



Agenda

Meeting: **Planning and Licensing Committee**
Date: **30 June 2020**
Time: **7.00 pm**
Place: **Zoom Virtual Meeting**

To: **All members of the Planning and Licensing Committee**

The committee will consider the matters, listed below, at the date and time shown above. The meeting will be open to the press and public and streamed live at bit.ly/YouTubeMeetings

If members have any particular questions on the report it would help the management of the meeting if they could send them on or before next Tuesday to committee@folkestone-hythe.gov.uk

Members can raise matters in the meeting of course but knowledge of the areas of any concern prior to its commencement will aid the running of the meeting.

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 3 - 4)**

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

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

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

To consider and approve, as a correct record, the minutes of the meeting

Queries about the agenda? Need a different format?

Contact Sue Lewis – Tel: 01303 853265
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

held on 26 May 2020.

4. **Y19/0958/FH - Land adjoining The Retreat, Lydd Road, Old Romney, Kent, TN29 9SG (Pages 11 - 36)**

DCL/20/05 - Construction of access road and the provision of 5 static mobile homes and a community hall to provide accommodation as a traveller's site.

5. **Y18/0768/FH - Land adjoining 39 Victoria Road West, Littlestone, Kent (Pages 37 - 80)**

DCL/20/06 - Outline application for up to 80 dwellings and access with matters of scale, layout, appearance and landscaping reserved for future consideration.

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: Remote Meeting

Date: Tuesday, 26 May 2020

Present: Councillors John Collier, Gary Fuller, Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Jim Martin, Philip Martin (Vice-Chair), Connor McConville, Jackie Meade, Ian Meyers, Georgina Treloar and David Wimble

Apologies for Absence

Officers Present: David Campbell (Development Management Team Leader), Claire Dethier (Strategic Development Manager), Sue Lewis (Committee Services Officer), Llywelyn Lloyd (Chief Planning Officer), Susan Priest (Chief Executive) and Jemma West (Committee Service Specialist)

Others Present:

1. **Declarations of Interest**

Councillor Jackie Meade declared a voluntary announcement in that she is on the Planning Committee for Folkestone Town Council who have previously discussed the Beach Chalet 1-79 application. She remained in the meeting.

Councillor John Collier declared a voluntary announcement in that he is a member of the Folkestone Parks and Pleasure Grounds Trustees who manage the Beach Huts. He remained in the meeting.

Councillor Clive Goddard declared a voluntary announcement in that he is known to Greatstone Primary School in respect of application Recreation Ground, New Romney. He remained in the meeting.

Councillor David Wimble declared a voluntary announcement in that he has an advertising board in the vicinity of the application site for the Recreation Ground, New Romney. He remained in the meeting.

2. **Minutes**

The minutes of the meeting held on 14 January 2020 were submitted, approved and electronically signed by the Chairman.

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

The minutes of the meetings held on 27 January, 17 February and 11 March 2020 were submitted, approved and electronically signed by the Chairman.

4. **Y16/1017/SH - Coast Drive Car Park, Coast Drive, Greatstone, Kent**

A hybrid application encompassing; 1) Outline application for the erection of 20 residential units within Zone A with matters of layout, scale, appearance and landscaping reserved for later consideration 2) Full application of Zone B for the re-provision of a public car park, residential parking for the 20 units and landscaping areas.

David Campbell updated Members that one additional comment from an objector had been submitted. He clarified the situation in respect of flooding and the sequential test. He confirmed that paragraph 3.3 to state that access is being considered as part of this application.

Mr Martin Chamberlain, local resident, provided written representation on behalf of Residents of the Community of Greatstone who are vehemently opposed to this proposed development highlighting the following:

- Significant local opposition
- Decision has taken 3 years to reach this point through the Places and Policies local plan
- Outline planning application was changed to become a hybrid application
- Environmentally sensitive seashore site
- Places and Policies Local Plan has not been formally adopted
- Significant impact on local residents
- Car park is intensively used
- No site sequential test has been done

Cllr Patricia Rolfe, Ward Member, spoke on the application highlighting the following:

- 150 representations against the application
- Site is not suitable for intensive development
- Car park is intensively used so reduction in size is not adequate
- Tourism has increased in the area
- A designated SSSI site is adjacent to the application site
- Not in accordance with policies CSD3, SD1, BE13 and TR11
- Legal covenant applicable to the site
- Highway safety issues

- Flood zone areas

Cllr Paul Thomas, on behalf of New Romney Town Council, provided written representation highlighting the following:

- Planning development not supported by the Town Council
- Not in accordance with planning policies CSD3, SD1, TR11 and BE13
- Highway safety
- Parking – reduced parking will have an impact on local businesses
- Numerous objections received
- Provision for the Indee Rose Trust house should be priority

Proposed by Councillor David Wimble
Seconded by Councillor Gary Fuller and

Resolved:

That planning permission is refused on the following grounds not being met:

1. Insufficient information has been provided to demonstrate that the proposal has passed the sequential test as required by the National Planning Policy Framework. In the absence of this information, the Local Planning Authority is unable to confirm that the proposal is acceptable on flooding grounds and as such it is contrary to policy SD1 of the adopted Shepway Local Plan 2006, policy SS3 of the adopted Shepway Core Strategy 2013 and draft policy SS3 of the emerging Core Strategy Review Submission Draft 2019.
2. Insufficient information has been provided to demonstrate how the proposed development would deal with surface water drainage. In the absence of this information, the Local Planning Authority is unable to confirm that the application is acceptable on these grounds and as such the proposal is contrary to policy SD1 of the adopted Shepway Local Plan 2006, draft policy CC3 of the emerging Places and Policies Local Plan Submission Draft and the National Planning Policy Framework 2019.
3. The proposed development, by virtue of its close proximity to internationally designated sites including the Dungeness, Romney Marsh and Rye Bay Ramsar site, Special Protection Area, Special Area of Conservation and Site of Special Scientific Interest, would put undue pressure on the surrounding environment to its detriment. The proposal is therefore contrary to policy SD1 of the adopted Shepway Local Plan 2006, policy CO11 of the adopted Shepway Local Plan 2006, policy CSD4 of the adopted Shepway Core Strategy 2013, draft policy CSD4 of the emerging Core Strategy Review Submission Draft 2019, draft policy NE2 of the emerging Places and Policies Local Plan Submission Draft and the National Planning Policy Framework 2019.

