- no facilities such as shops/eating establishments nearby
- the area is in an AONB
- the application is contrary to planning policy

Proposed by Councillor Len Laws
Seconded by Councillor Philip Martin and

Resolved: That planning be granted contrary to the Officer recommendation as Members considered:

- 1. The location is sustainable and there is sufficient demand for this type of facility, such that it will not result in unnecessary development in the countryside.**

2. The floor area is sufficient for tourism accommodation.

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

The Chairman used his casting vote to vote FOR. Therefore the application was approved.

65. Appeals Monitoring information - 2nd & 3rd QUARTER 01.07.18 - 31.12.18

Members noted the Appeals Monitoring information - 2nd & 3rd QUARTER 01.07.18 - 31.12.18 with the addition of updated information as follows:

162 Sandgate Road, Folkestone - Claim for costs dismissed.

65 Radnor Cliff – this was a Committee decision to approve following an officer recommendation for refusal.

66. Planning Contributions secured through Section 106 agreements and Community Infrastructure Levy

Some planning decisions are subject to Section 106 (S106) legal agreements that require developers to make financial contributions to the Council and Kent County Council (KCC) to provide for on and off site infrastructure to mitigate the impact of the development.

Some developments for which planning permission is granted are also subject to the Community Infrastructure Levy (CIL). Although separate to the S106 process the purpose of CIL payments is also to ensure developers make an appropriate financial contribution to mitigate the impact of the development on local infrastructure.

The adequacy and effectiveness of the procedures and controls relating to S106 agreements was reviewed by the East Kent Audit Partnership in 2014 the resulting report recommended that the position regarding planning obligations that involve financial contributions should be reported to members on an annual basis. With the introduction of CIL in 2016 the report now also includes CIL contributions.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Russell Tillson and

Resolved:

- 1. To receive and note report DCL/18/33**
- 2. To receive and note Appendix 1.**

(Voting: For10; Against 0; Abstentions 0)

DCL/18/36

Application No: Y18/1035/FH

Location of Site: Land adjoining The Mount Barrow Hill Sellindge

Development: Outline application for the erection of up to 11 dwellings with the formation of a new access with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.

Applicant: Mr E & Mr J Champneys

Agent: Elizabeth Welch
Hobbs Parker Property Consultants
Romney House
Monument Way
Orbital Park
Ashford

Date Valid: 02.10.2018

Expiry Date: 01.01.2019

PEA Date: 19.04.2019

Date of Committee: 19.03.2019

Officer Contact: Miss B Lennon

SUMMARY

This application is for outline permission for up to 11 dwellings on a site that forms a proposed residential allocation within the emerging Places and Policies Local Plan. All matters except for access are reserved for future consideration. The access has been considered to be safe and suitable by Kent Highways and Transportation for the proposed 11 dwellings. The principle of residential development at this site is accepted, with no likely detrimental impact arising from this use upon the amenity of existing and future occupants. Suitable mitigation can be secured to ensure the protection of protected species, whilst the visual impact of the proposal is also accepted, with no significant contamination of the site considered likely. Further archaeological evaluation of the site is being carried out. Any update on this will be provided either on the supplementary sheets or at the meeting.

RECOMMENDATION: That delegated authority be given to the Chief Planning Officer to grant planning permission subject to: the receipt of a satisfactory archaeological field evaluation report; the conditions set out at the end of the report; and the applicant entering into a S106 legal agreement securing affordable housing, KCC contributions and reptile translocation; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and to add any other conditions that he considers necessary.

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for up to 11 dwellings with all matters other than the means of access reserved for future consideration. The access proposals are for a new central vehicular access on the western boundary of the site onto Barrow Hill (the A20), opposite St John's Cottages. Indicative elevations, floor plans and a block plan have been submitted with the application but these are not for consideration as part of this application.
- 1.2 The application is accompanied by the following documents:
- arboriculture report
 - planning and design & access statement
 - stage 1 road safety audit
 - transport statement
 - utilities statement
 - archaeological desk-based assessment
 - foul water drainage strategy
 - surface water management strategy
 - badger, reptile survey & mitigation strategy
 - a reptile translocation enhancement strategy & management plan
 - preliminary ecological appraisal
 - phase 1 environmental assessment

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:
- Outside (but abutting) the settlement boundary, which runs along the western boundary of the site
 - Allocation for residential development of up to 15 dwellings in the emerging Places and Policies Local Plan (ND5 – General Sellindge Policy).
 - TPO No. 01 of 2017
 - Public bridleway HE271A runs along the eastern boundary of the site
 - Close proximity to areas of archaeological potential

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The application site comprises agricultural land located on the eastern side of Barrow Hill (the A20), between the dwellings known as The Mount to the north and Sade to the south. The site has an area of approximately 0.7 hectares. It is bounded by Barrow Hill to the west and a public bridleway to the east.
- 3.2 The eastern side of Barrow Hill is characterised by detached properties in larger plots, whilst the development on the western side of Barrow Hill opposite the application site is characterised by mostly terraced properties in narrow plots, with development becoming more spacious and less intense

as you travel further north and south and the area becomes more rural in character.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no recorded 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.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Sellindge Parish Council

Object – density is too high and visitors parking is insufficient which will encourage parking on the main road

5.3 KCC Highways and Transportation

The proposed 'T-junction' access is suitable for the proposed 11 dwellings, recommend a number of conditions if planning permission is granted

5.4 KCC Archaeology

Request field evaluation works prior to determination of the planning application

5.5 KCC Ecology

Sufficient ecological information has been provided for the determination of the outline planning application. We require no additional ecological information to be submitted prior to determination of the outline planning application but the details mitigation / enhancement requirements must be submitted / implemented as a condition of planning permission if granted.

5.6 Arboriculture Manager

No objection – the loss of T14 and G15 is acceptable and all TPO trees are to be retained, tree protection fencing needs to be installed prior to commencement and checked by LPA's tree officer

5.7 KCC Economic Development

Request financial contributions of £49,885 for Primary Education and £1,191.53 for library book stock as well as a condition requiring High Speed Fibre Optic broadband connection

5.8 Merebrook

The submitted report is a suitable scope and standard, part 1 of the standard condition has been met. No intrusive works are required so parts 2-4 can also be discharged. Part 5 of the standard condition should remain in place as this secures a watching brief and reporting requirement for any unexpected contamination.

5.9 Environmental Health

No objection – agree with comments of contaminated land consultants

5.10 KCC SUDS

Request conditions in relation to surface water drainage

5.11 Southern Water

Request an informative and advise no habitable rooms should be located closer than 15 metres to the boundary of a proposed on-site pumping station site

5.12 KCC Public Rights of Way

No objection and request a number of informatives

5.13 Environment Agency

No comment – development is low environmental risk

5.14 Network Rail

No response received.

5.15 High Speed 1

No response received.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 30.10.2018

6.2 Site Notice. Expiry date 09.11.2018

6.3 Press Notice. Expiry date 08.11.2018

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 8 representations received objecting on the following grounds:

- Tree preservation will make adequate entry and exit provision difficult
- Number of proposed developments in Sellindge putting pressures on the surgery and school
- Adopted policy is to minimise ribbon development along the A20
- The aim of the application may be to boost land value with the view to selling it on

- People living in Sellindge are being ignored
- Access onto the A20 will bring risk to motorists
- Will the speed limit be reduced or speed cameras installed
- Applications on this land have previously been refused and nothing has changed
- Archaeological works should be carried out
- Residential road and footpath standards would not be met
- Concerns over works to TPO tree
- A Buzzard is nesting in the pine T3
- 11 houses is too dense for this site
- Extra cars will park on the A20
- TPO trees will be at risk in the future from the houses
- Sellindge is being over developed
- HGVs will damage the road and provide property vibration and noise
- Shouldn't be determined until the emerging Plan has been adopted

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 BE17 TR5 TR11 TR12 LR9 CO1 CO11
- 8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD SS1 SS3 CSD1 CSD2 CSD3

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

- 8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:
ND5 HB1 HB3 T2 T5
- 8.5 The following paragraphs of the National Planning Policy Framework 2018 apply:
11 48 57 127 175

- 8.6 The following Supplementary Planning Documents apply:
Affordable Housing SPD

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this application are the principle of the development, highway safety and parking, visual impact, amenity, protected trees, ecology, contamination and archaeology.

