



# Agenda

Meeting: **Planning and Licensing Committee**  
Date: **2 July 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);

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

Contact Sue Lewis – Tel: 01303 853265  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

c) voluntary announcements of other interests.

**3. Minutes (Pages 3 - 6)**

To consider and approve, as a correct record, the minutes of the meeting held on 11 June 2019.

**4. Y19/0231/FH - 20 Encombe, Sandgate, Folkestone, Kent, CT20 3DE (Pages 7 - 18)**

Report DCL/19/05 Erection of a three storey block of five (two-bedroom) apartments following the demolition of No. 20 Encombe with associated parking and landscaping.

**5. Y18/0948/FH - Land Adjoining Holme View Farm, Dengemarsh Road, Lydd, Kent (Pages 19 - 34)**

Report DCL/19/06 Change of use of land from agricultural to B1 (business) / B2 (general industrial) / B8 (storage and distribution) purposes, including retention of access, and car park and erection of industrial unit.

**6. Y18/1033/FH - The Paddocks, Dengemarsh Road, Lydd (Pages 35 - 58)**

Report DCL/19/07 Erection of a two-storey dwelling related to proposed equestrian facility, together with installation of a mobile home for users of the equestrian facility, the formation of a sand school, erection of a tack/feed shop, associated car parking and proposed commercial storage of horse boxes and lorries.

**a) Supplementary Information**

\*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, 11 June 2019
Present	Councillors John Collier, Gary Fuller, Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Jim Martin, Philip Martin (Vice-Chair), Connor McConville, Ian Meyers and Georgina Treloar
Apologies for Absence	Councillor Jackie Meade and Councillor David Wimble
Officers Present:	David Campbell (Development Management Team Leader), Kate Clark (Committee Services Officer), Sue Lewis (Committee Services Officer), Llywelyn Lloyd (Chief Planning Officer) and Lisette Patching (Development Management Manager)

Others Present:

### 1. **Declarations of Interest**

There were no declarations of interest.

### 2. **Minutes**

The minutes of the meeting held on 30 April 2019 were submitted, approved and signed by the Chairman.

### 3. **Minutes of the Licensing Sub-Committee**

The minutes of the Licensing Sub-Committee held on 24 April 2019 were submitted, approved and signed by the Chairman.

### 4. **Y18.1193.FH The Barnfield, Brabourne Lane, Stowting Common, Ashford, Kent, TN25 6BQ**

Report DCL/19/03 – Change of use and conversion of barn to holiday let Accommodation.

Elizabeth Oakes, local resident, spoke against the application.  
William Harbottle spoke on the application on behalf of Stowting Parish Council.  
Claire Short, applicant, spoke on the application.

Proposed by Councillor John Collier  
Seconded by Councillor Jim Martin and

**Resolved:**

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

(Voting: For 7; Against 0; Abstentions 2)

**5. Y19.0377.FH 1 Varne Road, Folkestone, Kent, CT19 6BE**

Report DCL/19/04 - Erection of a two storey side extension along with retrospective consent for the erection of a single storey rear extension and raised terrace area.

Proposed by Councillor Mrs Jenny Hollingsbee  
Seconded by Councillor Philip Martin and

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

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

**6. The Folkestone & Hythe (Land at Shelleys Mews, Ingles Road, Folkestone) Tree Preservation Order No 6 of 2019**

Report DCL/19/01 considered the confirmation of the Tree Preservation Order served in respect of two Sycamore trees and the objections relating to it. The objections mainly relate to tree nuisances and tree risk.

It was reported to members that two further representations had been received by email since the report and supplementary information had been published. These related to layout of surrounding buildings and light issues and damage being caused by roots to surrounding brick wall.

Proposed by Councillor Mrs Jenny Hollingsbee  
Seconded by Councillor Ian Meyers and

**Resolved:**

- 1. To receive and note report DCL/19/01.**
- 2. To confirm The Folkestone & Hythe (Land at Shelleys Mews, Ingles Road, Folkestone) Tree Preservation Order No 6 of 2019.**

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

**7. Exclusion of the Public**

Proposed by Councillor Ian Meyers  
Seconded by Councillor Philip Martin and

**Resolved:**

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

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

(Voting: For 8; Against 0; Abstentions 1)

**8. Unauthorised erection of dwelling**

The report considered the appropriate action to be taken regarding enforcement.

Proposed by Councillor Ian Meyers  
Seconded by Councillor Jim Martin and

**Resolved:**

- 1. To receive and note the report DCL/19/02.**
- 2. That an Enforcement Notice be served requiring the demolition of the residential dwelling on the land and the cessation of the use of the land for residential use.**
- 3. That the Chief Planning Officer be given delegated authority to determine the exact wording of the Notice(s).**
- 4. That the period of compliance with the Notices be (twelve) 12 months.**
- 5. That the Assistant Director - Governance, Law & Regulatory Services be authorised to take such steps as are necessary including legal proceedings to secure compliance with the Notice.**

(Voting: For 8; Against 1; Abstentions 0)

This page is intentionally left blank

**Application No:** Y19/0231/FH

**Location of Site:** 20 Encombe, Sandgate, Folkestone, Kent, CT20 3DE.

**Development:** Erection of a three storey block of five (two-bedroom) apartments following the demolition of No. 20 Encombe with associated parking and landscaping.

**Applicant:** Sunningdale House Developments Ltd

**Agent:** Hume Planning Consultancy Ltd

**Date Valid:** 28.03.19

**Expiry Date:** 23.05.19

**PEA Date:** 05.07.19

**Date of Committee:** 02.07.19

**Officer Contact:** Adam Tomaszewski

## **SUMMARY**

Planning permission is sought for the construction of a three storey building to comprise five two-bedroomed apartments following the demolition of 20 Encombe, along with associated parking and landscaping. The assessment of the application set out below considers that the proposal is in accordance with the local and national planning policy and is acceptable with regard to principles of the proposed development, residential amenity, highway matters, drainage, archaeology, land stability and ecology. The development is therefore considered to be sustainable and as required by the provisions of the NPPF should be approved, subject to appropriate conditions.

**RECOMMENDATION:** That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority given to the 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 The proposed development is for the demolition of the existing two storey dwelling at 20 Encombe and to replace it with a three storey building comprising five residential apartments with associated parking and landscaping. The proposed development has a contemporary three storey design with flat roof and balconies for each of the apartments to the front elevation.
- 1.2 The scale of the proposal has been guided by the site levels in order to provide access to the lowest ground floor level which would be at the appropriate topographical level to allow direct access from the access road.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:

- Inside the settlement boundary
- Area of archaeological potential
- Land instability area as identified by the British Geological Survey

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

- 3.1 The site lies at the northern end of the Encombe cul-de-sac, which is accessed from the A259 at Sandgate Esplanade. The site currently has a two storey flat roofed dwelling sited on it, which is of no particular architectural merit. The site covers an area of approximately 0.23 hectares, comprising flat land on the site of the existing dwelling and wooded hillside (part of the Sandgate Escarpment) at the rear. The site borders the principle entrance to the 36 apartments currently under construction on the adjoining site to the west, which formerly contained Encombe House, permitted under the outline permission reference Y11/0122/SH, subsequent reserved matters application reference Y16/0447/SH and the non-material amendment application Y18/0022/NMA. The owner of that site is also the applicant in this current application. The area of Encombe, of which this site forms part, was originally a mature parkland landscape interspersed with footpaths.
- 3.2 A Conservation Area is sited further to the east and to the south.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Y18/0579/FH - Retrospective application to fell three Birch and one Sycamore, and coppice four Yews, all subject of Tree Preservation Order No 8 of 2002. Approved with conditions.

### **5.0 CONSULTATION RESPONSES**

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

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

Responses are summarised below.

#### **5.2 Sandgate Parish Council**

Raised objections on the following grounds:

1. Increase in traffic generation would be detrimental both in terms of noise and present a clear danger to motorists and pedestrians.
2. Progressive demolition of properties in this area causing increasing concerns regarding land slippage.
3. Increased problems from water run-off due to over development.
4. Impact on badger setts.
5. Impact on neighbouring properties.
6. Inadequate parking provision.
7. Inadequate neighbour notification.

#### **5.3 Building Control**

No objections subject to the Council's standard landslip condition.

#### **5.4 Environment Agency**

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

#### **5.5 Landscape and Urban Design Officer**



No objection.

#### 5.6 Environmental Health

No objection subject to the imposition of the condition set out by the contaminated land consultants.

#### 5.7 KCC Archaeology

No comment.

#### 5.8 KCC Ecology

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

#### 5.9 Southern Water

Raised no objection.

#### 5.10 Merebrook – Contamination Consultant

Raised no objection subject to the Council's standard contamination condition.

#### 5.11 Arboricultural Manager

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

### **6.0 REPRESENTATIONS**

6.1 15 letters/emails have been received objecting on the following grounds:

- Gross overdevelopment;
- Out of character and scale with the adjacent houses.
- Demolish 20 Encombe and rebuild something of a similar size and height;
- Unstable land conditions and instability
- Impact on drainage
- Existing capacity of foul and surface sewers is overloaded.
- Additional traffic would impact on road safety including at the junction of the A259;
- Increase in noise and pollution
- Land instability could be disastrous for the Encombe area;
- Requests a planning condition restricting the parking of construction vehicles on the road.
- The character and appearance of the development would be detrimental to the Local Landscape Area;
- Does not marry well with the Sandgate Design Statement;
- Overspill parking within Encombe Road would result;
- Will exacerbate existing problems lower properties have of water runoff;
- Impact on neighbouring property, loss of privacy, overlooking, concerns raised that the occupants could change the layout and increase size of overlooking windows.
- Ecological impacts especially with regards badgers.
- Concern over parking arrangements
- Additional residents traffic on the highway network will place a heavy strain on residents in the area;
- The addition traffic on the existing highway network will impact the free flow of traffic and the existing junctions are not able to accommodate the additional traffic;

6.2 The Sandgate Society objects to the proposal and raised the following concerns in two separate representations:

- The erection of yet more flats in this area is already having an overbearing effect on the back drop of what was once a green hillside which is undermining any possibility of having any sort of identifiable architectural character in this part of Sandgate.
- Increase in traffic pressures.
- The impact of extra load already imposed, the diversion of water courses as a consequence of the recent implementation of land stability solutions and the effects of almost doubling vehicular use of the road.
- Out of keeping with the design of the properties to the east, the proposed development relates to the properties to the west.

## 7.0 RELEVANT POLICY GUIDANCE

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

<https://www.folkestone-hythe.gov.uk/planning/planning-policy/local-plan>

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

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

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

SD1, BE1, BE17, BE19, HO1, U2, U10a, U15, TR5, TR11, TR12, CO1, CO4, CO11.