(Voting: For 9; Against 0; Abstentions 2)

5. **Y19/0553/FH - Recreation Ground, Station Road, New Romney**

Erection of a two storey community hall and sports pavilion following the demolition of the Maude Pavilion. Refurbishment of the existing nursery building including a new recreational play area and the erection of 34 dwellings with associated landscaping, parking and access in the south west of the recreation ground.

David Campbell provided an update explaining that there was an error in paragraph 2.4 of the report where it incorrectly stated the site was within flood zones 2 and 3. The site is in flood zone 1.

Tony Hunter, Chairman of New Romney Football Club provided written representation in support of the application which was read out by the Committee Clerk.

Guy Holloway, applicant's agent provided video representation in support of the application which was played to the Committee meeting.

Cllr Paul Thomas, on behalf of New Romney Town Council provided written representation in support of the application which was read out by the Committee Clerk.

Cllr Patricia Rolfe, Ward Member, spoke in support of the application.

Proposed by Councillor David Wimble
Seconded by Councillor Gary Fuller and

Resolved:

1. **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, requiring a sum of £257,792.87 for local education and social provision, and a sum for the provision of affordable housing in the event that funding for the Community Hall and Sports Pavilion does not arise, 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 or obligations that he considers necessary.**
2. **That a condition be attached requiring additional landscaping following the removal of mature trees from the site.**

Please note that Cllr Mrs Jenny Hollingsbee lost internet connection for part of this application and therefore did not take part in the vote.

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

6. **Y19/1370/FH - Beach Chalet 1 - 79 Marine Walk, Folkestone, Kent**

This application sought planning permission for the renovation of 35 existing beach huts and the demolition of 44 huts and installation of 80 new wooden chalets on the promenade below the Lower Leas Coastal Park. The site is within the built up area boundary of Folkestone and within the Bayle & Leas Conservation area. The renovation works and replacement beach huts are considered to be of a suitable design for the sensitive location, are not considered to give rise to any additional amenity or highway issues and concerns regarding incidences of crime can be addressed by conditions to protect future users of the huts.

Helena Payne provided an update following comments being received from KCC Ecology.

Officers agreed to investigate if Folkestone Town Council and Sandgate Town Council had responded to the application.

Members asked for the Trustees to consider voluntary organisations when the beach huts become available for rent.

Proposed by Councillor Gary Fuller
Seconded by Councillor Mrs Jenny Hollingsbee 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 11; Against 0; Abstentions 0)

NOTE: Members of the Planning Committee have requested that the Trustees consider voluntary organisations as tenants, when the beach huts become available for rent.

7. **APPEALS MONITORING INFORMATION - 3rd QUARTER 1 SEPTEMBER - 31 DECEMBER 2019**

Members noted the appeals monitoring information for the 3rd Quarter 1 September – 31 December 2019.

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Agenda Item 4

DCL/20/05

Application No:	Y19/0958/FH
Location of Site:	Land adjacent to The Retreat, Lydd Road, Old Romney, Kent, TN29 9SG
Development:	Construction of access road and the provision of 5 static mobile homes and a community hall to provide accommodation as a traveller's site.
Applicant:	Mr. Robert Penfold
Agent:	Mr. Edmund Dewelus
Officer Contact:	Robert Allan

SUMMARY

The proposal is for the use of the site as a traveller's site and seeks permission for the change of use of land from agricultural to a caravan site and for the stationing of five static mobile homes and a building for use as a community hall, together with the construction of an access road and associated parking. The site is proposed to be allocated as a gypsy and traveller site in emerging policy RM15 of the Places and Policies Local Plan Submission Draft and would be in accordance with the overarching aims of this policy and the emerging development plan. It is considered that given the advanced stage of the emerging plan, significant weight can be given to policy RM15. With suitable mitigation to address the visual impact of the caravans and conditions to address other matters in respect of drainage, biodiversity and flooding it is considered that the proposal accords with the emerging policies of the Development Plan and is consistent with the requirements of the National Planning Policy Framework and the Planning Policy for Traveller Sites 2015.

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 at the request of Councillor Tony Hills.

2. SITE AND SURROUNDINGS

2.1. The application site is an approximately 1.5 hectare piece of land to the south of the A259 Lydd Road, to the west of New Romney and outside of the defined settlement

boundary. To the east are three detached dwellings, The Retreat, The Venture and Sandycroft. The site has two distinct plateaus, with land levels varying between 1.8m and 3.7m above Ordnance Datum Newlyn (AODN) across the site, with the north of the site forming part of the Rhee Wall, a 13th Century Medieval structure, which is elevated above the surrounding area, but below the adjacent road. Consequently, the application site is within an area of archaeological potential. A loose hedge runs along the southernmost extent of the Rhee Wall feature from west to east, with groups of trees and shrubs also conspicuous along the western and southern boundaries. The northern boundary adjacent to the A259 is predominantly open. The site is within a designated Local Landscape Area.

- 2.2. With regard to flood risk, the part of the site to the south of the Rhee Wall is identified on the Environment Agency's flood risk maps as being within zones 2 and 3a (having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding). The Council's Strategic Flood Risk Assessment (SFRA) identifies the area approximately 14 metres further to the south of the Rhee Wall as being at moderate risk should flooding occur, when accounting for predicted sea levels as a consequence of climate change to 2115, turning to significant risk at the southern point of the site (figure 1).

