



Agenda

Meeting: **Planning and Licensing Committee**
Date: **14 January 2020**
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.

Link to Planning documents: <https://www.folkestone-hythe.gov.uk/webapp/14-1-20-planning/>

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 5 - 6)**

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

- a) disclosable pecuniary interests (DPI);

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website
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- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 7 - 10)**

To consider and approve, as a correct record, the minutes of the meeting held on 17 December 2019.

4. **Minutes of the Licensing Sub-Committee (Pages 11 - 16)**

To approve the minutes of the meetings of the Licensing Sub Committee held on 9 and 16 December 2019.

5. **Y190814FH - 7 The Old High Street (Pages 17 - 26)**

Report DCL/19/31 considers whether planning permission should be granted for a variation to the previously approved scheme which was for the change of use from retail to a mixed use of retail, a drinking establishment and an exhibition space. This previously approved scheme was granted subject to restricted opening hours and this report considers whether the proposed alterations to the opening hours are acceptable. The report recommends that planning permission be granted for a temporary three year period as it is considered that this would safeguard the amenities of existing and future occupants allowing the extended operational hours to be tested and by restricting the playing of live and recorded music.

6. **Y19-0781-FH Oak Ryse (Pages 27 - 42)**

This application seeks planning permission to convert a modern agricultural barn in the open countryside to a residential dwelling.

7. **Y19-1075-FH 4 Marine Terrace (Pages 43 - 54)**

Report DCL/19/33 considers whether planning permission should be granted for the change of use and conversion of the existing building to five self-contained flats, together with the erection of a five storey rear extension and extension and alterations to the existing roof at 4 Marine Terrace, Folkestone, previously known as the Chelsea Hotel. The report recommends that planning permission should be granted as it is considered that the amenities of existing and future residents would be safeguarded and the design and layout of the proposed development would not negatively impact on the streetscene or conservation area.

8. **Y190947FH Apple Tree Farm (Pages 55 - 72)**

Report DCL/19/34 considers whether planning permission should be granted for the erection of solar array within the grounds of Apple Tree Farm, Stelling Minnis. The report recommends that planning permission be granted as it is considered that the amenities of existing and future occupants would be safeguarded and the design and layout would not negatively impact upon the surrounding Area of Outstanding Natural

Beauty.

9. **Supplementary Information (Pages 73 - 74)**

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Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; 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. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Minutes

Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 17 December 2019
Present	Councillors Miss Susan Carey (In place of Mrs Jennifer Hollingsbee), John Collier, Gary Fuller, Clive Goddard (Chairman), Jim Martin, Connor McConville, Jackie Meade, Ian Meyers, Georgina Treloar and David Wimble
Apologies for Absence	Councillor Danny Brook, Councillor Mrs Jennifer Hollingsbee and Councillor Philip Martin
Officers Present:	Robert Allan (Principal Planning Officer), Louise Daniels (Senior Planning Officer), Sue Lewis (Committee Services Officer) and Lisette Patching (Development and Enforcement Manager)
Others Present:	

42. **Declarations of Interest**

Councillor Jackie Meade declared a other significant interest in respect of minute 47 – 5 Radnor Park Crescent, Folkestone as she was speaking on the application on behalf of Folkestone Town Council and has met with local residents. She left the meeting during discussion and voting on this item.

Councillor Georgina Treloar declared a voluntary announcement in respect of minute 47 – 5 Radnor Park Crescent, Folkestone as she is a resident of Radnor Park Crescent. She remained in the meeting during discussion and voting on this item.

Councillor Ms Susan Carey declared a voluntary announcement in minute 45 – Royal Victoria Hospital, Folkestone in that she is known to the applicant. She remained in the meeting during discussion and voting on this item.

Councillor David Wimble declared a voluntary announcement in minute 45 – Royal Victoria Hospital, Folkestone in that he is known to the applicant. He remained in the meeting during discussion and voting on this item.

Councillor Gary Fuller declared a voluntary announcement in minute 45 – Royal Victoria Hospital, Folkestone in that he is known to the applicant and served on Sandgate Parish Council. He remained in the meeting during discussion and voting on this item.

Councillor Clive Goddard declared a voluntary announcement in minute 45 – Royal Victoria Hospital, Folkestone in that he is known to the applicant. He remained in the meeting during discussion and voting on this item.

43. **Minutes**

The minutes of the meeting held on 26 November 2019 were submitted, approved and signed by the Chairman.

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

The minutes of the meeting held on 25 November 2019 were submitted, approved and signed by the Chairman.

45. **Y12/0980/SH - Royal Victoria Hospital, Radnor Park Avenue, Folkestone CT19 5BN**

Hybrid application comprising a full planning application for the change of use, conversion and part demolition of the main former Royal Victoria Hospital building to provide 18 residential units and associated parking, together with an outline application for the redevelopment of the remaining parts of the site, including demolition of outbuildings to provide up to 26 houses and associated car parking with all matters reserved for future consideration.

Mr C J Mackenny, local resident spoke against the application.
Councillor M Lawes spoke on the application, on behalf of Folkestone Town Council.
Leo Griggs, applicant spoke in support of the application.

Proposed by Councillor Ms Susan Carey
Seconded by Councillor David Wimble and

Resolved:

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing £195,000 as a commuted sum toward off-site affordable housing and £5,000 toward the provision of a shelter at the Radnor Park bus stop and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.

(Voting: For 10; Against 0; Abstentions 0)

46. **Y18/1073/FH - Land 85 Metres South Grace Cottage, Hoad Road, Swingfield**

Change of use of land for the stationing of two caravans for gypsies.

The Senior Planning Officer advised members of typos in paragraph 7.2 of the officer's report which should read as follows:

a) Local plan policy position

7.2 The Gypsy and Traveller Accommodation Assessment (GTAA) was completed in August 2018 and identified a need for 5 x permanent residential pitches and 3-5 transient pitches in the district. An additional pitch was subsequently granted planning permission on an existing site in Brenzett (Y18/0303/SH), which reduced the overall permanent need to 4x pitches.

The Development and Enforcement Management requested an amendment to recommendation b)i) to include 'structures' because a wooden shed type structure has recently been erected on the site.

Paul Wood, local resident spoke against the application.
Councillor T Hutt, on behalf of Swingfield Parish Council spoke on the application.

Proposed by Councillor Ms Susan Carey
Seconded by Councillor Jim Martin and

Resolved:

- a) That planning permission be refused for the reasons set out at the end of the report.**

(Voting: For 10; Against 0; Abstentions 0)

Proposed by Councillor Ms Susan Carey
Seconded by Councillor Jim Martin and

Resolved:

- b)i) That delegated authority be given to the Chief Planning Officer to serve an Enforcement Notice requiring the cessation of the residential use and the removal of the caravans, hardsurfacing, fencing including posts and gravel boards, portaloo, structures, vehicles and all other equipment and paraphernalia on the site, including any new additions.**
- ii) That the Chief Planning Officer be given delegated authority to determine the exact wording of the Notice.**

- iii) **That the period of compliance with the Notice be (twelve) 12 months.**
- iv) **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 10; Against 0; Abstentions 0)

47. **Y19/0979/FH - 5 Radnor Park Crescent Folkestone Kent CT19 5AS**

Change of use from 6-person HMO (House in Multiple Occupation) (Use Class C4) to 7-person HMO (Sui-Generis).

Councillor Meade on behalf of Folkestone Town Council spoke on the application.

Mr G Caldow, applicant spoke in support of the application.

Proposed by Councillor David Wimble
Seconded by Councillor Ian Meyers 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 6; Against 2; Abstentions 1)

Minutes

Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Monday, 9 December 2019
Present	Councillors Gary Fuller, Mrs Jennifer Hollingsbee and Philip Martin
Apologies for Absence	None
Officers Present:	Kate Clark (Committee Services Officer), Sarah Pinkstone (Environmental Health and Licensing Team Leader), Tim Hixon (Legal Specialist), Jack Pearce (Legal Trainee) and Briony Williamson (Senior Licensing Officer)
Others Present:	

11. **Election of Chairman for the meeting**

Proposed by Councillor Philip Martin
Seconded by Councillor Gary Fuller and

RESOLVED:

That Councillor Mrs Jenny Hollingsbee is elected as Chairman for the meeting.

12. **Declarations of interest**

There were no declarations of interest.

13. **Declarations of lobbying**

There were no declarations of lobbying. Lobbying forms were signed and returned to Committee Services.

14. **An application for a Review of a Premises Licence in respect of:
Tamarind, 37 Littlestone Road, Littlestone, Kent, TN28 8LN**

Report DCL/19/25 outlined the application made by the Home Office – Immigration Enforcement, for a review of the premises licence at a restaurant in

Littlestone following enforcement action taken by them. The Licensing Sub Committee determined the outcome for the application.

Mrs Briony Williamson, Senior Licensing Officer, outlined the history and details of this case, along with the Home Office (Immigration Enforcement) statement. She also advised that the Immigration Service had given their apologies for not attending this meeting.

There had been no representations from the Licence Holder/Designated Premises Supervisor although all relevant documents had been sent prior to today's meeting.

Mrs Williamson also advised that the business seems to have been closed for several months.

The committee considered this item in conjunction with the four licensing objectives:

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

Proposed by Councillor Gary Fuller
Seconded by Councillor Philip Martin and

RESOLVED;

- 1. That report DCL/19/25 is received and noted.**
- 2. In consideration of the representation made by Immigration Enforcement and the significant risk of the licensing objectives not being adhered to, the Premises Licence is revoked with immediate effect.**

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

15. Exclusion of the Public

Proposed by Councillor Gary Fuller
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 1 of Part 1 of Schedule 12A to the Local Government Act 1972 –

'Information relating to any individual.'

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

16. **Application for Private Hire Taxi Licence**

Report DCL/19/26 considered an application for a Private Hire Driver and whether it should be accepted considering previous spent conviction information on a DBS.

The Chairman asked Mrs Williamson to present the report and welcomed the applicant to the meeting.

The Committee asked the applicant various questions about his DBS record and his reasons for wanting to become a taxi driver. They also gave regard to the Institute of Licensing Guidance in determining suitability of applicants.

Proposed by Councillor Philip Martin
Seconded by Councillor Gary Fuller and

RESOLVED:

1. **That Report DCL/19/26 is received and noted.**
2. **That the Driver's Licence application is accepted subject to a condition that CCTV is installed and active in any Private Hire vehicle the applicant drives.**

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

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Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Monday, 16 December 2019
Present	Councillors Jim Martin, Ian Meyers and David Wimble
Apologies for Absence	None
Officers Present:	Kate Clark (Committee Services Officer), Alastair de Lacey (Legal Specialist), Jack Pearce (Legal Trainee) and Briony Williamson (Senior Licensing Officer)
Others Present:	

17. **Election of Chairman for the meeting**

Proposed by Councillor David Wimble
Seconded by Councillor Jim Martin and

RESOLVED:

To appoint Councillor Ian Meyers as Chairman for the meeting.