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

DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD4, CSD5.

7.4 The following policies of The Places and Policies Local Plan Submission Draft apply:

HB1, HB3, NE2, NE6, NE7, T2, T5, CC2, HE2.

The Submission draft of the Places and Policies Local Plan (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.

7.5 The following policies of the Core Strategy Review Submission Draft 2019 apply:

SS3, SS5, CSD5

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. 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, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

## **7.6 Sandgate Design Statement – The Escarpment Character Area**

7.7 The following paragraphs of the National Planning Policy Framework 2019 apply: 7-14, 38, 47, 48, 54, 59, 102, 108, 109, 117, 122, 124, 127, 131, 170, 175, 177, 178, 179, 180.

## **8.0 APPRAISAL**

### **Relevant Material Planning Considerations**

8.1 The main considerations in the determination of this application are the principle of the proposed development, sustainability, design, residential amenity, land stability, ecology, highways, contamination, trees/landscaping and archaeology.

### **Principle/Sustainable Development**

8.2 At a national level the National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development as does policy DSD of the Shepway Core Strategy and policy SD1 of the Shepway Local Plan Review. The NPPF defines 'Sustainable development' as having three dimensions: economic, social and environmental.

8.3 In term of water sustainability, policy CSD5 of the Shepway Core Strategy in part requires that all developments should incorporate water efficiency measures. The policy states development for new dwellings should include specific design features and demonstrate a maximum level of usage of 105 litres per person per day or less. This usage level figure is adjusted to 110 litres per person per day under the guidance of Building Regulations Approved Document G (which came into effect in October 2015). This can be controlled by planning condition and no objection is raised in respect of this element of policy CDS5 of the core strategy.

8.4 The NPPF encourages the effective reuse of brownfield sites (previously developed land) that are not of high environmental value. Policy SS1 of the Shepway Core Strategy identifies the strategic priorities for future development being on urban, brownfield sites. Saved policy HO1 of the Shepway Local Plan Review permits housing on previously developed sites or infill within urban areas. Policy SS3 of the Core Strategy requires development within the district to be directed towards previously developed land within the urban area.

8.5 With regard to the principle of development in this location, this is considered acceptable. The application site is located within the settlement boundary of Folkestone and Sandgate and is within a predominantly residential area. The sustainable location benefits from good access to local shops, services and transport connections. This site is considered to be an infill previously developed windfall plot within the built environment where its development for additional residential units would make more efficient use of the land and potentially enhance the area. Saved Local Plan Review policy HO1a) supports the development of infill brownfield sites within existing urban areas.

### **Design**

8.6 The NPPF and saved local plan policy BE1 require new residential development to deliver high quality housing in terms of the appearance of the development, ensuring that the development density is appropriate for its location, the street scene and character of the area and also the functionality and layout of the development design.

- 8.7 The area is within the Escarpment Character Area of the Sandgate Village Design Statement. This acknowledges the contemporary architecture within the area and also states that - *There is no common architectural style here and a unifying approach would be desirable*. The proposed design is contemporary, which suits the style of the architecture in Encombe. It is very similar to the design of the new apartments currently under construction to the west, and a number of other new residential dwellings on the approach to the development site, therefore it is considered that the design complements the surrounding buildings and fulfils the requirements of the Sandgate VDS.
- 8.8 The existing pattern of development within Encombe varies significantly, with a variety of style and scale of buildings. However it is reasonable to conclude that the predominant built form in this part of Encombe is large two and three storey detached dwellings addressing the street frontage. It is also noted that several modern and contemporary dwellinghouses have been built recently within Encombe and a series of large apartment blocks are being constructed at the top of the road adjacent to the development site.
- 8.9 In terms of siting, the plot is considered to be spacious in size and the (ground floor) building footprint of approximately 250sqm would sit comfortably within the plot where there is sufficient room to accommodate the building without it appearing cramped or over intensive and without eroding the spacious green characteristics of the area. Good space and landscaping would remain and whilst two trees would be removed, these are low quality and would not be detrimental to the visual amenity of the area (trees and landscaping are covered in more detail below). The proposed siting would also ensure that the dwelling visually contributes to the streetscene where its high quality architecture will be clearly visible. As such the siting is considered acceptable.
- 8.10 With regard to scale, the three storey scale is considered acceptable. This area has a mixture of scales, but is predominantly two and three storey. Its scale and form is also proposed to respond to the hillside location and the changing levels and natural contours of the land which would also prevent its bulk and mass from appearing unduly large.
- 8.11 The applicant has included design measures to create visual interest and reduce the mass of the building further. It is proposed that each of the three floor levels has a different elevation treatment, with natural stone work at ground level, a light coloured render on the first storey and a darker coloured aluminium cladding at second floor level. The change in materials would help to architecturally break down the mass of the building, creating relief to the front elevation and allowing the top floor to blend into the backdrop of the wooded escarpment to the rear.
- 8.12 The use of a mixture of materials also breaks up the bulk and mass of the development providing visual relief. In this regard, the building would not be seen as a vertical three storey building, but instead a building form that gradually rises sympathetically following the hillside profile and creating interest and innovative form. As seen from the road, being the most prominent elevation, the maximum roof height reaches approximately 8.9m but this is staggered with each storey stepping back gradually from the road ensuring that the overall height would not appear dominant.
- 8.13 Whilst the maximum roof height of the proposed development would be approximately 0.8m higher than 21 Encombe, the roof height at its maximum would be set back around 10.6m from the neighbouring property. Whereas, 21 Encombe is currently 1.6m higher than 20 Encombe so arguably the impact from the neighbouring property on the current 20 Encombe now is more significant than what is being proposed. It is therefore considered that in terms of scale, bulk and mass the proposed development would integrate well within its surroundings, and would sit comfortably in the street scene without appearing unduly dominant.
- 8.14 In design and appearance terms, the development is considered to propose a high quality contemporary and modern design approach that responds to the character of the area. The form and scale responds to the hillside by following and addressing the rise in the land and stepping back away from its closest neighbour. Recognition of the coastal and leafy escarpment character

is also presented through the mixture of materials including stone work and light render juxtaposed against the modern darker aluminium cladding. The stone work and render reflects the local geology and are local vernacular materials whilst the darker modern aluminium material integrates well with the leafy green character of the escarpment to the rear. The design proposes strong features within acceptable parameters.

- 8.15 It is, therefore, considered that in siting, scale, design and landscaping the proposal is of a high standard that would appear acceptable within its surroundings. The proposed building is considered to comply with the provisions of policies SD1 and BE1 of the Local Plan Review and HB1 of the PPLP, in terms of presenting a high standard of design, which would physically and visually interrelate with its surroundings. The boundary of a conservation area (CA) is nearby however, the scale of the proposals and the distance between the site and the CA boundary is such that there would be no impact on its setting.

## **Residential Amenities**

- 8.16 Policy SD1 of the Shepway Local Plan Review and the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development. Policy HB1 of the PPLP requires developments to not have an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook. These policies need to be taken into account when assessing the potential impacts of new build residential development on neighbouring dwellings.
- 8.17 Concern has been raised over the proposed development having an overbearing impact on the adjacent property 21 Encombe. However, the 'step back' from the main façade would also be incorporated on the eastern side boundary, at first and second floors, in order to reduce the perceived mass and scale of the building on this side. The first floor would be approximately 4.9m from the side elevation of 21 Encombe and the second floor would be approximately 10.6m, the ground level would sit below the existing boundary treatment. This would also create a stepping up of the massing of the building form as it transitions away from 21 Encombe towards the six storey apartment pavilions which are under construction to the west.
- 8.18 Owing to the separation distances from the neighbouring houses to the east, of between 4.9 - 10.6m it is considered that there would be no significant overbearing issues, or overshadowing. There would only be three small bathroom windows on the east elevation that would be visible to 21 Encombe, these would be obscure glazed and as such are not considered to result in any risk of overlooking the neighbouring property. There would be no overlooking and loss of privacy to the south or west as the windows would look onto the public streetscene and to the north would be the woodland escarpment. To the south, the proposed apartments would have a strong element of glazing and balconies but would be in excess of 70 metres away from houses below that have rear elevations and garden outbuildings facing the development site as well as good boundary treatment to prevent a significant loss of privacy. It is therefore considered that the development would safeguard residential amenities to an acceptable level.
- 8.19 It is considered that the building can be sited within the plot without being demonstrably harmful to the residential amenities enjoyed by neighbouring occupiers. The residential use is acceptable and compatible within the area and other houses.
- 8.20 Policy HB3 of the emerging PPLP requires all new residential properties to meet nationally described internal and external floor space standards, for dwellings of this size the internal floorspace should be a minimum of 70sqm. All five of the proposed apartments would exceed this standard with internal floor spaces ranging from 90.2 to 115.7 sqm. All of the dwellings would also have private balcony areas with a minimum depth of 2m. It is considered that for future occupiers the units are all considered to be well proportioned with acceptable private outside space in the form of balconies and that living conditions in the proposed flats would be considered acceptable. Overall the proposal is not considered to result in harm to the amenities of neighbouring dwellings

and the proposed units would provide the future occupiers of the units with a good standard accommodation and would be in compliance with policy SD1 of the Shepway Local Plan Review and policies HB1 and HB3 of the emerging PPLP.

## **Land Stability**

- 8.21 The rear of the application site incorporates a steep embankment and this area falls within an area identified by the British Geological Survey as being a risk of instability. Policy BE19 states that planning permission for development within this area will not be granted unless investigation and analysis is undertaken which clearly demonstrates that the site can be safely developed and that the proposed development will not have an adverse effect on the slip area as a whole. Policy NE6 of the emerging PPLP goes on to say that where proposals affect land where instability is suspected, any planning application must be accompanied by a Phase 1 desktop land stability or slope stability risk assessment report and that the Council will look favourably on schemes that can bring unstable land back into use, subject to other planning and viability considerations. The development is proposed to be constructed primarily on the footprint of the existing dwelling so that it follows the existing contours of the land cutting into the hillside and would not impact on the embankment area in the north of the site any more than at present.
- 8.22 Matters of land stability have been covered in the submitted Phase 1 Preliminary Risk Assessment which has considered the geology, slope gradient and development and has outlined that the following criteria be adhered to when bringing the proposed development forward:
- No development within a suitable margin behind the main landslide;
  - No net increase in ground bearing surcharge is applied as a result of the construction proposals;
  - A suitable drainage strategy is employed to control and reduce groundwater levels;
  - Careful design of water supply mains and sewers including detailing of connection; and
  - Detailed consideration of surface water drainage to ensure that rainfall run off does not feed into the landslide.
- 8.23 Furthermore a detailed slope stability assessment will be carried out upon completion of a site specific ground investigation which will be informed by further topographical survey information obtained from north and south of the site. In addition further investigation into the following geotechnical and environmental issues will be carried out, including:
- Confirmation of the properties of possible onsite made ground, landslide deposits, and underlying geology;
  - Confirmation of the depth to rock head and bearing capacity of the underlying geology for foundation design;
  - Determination of the pH and sulphate of the made ground, natural strata and groundwater for concrete design;
  - Confirmation of site wide groundwater conditions;
  - Ground gas monitoring.
- 8.24 Building Control have been consulted and have no objections subject to imposition of the standard land stability condition. I am satisfied that the detailed further work recommended in the Phase 1 report, in conjunction with the Council's land stability condition, satisfactorily address land stability matters and meets policy requirements. Therefore the development is considered acceptable, subject to conditions requiring the additional investigation works and reports, and to be in accordance with saved Local Plan Review policy BE19, policy NE6 of the emerging PPLP and paragraphs 178-179 of the NPPF.