Principle of development

- 9.2 The NPPF (2018) is clear that local planning authorities should support the Government's objective to significantly boost the supply of homes (paragraph 59) and that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 11). Likewise, Core Strategy policy SS1 of the Core Strategy seeks to direct development to existing settlements, and policy SS3 seeks to protect the open countryside and coastline in accordance with policy SS1.
- 9.3 The site is located in the Barrowhill area to the south of Sellindge which is identified in the Core Strategy as a Rural Centre. Rural Centres are larger or better-served rural settlements within their character area, with the potential for modest expansion from their current built limits to meet rural development needs. The principle of development in the Rural Centre of Sellindge is therefore considered to be in accordance with prevailing planning policy.
- 9.4 The site is allocated for residential development for approximately 15 dwellings within the General Sellindge Policy ND5 of the emerging Places and Policies Local Plan (PPLP). There were seven comments received for the general Sellindge policy ND5 and three comments received on the associated Land at Barrow Hill site pre-amble. Within these comments there is only one objection regarding concerns with TPOs, flooding, infrastructure, light pollution and access. Given the limited amount of objection to this policy, it is considered that the policy can be afforded a significant amount of weight given the advanced stage of the PPLP.
- 9.7 In terms of the criteria within emerging policy ND5; the proposed development is assessed as follows:

Development proposals will be supported where:

1. The design incorporates adequate landscaping to mitigate impact on the setting of the countryside;

As this is an outline planning application with layout and landscaping reserved for future consideration there is no information regarding landscaping submitted with the application. However, this can be

adequately dealt with by condition and be assessed at the reserved matters stage to ensure there is space in the layout to incorporate sufficient landscape to meet the policy criteria.

2. Existing trees and hedgerows around the site boundary are retained and enhanced;

Whilst landscaping is a matter reserved for future consideration, a Tree Preservation Order (No. 1 of 2017) covers several trees and groups of trees across the site, safeguarding their immediate loss. The submitted Planning, Design and Access Statement and the Arboricultural Report identify the trees to be retained and state the intent to retain existing vegetation, consisting of native hedgerows and established trees, which accords with this policy criterion. Again, this can be adequately dealt with at the reserved matters stage.

3. The proposal complements the surrounding street pattern and urban grain, fronting dwellings onto existing streets and following the existing built edge wherever possible;

Layout is one of the matters reserved for future consideration. An indicative site layout plan has been submitted which does not accord with the design parameters set out in criterion 3. However, this is not for approval as part of this application and there is no reason why a suitable layout cannot be accommodated within the site around the access point that is for approval at this stage.

4. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place.

A provisional archaeological desk-based assessment has been provided which includes mitigation measures. KCC Archaeology has requested field evaluation works prior to determination of the planning application. The applicant is carrying those out and KCC will be consulted on the resulting report.

- 9.8 Although full compliance with the criteria of emerging policy ND5 cannot be assessed at this stage due to the outline nature of the application, there is nothing to indicate that the criteria cannot be met in the reserved matters and the approval of the access in the proposed location will not prejudice that. This is not a valid reason for refusing outline planning permission. The application is acceptable in principle and any subsequent reserved matters application would be assessed against all relevant policy criteria, at that time. Consequently, the principle of developing this site for up to 11 dwellings is considered to be compliant with national and local planning policy.

Highway safety and parking

- 9.9 Access is a matter for approval under this application. The proposed access onto Barrow Hill is in approximately the centre of the site, between two

protected trees. The proposed access would be a 'T-junction' and would have visibility splays of 2.4m x 120m.

- 9.10 Kent Highways and Transportation have confirmed the proposed 'T-junction' access is suitable for the proposed 11 dwellings, including the identified visibility splays. They have recommended a number of conditions if planning permission is granted including the provision of vehicle and cycle parking, the completion and maintenance of visibility splays and the completion of footways and carriageways within the site. With these conditions imposed, it is considered that there would be sufficient control to ensure that the proposal would be acceptable in terms of highway safety and parking and the proposal would comply with saved policy TR11 and emerging policy TR1.
- 9.11 Sellindge Parish Council has objected on the grounds that parking provision is insufficient. However as this is an outline planning application, parking numbers and layout are indicative only and are not being considered as part of this application. Therefore this is not a valid reason for refusing planning permission.

Visual impact

- 9.12 The site is located outside of, but adjacent to the defined settlement boundary, and within a semi-rural area that carries no landscape designation. The built character of the area varies between the east and west sides of Barrow Hill, with the west side being characterised by smaller, terraced or semi-detached dwellings, whilst the dwellings on the east tend to be larger detached properties, in spacious plots. Generally, the housing follows the line of the road, giving a 'ribbon' style development, but with cul-de-sac residential development found more frequently when moving northward toward the M20 and railway lines.
- 9.13 The site would change markedly as a consequence of the proposed scheme, moving from an undeveloped to a developed character. However, as identified in paragraph 9.3 above, the site is located in the Barrowhill area to the south of Sellindge which is identified in the Core Strategy as a Rural Centre. Rural Centres are larger or better-served rural settlements within their character area, with the potential for modest expansion from their current built limits to meet rural development needs. Further, the proposed allocation of the site for residential development in the emerging Places and Policies Local Plan, via policy ND5, indicates that this fundamental change in character has already been accepted in principle, subject to detailed considerations.
- 9.14 The proposal would provide up to 11 dwellings at a density of approximately 15.9 dwellings per hectare, which should allow for green areas, landscape buffers and an internal road in order for a scheme that is sensitive to the semi-rural location of the site to be provided. The submitted Arboriculture Report identifies that the majority of the trees across the site covered by Tree Preservation Order No. 1 of 2017 will be retained (as discussed in the 'Protected Trees' section below), which will allow for mature landscaping to be incorporated into future landscaping proposals for the site.

- 9.15 In the context of the wider area, the application site is approximately 2 kilometres from the Area of Outstanding Natural Beauty and as it is of a relatively minor scale, is considered unlikely to have any detrimental visual impact upon the setting of the AONB or upon views out from the AONB.
- 9.16 Overall, it is considered that, subject to a suitable building heights, design and layout at the reserved matters stage the principle of the change in the visual character at this location is acceptable in the context of saved policy CO1 and Core Strategy policies SS1, SS3 and CSD3 and has been accepted in the proposed allocation of the site under policy ND5.

Protected Trees

- 9.17 There are a number of trees on site protected by Tree Preservation Order No. 1 of 2017, two which are positioned at the front of the site either side of the proposed vehicular access. The submitted Arboriculture Report identifies that an individual tree (T14 – Lawson’s Cyprus) and a group of trees (G15 – Blackthorn) would be removed, alongside pruning works to the crown of a Pine Tree (T3). The report also identifies measures to protect roots during the construction period.
- 9.18 The Council’s Arboriculture Officer has reviewed the submitted Arboriculture Report and has raised no objection to the proposed tree removals, pruning works and protection measures, the provision of which can be secured via condition. Consequently, the proposal is considered to comply with saved policy BE17.

Residential Amenity

- 9.19 Saved policy SD1 of the Shepway District Local Plan Review, policy HB1 of the emerging Places and Policies Local Plan and paragraph 127 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 9.20 The residential amenities most likely to be affected by the proposed development would be those of occupants of ‘The Mount’ to the north, ‘Sade’ to the south and the dwellings located on the west side of Barrow Hill, opposite the application site. Southern Water has also identified that should a pumping station be required as part of the waste water strategy, then dwellings could not ordinarily be located within 15 metres of this, in order to avoid potential detrimental impact from noise, vibration and odour.
- 9.21 At the reserved matters stage, when the matters relating to layout, appearance, scale and landscaping are submitted for approval, a detailed assessment will be able to be made of the inter-relationship of the proposed dwellings to existing dwellings, including issues relating to outlook, light, privacy and screening. It will also be possible to assess whether the proposed units will be compliant with emerging policy covering space standards, as well as position the dwellings appropriately with respect to any utilities infrastructure. Detailed consideration of these issues cannot be

undertaken as part of this outline application, but it is considered that there is adequate space on the site to be able to accommodate the number of dwellings proposed and the necessary infrastructure without unacceptable impact on the amenities of either existing or new residents.

9.22 impacts from increased traffic and general noise and disturbance associated with the access and vehicular activity can be assessed, as the location of the proposed access is for approval as part of this outline application. In this respect, the access is located away from any existing properties on the eastern side of the A20 and comings and goings would be unlikely to be detrimental to residential amenity, above the noise associated with the busy main road.

9.23 As such, it is considered that the proposed residential development can, in principle, be located at this site without an unacceptable impact on residential amenity in accordance with saved policy SD1.

Ecology / biodiversity

9.24 Saved policy CO11 states the District Planning Authority will not give permission for development if it is likely to endanger plant or animal life (or its habitat) protected under law unless;

- i. There is a need for development which outweighs these nature conservation considerations and;
- ii. Measures will be taken to minimise impacts and fully compensate for remaining adverse effects.

Emerging policy NE2 states “Development proposals that would adversely affect European Protected Species (EPS) or Nationally Protected Species will not be supported, unless appropriate safeguarding measures can be provided”.

Reptiles

9.25 The submitted reptile survey states that 3 species of reptiles were found present on site and as such the site can be considered as a key reptile site in Kent. 0.7 hectares of reptile habitat would be lost by the proposed development and a reptile mitigation strategy, including a reptile translocation methodology and an off-site receptor site has been proposed.

9.26 KCC Ecological Advice Service have confirmed they are satisfied with the submitted detailed Reptile Mitigation Strategy and Enhancement and Management Plan for the off-site receptor site, with the receptor site considered to have sufficient carrying capacity for the population of reptiles to be translocated to and be sustainable in time, with the receptor site maintained free from future development in perpetuity, written agreement of which has been received from the applicant and will be included in the legal agreement, should permission be granted.