18. **Declarations of interest**

There were no declarations of interest.

19. **Declarations of lobbying**

Members completed and signed the declaration of lobbying forms.

20. **Classification of a film - Spell Bound, Living Advent Calendar**

Folkestone and Hythe District Council had been asked to classify a film so that it can be shown at the Silver Screen Cinema in Folkestone on Monday 23 December 2019 as part of the Living Advent Calendar schedule of events. The Licensing Sub Committee was therefore asked to approve the recommendations.

Members watched the film and the Chairman subsequently drew members' attention to the Film Classification checklist, he took each subject heading and asked for comments accordingly.

Proposed by Councillor Ian Meyers
Seconded by Councillor David Wimble and

RESOLVED:

- 1. Report DCL/19/27 received and noted.**
- 2. Application for film classification received and noted.**
- 3. To classify the film – Spell Bound as PG**

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

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Agenda Item 5

DCL/19/31

Application No: Y19/0814/FH

Location of Site: 7 The Old High Street, Folkestone, Kent

Development: Section 73 application to vary condition 3 of planning permission Y16/1125/SH (Change of use from retail to mixed use of retail, drinking establishment and exhibition space) to vary the opening times in line with the premises licence opening hours.

Applicant: Mr Andrew Shorten

Officer Contact: Louise Daniels

SUMMARY

This report considers whether planning permission should be granted for a variation to the previously approved scheme which was for the change of use from retail to a mixed use of retail, a drinking establishment and an exhibition space. This previously approved scheme was granted subject to restricted opening hours and this report considers whether the proposed alterations to the opening hours are acceptable. The report recommends that planning permission be granted for a temporary three year period as it is considered that this would safeguard the amenities of existing and future occupants allowing the extended operational hours to be tested and by restricting the playing of live and recorded music.

RECOMMENDATION:

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

1. INTRODUCTION

1.1 The application is reported to Committee as per the Council's Scheme of Delegation due to Folkestone Town Council objecting to the application and as the recommendation is for approval.

2. SITE AND SURROUNDINGS

2.1 The application site is located within the settlement boundary of Folkestone, the Folkestone Leas & Bayle Conservation Area and an area of archaeological potential. The application site is identified as secondary shop frontage as defined on the Proposals Map of the Shepway District Local Plan Review. The application relates to an existing ground floor retail unit with shop frontage on The Old High Street with access for the residential flat above (No.7A) from Payers Park to the rear of the property.

2.2 A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Planning permission is sought for the variation of condition 3 of planning permission Y16/1125/SH, which previously approved the change of use of the ground floor (excluding the rear outside space) from a retail use to a mixed use of retail and drinking establishment together with an exhibition space.
- 3.2 Condition 3 of that permission restricted the opening times to be within:
- 08:00 - 23:30, Monday - Thursday,
 - 08:00 - 00:00, Friday - Saturday
 - 08:00 - 23:30, Sundays/Bank Holidays.
- 3.3 This application seeks to alter these opening times to the following:
- 12:00 - 23:30, Monday -Thursday
 - 12:00 - 02:30, Friday - Saturday and Bank Holidays/ 31st October, Christmas Eve, New Year's Eve
 - 12:00 - 23:00, Sundays
- 3.4 These proposed opening times would be in accordance with the opening hours granted in May 2019 by the Members at the Council's Licencing hearing.
- 3.5 As this application is a variation of Y16/1125/SH, the proposed hours only refer to the internal ground floor of the building and not the rear outside space, which was excluded from the application site in the previous application.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history for the site is as follows:
- 4.2 The following two approvals (Y17/0403/SH and Y16/1125/SH) only referred to the building rather than the rear outside area.
- 4.3 Y16/1125/SH - Change of use from retail (A1) to mixed use of retail (A1), drinking establishment (A4) and exhibition space (D1). Approved with conditions.
- 4.4 Y17/0403/SH - Section 73 application for the variation of conditions 3 and 4 and removal of condition 5 of planning permission Y16/1125/SH (Change of use from retail (A1) to mixed use of retail (A1), drinking establishment (A4) and exhibition space (D1)) to enable live/amplified music to be played on three days per week, subject to controls of noise levels and timings. Approved with conditions.
- 4.5 Planning permission Y18/0168/SH related to the building and the rear outside area and was approved with conditions. The application granted retrospective permission for the erection of a single storey outbuilding for use as a bar and seating area, together with change of use of rear yard to an ancillary use in association with the retail (A1), drinking establishment (A4) and exhibition space (D1) mixed use of the main building.

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council: Object unless closing time is midnight or earlier.

Environmental Health: No objection to the opening times of the internal area, issues relating to noise will be addressed through licensing conditions.

Local Residents Comments

5.2 4 neighbours directly consulted. 5 letters of objection received.

5.3 The key issues are summarised below:

Objections

- The rear extension and rear yard are the most significant source of noise and light disturbance. Kipps Ale House has a restriction on the rear yard after 8pm.
- Space rear extension and yard is substantially larger than Kipps and can hold more people. There is no sound proofing to the rear extension.
- No objection to varying the opening times of the main building but should have the same restriction on the outside area as Kipps.
- Residents of Kathleen Mews have already been subject to excessive noise and light from this bar. The current opening times are not adhered to.
- Application is attempting to achieve permission for something that should be the subject of a separate application that is the licensing of the outdoor bar space area.

5.4 Responses are available in full on the planning file on the Council's website:

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

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject of public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2006)

SD1 - Sustainable development

S4 - Folkestone Town Centre – Secondary shopping area as defined on the Proposal Map.

Shepway Local Plan Core Strategy (2013)

DSD - Delivering sustainable development

SS1 - District spatial strategy

SS4 - Priority centres of activity strategy

CSD6 – Central Folkestone

Places and Policies Local Plan Submission Draft (2019)

HB1 - Quality places through design

RL2 - Folkestone main town centre

Core Strategy Review Submission draft (2019)

SS1 - District spatial strategy

SS4 - Priority centres of activity strategy

CSD6 – Central Folkestone

National Planning Policy Framework (NPPF) 2019

6.5 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Licencing and planning differences
- b) Principle of development
- c) Previous planning permission
- d) Residential amenity

a) Licencing and planning differences:

7.2 As mentioned previously, the proposed opening hours have already been granted, in May 2019, by the Council's Licencing team following a Hearing. However, it is important to note that the planning system and licensing operate under separate legislative frameworks; they are two separate systems with their own rules, criteria, policies and guidance. The key differences being:

- a. Planning will consider the use in light of local and national policies and the effects of the development on amenity (amongst various other considerations); and
- b. Licensing must carry out its functions with a view to promoting the four licensing objectives. These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

7.3 Because of these differences, the two regimes do not always come to the same conclusions. Even where permissions are granted by both the planning and licensing authorities, those permissions might not necessarily be the same; allowing different operating hours or other restrictions/conditions. In such circumstances the more restrictive set of permissions would prevail.

b) Principle of development

7.4 The application is a variation of the previously approved application (Y16/1125/SH). The change of use has already been approved and implemented. As such, this application is only considering the change of opening hours and whether or not that is acceptable.

c) Previous planning permission

7.5 A more recent planning application than the Y16/1125/SH, the Y17/0403/SH permission granted later opening hours for the following dates:

- 24th December - hours extended to 01:00am
- 31st December - hours extended to 02:00am
- 14th February - hours extended to 01:00am
- 1st April - hours extended to 02:00am
- Easter bank holidays - hours extended to 01:00am
- May bank holidays - hours extended to 02:00am
- August bank holiday - hours extended to 02:00am
- 31st October - hours extended to 02:00am
- 5th November - hours extended to 02:00am

7.6 The Y17/0403/SH permission granted 6 nights of the year to open until 2am and 3 nights of the year to open until 1am. However, condition 4 of this permission required noise levels to be agreed with an Environmental Health Officer prior to first use of the equipment and to date, this has not yet taken place, so the planning permission for these extended hours, has not been commenced and the time frame granted to allow for this was prior to 6th December 2019, which has now passed. Therefore the permission granted under Y17/0403/SH has ceased and the longer hours on these specific days no longer apply.

Condition 4 of Y17/0403/SH stated:

A digital noise limiter shall be in operation during opening hours for all live and recorded music events, with the noise levels to be agreed and set with the Local Planning Authority in conjunction with the Environmental Health Officer prior to the first operation of the equipment and maintained at the set levels thereafter. Live music shall not continue after 22:30, recorded music shall end 30 minutes before the premises closes, and incidental music shall be kept to a level which permits normal conversation to be heard within the main building.

The use of the outdoor space/yard to the rear of the main building shall be subject to the controls above, however live and recorded music in this area of the site shall be limited to end at 18:00. Across the whole site, the number of events including live or amplified music shall be limited to a maximum of three events per week. The controls and mitigation measures shall be installed in full prior to the first use, in accordance with the RSBLU Updated Acoustic Report, received on the 15.09.17.

Reason:

In the interests of amenity of the locality in accordance with saved policy SD1 of the Shepway District Local Plan Review.

d) Residential amenity

- 7.7 The opening hours proposed under this current application would extend the night time opening hours on Fridays and Saturdays from the hours approved under Y16/1125/SH.
- 7.8 As with previous applications for this site, and as evidenced from the representations received, the proposal is of concern to the residential occupiers of Kathleen Mews (nos. 1-4) which are located to the north-west of the site. There are other nearby residential properties including to the flats units above the application site (accessed from Payers Park) and those which front onto The Old High Street.
- 7.9 Saved policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents and HB1 of the Places and Policies Local Plan states that planning permission will be granted where proposals do not lead to an adverse impact on the amenity of neighbours. Paragraph 127 of the NPPF sets out that decisions should seek to secure a high standard of amenity for existing and future users.
- 7.10 The change of opening hours proposed would open the bar later in the day, currently the opening hours are from 8:00am onwards everyday whereas this application proposes a later opening of 12:00 midday every day. In addition, the opening hours for Sundays would be reduced from a current closing time of 11:30pm to 11:00pm instead. In terms of these changes proposed to the opening hours, they would have a slightly positive impact upon neighbouring occupiers with no early morning use proposed and an earlier Sunday closing time (with the exception of 31st October, Christmas Eve or New Year's Eve should they fall on a Sunday).
- 7.11 Fridays and Saturdays are proposed to be open longer than is currently allowed, with the current closing time being 12:00 midnight with this application proposing to lengthen the closing time to 02:30am, as well as for 31st October, Christmas Eve or New Year's Eve (should they fall on different days to Fridays and Saturdays).