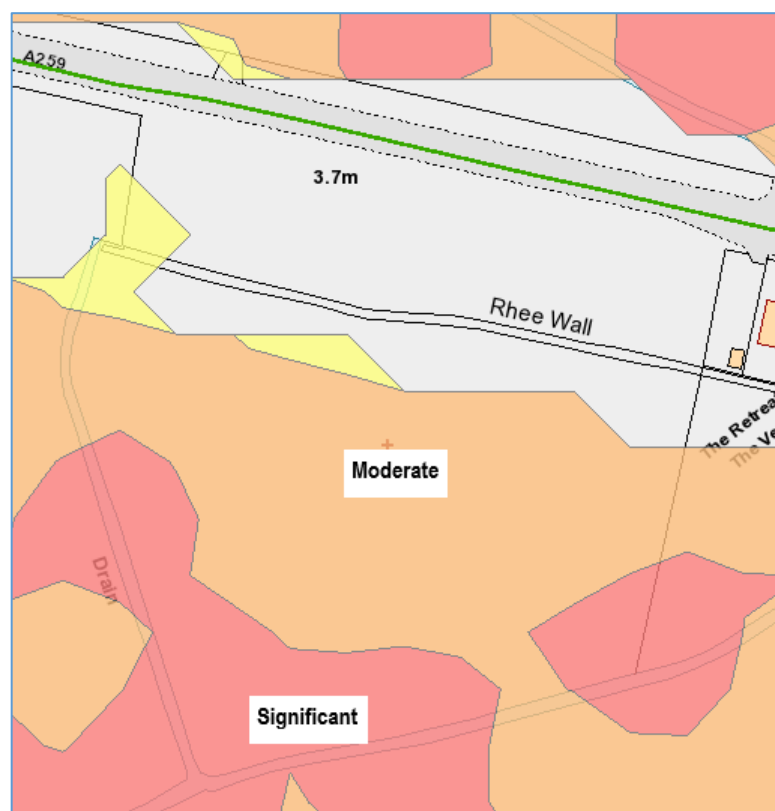


Figure 1

- 2.3. At the time of application being submitted, the change of use, stationing of mobile homes and associated works had already taken place within the site. The works that have been carried out include:

- An access way of compacted hard-core material running from the A259 and projecting into the site beyond the Rhee Wall to form a 'hammerhead';
- five concrete hard standings;
- four static caravans placed on the hard standings, with another on a trailer at the time of the site visit;

- associated power supply and drainage works, including a package sewage treatment plant;
- erection of a timber post and rail fence across the northern boundary of the site following the A259.

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 change of use land from agricultural to a caravan site and for the stationing of five static mobile homes and a building for use as a community hall, construction of an access road and associated works. Works had been carried out in advance of the application being made, with five residential caravans in position on the lower part of the site and the access road installed, as per the layout shown in figure 2 below. The community hall, intended as a meeting point for the site residents only, had not been installed. The site layout has been amended during the course of the application to show four of the residential units positioned at the foot of the Rhee Wall, within the zone identified as being at moderate risk within the SFRA 2115. This shows the fifth unit to be re-positioned on the higher ground, together with the community hall. The revised layout is shown in figure 3.

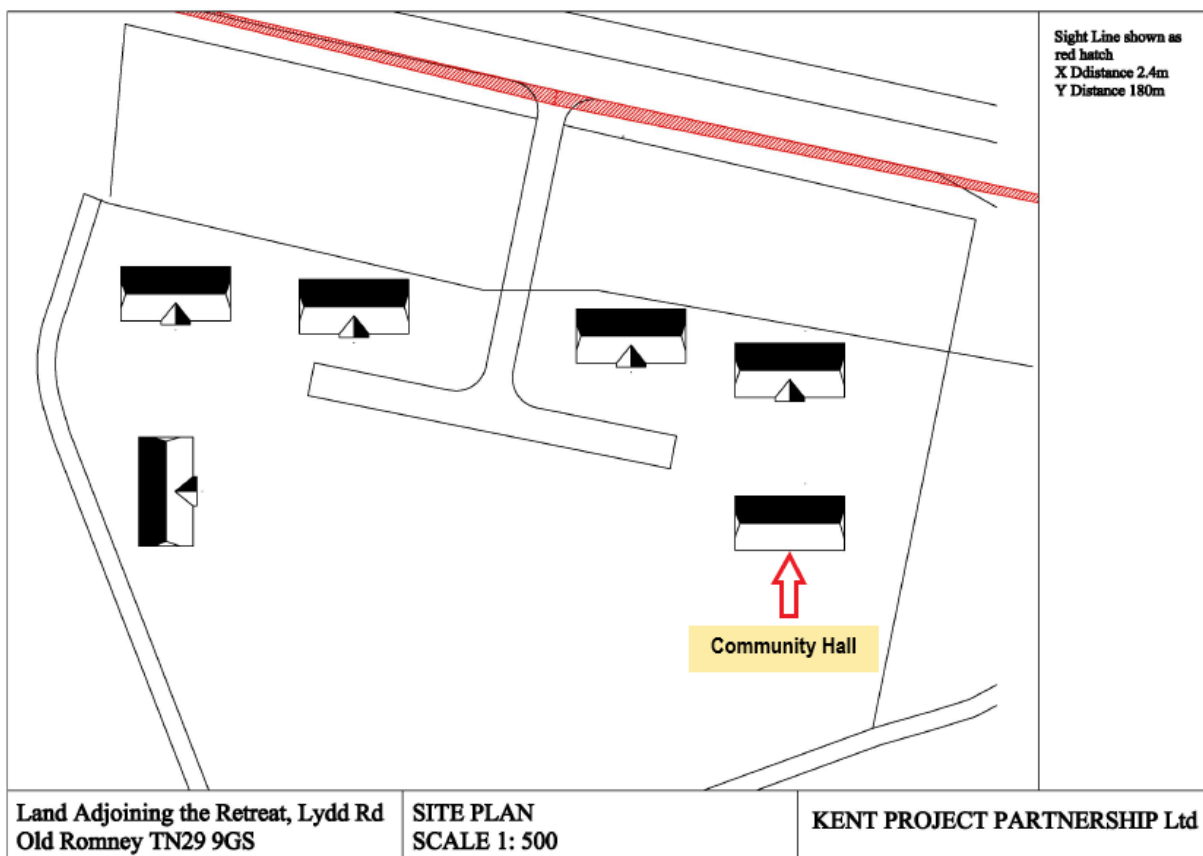


Figure 2: layout as submitted

3.2 The applicant has submitted an ecological scoping survey during the course of the application and has relied upon a site-specific flood risk assessment (FRA) carried out by Folkestone and Hythe District Council as part of the evidence base to support the emerging allocation of this site as a Gypsy and Traveller residential site (emerging

policy RM15). This FRA was also accompanied by a Flood Warning and Evacuation Strategy.