Badgers

- 9.27 The submitted badger report has adequately demonstrated that badgers are not currently using the hole under tree T3 on site. However, as a badger was observed in the vicinity of this hole it is considered that badgers are present within the area and as a precautionary measure, a pre-commencement survey should be secured via condition, with a mitigation strategy to be submitted if badgers are found to be present on site.

Bats

- 9.28 Two oak trees along the north and east boundaries offer high suitability for roosting bats. These trees are not proposed to be impacted by the development, therefore no further survey work has been sought with regard to roosting bats. However, lighting can be detrimental to roosting, foraging and commuting bats and it is recommended that a condition be imposed requiring a lighting design strategy be submitted to ensure that external lighting does not result in harm to protected bats.

Birds

- 9.29 The site contains suitable habitat for breeding birds and all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). As such, KCC Ecology have recommended an informative be included if planning permission is to be granted advising the developer that it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. This is separate legislation to planning and therefore cannot be imposed as a condition, however, the informative will make the developer aware of their responsibilities.

Enhancement

- 9.30 The proposal provides opportunities to incorporate features into the final design which are beneficial to wildlife, such as native species planting or the installation of bat / bird nest boxes. It is therefore considered reasonable to secure measures to enhance biodiversity by condition, in accordance with paragraph 175 of the NPPF which states "opportunities to incorporate biodiversity improvements in and around development should be encouraged".
- 9.31 Overall, with appropriately worded conditions and the protection of the reptile receptor site by legal agreement, it is considered that the proposal would appropriately protect protected species and their habitats, as well as providing opportunities for biodiversity enhancement, in accordance with saved policy CO11, Core Strategy policy CSD4 and emerging policy NE2.

Archaeology

9.32 The application site falls outside of an area of archaeological potential but is in close proximity to the Bronze Age barrow to the north of the site, which is an indicator of potential for the application site to contain important archaeological remains.

9.33 Paragraph 189 of the NPPF notes that where a site includes (or has the potential to include) heritage assets with archaeological interest, local planning authorities should require an appropriate desk-based assessment and, where necessary, a field evaluation. In this case, the former has been submitted, but field evaluation works have been requested prior to the determination of this planning application. These works are being undertaken and as the final report may not have been submitted to the Council or considered by KCC by the time of the Committee meeting delegated authority is sought for the Chief Planning Officer to grant planning permission subject to this matter being satisfactorily resolved.

Contamination

9.34 A Phase 1 Land Contamination Assessment (including desk study and site walkover) has been submitted with the application which concludes the site has a very low environmental risk and no intrusive investigation of the site is required. The Council's contamination consultants have been consulted on the assessment and they concur with the conclusions of the assessment, and as such, no further investigation is required. It is recommended that a condition should be imposed to secure a watching brief and reporting requirement for any unexpected contamination that may be encountered during the works and the proposal is considered to accord with saved policy U10a and emerging policy NE7.

Environmental Impact Assessment

9.35 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 nor is it in a sensitive area and as such does not require screening for likely significant environmental effects.

Developer contributions

9.36 The County Council has assessed the implications of the proposal in terms of the delivery of community services and has advised that the proposal would have an additional impact on the delivery of its services, which requires mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

9.37 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended) require that requests for development contributions of various kinds to comply with three specific legal tests:

- Necessary
- Related to the development, and
- Reasonably related in scale and kind

9.38 These tests have been applied in the context of this planning application and give rise to the following specific requirements:

	Per dwelling	Total	Project
Primary education	£4,535.00	£49,885.00	Towards Sellindge Primary School 1 ½ FE expansion project
Secondary education	There is a secondary need arising from this development, however, as Folkestone & Hythe Council have CIL and due to the current CIL Reg 123 restriction, KCC are not pursuing this separately under a S106 agreement		
Library bookstock	£108.32	£1191.53	Towards additional bookstock for the mobile Library service attending Sellindge and improvements to Hythe library

Affordable Housing

9.39 Paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Policy CSD1 of the Core Strategy is up to date and requires the provision of 2 affordable units for developments of 10 to 14 dwellings. The submitted Planning Statement states that two affordable units would be provided which would be included in the legal agreement. Details of the location, size and tenure of these affordable units would need to be submitted and approved to ensure they are appropriate.

9.40 The agent has confirmed that the applicant is willing to enter into a Section 106 agreement requiring the financial contributions set out above and the provision of 2 affordable units.

9.41 However, as the application is for outline permission for up to 11 dwellings, if the reserved matters were submitted for only 10 dwellings, in accordance with the written ministerial statement of 28 November 2014 contributions would not be sought from developments of 10-units or less. Consequently, it is necessary to include a caveat into the legal agreement that if the submission of reserved matters is for 10 dwellings only then no financial contributions or affordable housing would be sought.

9.42 Overall, given the contributions that have been agreed by the applicant, the proposed development is considered to fully comply with the aims of policies CSD1 and SS5 of the Core Strategy and paragraph 57 of the NPPF.

Local Finance Considerations

- 9.43 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.
- 9.43 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 £138.94 per square metre for new residential floor space, with the exception of the affordable housing units which are exempt.
- 9.44 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 £13,999 for one year and £55,994 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

- 9.45 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.
- 9.46 This application is reported to Committee due to the views of Sellindge 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 delegated authority be given to the Chief Planning Officer to grant planning permission subject to: the receipt of a satisfactory archaeological field evaluation report; the conditions set out below; and the applicant entering into a S106 legal agreement securing affordable housing, KCC contributions and reptile translocation; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary:

1. 3 year permission for submission of Reserved Matters
2. Development to commence within 2 years of Reserved Matters approval
3. Standard Reserved Matters conditions (details of appearance, layout, scale and landscaping)
4. Approved plans
5. Reserved Matters to provide for no more than 11 dwellings
6. Samples of materials
7. Water efficiency
8. Installation of fibre optic broadband

Ecology

9. Implementation of reptile mitigation strategy
10. Pre-commencement badger checks
11. Lighting design strategy
12. Ecological enhancement plan

Highways

13. Construction management plan
14. Provision and retention of vehicle parking spaces
15. Provision and retention of secure, covered cycle parking
16. Completion and maintenance of the access details, visibility splays and footway connection as shown on the submitted drawings
17. Completion of footways and carriageways between a dwelling and the adopted highway prior to occupation

Trees

18. Tree protection fencing
19. Retained trees

Contamination

20. Part 5 of standard land contamination condition

Foul and Surface Water

21. Detailed sustainable surface water drainage scheme to be submitted
22. Verification Report of surface water system to be submitted
23. Details of foul water drainage

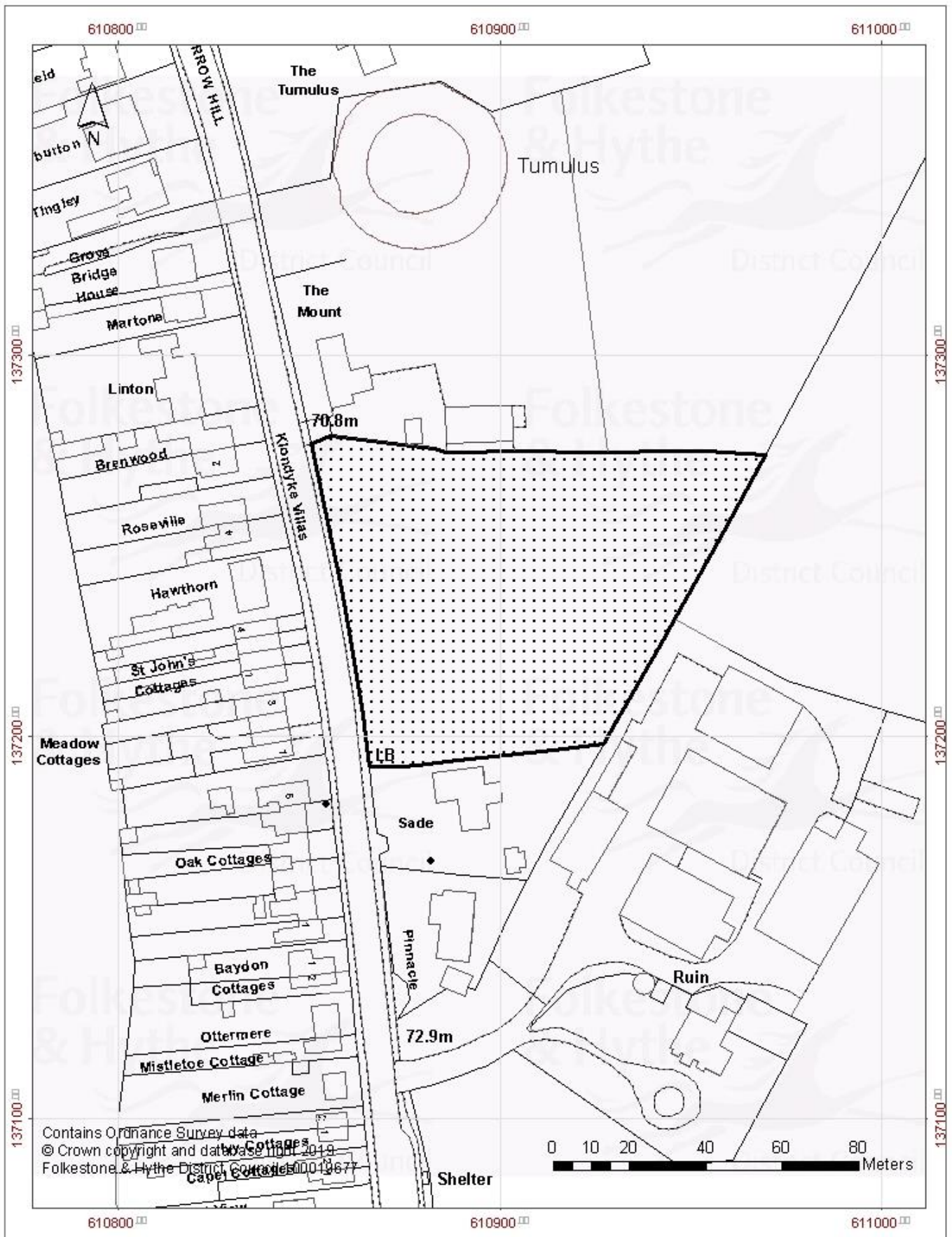
Landscaping

24. Planting plans
25. Implementation and Maintenance Schedule
26. Hard landscaping details

Informatives

Ecology – breeding birds
KCC PROW
Southern Water
Street naming and numbering
S106