- 7.12 Consultation with the Council's Environmental Health Officer resulted in no objection being raised to the proposed opening times in terms of likely noise nuisance as the licensing regime has strong powers to review licenses should an ongoing noise nuisance occur and the Environmental Health team have the ability to request the license be reviewed.
- 7.13 As stated previously, the proposed opening times would only be for the internal use of the building and would not apply to the rear outside area restricting the impact of any additional noise concerns. However, considering the location of the application site in relation to neighbouring residential properties, it is considered reasonable to grant a temporary permission of 3 years to allow for monitoring of the use and any impact to neighbouring properties to be fully assessed and understood. Granting a temporary permission, would allow for the opening times to be re-considered in 3 years time and for any noise complaints logged with Environmental Health during that time, to form part of any re-assessment. It is considered that this would avoid the situation whereby later opening times have been granted, but with no means of revoking this permission at a later date should the extended opening times prove to result in an unacceptably detrimental impact upon neighbouring amenity.
- 7.14 It is considered that a restriction on live music during these extended opening times, as was applied to the Y17/0403/SH, would also be reasonable given the adjacent residential uses. As such, a condition is proposed to restrict live music from continuing after 10:30pm, and recorded music to end 30 minutes before the premises closes.
- 7.15 It is also considered reasonable that a digital noise limiter shall be in operation during opening hours for all live and recorded music events, and that the noise levels shall be agreed with the Council's Environmental Health Officers within 1 month from the date of the planning permission being granted and that the digital noise limiter shall be maintained at the set levels as agreed thereafter.
- 7.16 It is therefore considered, that with these measures in place that the amenity of neighbouring occupiers would be safeguarded in accordance with policies SD1 of the Local Plan and HB1 of the Places and Policies Local Plan and paragraph 127 of the NPPF in terms of noise implications

Environmental Impact Assessment

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

Local Finance Considerations

- 7.18 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.

Human Rights

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

Public Sector Equality Duty

7.20 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.

Working with the Applicant

7.21 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION

8.1 It is considered that a temporary permission of 3 years together with conditions restricting the playing of live and recorded music for inside the application building only, that the amenity of neighbouring occupiers would be safeguarded in accordance with policies SD1 of the Local Plan and HB1 of the Places and Policies Local Plan and paragraph 127 of the NPPF in terms of noise implications.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise

DCL/19/31

the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

1. Three year temporary permission
2. Submitted plans
3. Opening times
4. Live and recorded music restriction times
5. Digital noise limiter
6. Restrict use to A1/A4/D1

Informatives:

1. The planning permission (extended opening hours) would only apply to the internal ground floor and not to the outside rear area.

Agenda Item 6

DCL/19/32

Application No: Y19/0781/FH

Location of site: Oak Ryse, Forge Hill, Acrise, Folkestone

Parish/Town Council: Acrise Parish Meeting

Ward: North Downs East Ward

Development: Conversion of existing barn to residential dwelling.

Applicant: Mr & Mrs N Moss

Agent: Rebus Planning Solutions

Officer Contact: Louise Daniels

Site Area (ha): 0.18 ha

SUMMARY

This application seeks planning permission to convert a modern agricultural barn in the open countryside to a residential dwelling.

The site is located within an Area of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA) and is adjacent to a pair of Listed Cottages. The application has not been accompanied with information to demonstrate if or why the building is no longer required for agricultural purposes or failing that why it cannot be re-used for a rural business use, nor has a statement detailing the efforts made to secure a business reuse in the first instance been provided.

As such, it has not been satisfactorily demonstrated that the building cannot accommodate a more appropriate and sustainable use within the rural environment before considering a residential use. The proposal would also result in the domestication of the barn and site generally and would as a result have an unacceptable impact on the sustainable nature of the rural area, its landscape and open character of the AONB.

For these reasons, the harm the development would cause outweighs the benefits it would deliver, and the application is recommended for refusal.

RECOMMENDATION:

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

1. INTRODUCTION

1.1. The application is reported to Committee by Cllr Godfrey.

2. SITE AND SURROUNDINGS

- 2.1. The application relates to a barn and the land around it, situated on the eastern side of Acrise Park Road, within the Kent Downs Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area. The site is alongside a pair of dwellings 'Oak Ryse' and 'Park Cottage' which are Grade II listed cottages fronting onto the road with picket fence boundaries set behind a grass verge. The cottages are of white painted brick with hipped tiled roofs, with distinctive white painted timber framed windows with black surrounds.
- 2.2. The application site is bounded by a post and rail fence with a gated vehicular access set back behind the grass verge. An access runs down to the barn and the area of hardstanding behind it. The area in front of the barn is grassed with two mature trees alongside the front boundary. There are also trees alongside the application building. Behind the hardstanding area is a further area of grassed land. The southern side boundary of the site is screened by mature leylandii. The side boundary with Oak Ryse is demarked by hedging and post and rail fencing.
- 2.3. The building itself is a dual pitched barn of block construction clad with corrugated green metal to the walls of the building and corrugated metal cladding to the roof. There is a single storey addition to the northern side of the barn. The main entrance to the barn is a roller shuttered opening to the rear / eastern elevation, with a door and window to the northern side elevation and a window to the rear of the side addition.
- 2.4. The application submission states that the barn is utilised for domestic storage / accommodation by the Applicants who reside at Oak Ryse. Whilst this may currently be the case, this is not the lawful use of the building and the application site remains clearly physically and visually separated from the residential plot which contains Oak Ryse. In addition, the application site consists of only the barn and the land around it, the Oak Ryse residential plot has been excluded from the application site, which indicates it is considered by the applicants to be a separate planning unit.
- 2.5. The site is within the countryside, outside of defined settlement boundaries. The Grade II* listed Acrise Place lies to the south of the application site. The cottages are thought to have originally formed part of the Acrise Place estate serving as staff quarters. This connection to Acrise Place adds to the significance of the cottages.
- 2.6. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1. It is proposed that the existing barn be converted to a residential dwelling, facilitated through external alterations comprising the formation of areas of glazing, glazed doors and windows, timber cladding to the external walls and a re-surfacing of the roof with a standing seam product, and internally through the insertion of a first floor and internal alterations. The submitted planning statement describes the proposal as a self-build.
- 3.2. The internal layout would comprise at ground floor level a living room, dining room / entrance hall, kitchen, utility room, shower room / W.C., and a home office, and at first floor three bedrooms (one en-suite with walk in wardrobe room), a bathroom, and a large open landing / study area.
- 3.3. It is proposed that the application site would form a residential plot separate to the Oake Ryse plot alongside. The existing vehicular access and driveway would be

utilised with vehicular parking provided on the driveway. The grassed area in front of the barn would be a garden area. To the rear of the barn a patio area with planting beds is proposed with a grassed garden area behind this including a pond to the southern rear corner associated with a sustainable urban drainage system (SUDs).

3.4 Hedging and domestic style planting are proposed within a landscape front garden.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

99/0122/SH	Extension to barn and replacement of cladding to walls.	No objection.
96/7101/SH	Application for determination whether prior approval is required for the erection of an extension to the lambing shed for storage use.	Acceptance.
95/7101/SH	Application for determination whether prior approval is required to erect an agricultural building.	Acceptance.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Acrise Parish Council: No comment received.

KCC Highways and Transportation: No comment received.

KCC Archaeology: No objection.

KCC Ecology: An Ecological Scoping Survey report has been submitted. This report provides sufficient information regarding the potential for ecological impacts; no further ecological survey work is necessary at this time. The potential ecological impacts are restricted to the removal of bird nesting habitat which should take place outside of nesting season (March to August inclusive). A scheme of ecological improvements should be secured by planning condition.

Southern Water: The Applicant has not stated details of foul water drainage from the site. There is no public foul sewer in the vicinity of the site. The Applicant is advised to examine alternative means of foul sewage disposal. The Environment Agency should be consulted regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

Contamination Consultant: As the application is for conversion and the change of use would introduce sensitive residential receptors to an area where contaminative activities may have been undertaken in the past. The council's standard land contamination condition should therefore be applied. The application makes reference to SUDS, this would require the submission of a full drainage scheme to the council including a strategy for management and maintenance of the system.

Local Residents Comments

5.2 No representations received.

6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)
- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2006)

SD1 – Sustainable Development
BE1 - Building Design, Layout and Special Needs Access
BE5 – Listed Buildings
BE8 - Building Alterations and Extensions
BE16 – Landscape and Amenity
HO1 – New Housing
CO1 – Development in the Countryside
CO4 – Special Landscape Areas
CO11 – Protected Species
CO19 - Re-use and Adaptation of Rural Buildings
TR5 – Cycling
TR6 – Walking
TR12 – Vehicle Parking Standards
U1 - Sewage and Wastewater Disposal
U4 – Groundwater Protection

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development
SS1 - District Spatial Strategy

SS2 – Housing and the Economy Growth Strategy
SS3 - Place-Shaping and Sustainable Settlements Strategy
CSD3 – Rural and Tourism Development
CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

Places and Policies Local Plan Submission Draft (2019)

HB1 – Quality Places through Design
HB2 - Cohesive Design
HB3 - Internal and External Space Standards
NE2 - Biodiversity
NE3 - Protecting the District's Landscapes and Countryside
NE7 - Contaminated Land
T2 - Parking Standards
T5 - Cycle Parking
HE2 - Archaeology
CC2 - Sustainable Design and Construction
CC3 - Sustainable Drainage Systems (SuDS)
E7 – Reuse of Rural Buildings

Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy
SS2 – Housing and the Economy Growth Strategy
SS3 – Place-Shaping and Sustainable Settlements Strategy
CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

6.5 The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

KCC: Kent Design Guide

Kent Downs AONB Landscape Design Handbook – Key extracts as follows;

Farmed landscape

A long-established tradition of mixed farming has helped create the natural beauty of the Kent Downs. The pastoral scenery is a particularly valued part of the landscape. Farming covers around 64% of the AONB. Expansive arable fields are generally on the lower slopes, valley bottoms and plateaux tops. Disconnected 'ribbons' of permanent grassland (shaves) are found along the steep scarp,

Grazing pasture

Sheep and beef cattle play an important part in the AONB land-based economy. Livestock farming is important to retain the special character of the AONB. Yet there has been a significant decline in livestock farming, particularly sheep, which have nearly halved in number since 1990. This decline has been experienced in other AONBs; the High Weald AONB has researched opportunities to redress the change

(Restocking the High Weald report) – many of the proposals are applicable to the Kent Downs.

Government Advice

National Planning Policy Framework (NPPF) 2019

6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 48: Weight to be applied to emerging policies

Paragraphs 108-110: Transport and access

Paragraphs 124, 127: Design

Paragraphs 189-196: Heritage

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive
Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'*.
- N3 - Support rich and varied biodiversity

7. APPRAISAL

Background

7.1 The application building was originally granted under a prior approval application for the erection of agricultural buildings in 1995. An application for an extension to the building was granted in 1996 and at that time the building was used as a lambing shed.