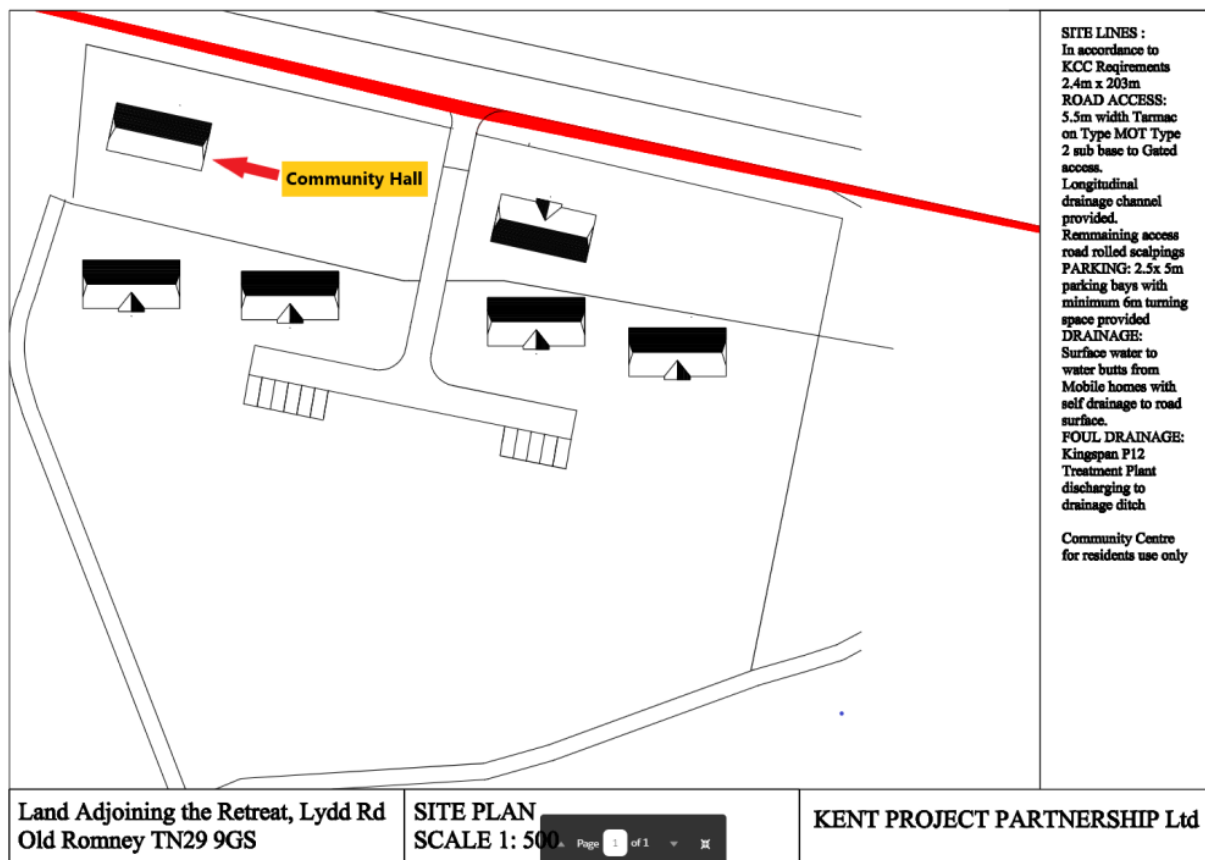


Figure 3: layout as amended

3.3 Flood Risk Assessment

The FRA identifies that the site benefits from coastal defences which have a 1 in 200 year standard of protection so that, even at 2115 levels when sea levels are expected to have risen due to climate change, the site will only be at risk of flooding in the unlikely event that the defences were to fail at the same time as an extreme storm event. Predicted flood depth would be a maximum of 0.88m toward the southern boundary of the site, with an estimate of 20 hours taken for the floodwater to reach the site and a further 6 hours before peak predicted levels are reached. The FRA identifies the following measures and recommendations:

- All 'highly vulnerable' uses (permanent residential pitches) should be located within Flood Zone 1 (outside the predicted extent of flooding)
- An easement of 4 metres should be maintained from the toe of the bank of the drainage ditches to ensure a buffer for access and biodiversity;
- If any amenity buildings and storage units cannot be located outside the predicted extent of flooding, the floor level of these units should be raised to 2.58m AODN where possible, otherwise flood resistance measures should be proposed to limit the risk of floodwater ingress;
- Flood resilience measures should be incorporated into the design of the amenity and storage units;
- The owners of the site should sign up to the Environment Agency's Flood Warning Service and the FEP (Flood Evacuation plan) prepared as part of this report should be disseminated;

- The proposed development should be designed to incorporate SuDs to control rate at which runoff is discharged from the development, ideally mimicking the greenfield runoff rates;
- Adequate space should be provided to incorporate surface water storage and a foul water packaged treatment plant.

3.4 Flood Warning and Evacuation Plan

The report identifies the risks, responsibilities, actions and procedures relevant to this site should flooding occur, with the key actions being that:

- Site managers / permanent residents should be trained in the flood evacuation procedures outlined in the report and should ensure that a system is in place to receive and monitor flood warnings (such as the Environment Agency Flood Warning Service);
- A system should be adopted that ensures all new occupants of the site are provided with access to the Emergency Flood Warning and Evacuation Plan and know the procedures and routes during an evacuation.

3.5 Ecological Scoping Survey

The survey identifies the features of the application site as well as its location in respect of designated sites such as the Dungeness, Romney Marsh and Rye Bay SSSI and Midley Chapel Pasture Local Wildlife Site. The methods employed to survey the site are also set out within the report.

The survey identifies 44 species of plants and animals, but no evidence of the presence of any BAP (Biodiversity Action Plan), KRDB (Kent Red Data Book) or other notable species was found on site, including bats, reptiles, badgers great crested newts or water voles.

Recommendations include:

- No potential bird breeding habitat should be cleared between late March to the beginning of August inclusive, with old crack willows subjected to detailed ecological survey if they are to be felled;
- A biodiversity plan for the development should be sought, including the provision of bird and bat boxes, log piles for invertebrates, bumble bee nest boxes and pollinator resources, provision for some of the species on the Kent BAP species list (where applicable to site / conditions), a scheme of native species landscaping.

4. RELEVANT PLANNING HISTORY

4.1 There is no recorded planning history for this site.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Old Romney Parish Meeting: Object.