Y18/1035/FH
Land adjoining The Mount
Barrow Hill
Sellindge



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DCL/18/37

Application No: Y18/1580/FH

Location of Site: Bridge Tavern 129 Station Road Lydd TN29 9LL

Development: Change of use from Drinking Establishment (Class A4) to 3 residential units (Class C3) comprising two 4 bedroom dwellings and one 5 bedroom dwelling with associated parking and garden areas.

Applicant: Mr Stephen Komolafe

Date Valid: 09.01.2019

Expiry Date: 06.03.2019

PEA Date: 26.03.2019

Date of Committee: 19.03.2019

Officer Contact: Robert Allan

SUMMARY

This application is for the change of use of the existing public house to 3 residential units. 6 vehicle parking spaces would be provided as well as external garden space for each dwelling and bicycle storage. However, insufficient evidence has been submitted to demonstrate the public house use is no longer viable and the development therefore comprises the unacceptable loss of a community facility. The proposal is also considered to constitute poor layout and design and would result in poor amenity for the future occupants of the dwellings. Insufficient evidence has been submitted in relation to protected species (bats in this case) to ensure that the development would not cause harm to protected species or their habitats.

RECOMMENDATION: That planning permission be refused for the reasons set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 This application is for the conversion of the existing public house (drinking establishment – Class A4) to three residential units (Class C3). The proposal would include two 4-bedroom properties and one 5-bedroom property.
- 1.2 Units ‘a’ and ‘b’ would be accessed from the front of the building with access to unit ‘c’ from the rear. Unit ‘a’ would provide accommodation over three floors (ground, first and loft) with unit ‘b’ providing accommodation over four floors (basement, ground, first and loft) and unit ‘c’ at the rear being a single

storey, ground floor unit. Parking for two cars would be provided to the side of the building with four spaces also being provided at the rear. Private gardens would be provided for units 'b' and 'c' to the north east of the building with an enclosed grass area for unit 'a' to the south west, where the existing grassed area is.

- 1.3 The only external alteration proposed is the replacement of the existing front door with two entrance doors to provide access to units 'a' and 'b'.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Within settlement boundary
- Adjacent to area of archaeological potential.

3.0 LOCATION AND DESCRIPTION OF SITE

3.1 The application site is a vacant public house that sits on a corner plot between Station Road and Kitewell Lane. Station Road is the main road into Lydd from New Romney. The building itself is a large, three storey detached property with a single storey side and rear projection. The building is of brick construction with the three storey element being painted a light pink colour. Fenestration is white uPVC with two bay windows on the front elevation.

3.2 There is an area of hardstanding to the front of the building and to the side of the building is a grassed area. 'Bridge Home Park', a static caravan site is to the north east of the application site but accessed from the rear of the site and the former ambulance station is to the north west of the site (rear).

4.0 RELEVANT PLANNING HISTORY

4.1 Planning permission was granted in 2001 for the erection of a glazed covered way (ref Y01/0310/SH). There is no other recent 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.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Lydd Town Council
Support

5.3 Environmental Health
Recommend contamination condition and condition requiring basement room to have openable window.

5.4 KCC Ecology

A bat scoping survey has been submitted which advises the need for an emergence survey to be carried out, the results of this survey and any mitigation required must be submitted prior to determination of the planning application. If the application is approved, ecological enhancements should be required by condition.

5.5 Economic Development

Views awaited.

5.6 Merebrook

The likelihood of contamination is considered to be low. Recommend final part of the Council's standard land contamination condition to keep a watching brief during the works for any unexpected land contamination.

5.7 Southern Water

Request an informative if planning permission is granted.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 31.01.2019

7.0 REPRESENTATIONS

7.1 No representations have been received. .

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 BE8 TR5 TR12 U1 CO11

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

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:
HB1 HB3 T2 T5 NE2 C2

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the

Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

- 8.5 The following paragraphs of the National Planning Policy Framework 2018 apply: 92, 127, 175

9.0 APPRAISAL

Relevant Material Planning Considerations

- 9.1 The relevant issues for consideration with regard to this current application are the principle of the change of use, design and layout, residential amenity, parking and highway safety and ecology.

Principle of change of use / loss of public house

- 9.2 The application site is located in north Lydd, close to existing residential development and within the defined settlement boundary. Core Strategy policy SS1 states that additional development should be focused to the most sustainable towns and villages as set out in Policy SS3 which identifies Lydd as a service centre for the district. The priority in policy SS1 is for development which helps to maintain and support the local role of Lydd. Therefore some additional housing in this location would be considered acceptable in principle, subject to other material planning considerations (such as the loss of the public house and residential amenity).
- 9.3 However, the proposed development result in the loss of a public house which the NPPF classes as a community facility. The NPPF at paragraph 92 sets out that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. At the local level, Core Strategy policy SS3 states that development must address social and economic needs in the neighbourhood and not result in the loss of community, voluntary or social facilities unless it has been demonstrated that there is no longer a need or alternative social / community facilities are made available in a suitable location.
- 9.4 Further to this, emerging policy C2 requires an applicant to demonstrate that there is no longer a demand for the facility within the locality. This needs to be supported by evidence that the premises has been actively marketed for a minimum period of 12 months in the recent past prior to submission of the planning application and evidence that the sale price was realistic for the existing use, supported by a written valuation from a commercial estate agent.
- 9.5 The applicant has supplied some information to support the change of use, including a letter from the former landlord of the public house stating that the business was not viable and that it closed in 2011. Additionally, a letter from Fleurets (a leisure property specialist) has been submitted confirming that the property was advertised for sale on the open market from September

2015. It does not say how long the business was advertised for, however 7 viewings took place and all of the viewers were looking to convert the property to an alternative use, primarily residential. In addition, a list of other public houses in the area has been supplied.

- 9.6 While some evidence of marketing has been supplied, the information provided does not demonstrate marketing of the public house for a period of 12 months. It also does not include evidence that the sale price was realistic for the existing use. In fact, the sales advert says that the site has “potential for alternative uses” so it is not surprising that all viewers were considering putting the site to an alternative use. Due to this, it has not been demonstrated that the site was advertised at a suitable price for its current use and the price that the site was advertised at could have been inflated to account for these “potential alternative uses”, such as residential.
- 9.7 As such, it is not considered that sufficient evidence has been submitted to demonstrate that the site is no longer suitable or viable for a public house or community facility use. Neither has it been demonstrated that alternative social / community facilities have been made available in a suitable location. The proposed loss of the public house has therefore not been demonstrated to be acceptable and as such the proposed development fails to comply with emerging policy C2, Core Strategy policy SS3 and paragraph 92 of the NPPF. The proposed change of use is therefore not acceptable in principle and it is considered that planning permission should be refused for this reason.

Design and Layout

- 9.8 Saved policy BE1 requires a high standard of layout, design and choice of materials for all new development and emerging policy HB1 requires development to make a positive contribution to its location and surroundings.
- 9.9 The only external alteration proposed is the replacement of the existing entrance door with two external doors to provide access to units ‘a’ and ‘b’ which would be located in the front of the building. The doors have been shown on the proposed elevations, however, details of the doors haven’t been submitted. If planning permission were to be granted, in order to ensure the doors are appropriate, a condition could be imposed requiring details to be submitted. With an appropriately worded condition, ensuring the doors reflect the character of the existing building, the proposed external alterations to the building are considered to be acceptable.
- 9.10 In terms of site layout, the enclosed garden area for unit ‘a’ would be long and narrow, with a width of over 18 metres but a depth of only approximately 4.75 metres. This is considered to constitute poor layout and is likely to result in this space being of poor quality garden space and therefore would get little use from the future occupants. It is considered that the site could be better arranged to provide usable amenity space for all the dwellings and the proposed layout is of poor design, contrary to saved policy BE1.