7.2 The submitted Planning Statement for the current application states that the building is currently used as domestic storage / accommodation and that this may also have been the case prior to the Applicants purchasing the property in 2013. To support this contention, two aerial photographs dated 2006 and 2007 have been submitted showing

the site and Oak Ryse. These photographs confirm the previous general site layout was similar to that in place today, but does not provide any helpful information with regard to how the building and site was and is now used. Furthermore, it appears that there have always been boundary treatments in place in the form of post and rail fencing and hedging between the barn site and the Oake Ryse plot. Therefore, the barn site has always been physically and visually separated from the domestic plot alongside and this remains the case today.

7.3 On this basis, it is considered that the status and lawful use of the barn and the site around it is as an agricultural field and building.

7.4 In light of the above the main issues for consideration are:

- a) The principle of the conversion of the building to a residential dwelling in this location (including landscape impact)
- b) Design and Heritage Impact
- c) Neighbouring Amenity
- d) Standard of Accommodation
- e) Transport and Highway Safety
- f) Landscaping and Ecology
- g) Drainage
- h) Land contamination

a) The principle of the conversion of the building to a residential dwelling in this location

7.5 The site is located outside of any settlement boundary and within the open countryside. In this regard, it is a fundamental principle of national and local planning policy that new dwellings should not be permitted in the countryside outside the confines of the major/principal urban areas, rural service centres or smaller rural settlements unless they are replacements for existing dwellings or demonstrated to be necessary for the winning of minerals, farm, forestry or other workers where a rural location is essential.

7.6 The site is approximately 2km by road from the village of Densole and is adjacent to two residential cottages, with other buildings / dwellings in situ along Acrise Park Road, in the form of a group of buildings and a dwelling on the northern side of the road, and a group of dwellings situated to the east of the application site along Acrise Park Road. On this basis, whilst the site is outside of established settlements, and is poorly connected by sustainable transport modes, the site is not considered to be 'isolated' in NPPF terms and therefore paragraph 79 of the NPPF is not considered to apply.

- 7.7 However, notwithstanding that, national and local planning policies seek to direct new residential development towards existing settlements and sustainable locations with good access to sustainable transport modes and local amenities. Saved Local Plan Review policies CO1 and CO4 seek to protect the countryside and to direct new development within existing settlements. In addition, policies SS1, SS3 and CSD3 of the Council's Core Strategy restricts development in the countryside and to direct residential development towards existing sustainable settlements to protect the open countryside and the coastline. Policy SS1 states that development should be focused on the most sustainable towns and villages as set out in policy SS3. Development in the open countryside and on the coast (defined as anywhere outside of settlements within Table 4.3 Shepway Settlement Hierarchy) will only be allowed in exceptional circumstances, where a rural/ coastal location is essential (policy CSD3). Policy SS3 seeks to direct new development to within defined settlements in the Settlement Network, which is set out in paragraph 4.61 of the Core Strategy.
- 7.8 CSD3 goes on to state that where sites are unavailable within settlements and the development is proportionate in scale/impact and accessible by a choice of means of transport, it may be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and Primary Villages. Densole (the nearest settlement) is not classified as any of these within the Settlement Network hierarchy. Focusing attention on existing centres underpins not only the protection of the District's open countryside, but also seeks the achievement of sustainable places.

In this context, the application site is considered to be in an unsustainable location where future occupants would be reliant upon private motor vehicle use to carry out day to day activities including accessing local amenities and schools. Whilst some regard is had to the rural nature of the location, where such circumstances are relatively common, this is not considered sufficient justification to condone the introduction of a new residential dwelling in a countryside location set away from established settlements and amenities. The application scheme would not deliver any wider sustainability benefits or social benefits to outweigh the harm.

Conversion of building

- 7.9 In this case, the proposal seeks to provide a new dwelling by way of converting an existing agricultural building. Saved Local Plan Policy CO19 and emerging policy E7 of the PPLP set out a framework for the assessment of proposals for the re-use or adaption of rural buildings to alternative uses. Amongst other things, these policies require that where a rural building can accommodate a business reuse in accordance, proposals for conversion to a residential use which is not ancillary to a scheme for business reuse, will need to be justified through a statement detailing the efforts made to secure a business reuse in the first instance and, in addition, the proposal would involve the re-use of a traditional building of architectural or historic merit that is worthy of retention. No such statement has been submitted or any evidence to indicate that a business reuse has been considered in accordance with policy requirements.
- 7.10 Emerging policy E7 also requires that the reuse of a rural building will be approved where it reinforces local distinctiveness and helps to maintain the AONB as a special place and that proposals should not prejudice the agricultural working of a farm unit or the vitality and functioning of nearby rural towns and villages. Policy CSD4 of the Core Strategy requires planning decisions to have close regard to the need for

conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations.

- 7.11 Whilst the application building is of modern metal construction and not a traditional building of architectural or historic merit that is worthy of retention, its contribution to the landscape is that of an agricultural building and whilst not particularly attractive, it does not appear out of place within this rural context. The proposed alterations to convert the building into a dwelling would result in a building that, whilst arguably of better design, has a far greater impact upon the rural AONB landscape. The current building is muted in shade and located behind established planting. The resulting building will be of a much grander and domestic appearance than the existing involving a large flue, areas of glazing and domestic style modern materials. In addition, the proposal involves a domestic style garden to the front of the building. Whilst it could be argued that as the building exists, the scale and form are already determined and any alterations would not have a significant impact, Members should note that harm would occur from the 'domestication' of the site changing its character from one of a rural nature ie agricultural to a domestic setting involving parking of cars, washing lines, garden furniture, formal planting etc. As such, the changes to the site combined with the alterations to the building (including the materials) are considered to result in a far more visible and prominent presence within the landscape which will result in significant harm to the character of the rural area and would fail to preserve or enhance the character of the AONB or reinforce its distinctiveness. Cumulatively these features would result in a cluttered and domesticated appearance of the site.
- 7.12 The existing cottages are of small-scale domestic character and are sited close to the road with relatively deep rear garden areas. The barn is set significantly further back into the site with a relatively small space between the barn and the rear boundary of the site. This arrangement, in conjunction with the scale and form of the barn, and the alterations proposed, would mean that a relatively large building of domestic character would face directly on to the open countryside behind the site. This would represent a significant change in character from the existing building appearance; the agricultural character of the barn at present is in keeping with the character of the surrounding land. Existing residential buildings in the vicinity are set much closer to the roadside than the open countryside itself. The residential character of the proposed development, comprising a large building of domestic appearance and domesticated garden areas to the front and rear of the site, would appear as an intrusion into the countryside character of the surrounding landscape and would cause harm to this setting and the character of the AONB and the SLA.
- 7.13 As such, it is considered this would have a negative impact on the rural landscape character of this part of the AONB. As such, it is considered the proposal would harm the natural beauty of the AONB contrary to planning policies which seek to protect it, and disregard the primary purpose of the AONB designation which is to conserve and enhance the natural beauty.
- 7.14 In addition, the application has also not provided any information to demonstrate that the proposal would not result in harm to the working of an agricultural unit. The proposal for a conversion to a residential use resulting in the creation of a new dwelling is considered to be unacceptable both in principle and contrary to saved policy CO19 of the Local Plan and emerging policy E7 of the PPLP which seek to ensure that where existing buildings are converted, their use is consistent with the character of the rural area and landscape and a sustainable use.

- 7.15 The Applicant's case regarding the proposal amounting to 'self-build' has been given consideration. However, the proposal relates to a conversion of a building rather than a new-build dwelling. The aim behind self-build is to provide suitable serviced plots for individuals to design and influence the layout of a home to suit their needs. This project is not considered to fall within the remit of self-build as the project is constrained to being within an existing structure. However, even if it was to be considered self-build residential development, as with other types of residential development, is to be directed towards existing settlements and sustainable locations in the first instance.
- 7.16 In light of the above matters, the principle of the development of the site as a new residential dwelling is therefore considered to be unacceptable for all of the reasons outlined above.

b) Design and Heritage Impact

The site is within the setting of the listed cottages Oak Ryse and Park cottage. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 7.17 The proposal to convert the barn to a residential use includes the cladding of the barn in timber, and the insertion of glazed doors, windows and sections of large glazing to the rear of the barn, and glazed doors and smaller windows to the front of the barn. In the context of the application site, the new dwelling would be out of keeping with the small-scale domestic character of the listed cottages. Viewed from the road, this contrast would be apparent and the setting of the cottages would be harmed. At present the cottages sit surrounded by open countryside and the barn which is of agricultural appearance in keeping with this countryside setting. The introduction of a relatively large contemporary dwelling combined with the associated paraphernalia alongside the cottages would compromise this setting.
- 7.18 Viewed from the countryside behind the site, the contrast in style, form and scale between the converted barn and the listed cottages would be very clear. Appreciation of the cottages and their modest scale, and countryside setting, would be diminished. The requirements of the Act to preserve the setting of the listed cottages is given significant weight, and therefore the harm to the setting which the development would cause represents a substantial concern.
- 7.19 Overall it is considered that the proposed development would cause harm to the setting of the listed cottages. The application warrants refusal on these grounds.

c) Neighbouring Amenity

- 7.20 The proposed external alterations would not have a harmful impact upon neighbouring amenity. One first floor side window is proposed facing towards the rear gardens of the cottages, this window however serves a bathroom and would therefore be obscure

glazed. The residential occupation of the site would be of a level and nature of activity in keeping with the residential plots alongside and would not cause significant harm to warrant refusal of the application

d) Standard of accommodation

7.21 The proposed dwelling would provide a high standard of amenity for future occupiers. The proposed internal accommodation is generous and the outdoor garden space proposed would also represent a high standard of provision.

e) Transport and Highway Safety

7.22 As detailed above, the application site is considered to represent an unsustainable location for new residential development. There is no footway to the roads leading from the site to neighbouring settlements, no easy access to public transport, and local amenities are set away from the site. Reliance on private motor vehicle use is therefore highly likely.

7.23 It is proposed that the existing access to the road would be utilised which is considered to be acceptable; an increased highway safety risk would not result. It is proposed that parking would be provided on the existing driveway and this provision is considered adequate to serve the dwelling proposed. No details of cycle storage have been provided however these could be secured by condition were the scheme to be considered acceptable in all other regards.

f) Landscaping and Ecology

7.24 The submitted layout shows an indicative landscaping scheme, full details of which including a planting schedule could be secured by condition. The KCC Ecologist has advised that the scheme would have an acceptable ecological impact subject to compliance with bird nesting protections and a scheme of ecological enhancement measures which again could be secured by condition. Some additional / replacement hedge planting is proposed, this would be of benefit to the scheme but would not overcome the concerns detailed above regarding the overall visual impact of the proposed development.

g) Drainage

7.25 Details of foul water drainage / disposal have not been provided. Southern Water has advised that a connection to the public sewer is not possible and therefore this information is required. In addition, a pond is proposed in connection with a SUDs proposal for the drainage of surface water. Full details of the proposed drainage scheme could be secured by planning condition were the scheme to be considered acceptable in all other regards.

h) Land Contamination

7.26 Due to the previous agricultural use of the site and the residential use proposed, it would be necessary to investigate the site for potential contamination and carry out mitigation measures if required. These measures could be secured by the application of the council's standard condition.