## **Ecology**

- 8.25 The application has been accompanied by a Preliminary Ecological Appraisal Report. Having considered the most likely protected species, the survey confirms that there are active badger setts present on the site, however, these are not located within the actual development footprint. No other protected species were identified on the site. The ecology report also recommends ecological enhancement and mitigation measures for the site including the retention of all native and semi-mature trees where possible, retention of existing vegetated features to the north, planting of a range of nectar rich plants within the landscaping of the development, installation of bird boxes and bat boxes within the trees on the northern part of the site.
- 8.26 KCC Ecologists have assessed the proposed development and the ecological survey carried out and consider that there is sufficient information to determine the application and raise no objections. They have acknowledged that badgers are highly mobile creatures and that the badger sett layout could change and move closer to the development therefore they have requested that to address this concern a detailed badger mitigation strategy be produced and submitted as a planning condition. I am satisfied that this will address the concerns that have been raised regarding badgers. KCC have recommended that further mitigation and enhancement measures be incorporated into the scheme, which can be controlled by condition and an informative regarding the statutory protections measures relating to breeding birds. As such the development is considered acceptable in accordance with saved Local Plan Review policy CO11 and emerging policy NE2 of the PPLP and would safeguard and enhance ecology.

## Highways

- 8.27 The site is considered to be in a sustainable location and accessible by various means of transport. It is close to facilities and amenities in Sandgate and benefits from good road and footpath networks as well as being accessible by public transport being close to bus stops.
- 8.28 The development proposes off street private parking as well as bicycle parking. Vehicular and pedestrian access would be off Encombe which is a quiet residential road with low traffic speed which is acceptable. The parking provision of five allocated spaces and two visitor spaces would be accessed from a rear access way to the apartments and would be sited a short distance away on the access road to the adjacent apartments currently under construction. There is a current overprovision of eleven parking spaces as part of that development and the seven spaces would be taken from this overprovision, this would be required by condition.
- 8.29 The proposed development does not fall within the category of development that Kent Highway Services provide comments on. KCC's Interim Guidance Note 3 (IGN3): Residential Parking, provides minimum and maximum residential parking guidelines depending on location. For a development of this type 1 space per apartment is required and 1 visitor space. The development proposes 5 allocated spaces and 2 visitor spaces, so would meet these guidelines. The spaces would be allocated from the current overprovision of parking at the adjacent apartment development. This development is providing 58 spaces and in line with (IGN3) would only have to provide a total of 47 spaces, leaving an overprovision of 11. Allocating 7 of these to the new development now proposed would still leave an overprovision of 4. As such the development is acceptable and in accordance with saved Local Plan Review policies TR11 and TR12 and policies T2 and T5 of the emerging PPLP and the parking provision would be required by condition.

## Contamination

- 8.30 Saved policy U10a relates to contamination with respect to the health and safety of occupiers of residential development and the contamination of land and watercourses by the development. As a previously developed site, there is a risk of contamination being present and therefore the application has been accompanied with a desktop assessment. The report highlights a potential low to moderate risk and recommends further intrusive investigation. The Council's Contamination

Consultant agrees with the report and advises that part 1 of the Council's standard condition has been complied with through the report and recommends the rest of the condition be imposed. Conditions can also be used to protect controlled ground water resources with suitable drainage. As such, subject to a suitably worded planning condition, no objection is raised to the proposal under saved policy U10a of the Shepway Local Plan Review or policy NE7 of the emerging PPLP.

## **Archaeology**

- 8.31 The site is within an area of archaeological potential and as such it is a material planning consideration. KCC Archaeology have been consulted and have advised that in this instance no archaeological measures are necessary. It is therefore considered that the proposal is acceptable with regard to archaeology.

## **Landscaping**

- 8.32 A number of TPO trees are located on the western boundary of the site and these would remain. A Tree Survey has been provided in support of the application and outlines that the proposal would see the removal of two trees (non TPO) within the site that are either diseased or unsafe. The report also outlines a series of tree protection measures that would be employed to prevent damage during construction. The Council's Arboricultural Manager has no objection to the proposal and requests a condition to be imposed that requires him to be notified when all the protective fencing has been erected so that it can be inspected.
- 8.33 It is also important to condition a detailed landscaping scheme that outlines a high quality approach to both hard and soft landscaping design in order to further contribute to the visual amenity and enhancement of the area. On the basis of these conditions being imposed on any planning permission the proposals are considered acceptable and it is considered that they will enhance the streetscene and the adjacent conservation area setting and provide an opportunity to protect and enhance the existing protected trees in accordance with saved Local Plan Review policies BE16 and BE17.

## **Local Finance Considerations**

- 8.34 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 8.35 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. The development is liable for the Community Infrastructure Levy which in this area equates to £111.15 per sqm of new floor space.
- 8.36 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 £6686 for one year and £26743 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**



8.37 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.

## **PUBLIC SECTOR EQUALITY DUTY**

- 8.38 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

## **9.0 BACKGROUND DOCUMENTS**

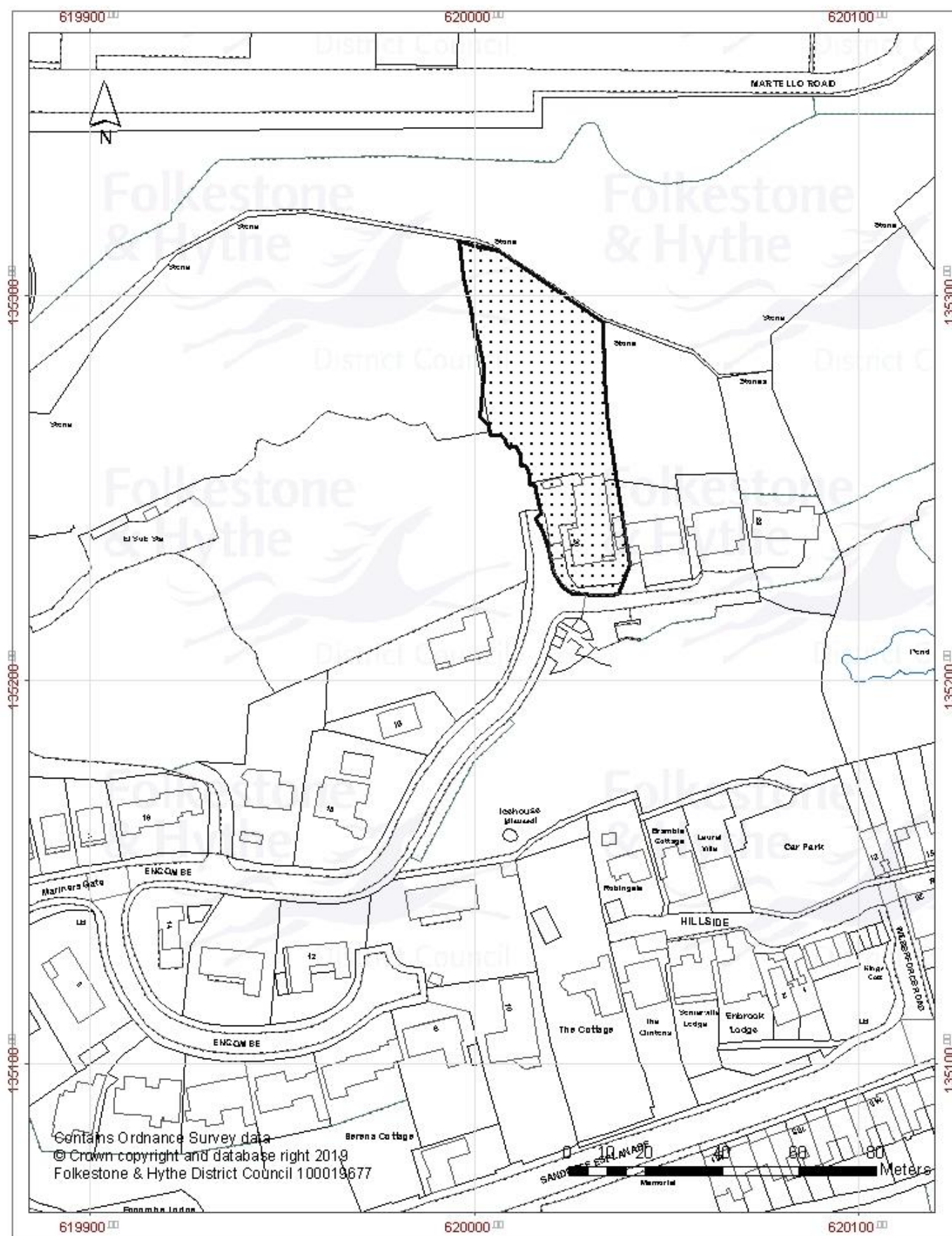
- 9.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

---

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

1. Standard 3 year permission.
2. Materials.
3. Provision and retention of vehicle parking spaces.
4. Sustainable surface water drainage scheme.
5. Verification report pertaining to the surface water drainage scheme.
6. Contamination.
7. Land stability condition.
8. Detail of foundation design
9. Maximum water use calculations.
10. Restriction of the use of piling in foundation design.
11. Badger mitigation strategy.
12. Ecological enhancement.
13. Tree Protection measures and inspection.
14. Hard and Soft Landscaping.
15. Details of boundary treatments.

Y19/0231/FH  
20 Encombe  
Sandgate



## DCL/19/06

**Application No:** Y18/0948/FH

**Location of Site:** Land Adjoining Holme View Farm, Dengemarsh Road, Lydd, Kent

**Development:** Change of use of land from agricultural to B1 (business) / B2 (general industrial) / B8 (storage and distribution) purposes, including retention of access, and car park and erection of industrial unit.