- 9.11 Further, the proposed block plan shows the bins for each unit being stored externally, with the bins for units 'a' and 'b' being in front of the principle elevation of the building. These are shown to be positioned in front of a bedroom and lounge window but in reality, the future occupants of these units would not be likely to store their bins in front of windows of habitable rooms. Without a bin enclosures and a designated collection point, the bins could be left anywhere on the area of hardstanding to the front of the building, resulting in a cluttered appearance when viewed from the streetscene. It is considered this would have a detrimental visual impact on the quality of the site and enclosed bin storage should be provided in less prominent locations within the site. However, as there is a principle objection to the proposal, as well as other concerns, details of bin storage and an alternative location for this within the site has not been requested. As proposed, the bins being located in front of the principle elevation of the building, adjacent to the highway, is considered to result in a harmful visual impact on the character and appearance of the site and the proposal therefore does not make a positive contribution to its location and surroundings, contrary to emerging policy HB1.
- 9.12 Overall, the development is considered to represent poor quality design and layout with a narrow, enclosed garden area for unit 'a' to the side of the building and unenclosed bins being located to the front of the building. The proposal therefore fails to comply with saved policy BE1 and emerging policy HB1 and should be refused as such.

Residential Amenity

- 9.13 Saved policy SD1, emerging policy HB1 and paragraph 127 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 9.14 In terms of neighbouring occupants, the proposal would not increase the footprint or height of the existing building and would therefore not result in any increased overshadowing. The proposal also wouldn't include any additional windows and would therefore not result in increased overlooking. In terms of noise and disturbance, three residential units are considered to be less of a disturbance to neighbouring residents than the existing public house use which could have large numbers of customers, resulting in high vehicle movements, playing of loud music and noise from customers leaving possibly late in the evening. As such, the proposed change of use would be a betterment in terms of the amenity of neighbouring residents.
- 9.15 In terms of the amenity of future occupants, emerging policy HB3 sets internal and external space standards for new and converted dwellings. The proposal would include two 4-bedroom dwellings and one 5-bedroom dwelling. For 4-bedroom, 3 storey properties, emerging policy HB3 requires internal space of 121 sqm. Unit 'a' would provide approximately 189 sqm and unit 'b' would provide approximately 201 sqm of internal space. Both units 'a' and 'b' would therefore provide sufficient internal space, complying with emerging policy HB3. For unit 'c' which would provide five bedrooms over one floor of accommodation, HB3 requires 121 sqm of internal space

for five bedrooms properties, which the proposal would again exceed as the flat 'c' would provide approximately 180 sqm of internal space.

- 9.16 However, the technical guidance that supports the internal space standards also says that in order to provide one bedspace, a single bedroom should have a floor area of at least 7.5sqm and be at least 2.15m wide. In this case, bedroom 2 of units 'a' and 'b' located at first floor level would have a width of 1.8 metres and 1.9 metres, respectively. Therefore, even though each bedroom is over 7.5sqm, these two bedrooms do not provide the internal width to provide suitable levels of amenity for the future occupants of these bedrooms. Even if a single bed were to be used, these bedrooms would not provide enough space for other necessary furniture such as wardrobes and would feel cramped to the future occupants. These therefore represent a poor level of amenity for the future occupants of these dwellings.
- 9.17 HB3 also requires the provision of an area of private garden for the exclusive use of an individual dwelling house of at least 10m in depth and the width of the dwelling. The proposed block plan shows private garden space for units 'b' and 'c' to the north east of the dwelling, each with a depth of approximately 12.75 metres and a minimum width of 12.75 metres and 11.25 metres, respectively. However, as set out above, due to the poor layout of the site, it is considered that the proposed garden space for unit 'a' is of poor layout which would mean the future occupants of this unit are unlikely to use this garden space, resulting in poor amenity due to a lack of high quality, useable external amenity space.
- 9.18 Additionally, unit 'b' would include one bedroom at basement level with no details being provided of a window serving this bedroom or excavations being made to provide an area of open space adjacent to the building to allow natural light and ventilation into this bedroom. As such, this basement bedroom is considered to represent a poor level of amenity for the future occupants of the dwelling. Further, the proposed parking for unit 'c' would be located immediately outside a window serving one of the ground floor bedrooms of unit 'a'. This is considered to represent a poor level of amenity for the future occupants of unit 'a' with vehicles for unit 'c' causing noise disturbance and a poor outlook for this bedroom.
- 9.19 Overall, the proposed development is considered to result in poor amenity for the future occupants of the proposed dwellings, with poor external amenity space for unit 'a', no windows serving the basement bedroom for unit 'b' and poor outlook and noise disturbance to the ground floor bedroom of unit 'a' from the adjacent vehicle parking serving unit 'c'. As such, the proposal is considered to fail to comply with saved policy SD1, emerging policies HB1 and HB3 and paragraph 127 of the NPPF and it is recommended that planning permission is refused for these reasons.

Parking and Highway Safety

- 9.20 Saved policy TR12 and emerging policy T2 require the provision of suitable off street parking in accordance with the parking requirements of Kent Highways IG3. IG3 requires 2 independently accessible spaces per unit

for 4+ bedroom dwellings in suburban areas. The submitted block plan shows 2 parking spaces to the side of the property and 4 to the rear, totalling the 6 required.

9.21 However, KCC Vehicle Parking Standards (SPG4) recommends a width of 6 metres to give access to parking in layouts such as this to allow for vehicles to reverse out of spaces. In this instance, of the four proposed parking spaces along the North West boundary of the site, none of these spaces would have a distance of 6 metres between the parking space and the rear wall of the building. As such, it is considered that these spaces would not be accessible in reality and therefore the scheme comprises a poor layout with inaccessible parking spaces and as a result, does not actually provide two spaces per unit and is therefore deficient in parking requirement for the site.

9.22 Emerging policy T5 requires the provision of 1 cycle parking space per bedroom for new development which would result in a need for 13 cycle spaces. The submitted proposed block plan shows bicycle storage along the south western boundary of the site, adjacent to the garden area of unit 'a'. Although this area doesn't show space for 13 bicycles, due to the large garden areas for units 'b' and 'c', it is considered that there is sufficient space within these two garden areas to provide secure cycle parking. Therefore if planning permission were to be granted, it is considered reasonable to impose a condition which required details of secure cycle parking to be submitted which could be included in the enclosed garden areas for units 'b' and 'c'. The proposal therefore could comply with emerging policy T5 and is therefore acceptable in this regard.

Ecology

9.23 Saved policy CO11 states the District Planning Authority will not give permission for development if it is likely to endanger plant or animal life (or its habitat) protected under law unless (i) there is a need for the development which outweighs these nature conservation considerations and (ii) measures will be taken to minimise impacts and fully compensate for remaining adverse effects. Emerging policy NE2 states "Development proposals that would adversely affect European Protected Species (EPS) or Nationally Protected Species will not be supported, unless appropriate safeguarding measures can be provided".

9.24 A bat scoping survey was submitted with the application which details that bat droppings were recorded within the loft space and that there are suitable features for roosting bats on all elevations of the building. The report advises that there is a need for an emergence survey to be carried out with at least 3 visits to fully assess the presence of bats within the site. These surveys are required to fully assess how bats are utilising the building and to consider the impact that the proposed development will have on protected species when determining the planning application.

9.25 KCC Ecology has advised that the results of these surveys and details of any mitigation required must be submitted prior to determination of the application. While this information would normally be requested during the

application process, as this application is being recommended for refusal on other grounds, it was considered unreasonable to add additional expense to the applicant when it would not result in permission be granted due to the other planning concerns as set out above.

- 9.26 As set out above, saved policy CO11 requires there either to be a need for the proposal which outweighs the harm to protected species or suitable measures taken to minimise the impact. In this case, there is not considered to be an overriding need for the development – as set out above, it has not been demonstrated that there is no longer a need for the public house and as the District can demonstrate a five year housing land supply, there is not considered to be an overriding need for housing, in planning terms. Also, no details of proposed mitigation has been provided and therefore it cannot be concluded that measures are being taken to minimise the impacts on protected species. As such, the proposal fails to comply with saved policy CO11.
- 9.27 Similarly, emerging policy NE2 states development which would adversely affect protected species will not be supported. As insufficient information has been submitted to determine the impacts on protected species (bats in this instance), it cannot be concluded that the proposal complies with emerging policy NE2 as it has not been demonstrated that the proposal would not adversely affect protected species.
- 9.28 As such, the information submitted fails to demonstrate that the proposal would protect protected species and there is considered to be insufficient information submitted to conclude that the proposed development would not have a significant impact on protected species, failing to comply with saved policy CO11 and emerging policy NE2 and should therefore also be refused on this basis.

Environmental Impact Assessment

- 9.29 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.

Local Finance Considerations

- 9.30 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.
- 9.31 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 £0 per square metre for new residential floor space.

- 9.32 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 £3,818 for one year and £15,271 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

- 9.33 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.
- 9.34 This application is reported to Committee as the views of the Town Council differ from the recommendation of the officer.

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).