Environmental Impact Assessment

7.27 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

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

7.29 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. The CIL levy in the application area is charged at £138.94 per square metre for new residential floor space.

Human Rights

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

Public Sector Equality Duty

7.31 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.

Working with the applicant

7.32 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

8. CONCLUSION

8.1 The proposed conversion of this modern rural building to a residential use is contrary to development plan and emerging development plan policies that seek to direct development to sustainable locations and ensure conversion of rural buildings are for appropriate and sustainable uses. The application site, away from established settlements and local amenities, is not suited to new residential development. Future occupants would be reliant on private motor vehicle use to carry out day to day activities. Furthermore, the proposed development would have a harmful impact upon the setting of the listed cottages and the character of the surrounding countryside within the AONB. For these reasons, the harm which the development would cause outweighs the benefits it would deliver, and the application is recommended for refusal.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

That planning permission be refused/for the following reason(s):

1. The site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB) and Special Landscape Area (SLA) where the proposal would result in an unacceptable and unsustainable residential development in the countryside outside the confines of an existing town, village or rural settlement. As such the proposed residential use would result in harm to the landscape character of the AONB and SLA failing to conserve or enhance the natural beauty of this rural area. As such, the proposal is contrary to Saved Local Plan Review policies SD1, CO1, CO4, CO19 and HO1 and Core Strategy Local Plan policies; DSD, SS1, SS2, SS3, CSD3 and CSD4 and the sustainable development principles of the National Planning Policy Framework, which seek to direct new residential development to the built confines of identified existing rural settlements (in accordance with the adopted settlement hierarchy) whilst conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty and Special Landscape Areas and the existing rural character and setting.

2. The application site is a rural building located within the open countryside. In the absence of information to demonstrate why the building is no longer required for agricultural purposes or cannot be re-used for a rural business use, nor a statement detailing the efforts made to secure a business reuse in the first instance, it has not been satisfactorily demonstrated that the building cannot accommodate a more appropriate and sustainable use within the rural environment. As such the development is contrary to saved Local Plan Review policy CO19 which in the case of the re-use or adaptation of rural buildings, require efforts made to secure a business reuse in the first instance and policy E7 of the Places and Policies Local Plan Submission Draft.
3. The proposed development by way of its design, appearance and use would result in the domestication of the site, and the introduction of suburban features such as gardens to the front and rear, and the associated parking would have a harmful impact on the rural nature of the application site as well as the setting of the adjacent Grade II listed cottages. As such, the proposal is contrary to Saved Local Plan Review policies CO1, CO4, Core Strategy Local Plan policy CSD4, and Policy E7 of the Places and Policies Local Plan and to the NPPF.

Annexe 1 – Site Location Plan

Y19/0781FH
Oak Ryse
Forge Hill
Acrise



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Agenda Item 7

DCL/19/33

Application No: Y19/1075/FH

Location of Site: 4 Marine Terrace, Folkestone, Kent, CT20 1PZ

Development: Change of use and conversion to 5 self-contained flats, erection of a 5 storey rear extension & extensions/alterations to roof.

Applicant: Mr Leo Griggs, Alliance Building

Agent: N/A

Officer Contact: Danielle Wilkins

SUMMARY

This report considers whether planning permission should be granted for the change of use and conversion of the existing building to five self-contained flats, together with the erection of a five storey rear extension and extension and alterations to the existing roof at 4 Marine Terrace, Folkestone, previously known as the Chelsea Hotel. The report recommends that planning permission should be granted as it is considered that the amenities of existing and future residents would be safeguarded and the design and layout of the proposed development would not negatively impact on the streetscene or conservation area.

RECOMMENDATION:

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

1. INTRODUCTION

1.1. The application is reported to Committee due to an objection made by Folkestone Town Council.

2. SITE AND SURROUNDINGS

2.1. The application site comprises a mid-terrace property in a row of 5 storey Victorian buildings within the Folkestone Leas and Bayle Conservation Area. They are located on the western side of Marine Terrace opposite Pavilion Court. The application property had for some years been used as a guest house. Planning permission was granted under Y07/0415/SH for change of use to a dwelling. The property appears to be in a rundown condition.

2.2. The application site is located within an area of archaeological potential.

2.3. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

3.1 Full planning permission is sought for the change of use and conversion of the existing dwelling to five self-contained flats, together with the erection of a five storey rear extension and extensions and alterations to the existing roof to include a mansard roof.



As Proposed Elevations

Proposed Extension & Conversion into flats of No. 3 & No.4 Marine Terrace, Folkestone, Kent CT20 1PY

Revision A - 18/12/2007 - Amended in accordance with John Gibbs Comments

Scale 1:100 Date Oct. 2019 Drawing No. 2007/80/09A

CORPORATE ARCHITECTURE & DESIGN GROUP
SEVENCROFT
 277 Canterbury Road, Kennington
 Ashford, Kent TN24 9DW
 Tel / Fax : 01233 625553
 e-mail :
 mcmullen@sevincroft.co.uk

- 3.2 The proposal would create five two bedroomed self-contained flats. There would be one flat per floor, including the basement and roofspace.
- 3.3 The cycle storage for the basement flat would be located within the rear courtyard, the cycle storage for the four remaining units would be located within the new brick built cycle and bin stores to the rear of the application site.
- 3.4 The bin storage for the basement flat would be located to the front of the basement flat within the existing storage area beneath the entrance to the ground floor.
- 3.5 The alterations to the building would comprise a mansard roof to the existing building with four flat roofed dormer windows to the front. To the rear is proposed a 5 storey extension with the 5th storey within a mansard roof. The extension would extend the full width of the existing building and have a depth of approximately 2.6 metres. There would be 4 flat roofed dormer windows in the rear roofslope of the extension. No windows are proposed in the side elevations of the extension.
- 3.6 In terms of materials if is proposed that the building would be finished in white painted render, all windows to be uPVC sliding sash to match the appearance of 7-10 Marine

Terrace, the new mansard roof to be finished in grey slate effect roof tiles and single ply PVC membrane with rolled lead effect finish, also to match 7-10 Marine Terrace.

3.7 The following reports were submitted by the applicant in support of the proposals:

Design and Access Statement dated 2007

3.8 A copy of the Design and Access Statement was supplied which formed part of the original planning application, reference Y07/1502/SH, in 2007. The main points to be noted are:

- other similar developments on Marine Terrace at numbers 6 and 7-10 which include the additions of a mansard roof and rear extension to accommodate a change of use and conversion to self-contained flats
- each flat has a dedicated bin store within the rear courtyard or beneath the main staircase entrance at ground floor
- the proposed layout of each of the flats is reliant upon the erection of the five storey rear extension
- the flats have been laid out in accordance with the space standards contained in Appendix three of the Shepway District Local Plan Review
- the layouts of the units provides for one flat per floor
- the proposed rear extension would be modest in depth at only 2.5 metres from the rear wall
- the depth and height of the proposed rear extension would relate well to the proportions of the terrace
- the use of a mansard roof form would respect the basic form and rhythm of the front façade whilst the rear of the premises are already asymmetric and cluttered by a random assortment of single storey, two, three and four storey rear extensions
- external finishes are intended to recreate the consistency of the façade treatment comprising pale rendered walls, white finished windows and slate roofs to the both the front and rear façades, including the replacement of mis-matched windows, doors, extensions, pipework and materials to represent a substantial overall improvement to the overall appearance.
- No provision has been made for off-street parking
- The design and layout of the premises does not facilitate the ready conversion of the building to full accessibility standards with insufficient space to provide a lift to all floors, however the basement flat, which would have level access to the rear, would have French style doors into the courtyard for access by mobility-impaired persons.

Archaeological Watching Brief

3.5 A copy of the Archaeological Watching Brief was supplied which formed part of the original planning application, reference Y07/1502/SH, in 2007. The main points to be noted are:

- The excavations inspected at Marine Terrace have provided an opportunity to archaeologically examine a small area close to Folkestone's historic waterfront. The area of the present site, was not established as solid ground until the early nineteenth century, when long-shore drift led to an accumulation of beach shingle here.
- No finds, features or deposits of archaeological significance were revealed by the excavations and no further analysis of the recorded information is required.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y07/0415/SH	Change of use and conversion of existing hotel (Class C1) to a single residential dwelling (Class C3). (4 Marine Terrace)	Approved with Conditions
Y07/1502/SH	Change of use and conversion of existing dwelling to 5 self-contained flats together with the erection of a 5 storey rear extension & extensions & alterations to roof. (3 & 4 Marine Terrace)	Approved with conditions
Y07/1471/SH	Change of use and conversion of existing house in multiple occupation to 5 self-contained flats together with erection of a 5 storey rear extension and extensions and alterations to roof (3 Marine Terrace)	Approved with conditions

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council:

Object, the excessive development of the top floors is out of keeping with the 19th century buildings producing an ugly elevation

Environmental Protection Officer:

No objection

Private Sector Housing:

No objection

KCC Archaeology

Notified on 04/10/2019 however no response has been received

Local Residents Comments

5.2 48 neighbours directly consulted. 0 letters of objection and 1 letter of support received

5.3 I have read the letter received. The key issues are summarised below:

Support

- The property is in a poor state and the scheme is very sympathetic to the other, once grand, buildings in Marine Terrace. This conversion should be approved as quickly as possible to improve the street scene in Marine Terrace and provide much needed housing.

5.3 Responses are available in full on the planning file on the Council's website:

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

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013)

SD1 – Sustainable Development
BE1 – Standards Expected for New Development
BE4 – Development within Conservation Areas
BE8 – Alterations and Extensions to Existing Buildings
HO8 – Sub-division of Properties to Flats/Maisonettes
TR12 – Vehicle Parking Standards

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development
CSD1 – Balanced Neighbourhoods for Shepway
CSD6 – Central Folkestone Strategy
SS1 – District Spatial Strategy

Places and Policies Local Plan Submission Draft (2019)

HB1 – Quality Places through Design
HB3 – Internal and External Space Standards
HB8 – Alterations and Extensions to Existing Buildings
HE1 – Heritage Assets
HE2 – Archaeology
T2 – Parking Standards
T5 – Cycle Parking

Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy
CSD1 – Balanced Neighbourhoods
CSD6 – Central Folkestone Strategy

6.5 The following are also material considerations to the determination of this application.

National Planning Policy Framework (NPPF) 2019

- 6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 131 – Great weight should be given to designs which raise the standard of design more generally in an area

Paragraphs 189-192 – Proposals affecting heritage assets

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive
Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'*.