**Applicant:** Mr William Blake

**Agent:** Mr Mike Simmonds

**Date Valid:** 28.08.18

**Expiry Date:** 23.10.18

**PEA Date:**

**Date of Committee:** 02.07.19

**Officer Contact:** Katy Claw

### SUMMARY

This application seeks planning permission for the change of use of land from agricultural to Class B1 (business) / Class B2 (general industrial) / Class B8 (storage and distribution) purposes. The land in question was allocated for employment land use under the Shepway District Local Plan Review and is still allocated for employment land use under the emerging Places and Policies Local Plan (PPLP) as part of a much larger employment parcel. The proposal also includes retention of the vehicular access and car park (as approved under Y16/1094/SH) together with the formation of further hardstanding and the erection of an industrial unit to be used in connection with the site. Issues relating to ecology and foul drainage have been resolved.

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

### 1.0 THE PROPOSAL

- 1.1 This application seeks to permit change of use of approximately 0.8Ha of land to B1 (business) / B2 (general industrial) / B8 (storage and distribution) purposes. The proposal would include the retention of the existing vehicular access and parking area together with the formation of further hardstanding

and the erection of an industrial unit to be used in connection with the proposed use.

- 1.2 The vehicular access and car park area were granted temporary planning permission under planning permission Y16/1094/SH subject to a condition that the land shall be restored to its former condition on or before 1st October 2020. The access is from Dengemarsh Road and the parking area offers space for up to 16 spaces, both of which are located towards the southern end of the site.
- 1.3 The proposal includes additional concrete hard surfacing to be laid in 6m wide bays with drainage as shown dotted on plan number 2017/6/08D., north of the parking area.
- 1.4 In the northern 3<sup>rd</sup> of the site the area will be used for open storage.
- 1.5 An industrial unit is proposed to the south-eastern corner of the plot which would provide approximately 256sqm of internal workshop/storage space. The building would measure approximately 14.1m x 18.4m. The unit would have a very shallow pitched roof and stand approximately 7.2m in height. The building would be clad in green steel profiled sheeting with semi-translucent roof panels. Internally the space would mainly be open plan with a small kitchen and cloak room area.
- 1.6 Boundary treatments would consist of a 2.5m high timber acoustic fence that will replace the existing temporary blue hoarding. The timber fence will run around the north, west and eastern perimeter of the site whilst the southern boundary will retain the existing 2.5m high steel palisade fence. Positioned 2m away from the northern and upper part of the western boundaries will be a 5m wide x 2m high earth bund and to the lower part of the western boundary and around part of the southern boundary there will also be a newly planted gorse hedging inside the fence line. Further fencing to the eastern boundary would include 0.9m high post and rail fencing with sheepwire netting set along the grass verge with the highway. The proposed timber fencing will include 3 openings set along the eastern boundary to allow free passage for the badgers present on site.
- 1.7 Further landscaping would consist of a reptile mitigation area and gorse bush planting with 1050mm high cleft chestnut fencing around the existing badger sett on site, as shown on drawing number 2017/68/08E.
- 1.8 The site was granted temporary planning permission for the stationing of no more than 4 portacabins, to be removed by 1<sup>st</sup> October 2020. The applicant is not seeking to retain these portacabins as part of this application.

## **2.0 SITE DESIGNATIONS**

2.1 The following apply to the site:

- Outside settlement boundary

- Northern area of site identified as being at 'significant' risk of flooding in 2115 when taking account of climate change in the Council's SFRA. The site is located outside of any flood zones as defined in the Environment Agency flood maps.
- Established employment site (as set out under saved policy E1 of the SDLPR 2006).

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

- 3.1 The site covers approximately 0.8Ha which until 2016 was open scrub land when the temporary permission was implemented to part (southern half) of the site. The site now contains paraphernalia used in connection with the Davey Civils commercial business and the temporary access track and parking area are in situ.
- 3.2 To the north of the site are a handful of outbuildings within an open field and beyond this, the nearest neighbouring dwelling known as 'Holme View Farm, approximately 41m from the site.
- 3.3 To the west of the site on the opposite side of Dengemarsh Road is Lydd Town Football Club and the nearest neighbouring dwellings to the site on that side of the road are located to the north-east, the closest being 'The Owlers' in Robin Hood Lane, approximately 67m from the site.
- 3.4 To the south are a number of historic industrial units, the closest being Tudor Roof Company which shares a boundary with the application site.
- 3.5 To the west of the site, separated by open land and an access track are numerous outbuildings in connection with the MOD Lydd Army Camp base. Public footpath No. HL41 and a designated Coastal Footpath run along this access track to the west.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 Y16/1094/SH - Use of land for the temporary stationing of portacabins for use as offices.  
This application granted temporary planning permission until 1<sup>st</sup> October 2020 for the southern half of the site and for no more than 4 portacabins. Temporary permission was granted on the understanding that the applicant needed to relocate their commercial business to the site and that they intended to seek planning permission for a change of use of the land. The necessary ecology surveys for the full planning application were in the process of being produced at that time. The LPA did not wish to see the portacabins retained as a permanent feature and sought to ensure their short-term basis by granting temporary permission to allow the applicant time to carry out the necessary surveys and submit a change of use application for the site as a whole. Under the temporary planning permission the portacabins have to be removed from the site by 1<sup>st</sup> October 2020.

## **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

Have requested mitigation for neighbouring residential properties is put in place. This should include the deadening of noise from reversing lorries and that the hours of access and work are limited from 8am to 5pm so that anti-social noise is not a factor. Acoustic barriers and an earth bund are installed separating the industrial site from neighbouring residential property.

5.3 KCC Highways and Transportation

Parking provision is over capacity for the floor area of proposed land use but considering remote nature the parking levels are acceptable. Vehicle turning area is more than adequate. Visibility splays are acceptable. Confirm that subject to conditions proposal is acceptable.

5.4 Environmental Health

Suggested conditions relating to hours and days of operation and maximum noise levels

5.5 KCC Ecology

Following amended plans they are satisfied that development can retain the badgers and reptiles within the site and ensure that there is connectivity to the surrounding area.

5.6 Merebrooks

Conclusions and recommendations of the desk study and risk assessment report are accepted. The report would fulfil part 1 of the Council's standard land contamination condition.

5.7 Environment Agency

Following amended details consider that planning permission could be granted as submitted if conditions are included. Without these conditions the proposed development would pose an unacceptable risk to the environment.

## **6.0 PUBLICITY**

- 6.1 Neighbours notified by letter. Expiry date 24.09.2018

- 6.2 Site Notice. Expiry date 01.10.2018

## **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 31 letters/emails received objecting on the following grounds:

- Flood risk to neighbouring property
- Proposed use of a water treatment plant for foul sewerage is unlikely to be acceptable. Could be direct discharge of effluent to ground water and nearby ditches/streams and could be impacted by outflows.
- High water table does not allow for adequate drainage/filtration
- Hard standing is non-permeable
- Large environmental impact
- Land was a former landfill site and is a habitat for birds, badgers, foxes, rabbits and rare lizards
- Surrounding area and road are subject to flooding after rainfall because of lack of adequate drainage
- Noise / smells / fumes from machinery
- Traffic speeds along road are dangerous / no footpaths
- A local councillor has been working and advising Davey Civils. Conflict of interest
- Applicant has already built some drainage chambers and manhole covers
- Positioning of fencing and bunds
- Acoustic fence should be higher
- CCTV and floodlights proposed 5 or 6m high next to neighbouring property. Invasion of privacy and light would shine into dwelling
- Machinery and plant will be visible from garden and neighbouring windows
- Council were aware of contamination and wildlife but still approved first application on land that had remained empty for over 50 years. Second application should not be allowed
- Slot drainage channels and soakaways
- Fuel inceptor chambers
- Substation
- Noise reverberation/echo/wind direction and disturbance
- Proposed working hours
- Vehicle parking
- Storage unit
- Boundaries
- Employees
- Removal trees, bushes
- The applicants persistent non-compliance
- Proximity and privacy, peace
- Run-off
- Claimed land at front of site effect on habitat if owner comes forward

7.3 1 letter email of support raising the following points:

- Land is being used to bring employment in to Lydd
- Existing wildlife and ecology is being accommodated responsibly

## **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, E1, BE1, BE16, U1, U3, U4, TR11, TR12, CO1, CO11

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, SS4

8.4 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.

The following policies of the Places and Policies Local Plan Submission Draft apply: HB1, E1, T2, NE2, NE5, NE7

8.5 The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. 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, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

The following policies of the Core Strategy Review Submission Draft 2019 apply: DSD, SS1, SS2, SS3, SS4

8.6 The following paragraphs of the National Planning Policy Framework 2018 apply: 7, 8, 9, 11, 12, 38, 47, 48, 54, 58, 80, 82, 83, 84, 108, 109, 117, 120, 122, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 170, 175, 177, 178, 179, 183



## **9.0 APPRAISAL**

### **Relevant Material Planning Considerations**

- 9.1 The relevant issues for consideration with regard to this application are the acceptability in principle of the use of the site, visual impact, highway safety, biodiversity, contamination, drainage/flooding and neighbouring amenity.

### **Principle and Change of Use**

- 9.2 The site is located outside of any settlement boundary but it is however, in a relatively sustainable location, very close to the settlement boundary of Lydd which is identified as a Service Centre in the Core Strategy which encourages employment. Whilst the Core Strategy at policies SS1& SS2 seeks to ensure that new development is provided within a hierarchy of locations from town centre outwards, this site as explained is both relatively sustainable in location (albeit outside of the settlement boundary).
- 9.3 The application site is designated on the Local Plan Proposals Map as an established employment site under saved policy E1 of the Shepway District Local Plan Review and under emerging policy E1 of the PPLP. The use classes for which it is allocated are: B1 (business), B2 (general industrial) and B8 (storage and distribution). These are the same use classes for which planning permission is being sought. Therefore, in principle, the proposed uses are acceptable. The site is located outside of any built up area boundary, although is in close proximity to the built up area of Lydd. Lydd is recognised as a Service Centre within policy SS3 of the adopted Core Strategy where its role is described as "to accommodate development appropriate to the district and its own needs in order to grow and consolidate its position as a District Centre serving the local hinterland with shops, employment and public services". As such the change of use in this location is considered to be acceptable subject to other material planning considerations.
- 9.4 In this case the current owner/occupier of the site would use the area for the storage of civil engineering/ground support equipment to be moved and used as required for the applicant's contract works. Machinery operation would extend to forklift telehandlers to load and unload the civil engineering equipment from the vehicles transporting to and from sites. The intended use of the site is considered appropriate in terms of planning policy.