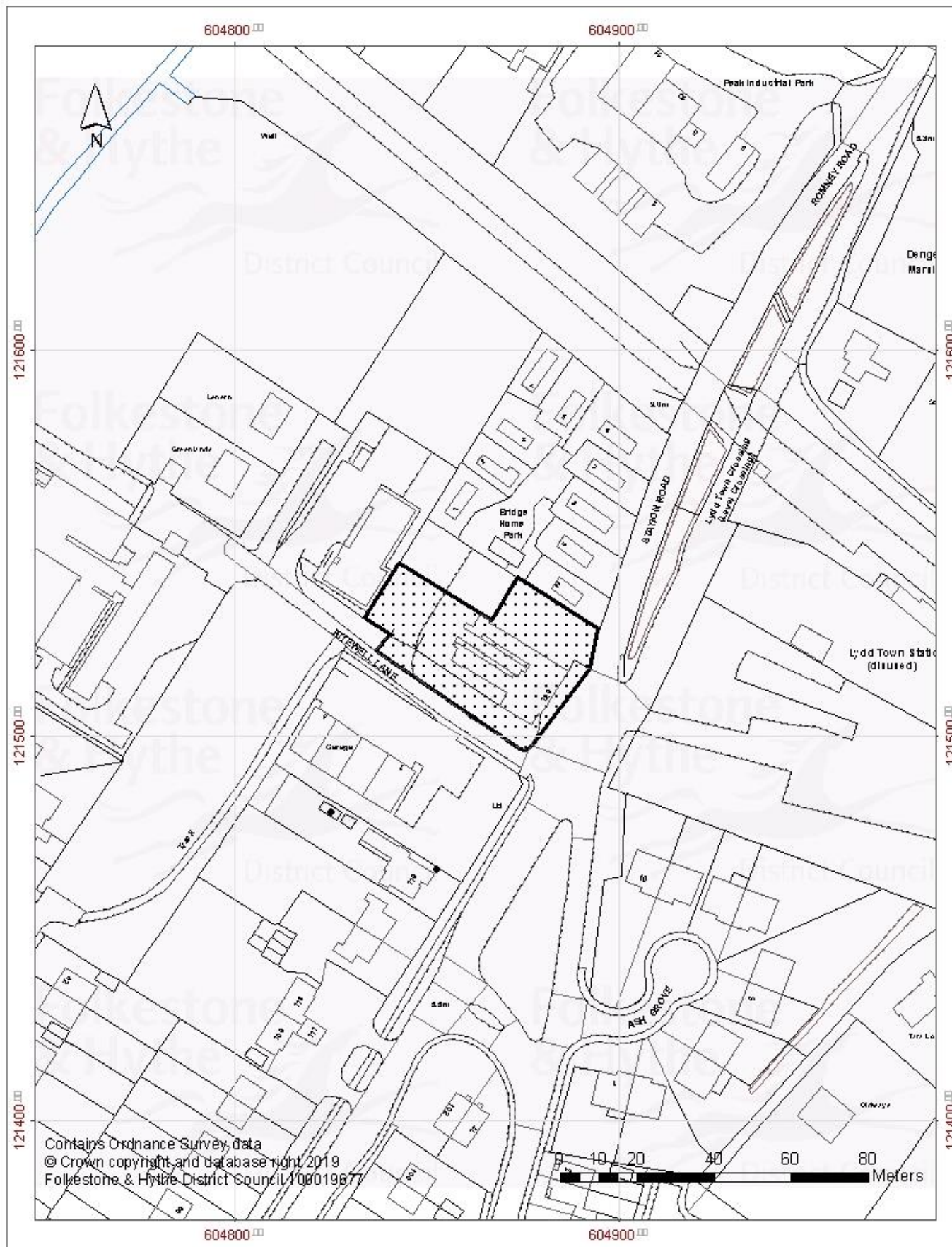
RECOMMENDATION – That planning permission be refused for the following reasons:

1. The use of the building as a public house is considered to be a community and social facility and therefore in the absence of sufficient supporting evidence relating to the viability of the business, trade potential and attempts to market the public house as its existing use at a realistic price, it has not been satisfactorily demonstrated that the public house is not viable or such a facility is no longer required in this locality and community. Neither are alternative social and community facilities being provided elsewhere. As such the loss of the public house is therefore considered to be unsustainable development contrary to paragraph 92 of the National Planning Policy Framework, the aims and objectives of Shepway Core Strategy Local Plan 2013 policy SS3 and emerging policy C2 of the Places and Policies Local

Plan which seek to retain community facilities such as public houses and prevent their unnecessary loss.

2. The proposed development is considered to amount to poor layout and design with an enclosed garden area for unit 'a' being long and narrow and likely to be an unusable space, with better alternative areas for external amenity space within the site. Further, the lack of enclosed bin storage with bins being sited in front of the principle elevation of the building, would result in a harmful visual impact to the character and appearance of the site, thereby having a detrimental impact on the streetscene. The proposal is therefore contrary to saved policy SD1 of the Local Plan Review which requires a high standard of layout and design and emerging policy HB1 of the Places and Policies Local Plan which requires development to make a positive contribution to its surroundings.
3. The proposed development would result in poor amenity for the future occupants of the proposed dwellings, with a poor external amenity space for unit 'a' being a long and narrow enclosed garden which is not likely to be a practical usable space as well as inadequate internal space for bedroom 2 in units 'a' and 'b'. Further, no windows are proposed to serve the basement bedroom for unit 'b' resulting in no natural light or ventilation and no outlook to this habitable room. Additionally, the proposal would result in unacceptable noise disturbance and poor outlook to the ground floor bedroom of unit 'a' from the adjacent vehicle parking serving unit 'c'. As such, the proposal fails to comply with saved policy SD1 of the Local Plan Review, emerging policies HB1 and HB3 of the Places and Policies Local Plan and paragraph 127 of the NPPF.
4. The proposed development, due to its poor layout, would provide parking spaces along the north western boundary of the site which are inaccessible due to their proximity to the rear elevation of the main building. As such, the proposal would fail to provide sufficient off street parking, contrary to saved policy TR12 of the Local Plan Review and emerging policy T2 of the Places and Policies Local Plan, which both require the provision of off street parking for new dwellings; and constitutes a poor layout of the site, contrary to saved policy BE1 which requires a high standard of layout.
5. The submitted Bat Preliminary Roost Assessment identified a number of bat droppings and potential roost features on all elevations of the building and therefore concludes that there is a high potential for roosting bats and recommends further work is undertaken to establish the presence, or means of mitigating potential impacts on protected species (in particular bats). This has not been submitted to the Local Planning Authority. Consequently, it has not been satisfactorily demonstrated that protected species will not be harmed by the proposed development, contrary to saved policy CO11 of the Local Plan Review, emerging policy NE2 of the Places and Policies Local Plan and paragraph 175 of the NPPF, which seek to conserve and enhance biodiversity through resisting development if it is likely to endanger plant or animal life (or its habitat) protected under law and/or identified as a UK Biodiversity Action Plan priority species.

Y18/1580/FH
Bridge Tavern
129 Station Road
Lydd



DCL/18/38

Application No: Y18/0982/FH

Location of Site: Hawkinge Cemetery & Crematorium, Aerodrome Road, Hawkinge, CT18 7AG

Development: Extension to existing memorial garden and creation of additional car parking spaces.

Applicant: Dignity Funerals Ltd

Agent: Mr Simon Hawley
Harris Lamb
75-76 Francis Road
Edgbaston
Birmingham
West Midlands
B16 8SP

Date Valid: 21.08.18

Expiry Date: 16.10.18

PEA Date:

Date of Committee: 19.03.19

Officer Contact: Miss Katy Claw

SUMMARY

This application seeks planning permission to extend the existing memorial garden together with the formation of a lake, landscaped areas and extension to the existing car parking facilities. The two existing public footpaths are to remain. The layout of the development would reflect the character of the existing crematorium with no detrimental impact upon the AONB or SLA landscape designations, the amenities of neighbouring residents are safeguarded, there is no objection on highway safety and there are no outstanding objections on archaeology or groundwater issues.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1.0 THE PROPOSAL