7. APPRAISAL

- 7.1 In light of the above the main issues for consideration are:

a) Principle of development and sustainability

- 7.2 Policy HO8 of the Shepway District Local Plan Review states that the District Planning Authority will grant planning permission for the conversion of larger homes into flats where it can be satisfied that: the property is no longer suitable for single family occupation, the property has five or more bedrooms, the conversion will not lead to intensification in the number of households giving rise to an unacceptable change in the character or appearance of the neighbourhood.
- 7.3 Planning permission was granted in 2007 for the conversion and extension of 3 and 4 Marine Terrace under permission Y07/1502/SH, identical to this proposal. Subsequently, planning permission was granted for number 3 Marine Terrace alone, Y07/1471/SH, which has consequently been implemented.
- 7.4 The application site is currently a vacant property on Marine Terrace, which was historically used as a Guest House but for which planning permission was granted in 2007 for the conversion to form one dwelling. It was not clear from a site visit if this permission was ever implemented but as the application form states the existing use as being a single dwelling, it is assumed that it was.
- 7.5 The internal layout of the building is hard to determine, the floor plans submitted with the application for the planning permission for the single dwelling was for a seven

bedroomed dwelling. It is clear that the property would be a large dwelling with excess of 5 bedrooms and it was also previously a hotel, therefore there is not considered to be a conflict with the policy requirement to safeguard single family dwellings.

- 7.6 The site falls within the area of Folkestone Town Centre identified by the Local Plan as an area for redevelopment. Policy CSD6 of the Core Strategy Review refers specifically to the redevelopment area in which the application site is situated. This policy encourages new residential development in the area. The principle of this proposal to maintain residential use and make better use of the building by provided 5 residential units. Therefore the principle of the development is in line with national and local plan policy and, in light of the points above, is considered more sustainable than the current use of the property.

b) Design, Layout and Visual Amenity

- 7.7 Policy HB8 of the Places and Policies Local Plan Submission Draft states that alterations and extensions to existing buildings should reflect the scale, proportions, materials, roof line and detailing of the original building and not have a detrimental impact on the street scene.
- 7.8 Policy HB8 of the Places and Policies Local Plan Submission Draft also states that alterations and extensions should respect the building and location's character and should not result in unacceptable harm to heritage assets (whether designated or not) or their setting.
- 7.9 The proposed mansard roof and two storey rear extension would be in line with the alterations undertaken at 7-11 Marine Terrace and the immediate neighbouring property at No. 3 Marine Terrace. They are not of the best design but the appearance of the current building detracts from the visual amenity of the area. The proposed alterations would not appear out of keeping with others in the immediate vicinity and granting permission will hopefully result in the building being brought back into use and better maintained. This will be of overall benefit to the streetscene and conservation area.
- 7.10 The Town Council has objected to the design of the proposed extensions and alterations to the roof and have suggested that it would be excessive and out of keeping with the surrounding buildings. For the reasons set out above the proposal is considered on balance acceptable in this instance.

c) Residential Amenity

- 7.11 The size of the proposed rooms in each self-contained unit complies with the national space standards set out in emerging policy HB3 of the Places and Policies Local Plan Submission Draft. The policy requires private usable balcony areas for flats and none are proposed. However, providing balconies on this building would result in it appearing out of character with the others in the terrace and this is considered to override any limited benefit to the amenity of future residents. The beach and seafront area would provide better amenity space in this instance.
- 7.12 Policies BE8 of the Local Plan Review and HB8 of the Places and Policies Local Plan Submission Draft states that alterations and extensions should protect the residential amenity of the occupants of neighbouring properties and ensure avoidance of unacceptable overlooking and inter-looking.

7.13 The erection of the rear extension would have an impact on the windows in the rear elevation of No. 5 Marine Terrace. There would be no impact on No. 3 as the proposed rear extension would extend to the same depth as the existing rear extension to that property.

7.13 The extension would affect outlook from the windows in the rear elevation of No.5 but given the limited depth of the extension it is not considered that there would be overbearing impacts sufficient to justify refusing planning permission. The 45 degree guideline set out in policies BE8 and HB8 would not be infringed and due to the existing height of the buildings and given the extension would be to the north of 5 Marine Terrace, it would not result in loss of sunlight or daylight to the relevant windows.

d) Highway Safety

7.14 In terms of parking provision, no off street parking can be provided within the curtilage of the site. Policy T2 of the Places and Policies Local Plan Review states that the Council will use the standards in Table 13.1, taken from the Interim Guidance Note 3 (IGN). The guidance for 1 and 2 bed flats in this location recommends 1 unallocated space per unit as a maximum, thus generating a maximum requirement of 5 spaces.

7.15 Kent Highways and Transportation have not commented on the application as it does not meet their requirement for consultation. This is considered to be a sustainable location close to the town centre. Also other flat conversion have been granted planning permission in this terrace without any off street parking so the principle has already been established in this location. It is considered for these reasons that it would be unreasonable to refuse planning permission on grounds of lack of off street parking.

e) Archaeology

7.16 Policy HE2 of the Places and Policies Local Plan Review states that important archaeological sites, together with their settings, will be protected and, where possible, enhanced. Development which would adversely affect them will not be permitted.

7.17 The application property is within an area identified as having archaeological potential, the county archaeologist was consulted however no response has been received. It is considered and recommended that due to the minor scale of the proposed development it is not necessary to secure a programme of archaeological works.

Environmental Impact Assessment

7.18 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

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

that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 7.20 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. The CIL levy in the application area is charged at £0 per square metre for new residential floor space.

Human Rights

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

Public Sector Equality Duty

- 7.22 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.

Working with the applicant

- 7.23 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION

- 8.1 It is considered that on balance the proposed development would not negatively impact on the surrounding Conservation Area or the streetscene and building itself. It is considered that the amenity of existing and future residents would be safeguarded to an acceptable level and there are no resultant highways or archaeological issues. On balance, the application is recommended for approval with the conditions listed below.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions 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.

Conditions:

1. The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 2007/80/01, 2007/80/06, 2007/80/07, 2007/80/09A, 2007/80/10, 2007/80/20C and OS extract received on 20/09/19

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3. The development hereby approved shall be carried out in complete accordance with the details of materials as specified in the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure the appropriate appearance of the completed development and in the interests of visual amenity.

4. Details for the parking of a minimum of 5 secure, covered cycle parking spaces, as shown on drawing number 2007/80/20C shall be provided in accordance with the approved plans and kept available for cycle parking purposes in connection with 4 Marine Terrace at all times. These facilities shall be provided before the first occupation of the accommodation hereby approved.

Reason:

To ensure the permanent retention of the space for parking purposes within the curtilage of the site in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties in accordance with policies TR12 and SD1 of the Shepway District Local Plan Review.

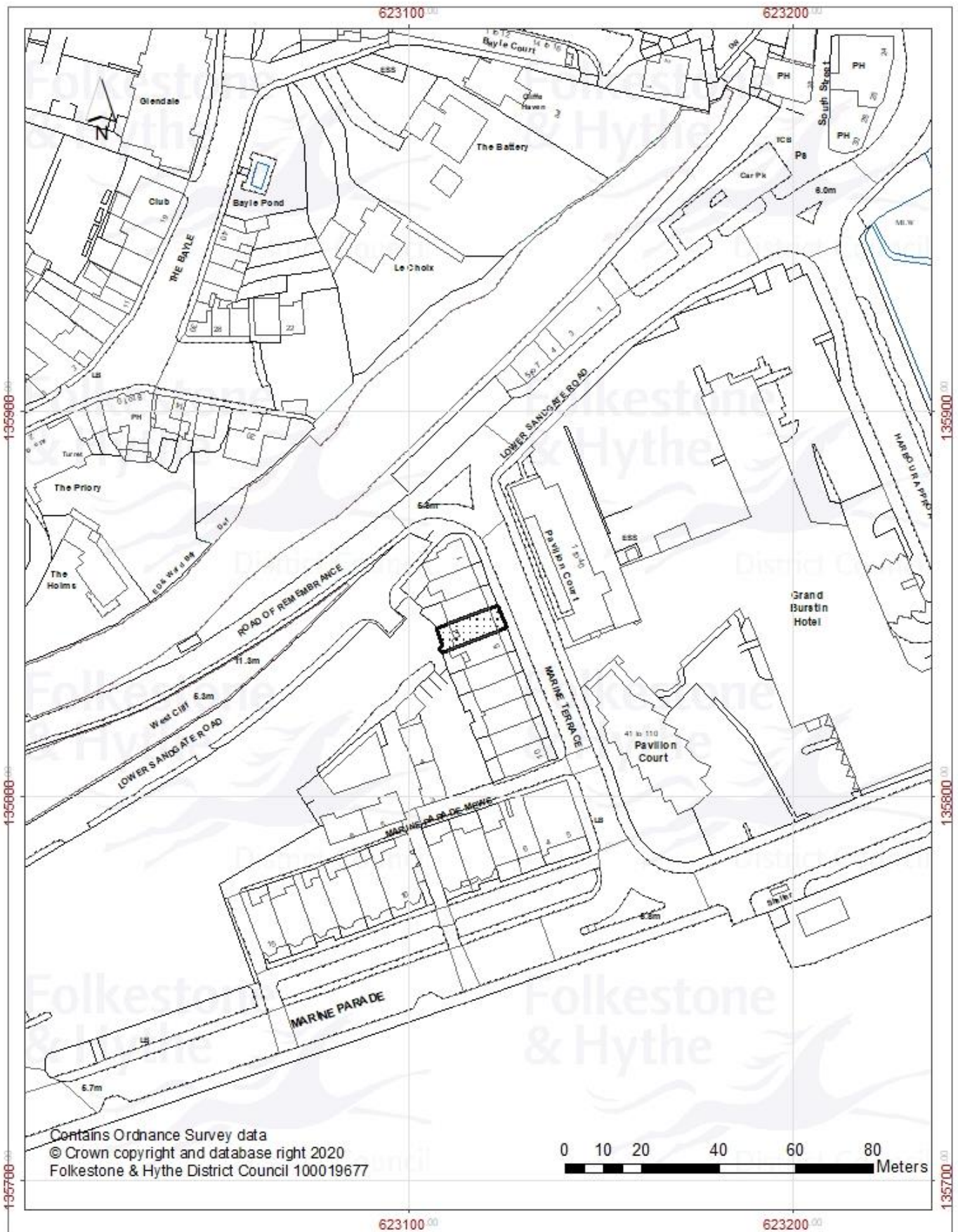
5. Facilities for storage of refuse and recycling shall be provided in accordance with the approved plans. These facilities shall be provided prior to the first occupation of the flats and maintained thereafter.

Reason:

To ensure adequate means of refuse collection in the interests of the amenities of residents in accordance with policies SD1 of the Shepway District Local Plan Review.