### **Design, Layout and Visual Impact**

- 9.5 Works have commenced on site as a result of the temporary planning permission. This has changed the character of the site from one of vacant scrub land to a commercial use. But the principle of this change has been accepted by virtue of its allocation in the local plan. The proposal would include man-made features not uncommon with such a use and the layout of the site has been designed to take account of the protected wildlife located to the northern section of the plot with the hardstanding, car parking area

and building to be located to the southern half. Overall the amount of man-made paraphernalia on the site is fairly low level with the industrial unit being the most visually intrusive permanent feature to be contained within the site. The industrial unit has been positioned towards the rear of the site and this would reduce its visual appearance when viewed from outside the site. There would be plant and machinery associated with the commercial use but these are not fixed features. Given the height of the proposed acoustic fencing the majority of commercial items within the site would not be readily apparent from outside. As such, the fence would be the most visual feature of the site and this element is essential to serve for the purposes of security and to reduce noise impact to the local area in which there are some residential dwellings located. The main acoustic fence itself would be set back from the highway by approximately 6m at its closest point and up to 13m from the public highway at its furthest point. Such a fence is not uncommon given the nature of the business. Given that the site sits in close proximity with other commercial sites to the south of the site and it also sits in close proximity to the Lydd ranges to the west, it is considered that the overall visual appearance of the site as a whole would not appear out of context in the immediate area and therefore would be visually acceptable in this instance. The layout, design and choice of materials in the construction of the building and boundary treatments are considered to be typical of the intended use and no objections are raised.

- 9.6 Considering the site within the wider context it is accepted that the plot is located within an area of relatively flat and open land and therefore any development above ground level would appear as a prominent feature in the landscape when compared to its appearance prior to any development. On its own the site would have the potential to look out of place but when read against the other industrial units in the immediate vicinity it would not appear out of character and the land allocation has been chosen due to its close relationship with the other industrial units. The proposed works associated with the change of use are considered to be in keeping with the general form and pattern of industrial development within the immediate and surrounding area.

## **NEIGHBOURING AMENITY**

### **Noise**

- 9.7 The nearest neighbouring building to the site is the industrial unit to the immediate south which is currently occupied by Tudor Roof Tiles Ltd. Given the commercial nature of this neighbouring site it is considered that the occupiers would not be significantly detrimentally impacted by the proposal. The proposed industrial unit would sit alongside open storage space associated with Tudor Roof Tiles and would therefore cause minimal detrimental impact to the neighbouring commercial business in terms of overshadowing or overbearing.
- 9.8 The applicant has set out their hours of operation as being Monday - Saturday 07.30 – 20.00. These hours of operation have been supported by Environmental Health. Environmental Health have specifically requested

that the site is not to operate on Sundays or Bank Holidays. Hours of operation can be secured by condition. Deliveries to the site will also be restricted to within the operating hours as set out above. The intended hours of operation appear reasonable given the location of the site, in close proximity to other commercial units with the same permitted 'Use Class' as being sought under this application. The hours of operation as set out above would ensure that machinery is not operated at unsocial hours, thereby reducing the impact of noise disturbance to neighbouring residents in the early mornings or late evenings on any given day.

- 9.9 The nearest neighbouring residential property to the site is located approximately 40m to the north-west of the site. (Holme View Farm). Other nearby residential properties located in Robin Hood Lane are approximately 62m to the north east. The mitigation proposed by the applicant includes a bund across the northern and to part of the eastern boundaries together with a 2.5m high acoustic fence on the western, northern and eastern boundaries. The southern elevation faces existing commercial units and here there is existing 2.5m high palisade fencing.
- 9.10 It is accepted that B2 use (general industrial) has the potential to be a noisy operation. However the current applicant would be using the site mainly for storage and the limited space within the proposed industrial unit would limit the ability to carry out a significant amount of general industry activities. This industrial unit is to be sited at the south-western corner in the site, furthest from the residential properties. If further buildings were required these would be subject to planning permission and the necessary assessments in terms of noise would be considered during the life of any application.
- 9.11 Environmental Health have recommended that no manufacturing or repair work is to take place within the open areas of the site and that combined noise emissions from all plant (i.e. air condition units or other permanent plant, not moving vehicles) is not to exceed -5dB relative to background at the nearest residential façade at any time. It would be possible to place conditions on any planning permission to secure maximum permitted noise levels.
- 9.12 The site has been allocated for the proposed used in local plan policy and, therefore, the principle of these uses on this site has already been accepted. It is accepted that there will be a degree of noise associated with the use of the site and it is considered that necessary steps have been shown within the application documents to reduce noise impact (as set out above) to an acceptable level. Further mitigation measures, as set out above, would include conditions to restrict noise levels from plant and a restriction on the hours of operation. It is concluded that sufficient measures have been included within the scheme to ensure that noise nuisance has been mitigated as far as is reasonably practical and to an acceptable level. Such measures can be enforced by planning condition.

## **Visual impact**

- 9.13 In terms of visual impact, it is accepted that the proposed boundary fencing and part of the commercial building would be visible from outside the site but the space separation of the application site from the nearest neighbouring dwelling would ensure that the land use related items are not overbearing and would not give rise to loss of light or overshadowing to the neighbouring residential properties.

### **Light Pollution**

- 9.14 The applicant included 4 x 5m high CCTV/lighting poles on some of the drawings but no further details of the poles had been included on the application and they did not form part of the description of works on the application form. The applicant was asked to remove these CCTV/lighting poles from the plans and advised to submit a separate planning application for them. Amended drawing number 2017/68/08E received 06.06.2019 shows the CCTV/lighting poles removed from the scheme. The applicant may require some other low level lighting to the external of the building or low level lighting bollards, these can be dealt with via condition but the high level poles would require planning permission in their own right.

### **Ecology / Biodiversity**

- 9.15 The site contains a number of protected species, to include two badger setts and lizards. Of the two setts found one was found to have light use and the other remains active. A licence has been applied for (under the 1992 Protection of Badgers Act) that, if granted, will enable its closure.
- 9.16 Emerging policy NE2 refers to biodiversity and says that 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 (which may include brownfield or previously developed land (PDL) that can support priority habitats and/or be of value to protected species). This is in line with the aims of the National Planning Policy Framework (NPPF).
- 9.17 The main badger sett remains active and will be retained and protected by means of appropriate planting and fencing as shown on amended drawing number 2017/68/08E submitted with this application and also set out in the accompanying Ecological Mitigation and Management Plan submitted with the application. The drawing shows a reptile translocation site outside of the acoustic fence and the drawing confirms that the fencing around the reptile receptor site is post and rail and that three badger gates will be created in the acoustic fencing along the eastern boundary to enable movement between the retained badger sett and wider site. The existing badger site itself will be planted with gorse bushes and will be fenced off from the wider site with 1050mm high cleft chestnut fencing. Following consultation, KCC Biodiversity Officers have confirmed that they are satisfied with the mitigation measures proposed to ensure that the proposed development can retain the badgers and reptiles within the site and ensure that there is connectivity to the surrounding area. The implementation and retention of the mitigation measures can be secured by planning condition.

## **Drainage**

- 9.18 Following an objection from the EA, the scheme now proposes the use of septic tanks which would allow for treated water to discharge into a drainage field within the confines of the site. Rain water from the proposed building will discharge to a soakaway within the confines of the site. The EA have confirmed that they consider planning permission could be granted as submitted providing that the conditions as set out in their final comments dated 13<sup>th</sup> November 2018 are all complied with. The EA have confirmed that they consider all the conditions listed are achievable by the applicant. There are no valid planning reasons to disagree with the findings of the EA and, therefore, it is considered that the scheme is acceptable subject to conditions and that the risk of flooding within and outside of the site can be sufficiently mitigated for as a result.
- 9.19 Some drainage measures were approved as part of the 2016 planning permission and works with regards to drainage under the previous scheme (in connection with the portacabins) have commenced on site. This does not impact upon the current scheme for which separate conditions will be required as the portacabins are only temporary.

## **Contamination**

- 9.20 A desk based study and risk assessment report has been produced by Southern Testing Ltd as part of the application. The document includes a desk study / site walkover with conceptual site model and contamination risk assessment. The document has identified potential risk (albeit low) to the future development and recommends intrusive site investigation. In comments received 8<sup>th</sup> April 2019 the Council's external contamination consultants (Merebrooks) have confirmed that the submitted report meets the requirements of part 1 of the Council's standard land contamination condition. In this regard it is considered appropriate to allow planning permission to be granted subject to parts 2 - 5 of the standard contamination condition being applied to any planning permission. As part of the conditions the applicant would be required to submit a site investigation report to cover an assessment of the nature and extent of any contamination on the site and whether or not it originates on the site. If that report shows that remediation is necessary then a detailed remediation scheme to bring the site to a condition suitable for the intended use would then need to be submitted to the LPA. A verification report would also be required to be submitted which would need to demonstrate completion of the works set out in the remediation scheme.

## **Flooding**

- 9.21 Paragraph 155 of the NPPF says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- 9.22 The National Planning Practice Guidance (NPPG) (paragraph: 066 Reference ID: 7-066-20140306) defines “less vulnerable” development as including employment uses and covers buildings used for general industry, storage and distribution. In assessing where uses should go, the NPPG says (paragraph: 067 Reference ID: 7-067-20140306) in Table 3, that “less vulnerable” development is “appropriate” development in all flood zones 1-3, except 3(b) – the functional floodplain.
- 9.23 There was therefore no need to do a specific sequential test for the allocation of employment sites, as the use is considered appropriate for all levels of flood risk, except in a functional floodplain. Nevertheless, as part of the preparation of the emerging Places and Policies Local Plan, site allocations have been considered using the SFRA to steer development to the areas of least risk of flooding. This has been demonstrated through the local plan evidence base including Sustainability Appraisals.
- 9.24 The northern section of the site is shown to be at risk of flooding in 2115 under climate change projections, the southern section (the location of the hardstanding, parking and building) are outside of the projected flood area in the Council’s SFRA. Therefore, the risk of flood damage to building occupants is low and any increased risk of flooding elsewhere by water displacement is also considered to be low in this instance. Should the applicant (or any subsequent site owner) wish to erect further buildings etc within the northern area of the site further planning permission would be required and any flood risk concerns would be assessed as part of that application.

### **Highway safety**

- 9.25 The access and parking area has already been approved under Y16/1094/SH and the proposed location of these has not altered from that previously approved. The area of verge fronting the highway is not within the applicant’s ownership, which was also the case for the 2016 application, and the applicant has taken the appropriate steps in this regard (as was the case for the 2016 application) and has published statutory notices in the local paper to try and identify the land owner. No person or interested party has come forward since the notices were posted.
- 9.26 The applicant has submitted visibility splays showing 90m splays (albeit over 3<sup>rd</sup> party land) and these would normally only be sufficient for 40mph driven speeds. No speed data survey has been provided to support these proposed splays and the access is located in a derestricted speed limit. Kent Highways and Transport Services have noted this and notwithstanding this fact, they have taken account of the road alignment in both directions and have confirmed that they are satisfied that the available visibility in reality is significantly greater than the proposed splays, and as such the proposed splays are acceptable.
- 9.27 The proposed parking provision is over capacity for the floor area of the proposed land uses under KCC parking standards. However, considering

the remote nature of the site and taking account the civil engineering nature of the applicant's business which may require remote workers to arrive on site and then take company vehicles out, the proposed parking levels are acceptable. The vehicle turning area by way of the proposed concrete hard standing is more than adequate. Taking account of the above KH&TS have confirmed that no objections are raised to the proposal subject to conditions to include provision of wheel washing facilities, use of a bound material for the first 5m of the access from the edge of the highway, gates are to open away from the highway and provision and permanent retention of the vehicle parking spaces shown on the plans.