- 1.1 This application is to create an ornamental landscaped memorial garden, measuring approximately 165 metres by 45 metres on a piece of land to the immediate south of the existing crematorium building and garden. The proposal would include a lake; landscaping, including 3 landscaped mounds; new paths; seating areas and an extension to the existing car park.
- 1.2 The proposed lake forms the central focal point around a circular secondary footpath. Two bridges would allow access over the lake as part of the larger primary path that would run through the middle of the site. The proposed lake would cover an area of approximately 413sqm and would include a 'wetland garden' area. The lake would include uplift fountains and the wetland garden would be planted with rushes, iris and other marginal plants.
- 1.3 The soft landscaping works include 6 species of tree, with a planting height of approximately 4.0 – 5.0 metres in height, structural hedges of approximately 1.2 - 1.5 metres high (to be maintained at a maximum height of 1.8 metres) and wildflower and grassed areas. The landscaping also includes 3 mounds, formed with soil from the excavated material of the lake. Mound A forms a central feature between two of the secondary paths and mound B and C are adjacent to the car park extension. The mounds have been proposed to create a sense of enclosure within the flat gardens. The mounds would be no more than 2 metres in height and would be landscaped predominantly with wildflower turf and grass. Trees would also be planted around the lower areas of the mounds.
- 1.4 The proposed hardscaping works include footpaths that would be surfaced with bound gravel in shades of 'Golden Pearl' and 'Golden Amber'. The northern section of the primary path would link to a path in the existing formal gardens to form a connection between the two areas. The area between the two bridges along the secondary path would include a semi-circular seating area of 3 hardwood benched, the floor area in this location would be surfaced with grey flagstones. The secondary paths would allow access to another formal seating area consisting of 5 hardwood benches. Part of the secondary path would also include a feature archway consisting of 6x 2.2 metre high hardwood arches. Two feature sculptures or memorial towers are proposed in the centre of two circular path sections, set along the route of the primary path. No details of the finished appearance of the sculptures have been submitted at this stage but they are to be between 2.0 – 2.5 metres in height and would be uplift.
- 1.5 The proposal also includes an extension of the existing car park to provide an additional 23 parking spaces to be used by the crematorium and local authority owned cemetery. The car park would be surfaced in asphalt with drainage gulleys leading to liner soak-aways.
- 1.6 The proposal includes some lighting. Uplighting is proposed to the water features with the lake and the main routes are to be lined with marker lighting - achieved through a combination of up-lighting to avenue trees and sculptural features. Down lighters are also to be positioned on the proposed bridge balustrade and short timber bollards where necessary.

- 1.7 The proposal also includes a small enclosed service area, located within the area of the existing car park. The area will be separated from the public areas by a 1.8m high close boarded fence and access gates.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Outside defined settlement boundary
- Area of Outstanding Natural Beauty
- Area of archaeological potential
- Special Landscape Area
- Public footpaths HE199 and HE200 cross the site
- Zone 3 groundwater source protection zone

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The crematorium grounds cover approximately 2.35 hectares, however the application site itself has an area of approximately 1.1 hectares.
- 3.2 The parcel of land to which the application relates is currently flat, open and maintained grass land.
- 3.3 To the south-east, south and south-west of the site lies an area of residential development. The application site is approximately 47 metres from the nearest residential properties (1&2 Cemetery Cottages). Between the application site and the nearest properties lies an area of open grassland. The main crematorium is to the immediate north and open fields are beyond that. The burial plots associated with the cemetery are located to the east and north-east. The site is bordered to the west by a shrub lined access track.
- 3.4 To the south of the crematorium building is an existing car park for visitors which provides 29 parking spaces. From visiting the site, it is also noted that the main driveway into the site is also used for informal parking at times.
- 3.5 Public Right of Way HE199 and HE200 both cross the application site. HE199 crosses the site from North to South and HE200 crosses the site from East to West.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is a long planning history for the site and its use as a cemetery and crematorium. Planning permission has recently been granted for the change of use of a parcel of land to extend the existing cemetery together with extension of the service road (Y18/0771/SH).

- 4.2 Prior to this, planning permission was granted in 2001 for the erection of a detached building for use as a memorial book room (Y01/0320/SH) and an extension to the rear of the crematorium to provide new port-cochere after partial demolition of book room (Y01/0048/SH). This is the most recent and relevant 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.shepway.gov.uk/online-applications/>

Responses are summarised below.

- 5.2 Hawkinge Town Council
No objection.

- 5.3 KCC Highways and Transportation
No objection.

- 5.4 Environment Agency
No objection. Agreed wording for a condition with regards to the excavation of the pond.

- 5.5 KCC Public Rights of Way
No objection, but make the following comments:

The proposal does not directly affect the public rights of way. Have requested informatives and suggests applicant should apply for a Temporary Traffic Regulation Order (TTRO) - applied direct to KCC PROW.

- 5.6 Environmental Health
No objection. Requested contaminated land condition be applied to any permission.

- 5.7 KCC Archaeology
No archaeological measures required.

- 5.8 Arboricultural Manager
No objection.

6.0 PUBLICITY

- 6.1 Neighbours notified by letter. Expiry date 11.09.2018
- 6.2 Site Notice displayed. Expiry date 26.09.2018
- 6.3 Press Notice. Expiry date 27.09.2018

7.0 REPRESENTATIONS

7.1 None received.

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 LR8 U4 TR11 TR12 CO1 CO4

8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD SS1 SS3 CSD4

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:
HB1 T2 NE3 HE2

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

8.5 The following paragraphs of the National Planning Policy Framework 2018 apply in particular:
98, 109, 170 and 172

9.0 APPRAISAL

Relevant Material Planning Considerations

9.1 The relevant issues for consideration with regard to this application are design and layout, amenity, highway safety, archaeology and contamination.

Design and Layout

9.2 The application proposal would change the character of the application site from an area of mown lawn to one of a formal garden area with man-made features. The works include excavating the ground to form a lake and using the excavated material to form three landscaped mounds, each no more than 2 metres in height, to create a sense of enclosure within the site. The mound areas would

form some visual interest and whilst they may appear 'foreign' given the otherwise flat nature of the site, their inclusion would not appear incongruous once the proposed landscaping is complete. The re-use of the soil would be more environmentally sustainable than transporting it from site to landfill.

- 9.3 The extension to the car park would also introduce development into the currently grassed area, but this is considered low-level development that would not be readily visible from outside the site. The works are considered to be in-keeping with the existing form and pattern of development within the crematorium area as is it would be an extension of the existing parking area.
- 9.4 The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB) and a locally designated Special Landscape Area (SLA). Saved local plan policy CO4 refers to the SLA and requires development to protect or enhance the natural beauty of the SLA. Policy NE3 of the emerging Places and Policies Local Plan refers to the AONB and SLA. This policy seeks to ensure that the setting of the AONB is conserved and enhanced and that proposals reinforce and respond to the character and qualities of the AONB. Proposals need to protect or enhance the SLA and proposals that are inconsistent with this objective will not be permitted unless the need to secure economic and social wellbeing outweighs the need to protect these areas. The policy says that the impact of individual proposals and their cumulative effect on the Kent Downs AONB and its setting will be carefully assessed. At a national level, paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues." Core Strategy policy CSD4 states "Planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations."
- 9.5 For the purposes of NPPF paragraph 172, the proposal is not considered to constitute major development in the AONB, due to the form, the low scale and low intensity nature of the development.
- 9.6 The works would not be visually unobtrusive due to their low level nature and the inclusion of natural planting. It is considered that the proposed development would not be highly visible from the surrounding landscape and would preserve the natural beauty of the AONB and SLA, in accordance with adopted policy.

Amenity

- 9.7 The application site is approximately 47 metres from the nearest residential properties (1&2 Cemetery Cottages). Given the low-level nature of the development, the scheme would not result in loss of light or loss of privacy for these properties. The only likely potential impact on neighbouring amenity would be from the increase in activity from vehicles and people movements. Given the distance from residential properties, the nature of the development this is likely to be low key and is unlikely to create any significant additional noise disturbance. The car parking area is intended to relieve the current issue with vehicles parking along and blocking the access to the cemetery, which can occur

when separate services are held in close succession. Consequently the rise in the number of vehicles and visitor numbers at any one time to the site is not likely to be significantly above that which already occurs.

- 9.8 As such, it is considered that the proposal would not give rise to a significant increase in vehicle movements or noise and disturbance in comparison to the existing use and, therefore, it is in accordance with saved Local Plan policy SD1 and emerging Places and Policies Local Plan Submission Draft policy HB1, would safeguard the amenity of residents.

Highway Safety & Public Rights of Way

- 9.9 Paragraph 109 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” In this instance, it is not expected that the parking area will increase the number of vehicles that would visit the site but rather help alleviate the existing congestion and parking of vehicles along the access road and verges that is currently being experienced within the grounds of the site during busy periods. The proposal is not considered likely to result in a significant increase in visitors to the crematorium as a whole.
- 9.10 Saved policy LR9 state that “Rights of way will require to be properly integrated into the design and layout of development sites. The District Planning Authority will not permit development which would interrupt existing rights of way unless alternative provision can be made which will provide a facility of equal or greater benefit. Regard will be had to a route’s attractiveness, safety and convenience for public use.” Paragraph 98 of the NPPF states “Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”
- 9.11 The existing public footpaths HE199 and HE200 both cross the application site and have where possible, been integrated into the proposed formal footpaths. The works affecting HE199 (which runs North to South) would provide an equal facility to the existing public footpath, it would be well integrated into the proposal and the works would have little impact upon the footpath. HE200 (which runs East to West) is more affected, with the proposed formal paths and planting interrupting the path at various locations, making the line of the existing path less direct as a result. KCC PROW have confirmed they are happy with the proposals and have no objection to the paths being upgraded by means of surfacing but have requested as an informative that there to be no furniture erected on or across the paths and that no hedges or planting be planted within 1.5m of the edge of the path. In this case no furniture is proposed to be erected on or across the paths, however the proposal does propose planting within 1.5 metres of the paths. In conclusion, the proposal in relation to the public footpaths is considered to comply with saved policy LR9 and paragraph 98 of the NPPF. If planning permission were to be granted then the applicant would need to apply separately to KCC PROW for a Temporary Traffic Regulation Order (TTRO) in order to safeguard the public whilst the works are taking place.