- Work has already commenced and the caravans on site are being lived in.
- Planning Policy for Traveller Sites identifies that sites should not be located in areas at high risk of flooding and the caravans have been placed in flood risk zones 2 and 3.
- Screening criteria for site selection have been ignored, with the site more than 500m from the nearest settlement boundary. Old Romney has no facilities, with shops, schools, doctors and other services 2 miles drive away, with no pedestrian footways.
- Why wasn't consideration given to sites without adjacent properties? The proposal will impact upon the lives of the occupants and the land values.
- Alternative sites were identified by consultants.
- Will the properties be listed on the electoral roll and subject to Council Tax?
- How will the Community Hall be policed and what is the justification for this?
- Will there be or has there been any funding/financial assistance received by District or County Council for creating the site?
- Will there be restrictions on the site limiting use to the owners and family, or will passing travellers be able to use it?
- There are a disproportionate number of gypsy and traveller sites on the Romney Marsh.

Brenzett Parish Council (Neighbouring Parish): Object.

- Work has already commenced with caravans on site.
- No car parking for the mobile homes or Community Hall are identified.
- What will the Community Hall be used for? Is it for wider residents of Romney Marsh; if not, it is considered discriminatory.
- Insufficient detail regarding the water treatment plant.
- Entrance/exit road is not wide enough for two cars; there is no lighting at the junction; there are no signs to indicate the new junction.
- The erection of fences adjacent to the dykes surrounding the site will impact their clearing / maintenance.
- The number of homes on site may escalate.
- The family lived in a house in Brenzett for 15 years.
- The risk of flooding at the site should have been considered, with national guidance highlighting the vulnerability of caravans.
- There are a disproportionate number of gypsy and traveller sites on the Romney Marsh.
- The location of the site is isolating and does not promote co-existence.
- Appropriate wildlife surveys should be conducted.

New Romney Town Council (Neighbouring Town Council): No objection.

KCC Highways and Transportation: No objection following confirmation that the community hall will be for residents of the site only. KCC have requested conditions including a Construction Management Plan, completion of the access road prior to occupation, use of a bound surface for 5m from the edge of the highway, measures to prevent surface water discharging onto the highway, visibility splays, retention of parking spaces and electric vehicle charging points for each dwelling if officers feel this is appropriate.

KCC Ecology: No objection.

Sufficient information has been provided.

Habitat Loss/Degradation

- The distance involved means no assessment of recreational pressures are needed regarding the Dungeness, Romney Marsh and Rye Bay SSSI.
- The ecology of the aquatic/semi-aquatic habitats surrounding the development site could be compromised if appropriate drainage/waste removal is not incorporated into the development.
- If sections of hedgerow are to be removed to facilitate the development, we advise that replacement planting is included within the enhancement plan. If the entire hedgerow is to be removed, a separate compensation planting plan should be submitted.

Breeding Bird Informative

It is suggested that the following informative is included with any planning consent:

- The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Ecological Enhancements

- Paragraph 175 of the National Planning Policy Framework 2019 encourages the implementation of enhancements for biodiversity. Examples include the provision of bird/bat boxes and the planting of native species (especially important if any vegetation removal is to take place). As such, to secure the implementation of enhancements, we advise that a condition is attached to planning permission.

KCC Flood and Water Management: Holding objection.

The drainage strategy proposes a storage basin with discharge of surface water via a Hydrobrake into the existing ditches.

1. The FRA does not include a surface water drainage plan or drainage arrangement so therefore it is not possible to review the drainage strategy proposed or the adequacy of the spatial arrangements.
2. Micro drainage calculations have been provided within the Flood Risk Assessment for a 100 year storm event + 40% for climate change which show flooding at MH2 with a flooded volume of 364m³. This is unacceptable and will need to be addressed.
3. The site falls with Flood Zones 2 and 3 which signifies the importance to manage the flood risk adequately.

In general we do not disagree with the approach taken but there is a degree of uncertainty as to the sizing and location of elements of the drainage strategy proposed and whether this proposal is sufficient to provide the appropriate control of surface water generated from the site.

Environment Agency: No objection.

The relocation of the southernmost unit to high ground enables us to remove our objection to the proposal. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition:

The development shall be carried out in accordance with the submitted flood risk assessment (Herrington Consulting August 2019) and the following mitigation measures it details:

- Finished floor levels shall be set at a minimum of 600mm above the design flood level of 2.58m above Ordnance Datum (AOD). The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Romney Marshes Area Internal Drainage Board: No objection.

Consent under Section 23 Land Drainage Act 1991 will be required for the proposed surface water outfalls and of any outfalls serving package treatment plants.

KCC Archaeology: No objection.

As long as any remaining works do not impact on the remains of the earthworks that run west-east through the site to the south of this remaining unit in the north-west of the plot, then it is unlikely there will be any significant ground archaeological remains that will be impacted by the creation of the track, parking area and pad.

Local Residents Comments

5.2 Four neighbours directly consulted. Five letters of objection, six letters of support received

5.3 I have read all of the letters received. The key issues are summarised below:

Objections

- Why has the development been allowed to go ahead without consent?
- Land is identified as being prone to flooding;
- Overlooking and loss of privacy;
- Noise and disturbance will arise from the community hall;
- Noise and disturbance from the coming and going of vehicles;
- Detrimental impact upon ecology at and around the site;
- Site is in a prominent position in the open countryside;
- No signs to warn of slowing vehicles.

Support

- Good local family from within community;
- Opportunity for travellers to reside without being moved on;
- Site will be well kept;
- The entrance to the site is considered safe;
- The proposal meets the Council's requirement.

5.4 Ward Member

Cllr Tony Hills

- Having visited the site and seen (and measured ground clearance) that the risk to life in a breach flood (flood zone three) is negligible to zero, I have read in some supporting flood risk information that it would take 20 hours for sea water to reach the site following a breach at Lydd Ranges.