## **Environmental Impact Assessment**

9.28 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**

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

9.30 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge.

## **Other Issues**

9.31 Comments have been received from interest parties, not all comments have been objections, not all comments are clear as to the concerns surrounding them and not all comments made are material planning considerations. Where clear and relevant to planning, the comments made have been addressed within the report.

9.32 It is noted that Lydd Town Council has requested a condition with regards to the deadening of noise from reversing lorries (the inbuilt beeping) Such a condition is not reasonable or enforceable. Most large vehicles include this safety feature and the inclusion of these beepers is for the purposes of health and safety. Any such condition to see safety measures impinged or reduced would be inappropriate and could lead to increased risk to life for employees of the site. Lorry movements on site would be adhoc during the

given hours of operation and the noise from reversing beepers would not occur for any significant continuous period. As set out above measures are proposed to mitigate unacceptable noise and disturbance from the site and these are considered acceptable and reasonable.

- 9.33 This application is reported to Committee at the request of Cllr Goddard on the grounds of loss of amenity, noise pollution and lighting intrusion.

## **Human Rights**

- 9.34 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.

## **Public Sector Equality Duty**

- 9.35 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

## **10.0 BACKGROUND DOCUMENTS**

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

---

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

1. 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. Details of any low level external lighting fixtures to the building and/or any other low level lighting within the site to be submitted and approved prior to installation. Details to include level of luminance and extent of light spill
5. No manufacturing or repair works to take place within any open external areas
6. Hours of operation – 07.30 – 20.00 Monday to Saturday. No opening on Sundays or Bank Holidays.
7. Combined noise emissions from all plant not to exceed -5dB relative to background noise at nearest residential façade at any time.
8. Provision and permanent retention of vehicle parking spaces
9. Access gates to open away from highway
10. Use of a bound surface for the first 5m of the access from the edge of the highway
11. Completion and maintenance of the access details and visibility splays as shown on the submitted drawings
12. Parts 2-5 of land contamination condition
13. Badger gates will be created in the site fencing as shown on the approved plans to enable movement to retained badger sett and wider site
14. Gorse planting shall take place within x months and replanting within 2 years if any plant is removed, uprooted or destroyed or dies.
15. The development shall not be commenced until such time as a scheme to connect the building to foul and or surface water drainage system has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved prior to the first used of the building.
16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details

Y18/0948/FH  
Land adjoining Holm View Farm  
Dengemarsh Road  
Lydd



## DCL/19/07

**Application No:** Y18/1033/FH

**Location of Site:** The Paddocks, Dengemarsh Road, Lydd

**Development:** Erection of a two-storey dwelling related to proposed equestrian facility, together with installation of a mobile home for users of the equestrian facility, the formation of a sand school, erection of a tack/feed shop, associated car parking and proposed commercial storage of horse boxes and lorries.

**Applicant:** Mr & Mrs James

**Agent:** Mr Mark Hall  
Cyma Architects Ltd  
55 The Old High Street  
Folkestone  
Kent  
CT20 1RN

**Date Valid:** 20.11.18

**Expiry Date:** 15.01.19

**PEA Date:**

**Date of Committee:** 02.07.19

**Officer Contact:** Louise Daniels

### SUMMARY

The application proposes an equestrian business on the site together with a residential dwelling for occupation by the owners for security of the proposed business. It is not considered that this site is suitable for such a business due to its unsustainable location. Notwithstanding this, the business has not yet been established and no evidence has been submitted as to whether there would be sufficient demand for the business to make it financially viable sufficient to be able to justify granting planning permission for the proposed structures or for a dwelling or that there is a need for a dwelling on site for animal welfare reasons. Therefore there is no planning policy justification or reason why a new dwelling on this site would be permitted when national and local planning policies seek to resist development in the countryside in unsustainable locations. The proposal does not meet the sequential test in terms of flood risk. The change of appearance of the site that would result from the development is also considered to impact negatively upon the character and appearance of the countryside and Local Landscape Area which is characterised by its low lying open appearance with sparse vegetation.

**RECOMMENDATION:** That planning permission be refused for the reasons set out at the end of the report and that delegated authority be given to the Chief Planning Officer to add any additional grounds for refusal if necessary following the receipt of comments from Natural England.

## **1.0 THE PROPOSAL**

- 1.1 This application is for the erection of a two storey dwelling and stationing of a static mobile for use as a tea room/rest room and toilets by the users of the proposed equestrian facility, together with the construction of a sand school and erection of a tack and feed shop and associated car parking.
- 1.2 The applicants purchased the site in 2016 and have kept their own horses on the site for personal use. Now they propose to create a small business on the site to provide an equestrian service to the local community. A brief explanation on how the business would operate is provided within the D & A Statement. It states the proposed equine business would offer sand school hire, horse transportation for 2 horses/ponies at a time to and from the site, horse trailer/lorry storage for up to 5 units, a shop for equine tack and feed purchase as well as livery for 2 horses. The D&A Statement states that the projected turnover for the business would be £2,000 per month. Once the equine centre has been established, it states they would also offer horse and rider training on site.
- 1.3 There are 5 existing stables, a storage unit and tack room on site as well as 3 stable shelters in the fields. These have no planning permission however from aerial photography it can be seen that these appear to have been in place for longer than 4 years and therefore it is likely that they are immune from enforcement action and these do not form part of this application.
- 1.4 It is proposed to raise the land on which the dwelling would be located by 60cm. The proposed dwelling would be two-storeys and would have a pitched roof. The submitted D&A Statement states that the dwelling has been designed to have the appearance of a converted agricultural building. The elevations would be untreated oak weatherboard over brick plinth, with a slate roof. An oak frame porch is proposed to the west elevation and 3 parking spaces are proposed in front of the dwelling, to the side of the proposed porch.
- 1.5 The D&A Statement goes on to explain the reasons why the applicants want to have a dwelling on the site, which are as follows:
  - Stables and equine equipment stored in remote locations such as this are always vulnerable to theft and vandalism.
  - The business is small scale, with the primary work carried out by the applicants so a permanent on site presence will ensure the viability of the business and maintain the offer of the facilities to the public.
  - The applicants currently live in Lydd and want to create a new family home in close proximity to their horses within their home community and this site presents the perfect opportunity.
  - The relocation of the applicants to the new property will also result in the vacation of their existing property in New Romney, which will

effectively increase the number of properties available in the area, increasing the housing supply.

- 1.6 The proposed tack and feed shop would be located to the west of the proposed dwelling, on the west side of the access road at the northern end of the site, near the entrance. The building would be single storey with a pitched roof. It is stated within the D&A Statement that it would have the appearance of an agricultural building, of a similar style to the proposed dwelling with matching materials.
- 1.7 Parking spaces are proposed to the west side of the access road into the site, with 3 spaces to the north of the tack and feed shop and 9 spaces between the proposed tack and feed store and the existing stable block. These spaces are also proposed to be used for the commercial storage of horse boxes and lorries. Opposite the tack and feed store would be an area for deliveries and turning. All new hard standing for parking and turning areas would be surfaced with a water permeable gravel finish.
- 1.8 The proposed static caravan would be located to the south of the proposed dwelling and would be used for a tea room, rest room and toilets. The static caravan would be raised up on blockwork plinths, with a small raised decking area to the east side.
- 1.9 The proposed sand school would be positioned to the south of the static caravan, opposite the existing stables, and would be formed from one of the existing paddocks. The sand school would measure approximately 36m by 26m and would be surrounded by timber post and rail fencing.
- 1.10 The application is accompanied by ecological, archaeological, contamination reports, a design and access statement and a flood risk assessment (FRA). However, the application is somewhat lacking in information and evidence to justify why the development is required on this site and could not be accommodated in a more sustainable location or why the dwelling is needed, other than for security reasons and the applicants wish to live on the land that they have purchased.

## **2.0 SITE DESIGNATIONS**

2.1 The following apply to the site:

- Outside the settlement boundary
- Area of archaeological potential
- Environment Agency Flood zones 2 and 3
- Strategic Flood Risk Assessment (SFRA) year 2115 hazard rating – significant
- Local Landscape Area (LLA)
- Dungeness, Romney Marsh and Rye Bay RAMSAR, Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA) directly opposite the site to the west.

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

- 3.1 Dengemarsh Road is characterised by flat agricultural land with surrounding waterbodies and the road is lined with vegetation along sections of the road. The site is flat and roughly triangular, covering an area of approximately 1.8 ha. The site is on the east side of Dengemarsh Road, opposite the Water Sports Centre. There are stables within the middle of the site, situated adjacent to and parallel with Dengemarsh Road which provides stabling for 5 horses. There is vegetation along the west boundary of the site, between Dengemarsh Road and the access road into the site.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 There is no planning history on the site however pre-application advice was sought from the Council by the applicant in March 2017 for the erection of a house in the countryside to be associated with the keeping of horses and possible future equestrian business. The advice that was given at the time was that the proposal would not be supported as the site is outside the settlement boundary, in a significant flood risk area and that even when associated with an existing operational business, it would need to be demonstrated that that business is financially viable such as to be able to support a dwelling and that the need for a dwelling on the site was essential.
- 4.2 Despite this advice the current application was submitted.

### **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 Environment Agency  
No objection providing conditions are imposed on any permission granted to secure the ground floor finished floor level, that sleeping accommodation is only located on the first floor and that the mobile home shall not be used for sleeping accommodation. A remediation strategy as well as a verification report shall also be conditioned due to the controlled water location. Groundwater is anticipated to be shallow at this location and every precaution should be taken to prevent any pollution of groundwater.

- 5.4 Natural England  
Awaiting response.

- 5.5 KCC Ecology



No objection subject to a condition requiring the submission of an ecological management plan. No lighting has been proposed which could have a negative impact on the adjacent designated sites therefore no further assessment of time impacts of the proposed development is required.

5.6 KCC Archaeology

No archaeological measures are required.

5.7 Contamination Consultant

The submitted Phase 1 Contamination Land Desk Study does not fulfil the requirements of the first part of the Councils standard land contamination condition and a desk study/site walkover is required to be submitted.