Archaeology

9.12 Emerging policy HE2 states “Important archaeological sites, together with their settings, will be protected and, where possible, enhanced. Development which would adversely affect them will not be permitted.” The site is located within an Area of Archaeological Potential, however, KCC Archaeology have confirmed that due to the nature of the proposal, no archaeological measures are required. As such, the proposed development is not considered to have an impact on buried archaeology and is acceptable in this regard.

Groundwater / Contamination

9.13 In relation to use of the site, the applicant has confirmed that the garden area would be used for the scattering of ashes and that no burials will take place in the garden. In this regard and the Environment Agency have confirmed that they have no objections from a groundwater perspective.

9.14 The application proposes a wetland lake with the excavated material from this lake to be used to create three landscape mounds. In this regard the Environment Agency have no objections in terms of groundwater contamination as long as the pond does not encounter the chalk layer under the soil deposits. A condition can be attached to any planning permission that stipulates that in the event that the excavation works intrude into the chalk layer, it shall be reported to the Local Planning Authority and works shall cease until reports detailing how the pond is to be created has been submitted and approved by the Local Planning Authority. The Environment Agency have confirmed that they are satisfied with this approach.

9.15 With regards to ground contamination, the proposal mainly involves minor landscaping works that would only impact the top layer of soil, with exception of the lake. The presence and potential levels of contaminants within the ground are unknown at this time. In this regard the Council’s Environmental Health Officer has requested a condition that if contamination is found during the works that has not been previously identified it shall be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary, a remediation scheme shall be prepared.

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.

Local Finance Considerations

9.17 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance

consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 9.18 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not CIL liable as it does not propose new dwellings or retail development.

Human Rights

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

- 9.20 This application is reported to Committee as the Council has an ownership interest in the land and the application does not constitute a small-scale proposal.

10.0 BACKGROUND DOCUMENTS

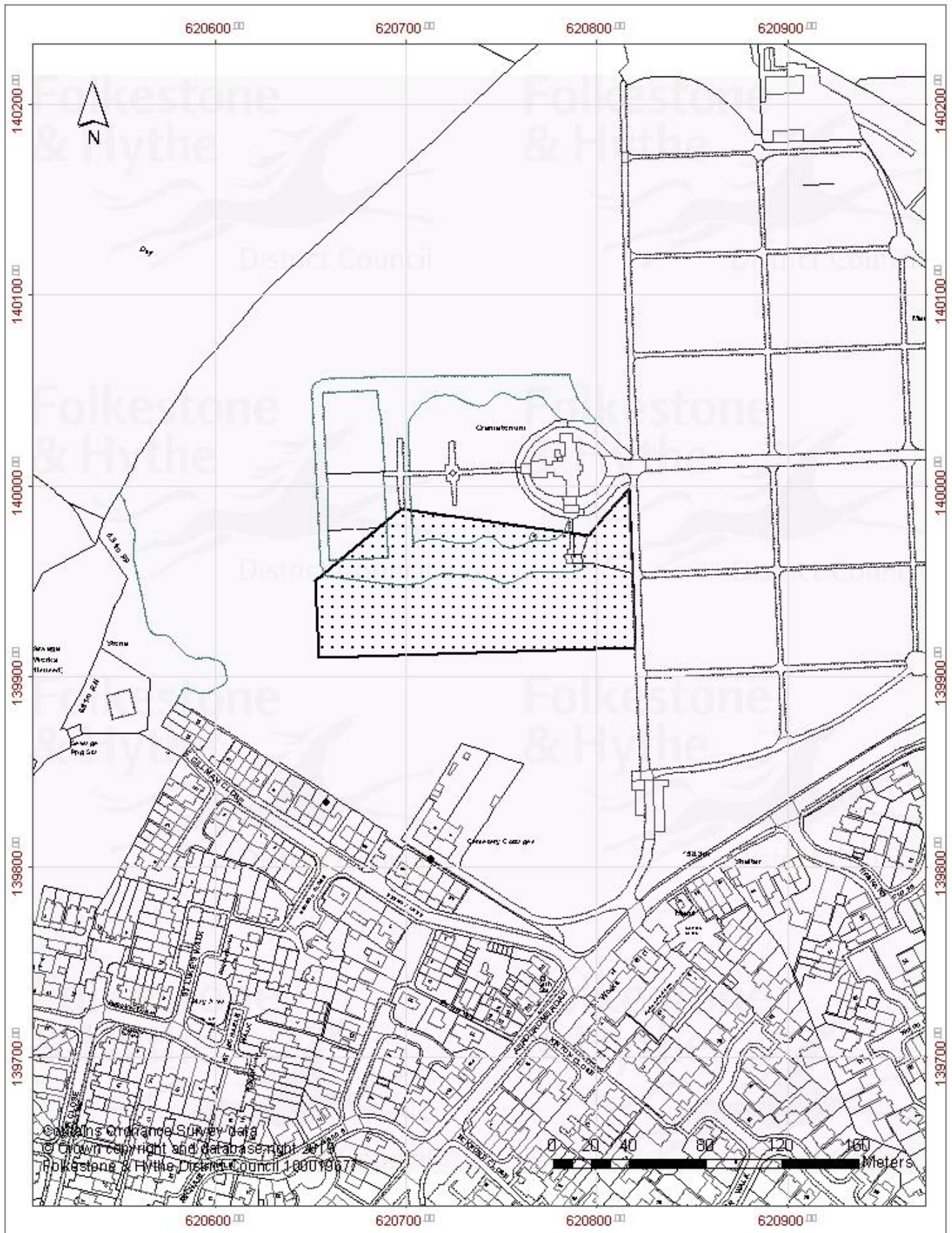
- 10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the conditions set out below and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary:

1. Development must begin within 3 years
2. Development must be in accordance with the submitted plans
3. Materials in accordance with the submitted plans
4. Hard and soft landscaping details to be submitted and approved. To include implementation scheme and timetable for planting and details of sculptures.
5. Details and numbers of external lighting fixtures to be submitted and approved. Details to include level of luminance and extent of light spill
6. Details of lake and mounds to be submitted and approved. To include profiles.

7. Details of pond excavation to be submitted and approved if chalk layer is encountered during excavation works
8. If during development ground contamination is found it shall be reported in writing to the LPA, investigation, risk assessment and remediation measures shall be undertaken as necessary and results submitted to LPA for approval

Y18/0982/FH
Hawkinge Cemetery and Crematorium
Aerodrome Road
Hawkinge



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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 – 19 MARCH 2019**

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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PLANNING AND LICENSING COMMITTEE

19th March 2019

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

**1. Y18/1035/FH
(Page 9)**

**LAND ADJOINING THE MOUNT, BARROW HILL
SELLINDGE**

Outline application for the erection of 11 dwellings with the formation of a new access with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.

Elizabeth Welch of Hobbs Parker, applicant's agent, to speak in support of the application

Nigel Fursden, on behalf of Sellindge Parish Council, to speak on application

**2. Y18/1580/FH
(Page 27)**

BRIDGE TAVERN, 129 STATION ROAD, LYDD, TN29 9LL

Change of use from Drinking Establishment (Class A4) to 3 residential units (Class C3) comprising two 4 bedroom dwellings and one 5 bedroom dwelling with associated parking and garden areas.

Mr. S. Komolafe, applicant, to speak in support of the application

**3. Y18/0982/FH
(Page 39)**

**HAWKINGE CEMETERY & CREMATORIUM,
AERODROME ROAD, HAWKINGE**

Extension to existing memorial garden and creation of additional car parking spaces.

Paul May of Dignity PLC, applicant, to speak in support of the application

**1. Y18/1035/FH
(Page 9)**

**LAND ADJOINING THE MOUNT, BARROW HILL
SELLINDGE**

A further Archaeological Evaluation report has been submitted by the applicant and KCC Archaeology will be consulted. If comments are received in time for the committee meeting they will be reported verbally, otherwise the recommendation remains as per the officer's report

**2. Y18/1580/FH
(Page 27)**

BRIDGE TAVERN, 129 STATION ROAD, LYDD, TN29 9LL

Following the publication of the committee report additional information has been submitted by the applicant with regard to the grounds for refusal.

There is insufficient time before the committee meeting for officers to assess and consider the new information received and carry out any necessary consultations. The applicant has been advised that the application will either need to be considered on the basis of the original information or they request that the Committee defer consideration of the application to enable officers time to assess the new information. The applicant has requested that the application be deferred and it is recommended that this is the best course of action.

RECOMMENDATION:

That consideration of the application be deferred in order to enable officers to consider the updated information and; if the additional information overcomes all the officer's reasons for refusal that, delegated authority be given to the Chief Planning Officer to grant planning permission.

**3. Y18/0982/FH
(Page 39)**

**HAWKINGE CEMETERY & CREMATORIUM,
AERODROME ROAD, HAWKINGE**

An amended site location plan has been received showing an amended red line to reflect the extent of the proposal site as set out on the landscape masterplan. An additional plan has also been received showing a cross section of the proposed lake, bridge and mound.