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 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
CO5 - Protection of Local Landscape Areas
CO11 – Nature Conservation
BE1 - Layout, design, materials of new development
TR5 - Cycling facility provision for new developments
TR11 - Access onto highway network
TR12 - Vehicle parking standards
HO1 - Housing land supply
U4 - Protection of ground and surface water resources

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
CSD2 - District Residential Needs
CSD4 – Green infrastructure

Places and Policies Local Plan Submission Draft (2019)

RM15 - Land adjacent to 'The Retreat', Lydd Road, Old Romney
HB1 - Quality Places through Design
HB2 - Cohesive Design
HB14 – Accommodation for Gypsies and Travellers
T1 - Street Hierarchy and Site Layout
T2 - Parking Standards
T4 - Cycle Parking
NE2 – Biodiversity
NE3 – Protecting the District's Landscape and Countryside
HE2 – Archaeology

Core Strategy Review Submission draft (2019)

SS1 – District Spatial Strategy
SS2 – Housing and the Economy Growth Strategy
SS3 - Place-Shaping and Sustainable Settlements Strategy
CSD2 – District Residential Needs
CSD4 - Green Infrastructure

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

Government Advice

National Planning Policy Framework (NPPF) 2019 and Planning Policy for Traveller Sites (PPTS) (Re-issued)

- 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.
- 6.7 The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). Both documents were released in 2012, with the PPTS re-issued in August 2015 with amendments and the NPPF updated in 2019. Together they provide national guidance for Local Planning Authorities on plan making and determining planning applications for Gypsy and Traveller sites. A presumption in favour of sustainable development runs throughout both documents and this presumption is an important part of both the plan-making process and in determining planning applications. In addition there is a requirement in both documents that makes it clear that Councils should set pitch targets which address the likely need for pitches over the plan period and maintain a rolling five year supply of sites which are in suitable locations and available immediately.
- 6.8 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) generally support the provision of gypsy and traveller sites at appropriate locations within the countryside, recognising that it is not normally possible to provide such sites within the designated built up areas. They also aim to minimise harm to visual and residential amenity.
- 6.9 I consider that the following extracts from NPPF paragraph 8 are particularly pertinent:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) **an economic objective** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) **a social objective** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) **an environmental objective** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and*

6.10 In relation to rural housing the NPPF (at paragraph 78) states;

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

6.11 Paragraph 79 continues:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential dwelling; or*
- e) *the design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

6.12 In relation to conserving and enhancing the natural environment the NPPF, at paragraph 170, states;

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

Planning Policy for Traveller Sites (PPTS)

6.13 The PPTS was originally published in March 2012 but it was re-issued in August 2015 with minor changes. Its main aims are set out below:

“The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.” (para 3 PPTS)

To help achieve this, Government’s aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning*
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
- c. to encourage local planning authorities to plan for sites over a reasonable timescale*
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development*
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
- g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions*
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. for local planning authorities to have due regard to the protection of local amenity and local environment.” (para 4 PPTS)*

6.14 In terms of plan making the PPTS advice is that;

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community*
- b) promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) ensure that children can attend school on a regular basis*
- d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) avoid placing undue pressure on local infrastructure and services*
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*

- h) *reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.” (para 13 PPTS)*

6.15 For sites in rural areas and the countryside the PPTS advice is that;
“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.” (para 14 PPTS)

6.16 In relation to the determination of planning applications the PPTS says that;

“Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.” (para 23 PPTS)

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) that they should determine applications for sites from any travellers and not just those with local connections”*

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.” (para 25 PPTS).

6.17 Policy HB14 of the PPLP relates to accommodation for Gypsies and Travellers and states that:

“Planning permission will be granted for gypsy and traveller accommodation which will contribute to meeting the needs of those households conforming to the definition set out in 'Planning policy for traveller sites', subject to the following:

- 1. The development safeguards the health of occupiers and provides a satisfactory level of amenity for them, by reference to factors including but not limited to: the space available for each family; noise; odour; land contamination; other pollution or nuisance; flood risk; and the disposal of refuse and foul water;*
- 2. The site is in a sustainable location, well related to a settlement with a range of services and facilities and is, or can be made, safely accessible on foot, by cycle or public transport;*
- 3. Adequate vehicular access, sight lines and space for turning and manoeuvring can be provided;*

4. *The development will not give rise to an unacceptable impact on amenity for residents in the vicinity of the development, or, in the case of nearby commercial users, result in the imposition of new constraints on the way in which such users can operate their businesses;*
5. *If the proposal involves the development of land originally identified in this Local Plan for another purpose, the loss of such land is justified by the desirability of providing additional gypsy and traveller accommodation; and*
6. *There is no adverse effect on the landscape, environmental or other essential qualities of countryside, including the Kent Downs Area of Outstanding Natural Beauty or Natura 2000 sites, Sites of Special Scientific Interest, national or local nature reserves or heritage assets.*

The exception to the above criteria relate to applications for the expansion of existing permitted gypsy and traveller sites, in which case only criteria 1 and 4 will apply. However, it must be demonstrated that those households still conform to the gypsy and traveller definition, and that expansion will result in additional gypsy and traveller pitches”.

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

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

- a) Principle of development
- b) Flooding
- c) Visual amenity
- d) Residential amenity
- e) Ecology and biodiversity
- f) Drainage

- g) Archaeology
- h) Highway safety
- i) Human Rights

a) Principle of development

- 7.2 NPPF Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay. Furthermore, Planning Policy for Traveller Sites (PPTS) paragraph 4 requires LPA's to make their own assessment of need and develop fair and effective strategies to meet need through the identification of land for sites.
- 7.3 The Core Strategy (2013) Policy CSD2 states that residential development should meet the specific requirements of vulnerable or excluded groups. The accommodation needs of specific groups will be addressed based on evidence of local need including Gypsies and Travellers. The Folkestone & Hythe District Council Gypsy, Traveller and Travelling Showpersons Accommodation Assessment 2018 (F&HDC GTAA) identifies a need for five permanent residential pitches to 2037. This has been reduced to four following the grant of planning permission for an additional pitch on a site at Brenzett.
- 7.4 The application proposal responds to emerging policy RM15, which seeks to allocate the site for four permanent gypsy and traveller pitches. Policy RM15 is currently being considered as a Main Modification to the Places and Policies Local Plan (PPLP) as part of its Examination in Public. At the time of writing, the Council are awaiting the Inspector's report. In seeking to allocate the site, the Council have undertaken a Sustainability Appraisal and have considered alternative sites and this site was subsequently selected as the preferred option.
- 7.5 Although the proposed site allocation and the plan itself are not yet formally adopted, it should be noted that Policy HB14 of the emerging PPLP provides criteria in line with national policy to determine applications for traveller sites. The policy is considered to hold significant weight in accordance with the criteria set out in NPPF Paragraph 48.
- 7.6 Members will note the inclusion of a fifth caravan on the site, and while this is greater the Council's requirement for four caravans, it would boost the Council's 5 year supply (which is a minimum) and would contribute to making a more effective use of the land as required by the NPPF.
- 7.7 While not specifically mentioned in the Council's requirements, the inclusion of a community hall is also considered to be acceptable as it is considered to contribute towards providing appropriate facilities in accordance with the cultural needs of the applicants. As such, there are therefore no objections to the quantum of development proposed on site. Consequently, the proposal is considered to comply with the emerging policy, subject to all other material planning considerations being considered acceptable.