Appendix 1 – Site Location Plan

Y19/1075/FH
4 Marine Terrace
Folkestone



Agenda Item 8

DCL/19/34

Application No: Y19/0947/FH

Location of site: Apple Tree Farm, Mill Lane, Stelling Minnis, Canterbury, Kent, CT4 6AE

Development: Installation of solar array comprising 2 rows of 12 each (24 total) of 1.5m x 900mm solar photo voltaic panels at ground level.

Applicant: Mr and Mrs Linforth

Agent: Mr Alan Foster, Alan Foster Architects

Officer Contact: Danielle Wilkins

SUMMARY

This report considers whether planning permission should be granted for the erection of solar array within the grounds of Apple Tree Farm, Stelling Minnis. The report recommends that planning permission be granted as it is considered that the amenities of existing and future occupants would be safeguarded and the design and layout would not negatively impact upon the surrounding Area of Outstanding Natural Beauty.

RECOMMENDATION:

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

1. INTRODUCTION

1.1. The application is reported to Committee due to the objection from Stelling Minnis Parish Council.

2. SITE AND SURROUNDINGS

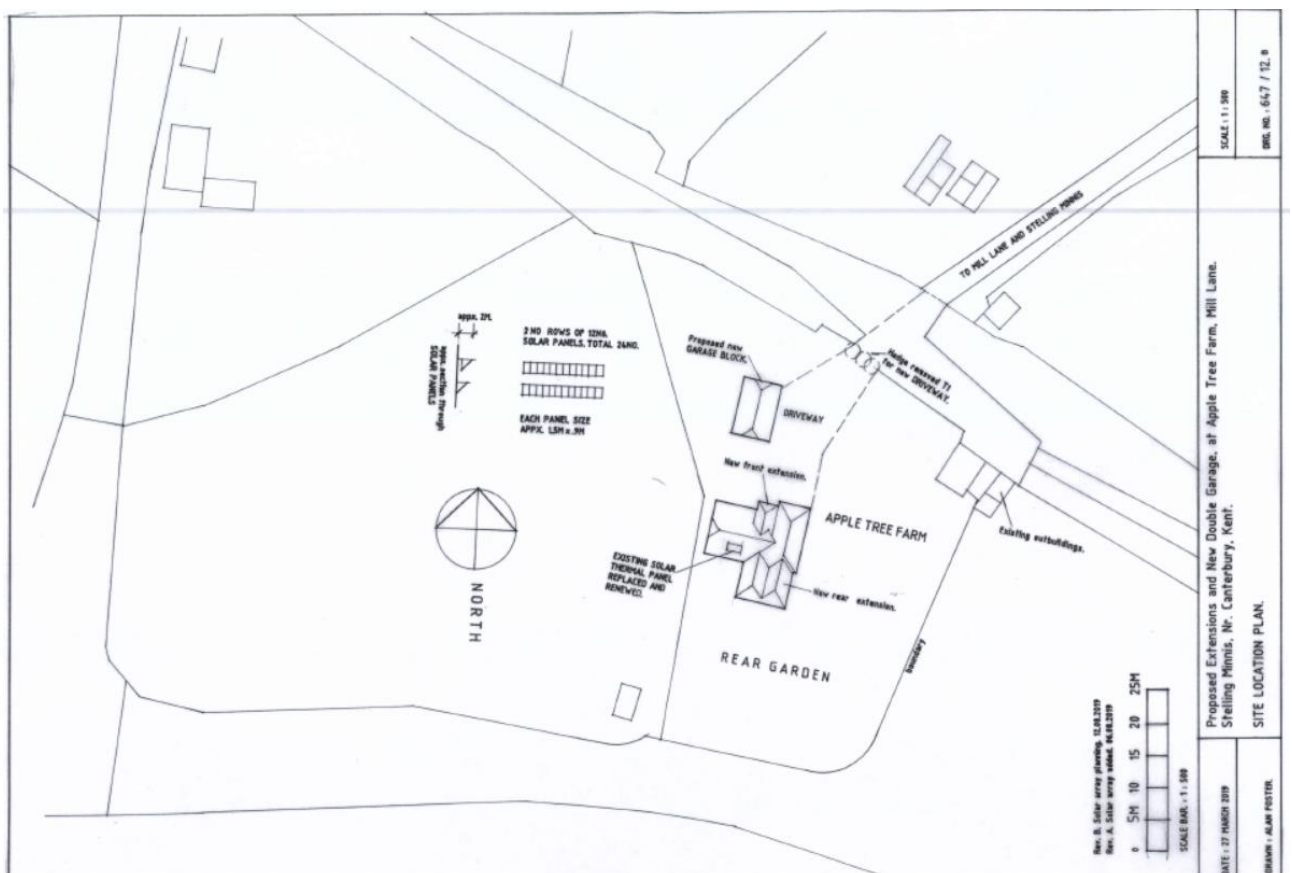
2.1. Apple Tree Farm comprises a large two storey detached dwelling with a residential garden area to the north, east and south of the dwelling, which is mainly laid to lawn with established trees and shrubbery. The application site is a small field located to the west of the host dwelling, and is separated from the garden area by hedging, shrubbery and a wire fence. The site is accessed via a private right of way from Mill Lane through a wooded area to the north east of the application site which is shared with the host dwelling and neighbouring property.

2.2. The application site is located within a rural area within the Kent Downs Area of Outstanding Natural Beauty and a Special Landscape Area. The application site is heavily screened from external views by large established trees and hedgerows to all boundaries.

- 2.3. The land to the north of the site is designated as Common land/village green, use of this land is therefore restricted by law and each common land may have different rights which should be checked before works commence.
- 2.4. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for the erection and installation of a solar array comprising two rows of 12 solar photovoltaic panels each panel measuring 1.5 metres by 0.9 metres no higher than 2.5 metres from ground level. The rows of panels will be at staggered heights to reduce the linear impact and to minimise shading from the front row onto the second row. The area beneath the panels would remain clear and accessible for mowing/grazing. The distance between the two rows would be no more than 3 metres.



4. RELEVANT PLANNING HISTORY

- 4.1 The only relevant planning history is for an extension to the dwelling as follows:

Y19/0382/FH	Erection of a two storey rear extension, part single and part two storey front extension and erection of detached garage with guest accommodation above.	Approved with conditions
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5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Stelling Minnis Parish Council:

Parish council objects on the grounds that the proposal would have a negative impact on the landscape of the AONB and would have a detrimental effect on the character of the area.

Kent Downs AONB Unit:

The Kent Downs AONB unit was notified of the application on 26/09/2019 however no response has been received to date.

Local Residents Comments

5.2 Three neighbours directly consulted. No letters of representation have been received in regards to the application.

5.5 Responses are available in full on the planning file on the Council's website:

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

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.

6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

6.4 The relevant development plan policies are as follows:-

Shepway District Local Plan Review (2013)

SD1 – Sustainable Development

BE1 – Standards expected for new development in terms of layout, design, materials etc.

CO1 – Protecting the Countryside

CO4 – Special Landscape Areas

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development

CSD3 – Rural and Tourism Development

CSD4 – Green Infrastructure of Natural Networks, Open Space and Recreation

Places and Policies Local Plan Submission Draft (2019)

HB1 – Quality Places through Design

CC1 – Reducing Carbon Emissions

CC6 – Solar Farms

NE3 – Protecting the districts landscapes and countryside.

Core Strategy Review Submission draft (2019)

CSD3 – Rural and Tourism Development

CSD4 – Green Infrastructure of Natural Networks, Open Space and Recreation

6.5 The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Kent Downs Area of Outstanding Natural Beauty (AONB) Renewable Energy Position Statement

Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2014-2019

Government Advice

National Planning Policy Framework (NPPF) 2019

6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 148 & 154 Meeting the challenge of climate change, flooding and coastal change.

Paragraphs 170 & 172 – Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG)

Climate Change

Natural Environment

Renewable and Low Carbon Energy

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and sustainability
- b) Impact on landscape

- c) Design
- d) Residential amenity
- e) Highways
- f) Ecology & trees

a) Principle of development and sustainability

- 7.2 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate
- 7.3 Policy CC1 of the Places and Policies Local Plan Submission Draft seeks to reduce carbon emissions by promoting specifically the generation of energy from renewable and low carbon sources.
- 7.4 Policy CC6 of the of Places and Policies Local Plan submission draft states that the development new solar farms will only be acceptable where; there would be no adverse ecology impacts, the consideration of the need for and impact of security measures are included in the application and the proposed solar farm would not result in the loss of the best and most versatile agricultural land.
- 7.5 Paragraph 154 of the NPPF states that local planning authorities should not require applicants to demonstrate the overall need for renewable of low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable.
- 7.6 While the proposal is fairly small in scale, it is considered to be larger than the standard household solar array and therefore the principles of emerging policies CC1 and CC6 should be considered. The proposed solar array would be located within a small field adjacent to the private amenity space for Apple Tree Farm, there has been no identified requirement for increased security measures and the proposal would not result in the loss of any agricultural land. Ecology has been addressed below.
- 7.7 There are no local aerodromes in the area, and therefore the proposed solar array would be of no concern to aviation. By definition Solar PV Panels are anti-reflective as they are designed to absorb light and not to reflect it.

b) Impact on landscape

- 7.8 The Kent Downs AONB Unit's position statement, considers it extremely unlikely that any location can be found in, or within the setting of, the Kent Downs Area of Outstanding Natural Beauty where field-scale photo-voltaic arrays, such as solar farms, would not have a significant adverse effect on the landscape. The proposal is not considered to be of field scale or a solar farm as it could only consist of two rows of twelve panels.
- 7.9 Policy CC6 of the Places and Policies Local Plan submission draft states that the development of new solar farms will only be acceptable where: the proposal would not have an adverse impact on the landscape character or have any visual impact on the scenic beauty of the Kent Downs Area of Outstanding Natural Beauty; the solar panels are finished in black anodized frames with dark cells on an aluminium support frame to minimise visual impact; the solar panels can be conditioned to be removed when no

longer operational and; the proposal would not result in the loss of the best and most valuable agricultural land.