## 6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 03.01.19

6.2 Site Notice. Expiry date 04.03.19

6.3 Press Notice. Expiry date 14.02.19

## 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 1 representation received making comments on the proposal, neither objecting nor supporting:

- Rain water from the slope will naturally seek a lower level to go and therefore put the adjacent fields at greater risk of flooding, a soakaway should be placed along the dividing boundary or a ditch created to stop this happening.
- The jointly owned access area is not built to cope with likely rise in traffic and extra use, it is a dirt track. It would need to be made more robust with better drainage to cope with the proposed use.
- Security would improve for neighbouring yard.

## 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, LR3, BE1, BE16, U1, U4, U10a, U15, TR5, TR11, TR12, CO1, CO5, CO11 and CO22.

- 8.3 The following policies of the Shepway Local Plan Core Strategy apply:  
DSD, SS1, SS3, SS5, CSD3, CSD4 and CSD5.
- 8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:  
HB1, HB2, HB3, HB7, E3, T2, T5, NE1, NE2, NE3, NE4, NE5, NE7, CC2, HE2,
- 8.5 The following paragraphs of the National Planning Policy Framework 2018 apply:  
7, 8, 9, 10 – Achieving sustainable development  
11 – Presumption in favour of sustainable development  
47 – Determining applications  
79 – Rural housing  
83, 84 – Supporting a prosperous rural economy  
127 – Achieving well-designed places  
149, 150 – Planning for climate change  
158 – Sequential test  
155, 163 – Planning for flood risk  
170, 171, 173 – Conserving and enhancing the natural environment  
174, 175, 176, 177 – Habitats and biodiversity  
178, 179, 180 – Ground conditions and pollution

## **9.0 APPRAISAL**

### **Relevant Material Planning Considerations**

- 9.1 The main issues for consideration are the acceptability of the principle of the uses and development on this site in planning policy terms, given its isolated countryside location outside of the designated settlement boundary, as well as visual impact, flood risk and drainage, ecology, highways and transportation, impact upon the amenities of local residents, archaeology and contamination.

### **Sustainability of Equestrian Business**

- 9.2 Paragraph 83 of the NPPF supports “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”. This is not an existing business and so does not meet the aims of national planning policy in this regard. Although equestrian businesses such as livery yards or riding schools are associated with the countryside by their very nature, they are usually located on existing sites which already have built forms such as barns, stables or adjacent to existing dwellings. This minimises the impact of the use. This site is isolated away from existing residential development to the south of the town of Lydd, within the open countryside and with no public transport serving the site. Therefore, it is not considered to be a sustainable location.
- 9.3 Policy CSD3 of the Core Strategy states that recreation uses will be allowed within defined settlements in the Settlement Hierarchy. Where sites are unavailable within these settlements they may be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and



Primary Villages. Lydd is classed as a District Centre within the Core Strategy and therefore the policy allows for some provision on the edge of the town. However, the application site is outside any settlement boundary and neither is it adjacent to the settlement boundary. Paragraph 4.62 of the Core Strategy states that the Settlement Hierarchy provides a framework for the planning system to concentrate development in selected locations across the district, and can maximise efficient use of existing infrastructure and support business and community facilities.

- 9.4 Therefore, the site is considered to be isolated in relation to the main settlement and in an unsustainable location and as such is not supported by local policy as there would likely be other sites in more sustainable locations which could accommodate this type of recreational activity and equestrian shop.
- 9.5 The sequential approach for locating visitor attractions is further echoed in the emerging policy E3 in the Places and Policies Local Plan Submission Draft which states that planning permission will be granted in or on the edge of centres in the settlement where the location is well related to the highway network and is accessible by a range of means of transport, including walking and cycling and by public transport. The policy further states that new attractions in the countryside will only be permitted in exceptional circumstances where it can be demonstrated that available sites within or on the edge of settlements are not suitable, and that the development is viable and will have significant economic and other benefits to the locality to outweigh any harm.
- 9.6 No justification has been provided as to why the business cannot be located on the edge of an existing settlement other than the application owns the land. This is not sufficient justification for not complying with planning policy. The proposed equestrian business is new and is not even relocating from an existing site. No business plan or other evidence has been submitted with the application to demonstrate that there is a genuine demand for such a business in this location and that it would be viable.
- 9.7 Paragraph 83 of the NPPF goes on to state that support will be given to “sustainable rural tourism and leisure developments which respect the character of the countryside”. However, this is not considered to be a sustainable location, adjacent to European protected sites, away from existing built form in a visually prominent location due to the surrounding flat landscape.
- 9.8 There is no public transport serving the site and no pedestrian footpath and therefore all visitors and clients would be dependent on a private car, representing an unsustainable form of development in the countryside.
- 9.9 The NPPF states that in these circumstances the development should provide opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The NPPF states that use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where

suitable opportunities exist. No provision is made in the application to improve the sustainability of the site in terms of its location and the proposal is not considered to be well-related to existing settlements.

9.10 The D&A Statement states that the projected turnover for the business would be £2,000 per month. No evidence has been provided to demonstrate how this figure has been arrived at and in any event this amount would not be sufficient to maintain the business, pay the bills and pay the wages of the 3 staff and support the construction of a dwelling.

9.11 It is acknowledged that paragraph 84 of the NPPF states that there should be recognition that to meet local business and community needs in rural areas, sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, no evidence has been provided to demonstrate how the proposal is meeting local business and community needs. As such, if permitted there is a significant concern that business would not succeed and the proposal would result in unnecessary development in the countryside.

### **Acceptability of a New Dwelling to Support a Proposed Equestrian Business**

9.12 As explained above, a viable business case has not been successfully demonstrated and, as such, there is no functional need for a dwelling on this site.

9.13 The site is within the open countryside outside of any settlement boundary where there is a general presumption in favour of protecting the countryside. Paragraph 79 of the NPPF 2018 seeks to prevent isolated new homes in the countryside, unless there is an essential need for a rural worker. This is echoed within policy HB7 of the PPLP which applies to proposals for new dwellings to support rural-based enterprise (where a rural location is essential) if special circumstances can be demonstrated by meeting the following criteria:

- There is a clear existing functional need for one or more workers to be readily available at most times;
- The enterprise has been established for at least three years and is, and is likely to remain, financially viable;
- There is no other accommodation within the site, holding or nearby which is currently suitable and available, or could be made available and suitable through conversion and change of use;
- A dwelling or building suitable for conversion to a dwelling within the site or holding has not been sold on the open housing market without an agricultural or other occupancy condition in the last year; and
- The proposed dwelling is no larger than that required to meet the reasonable needs of the enterprise;

9.14 The applicant's case is that on-site accommodation is required for security reasons to protect their horses and the proposed trailer storage that would be stored on the site in the future. However, there are many horses kept in fields that do not have surveillance from a residential dwelling being close by

and whilst the Council is sympathetic to the applicants situation in terms of security for their horses, this is not a reason to grant permission for a residential dwelling which would otherwise be refused, particularly when the trailer storage is part of the business proposal which does not exist yet. Other options for the security of the site have not been explored and discounted as unsuitable such as CCTV, security officer etc.

9.15 The proposal does not satisfy any of the criteria in policy HB7. It is therefore considered that the proposal fails this policy as the business has not yet been established on site or relocated from elsewhere therefore it has not been demonstrated that the business would be financially viable in any case. Policy HB7 goes on to say that where it cannot be demonstrated that the enterprise has been established for at least three years and is financially viable, or where it is a new enterprise, the siting of a temporary dwelling may be permitted for up to three years where the other criteria are met, and in addition there is clear evidence demonstrating:

- A firm intention and ability to develop the enterprise;
- That the enterprise has been planned on a sound financial basis;
- That the functional need cannot be fulfilled by another existing building on the site or holding or any existing accommodation; and

9.16 The ability to develop the enterprise has not been demonstrated and, as no business plan or evidence other than a statement estimating a monthly turnover of £2,000 has been provided, it has not been demonstrated that the enterprise has been planned on a sound financial basis. Therefore, there is no planning policy justification for permitting a new dwelling on this site, which otherwise would be refused for being outside the settlement boundary and within an unsustainable location.

9.17 It is therefore considered that the proposal would fail policy CSD3, policy HB7 of the PPLP as well as paragraph 79a) of the NPPF: 2018, as it has not been demonstrated that there is an essential need for a rural worker to live permanently on site to justify permitting an isolated house in the countryside.

### **Visual Impact and Design**

9.18 The Romney Marsh Character Area is identified by the Core Strategy, amongst other things, as an area where landscapes are to be protected. The site is also within the Local Landscape Area (LLA) and adjacent to the Dungeness, Romney Marsh and Rye Bay RAMSAR, Site of Special Scientific Interest (SSSI) and Special Protection Area (SPA).

9.19 Although the site contains some existing buildings/units, these are low scale with the stables running along the road boundary adjacent to vegetation which largely screens them from the wider landscape.

9.20 The proposed dwelling would be two storeys with a ridge height of 8m, on top of the land being raised by 60cm, together creating a building that is 8.6m higher than the surrounding land. Whilst the eaves would be dropped slightly, it is considered that the introduction of a two-storey dwelling together with associated residential paraphernalia such as the proposed

residential garden, within this sensitive flat landscape designated as a Local Landscape Area for its local landscape importance, would have a detrimental impact upon the character and appearance of the area. The area is fairly open with sparse vegetation and there is little in the way of natural screening such as trees and vegetation. Therefore the proposed dwelling would be very visually prominent in the landscape.

- 9.21 In addition, the introduction of further hardstanding for the parking of up to 5 horse trailers, customer parking and parking for the dwelling, proposing a total of 15 parking spaces, together with the formation of a sand school with timber fencing surrounding, and the introduction of a mobile static caravan and the erection of a further single storey building to provide the equestrian shop, would change the character of the site from the current grazing land with low scale stables to being more developed and built up. This would impact negatively upon the character and appearance of the landscape.
- 9.22 Therefore it is considered that the proposed dwelling and the buildings, structures and hard surfacing associated with the equestrian use would be unduly prominent in the landscape to the detriment of the visual amenity of the area and would be unacceptable in positioning, scale and appearance, contrary to policies SD1, BE1 and CO5 of the Local Plan Review and policy NE3 of the PPLP.