b) Flooding

- 7.8 The site covers an area of approximately 1.5ha and the Rhee Wall - a medieval watercourse designed to remove silt from the historic harbour at Romney - is raised above the level of the marsh and runs across the northern part of the site. Beyond the Rhee Wall to the south, the site then drops down approximately 1 metre to the marsh plateau.
- 7.9 The Environment Agency's flood mapping shows that the lower part of the site is within Flood Zones 2 & 3. The Council Strategic Flood Risk Assessment (SFRA) – 2115 scenario accounting for climate change – also shows the same area as being at moderate to significant risk of flooding.
- 7.10 National Planning Practice Guidance states that permanent caravan sites are classed as “highly vulnerable development”; whilst Paragraph 13 of Planning Policy for Traveller Sites states that local planning authorities should not: *“locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans”*.
- 7.11 The Council commissioned Herrington Consulting Ltd to prepare a Flood Risk Assessment (FRA) to support the site allocation for gypsy and traveller pitches in the Places and Policies Local Plan. This FRA was submitted to support the application and confirms that whilst the southern part of the site would be affected by an extreme weather event in combination with other factors, the northern part of the site atop the Rhee Wall would remain dry. As such, the acceptability of the allocation for gypsy and traveller accommodation is on the basis that the permanent residential caravans i.e. sleeping accommodation; are located in Flood Zone 1. Other elements, such as the proposed ‘community building’, storage, and parking could all be situated on the lower part of the site but should incorporate flood resistance and resilience measures. Paragraph 157 of the NPPF requires all plans to apply a sequential risk-based approach to the location of development – taking into account the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment provides the basis for applying the test. In this case a sequential test was carried out as part of the evidence base for the site allocation in policy RM15. The NPPG makes clear that where it has been carried out at site allocation stage, the sequential test does not need to be carried out again at the development management stage.
- 7.12 The site layout has been amended during the course of the application (figure 3 above) to show four of the residential units positioned at the foot of the Rhee Wall, within the zone identified as being at moderate risk within the SFRA. The fifth unit, which was within an area of significant risk (SFRA) and Flood Zones 2 and 3, has been re-positioned on the higher land, together with the community hall. Final comments received from the Environment Agency accept this amended layout and it is considered that the proposal would be acceptable with regard to flood risk in accordance with part 1 of emerging policy HB14 and parts 1 and 2 of emerging allocation RM15. As such it is considered that the development would be safe for its lifetime and would provide wider sustainability benefits in providing accommodation for the gypsy and traveller community. As such it is considered the proposal passes the exceptions test.

c) Visual amenity

- 7.13 This site is within the countryside and within a designated Local Landscape Area, as protected by emerging policy NE3, which sets out that *“Proposals should protect or enhance the landscape character and functioning of Local Landscape Areas. The Council will not permit development proposals that are inconsistent with this objective, unless the need to secure economic and social wellbeing outweighs the need to protect the area’s local landscape importance”*. Emerging policy HB14 also sets out that in considering gypsy and traveller accommodation, applications will be accepted where *“there is no adverse effect on the landscape, environmental or other essential qualities of countryside”*. Paragraph 14 of Planning Policy for Traveller Sites sets out that *“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community”*.
- 7.14 The site is adjacent to existing built development, with four of the caravans set down on the lower terrace of the site, into the site and behind established, if sporadic, hedgerow. The community hall and fifth caravan are proposed to sit on the upper terrace of the Rhee Wall and would be more readily visible from the A259, with this boundary having only limited vegetation toward the western end. Consequently, there is a detrimental impact upon the visual character of the countryside from the introduction of the caravans to the site.
- 7.15 To mitigate the visual harm to the countryside and Local Landscape Area, the applicant has expressed that that they would be willing to provide significant additional planting to the site and it was evident that some had already taken place, with the hedgerow running along the line of the Rhee Wall having been augmented. If permission were granted, a condition could be imposed to require a full landscaping scheme, in accordance with point 8 and 9 of emerging policy RM15. This would provide native hedgerow planting and natural screening that would develop over time and also contribute toward enhancing biodiversity (see later section). Whilst this would not alleviate all visual impact, as the entrance to the site would still afford views of the caravans, as planting matured and established, it would significantly reduce the visual impact of the scheme to an acceptable level of harm in the long term, in accordance with emerging policies RM15, EB14 and NE3.

d) Residential amenity

- 7.16 The site is located to the west of three detached dwellings, The Retreat, The Venture and Sandycroft. It is not considered that use of the site for the stationing of mobile homes would give rise to unacceptable impacts upon neighbouring amenity in terms of noise and disturbance, being overbearing, loss of light or privacy due to the low scale nature of the development together with the separation distance of the caravans to the nearest dwellings, which are approximately 50m away. As such, the application is not considered to be in conflict with policy SD1 of the Local Plan which seeks to safeguard and enhance the amenity of residents or policy HB1 of the PPLP which seeks for development to not have an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.

e) Ecology and biodiversity

- 7.17 The findings of the submitted ecological scoping survey have been assessed by KCC Ecological Advice Service and found to be acceptable. In respect of habitat loss/degradation, there would be no likely impact upon the designated Dungeness, Romney Marsh and Rye Bay SSSI in relation to recreational pressures due to the distance involved. The ecology of the aquatic/semi-aquatic habitats surrounding the development site could be compromised if appropriate drainage/waste removal is not incorporated into the development, and an enhancement plan would be required to detail replacement planting, with the fine detail of these items able to be secured in an appropriately worded condition.
- 7.18 For breeding birds, an informative reminding the applicant of the Wildlife and Countryside Act 1981 with ecological enhancements, as required by paragraph 175 of the NPPF, secured via condition. Consequently, there are no detrimental impacts upon ecology and biodiversity in accordance with emerging policies NE2, RM14 or HB14.