- 7.10 Although the application site is located within the Kent Downs AONB, the proposed solar array would be located in the northeast corner of the field adjoining Apple Tree Farm, to the northwest of the host dwelling and west of the proposed garage. The nearest boundary to the proposed solar array is shared with Minnis Land to the north, and this is screened by a tall and wide hedgerow.
- 7.11 In regards to Minnis Land, the site is directly adjacent to allocated Common Land as shown on the local policies map. The Commons Act 2006, protects common land, however as the proposed solar panels are contained to within the application site, the common land would not be affected by the development.
- 7.12 The application site is heavily screened from all views from the surrounding AONB and common land by large established trees and hedgerows. The site has been assessed both in summer and in winter by the planning officer and no clear views of the proposed solar array would be possible from ground level from outside the site.
- 7.13 The previous application for extensions to the dwelling included the widening of the existing access to the host dwelling to allow for vehicular access to the proposed garage. This would not allow for views of the proposed solar array. All existing boundary treatments are to remain and are unaffected by that proposal.
- 7.14 There are two public footpath relatively close to the application site, one of which is located to the south west and runs to the south west where it is met by another that begins to the east of the application site and runs to the south west. Both cross the agricultural land to the south of the application site. After walking both footpaths it is considered they would afford no views into the application site of the proposed solar array, and only allow for minimal views of the host dwelling.

c) Design and siting

- 7.15 The proposed solar array would be located in the northeast corner of the field adjoining Apple Tree Farm, to the west of the proposed garage (approved under a previous scheme). It is considered that views would be limited as you approach the host dwelling from within the application site, and the proposed solar array would have a negligible impact on the character or appearance of the host dwelling.
- 7.16 It is considered that this is the ideal location within the site for the solar array as it would have minimal impact on the surrounding landscape and Apple Tree Farm, which although unlisted, is an attractive building.

d) Residential Amenity

- 7.17 Policy CC6 of the Places and Policies Local Plan Submission Draft requires that the proposal for a new solar farm would not result in the direct loss of amenity to nearby residential properties by virtue of glare or other disturbance.
- 7.18 Due to the limited size of the solar array and the isolated location of the site away from other properties there will be no resulting detrimental impacts to neighbours' amenities in terms of loss of outlook, privacy, noise, disturbance, daylight or overshadowing.

7.19 Due to the slope of the proposed solar array to the south and the anti-reflective nature of the panels, there will be no reflecting glare to immediate neighbouring properties, located only to the north, northwest and east of the application site. The nearest residential dwelling to the immediate south is located approximately 0.5 miles away.

e) Highways

7.20 The application site is accessed from a private right of way from Mill Lane, Stelling Minnis, this private right of way is approximately 125 metres in length. It will allow for direct deliveries to site and is considered that any and all materials will be stored on the application site, therefore causing no obstruction to the public highway. The application is therefore considered acceptable in terms of highway safety.

f) Ecology and trees

7.21 The area proposed for the solar array is currently laid to mown grass and unlikely to be a suitable habitat for reptiles. Once erected the proposed solar array would be raised off ground level and therefore should not impact upon ecology

7.22 No trees are to be removed or would be affected by the proposal.

Environmental Impact Assessment

7.23 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.

Human Rights

7.24 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

7.25 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.

Working with the applicant

7.26 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner. recommendation below.

8. CONCLUSION

8.1 It is considered that the proposal would not negatively impact upon the Area of Outstanding Natural Beauty or the character of the host dwelling. It is considered that neighbouring amenity has been safeguarded and there are no resultant highways or ecology issues. The application is recommended for approval subject to the conditions listed below.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions 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.

Conditions:

1. The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 647/03 C, 647/04 C, 647/05 C, 647/06 B, 647/11, 647/12 and OS extract received on 29/03/2019

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3. The external surfaces of the solar photovoltaic system hereby permitted shall be of a uniform colour without silver edges and be non-reflective, and shall be maintained as such at all times.

Reason:

To ensure that the external appearance of the works when completed will not detract from the character or the appearance of the landscape in accordance with policies CO1 and CO4 of the Shepway District Local Plan Review.

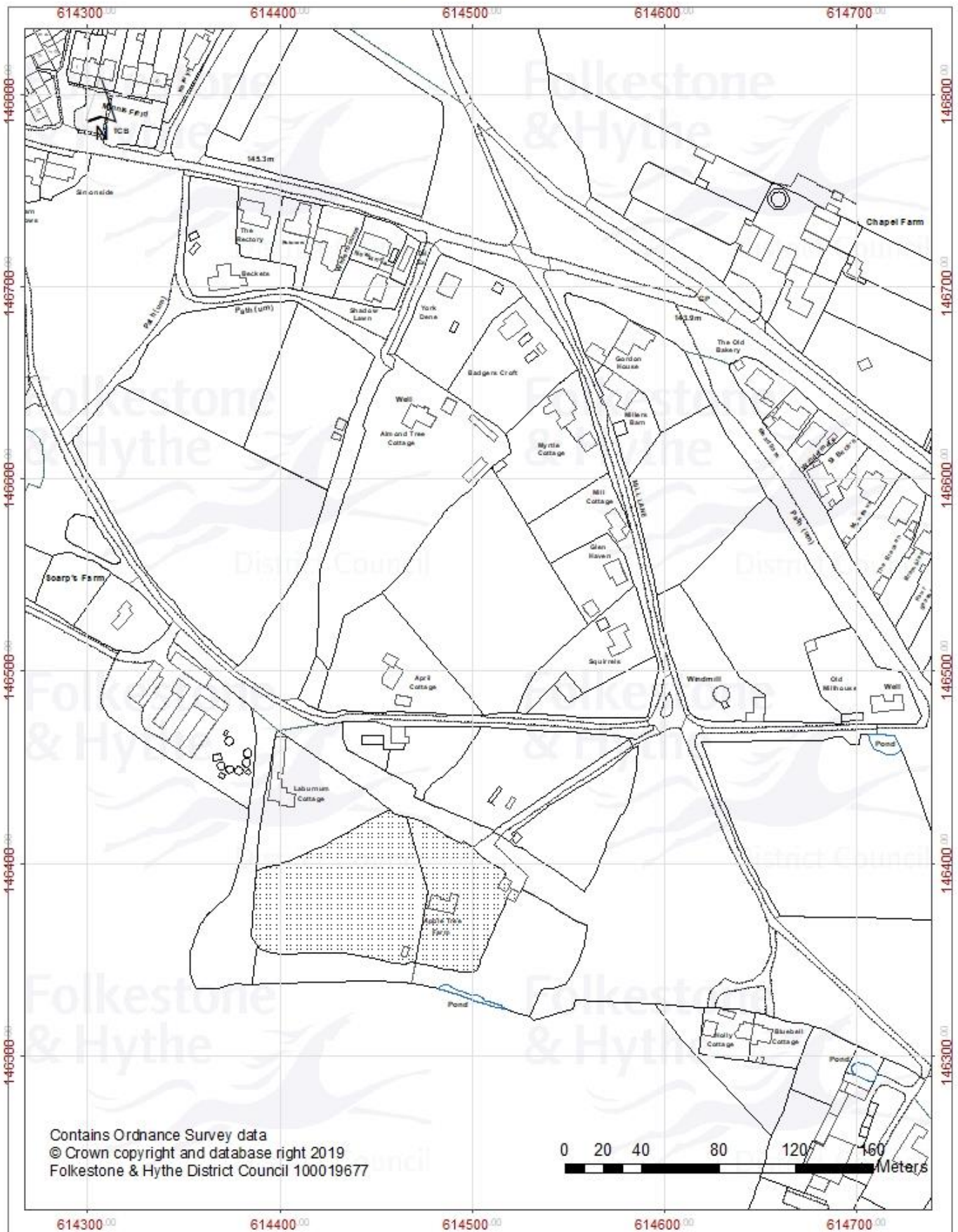
4. The ground mounted solar panels hereby approved shall be removed from the site and the land restored to its former condition when the solar photovoltaic array is no longer required.

Reason:

In the interests of the visual amenity of the area in accordance with saved policies SD1, CO1, CO4 of the Shepway District Local Plan Review and Core Strategy policy CSD4.

Appendix 1 – Site Location Plan

Y19/0947/FH
Apple Tree Farm
Mill Lane
Stelling Minnis



LIST OF DEVELOPMENT PLAN POLICIES

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

Core Strategy (2013) policies

Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

Chapter 4 – The Spatial Strategy for Shepway

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

Chapter 5 – Core Strategy Delivery

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

Local Plan Review (2006) policies applicable

Chapter 2 – Sustainable Development

SD1 - Sustainable Development

Chapter 3 – Housing

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

Chapter 4 – Employment

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

Chapter 5 – Shopping

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

Chapter 6 – Tourism

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

Chapter 7 – Leisure and Recreation

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

Chapter 8 – Built Environment

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

Chapter 9 – Utilities

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

Chapter 10 – Social and Community Facilities

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

Chapter 11 – Transport

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

Chapter 12 – Countryside

- CO1 - Countryside to be protected for its own sake.
- CO4 - Special Landscape Areas and their protection.
- CO5 - Protection of Local Landscape Areas.
- CO6 - Protection of the Heritage Coast and the undeveloped coastline.

- CO11 - Protection of protected species and their habitat.
- CO13 - Protection of the freshwater environment.
- CO14 - Long term protection of physiography, flora and fauna of Dungeness.

- CO16 - Criteria for farm diversification.
- CO18 - Criteria for new agricultural buildings.
- CO19 - Criteria for the re-use and adaptation of rural buildings.
- CO20 - Criteria for replacement dwellings in the countryside.
- CO21 - Criteria for extensions and alterations to dwellings in the countryside.

- CO22 - Criteria for horse related activities.
- CO23 - Criteria for farm shops.
- CO24 - Strategic landscaping around key development sites.
- CO25 - Protection of village greens and common lands.

Chapter 13 - Folkestone Town Centre

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

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**FOLKESTONE & HYTHE DISTRICT COUNCIL
PLANNING AND LICENSING COMMITTEE – 14 JANUARY 2020**

Declarations of Lobbying

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

Application No:	Type of Lobbying

SIGNED:

Councillor Name (in CAPS)

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

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PLANNING AND LICENSING COMMITTEE

14th JANUARY 2020

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

**1. Y19/0814/FH 7 THE OLD HIGH STREET, FOLKESTONE
(Page 17)**

Section 73 application to vary condition 3 of planning permission Y16/1125/SH (Change of use from retail to mixed use of retail, drinking establishment and exhibition space) to vary the opening times in line with the premises licence opening hours.

Mr Howard Barkley, local resident, to speak on application

**2. Y19/0781/FH OAK RYSE, FORGE HILL, ACRISE, FOLKESTONE
(Page 27)**

Conversion of existing barn to residential dwelling

**Mr Dutnell, local resident, to speak in support of application
Karen Banks, agent, to speak on application**

**4. Y19/0947/FH APPLE TREE FARM, MILL LANE, STELLING MINNIS
(Page 55)**

Installation of solar array comprising 2 rows of 12 each (24 total) of 1.5m x 900mm solar photo voltaic panels at ground level

Cllr Laszlo Dudas, on behalf of Stelling Minnis Parish Council, to speak on application

THE SCHEDULE WILL RESUME IN THE FOLLOWING ORDER:

**3. Y19/1075/FH 4 MARINE TERRACE, FOLKESTONE, KENT, CT20 1PZ
(Page 43)**

Change of use and conversion to 5 self-contained flats, erection of a 5 storey rear extension & extensions/alterations to roof

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