### **Flood Risk and Drainage**

- 9.23 The site is located within the Environment Agency tidal flood zones 2 and 3, where in accordance with the NPPF, the sequential and exceptions test should be applied based on the Strategic Flood Risk Assessment (SFRA) and Environment Agency flood risk zones due to the type of development being considered a 'more vulnerable' use.
- 9.24 According to the Shepway District Council Strategic Flood Risk Assessment, the site falls within an area of significant risk in 2115 (taking into account climate change and sea level rise). When applying the sequential test and considering alternative sites, there are considered to be safer areas of lower flood risk. As such, given that the demand for the business and its viability have not been demonstrated, the sequential test has been carried out on the basis of a new dwelling (as opposed to a functional rural dwelling) and it is highly likely that there are alternative sites of lower flood risk available within the character area of Romney Marsh and the proposal is therefore considered to fail the sequential test.
- 9.25 In terms of surface water disposal there is no public sewer to discharge to and owing to the ground conditions and shallow water table, it would not be possible to discharge surface water to a soakaway as the applicant has indicated on their application form. Therefore a condition would be necessary to require details of a suitable drainage scheme.
- 9.26 For foul drainage, similarly there are no public sewers within the area to connect to, therefore it is proposed for the foul drainage to be discharged to

a private storage and treatment plant which will also need separate consent from the Environment Agency and can be controlled by condition.

### **Ecology and biodiversity**

- 9.27 The site is located within the Dungeness, Romney Marsh and Rye Bay SSSI which is a national designation and adjacent to the European sites of the Dungeness, Romney Marsh and Rye Bay RAMSAR and Special Protection Area (SPA). KCC Ecology have been consulted and raise no objection to the proposals subject to a condition being attached to any approval requiring an ecological enhancement plan to be submitted.
- 9.28 The sites have been designated for their bird interest and as the application site is regularly grazed by horses it is unlikely that the site provides functionally linked habitat and therefore KCC Ecology are satisfied that there is no requirement for wintering/breeding bird surveys to be carried out. Natural England have been consulted on the application in terms of the impact of the proposal on the adjacent European sites and their comments are awaited.
- 9.29 No information regarding lighting has been provided, and as lighting can have a negative impact on the designated sites, details would need to be required by condition.
- 9.30 As such it is therefore considered that, subject to the views of Natural England, there would be no significant impact upon the European nature conservation sites adjacent to this development in accordance with saved Local Plan Review policies SD1 and CO11, and NE1 and NE2 of the PPLP and the NPPF.

### **Highways and Transformation**

- 9.31 The existing vehicular access would be utilised and parking is proposed on site, and whilst there would be an intensification in use, it is not considered that the additional traffic associated with the dwelling and proposed business would have an unacceptable impact on the local highway network or highway safety. As such the proposal is in accordance with saved Local Plan Review policies SD1, TR11 and TR12.

### **Residential Amenities**

- 9.32 The development site is located within an isolated rural area where there are no residential dwellings nearby. .

### **Archaeology**

- 9.33 KCC Archaeological Officers have advised that no archaeological measures are required.

### **Contamination**

- 9.34 Due to the previous agricultural use of the land, prior to the grazing of horses, it is recommended that the standard contamination condition is applied to any grant of planning permission.

### **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 and as such does not require screening for likely significant environmental effects.

### **Local Finance Considerations**

- 9.36 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.
- 9.37 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.
- 9.38 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 £1,337 for one year and £5,349 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.

### **Human Rights**

- 9.39 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.

9.40 The application has also been called in by Cllr Goddard.

## **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 and that delegated authority be given to the Chief Planning Officer to add any additional grounds for refusal if necessary following the receipt of comments from Natural England.**

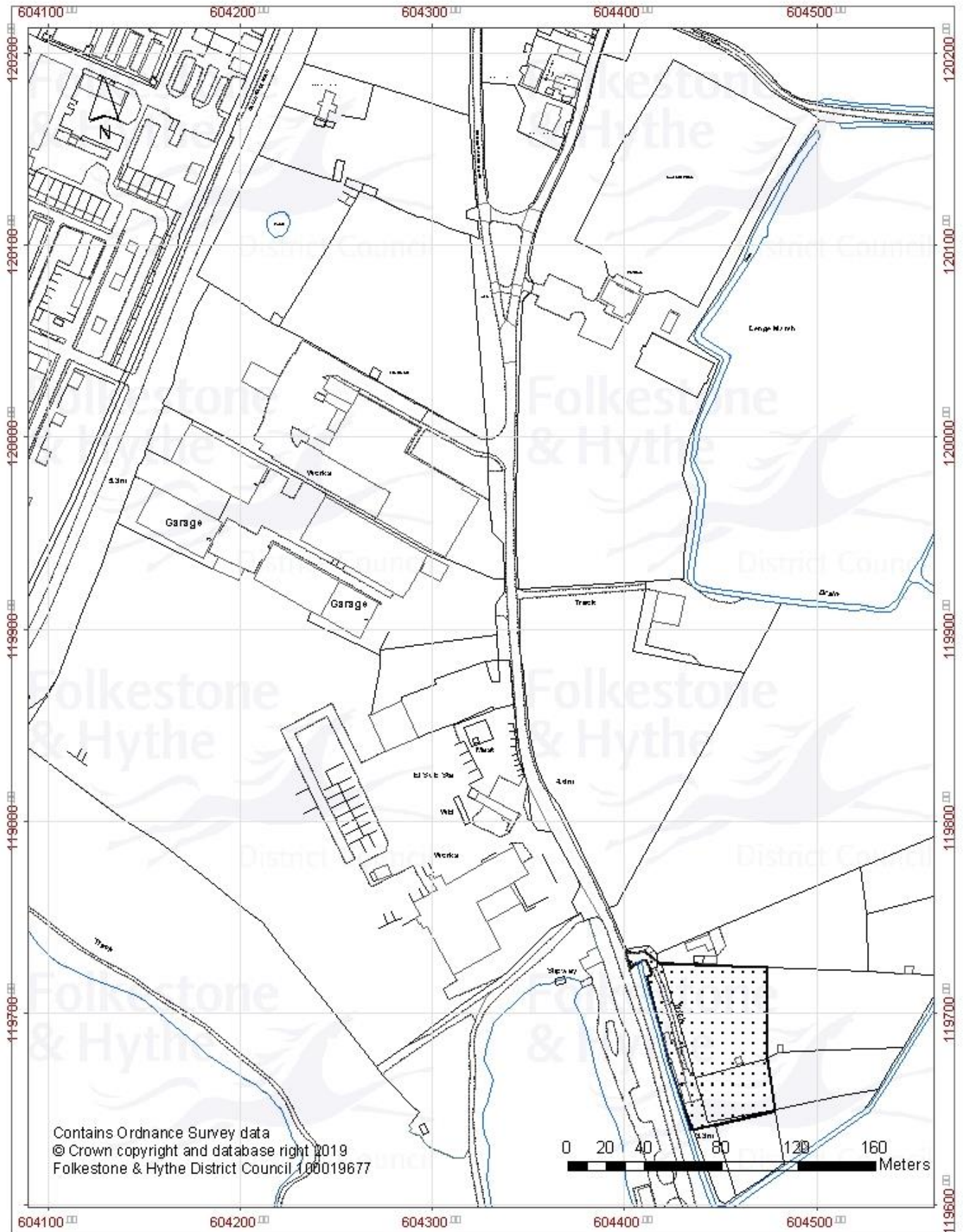
1. The submitted planning application has failed to demonstrate that there is a demand for the proposed business or that the business would be viable and as such it would result in unnecessary development in the countryside. Therefore, no functional need for a dwelling on the site has been established and the proposed dwelling would result in an unacceptable and unsustainable residential development in the countryside outside the confines of an existing town, village or rural settlement, eroding the established rural character of the area. As such, the proposal would result in unsustainable development, contrary to saved Shepway District Local Plan Review policies SD1, CO1 and HO1, Shepway Core Strategy Local Plan policies DSD, SS1, SS3 and CSD3 and draft policy HB7 of the Places and Policies Local Plan
2. The proposed development has failed to demonstrate that there are no other available sites within or on the edge of settlements that are not suitable for the proposed equine business and that this open countryside location within the sensitive low lying land is essential to accommodate this proposal, as such, the proposed development would result in a recreational facility that is in an unsustainable location within the open countryside contrary to policies CSD3 of the Local Plan and draft policy E3 of the Places and Policies Local Plan Submission Draft and paragraph 83 of the National Planning Policy Framework, which seek to protect the countryside by requiring new recreational facilities to be located in sustainable places which are well related to the highway network and are accessible by a range of means of transport, including walking and cycling and by public transport.
3. There are suitable alternative sites within the New Romney character area where the proposed development could be located that are at a lower risk of flooding. The proposal therefore fails the Sequential Test as set out in paragraph 158 of the NPPF which states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. As such, the development is considered to be unsustainable development that would result in an unacceptable risk of flooding both to property and to life,

contrary to paragraphs 157 and 158 of the NPPF and Core Strategy policy SS3.

4. The proposed development, which would introduce a new dwelling in addition to formal parking provision/ external storage, hardstanding and further structures in the form of a single storey building, static mobile and sand school, would be unduly prominent within the landscape to the detriment of the visual amenity of the area given the flat lying nature of the surrounding land. As such, the proposal would result in harm to the character of this rural area, contrary to policies SD1, BE1 and CO5 of the Local Plan Review and draft policy NE3 of the Places and Policies Local Plan.



Y18/1033/FH  
The Paddocks  
Dengemarsh Road  
Lydd



This page is intentionally left blank

## 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.

This page is intentionally left blank



**FOLKESTONE & HYTHE DISTRICT COUNCIL  
PLANNING AND LICENSING COMMITTEE – 2 JULY 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:

<b>Application No:</b>	<b>Type of Lobbying</b>
	.....
	.....
	.....
	.....
	.....
	.....
	.....

SIGNED: .....

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

This page is intentionally left blank

## PLANNING AND LICENSING COMMITTEE

2<sup>nd</sup> JULY 2019

### SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

**1. Y19/0231/FH  
(Page 7)**

**20 ENCOMBE, SANDGATE, FOLKESTONE**

Erection of a three storey block of five (two-bedroom) apartments following the demolition of No. 20 Encombe with associated parking and landscaping.

**Darin Marwood, local resident, to speak against application  
Alister Hume, agent, to speak on application**

**2. Y18/0948/FH  
(Page 19)**

**LAND ADJOINING HOLME VIEW FARM, DENGEMARSH ROAD, LYDD, KENT**

Change of use of land from agricultural to B1 (business) / B2 (general industrial) / B8 (storage and distribution) purposes, including retention of access, and car park and erection of industrial unit.

**Mrs Severn, local resident, to speak against the application  
Mike Simmonds, agent, to speak on application**

**3. Y18/1033/FH  
(Page 35)**

**THE PADDOCKS, DENGEMARSH ROAD, LYDD**

Erection of a two-storey dwelling related to proposed equestrian facility, together with installation of a mobile home for users of the equestrian facility, the formation of a sand school, erection of a tack/feed shop, associated car parking and proposed commercial storage of horse boxes and lorries.

**Mark Hall, agent, to speak on application**

---

This page is intentionally left blank