f) Drainage

- 7.19 The site currently discharges surface water runoff informally to field drainage ditches located along the southern and western boundaries of the site. The drainage strategy within the supporting FRA proposes a storage basin with discharge of surface water via a hydrobrake into existing ditches. Few details have been provided with regards to foul drainage.
- 7.20 Whilst KCC as Lead Local Flood Authority agree with the approach, additional detail in respect of the sizing and location of elements of the surface water drainage solution is required and a holding objection has been placed. It is considered that the details required could be sought, via condition, should permission be granted for both surface water and foul drainage.

g) Archaeology

- 7.21 The site lies on and straddles the medieval Rhee Wall, parts of which near Snargate are a Scheduled Monument. KCC Archaeology have taken a pragmatic approach to the consideration of the application, as the majority of it is retrospective, with no realistic prospect of being able to assess any archaeological potential at this late stage.
- 7.22 Their position is that as long as any remaining works do not impact on the remains of the earthworks that run west-east through the site (aerial photography indicates that the line of the Rhee Wall and possibly associated earthworks and certainly below ground archaeological remains is defined by a line of bushes and vegetation running east – west across the site), it is considered unlikely there will be any significant ground archaeological remains that will be impacted by the creation of the track, parking area and pad and no further measures are sought.
- 7.23 As such, in respect of archaeology, it is considered that the proposal is in accordance with emerging policies RM15, HB14 and HE2.

h) Highway Safety

- 7.24 The proposal includes the retention of a single access point to the A259. Following discussions with KCC Highways & Transportation, it has been established that

appropriate sightlines can be provided across highway-owned land and are adequate to serve the development. This would be subject to a condition to ensure these are maintained.

- 7.25 There is also sufficient space within the site to allow for the off-street parking of vehicles, as well as to allow them to manoeuvre and exit the site in a forward gear. As a consequence, there are no outstanding highway safety concerns and the application is considered to be acceptable with regard to emerging policies T1, T2, HB14 and RM15. KCC have requested a Construction Management Plan, however given that the application is partly retrospective, this is not considered to be necessary.

Environmental Impact Assessment

- 7.26 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

3.26 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.

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

Human Rights

- 7.28 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

- 7.29 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

7.30 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 The development meets an identified need for pitches, as identified by the Folkestone & Hythe District Council Gypsy, Traveller and Travelling Showpersons Accommodation Assessment 2018, at a site that is proposed to be allocated within the emerging Places and Policies Local Plan for this purpose, as part of emerging policy RM15.

8.2 Following amendments to the scheme, the proposal is now considered acceptable with regard to the identified flood risk within the area and has been assessed as having no significant detrimental impact in relation to residential amenity, archaeology or highway safety, with any possible impacts upon the visual character and drainage able to be appropriately mitigated through the use of suitably-worded conditions.

8.3 It is considered that the proposal accords with emerging policies RM15 and HB14 and meets the requirements of the PPTS and NPPF in respect of providing homes for all.

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. Within 3 months of the date of this grant of planning permission the development hereby permitted shall be laid out in accordance with the approved site plan received 04 June 2020 and shall be retained throughout the lifetime of the development. , .

Reason:

In the interests of the safety of the occupants in the event of flooding.

2. Within 3 months of the date of this grant of planning permission the development shall be adapted to ensure finished internal floor levels of all caravans are set at a minimum of 600mm above the design flood level of 2.58m above Ordnance Datum (AOD) and retained as such throughout the lifetime of the development.

Reason:

To reduce the risk of flooding to the proposed development and future occupants.

3. Within 3 months of the date of this grant of planning permission the development shall adhere to the recommendations of the submitted Flood Warning and Evacuation Strategy (Herrington Consulting August 2019).

Reason:

In the interests of the safety of the occupants in the event of potential flooding in the area.

4. The site and caravans hereby permitted shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites (August 2015) or as may be defined in any subsequent Circular or Government guidance published as a replacement for it.

Reason:

The site is outside any area in which residential development would normally be permitted and in granting this permission the Local Planning Authority has had regard to the need identified by the Folkestone & Hythe District Council Gypsy, Traveller and Travelling Showpersons Accommodation Assessment 2018.

5. The use of the site hereby permitted shall be restricted to the stationing of no more than five static caravans and one community hall at any one time.

Reason:

For the avoidance of doubt and in order to safeguard the character, appearance and visual amenity of the countryside location.

6. The community hall shall be used by residents of the site only in connection with the use of the site as a caravan site for gypsies and travellers and shall not be used for sleeping accommodation at any time.

Reason:

In the interests of neighbouring residential amenity and flood risk.

7. Within three months of the date of this planning permission, full details of the means of foul and surface water disposal from the development shall be submitted to the Local Planning Authority for approval in writing, together with a timetable for their implementation, with such details as approved, implemented and/or maintained in a functional condition thereafter in accordance with the approved timetable.

Reason:

To ensure proper drainage and avoid pollution and flooding of the area.

8. Within three months of the date of this permission, details of how the development will enhance biodiversity shall be submitted to the Local Planning Authority for approval in writing, together with a timetable for their implementation. This shall include recommendations as set out in section 4.10 of the submitted Ecological Scoping Survey (Martin Newcombe March 2020). The approved details shall be implemented in full in accordance with the approved timetable.

Reason:

In the interests of securing enhancements for biodiversity.

9. Within three months of the date of this permission, a landscaping scheme for the site, including an implementation programme and maintenance schedule, incorporating the recommendations of the Ecological Scoping Survey (Martin Newcombe March 2020) shall be submitted to the Local Planning Authority for approval in writing. The landscaping scheme shall be carried out in accordance with the approved details and implementation programme unless an alternative timescale has first been agreed in writing with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason:

In order to protect and enhance the appearance of the area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Class A of Part 2 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason:

In the interests of visual amenity.

11. No external lighting shall be installed on the land, the subject of this application, without the prior submission to and approval in writing of details by the Local Planning Authority. The installation of any external lights shall only be in accordance with the approved details.

Reason:

In order to reduce light pollution and maintain the undeveloped character of the countryside.

Informatives:

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are present on the application site and are assumed to contain nesting birds between

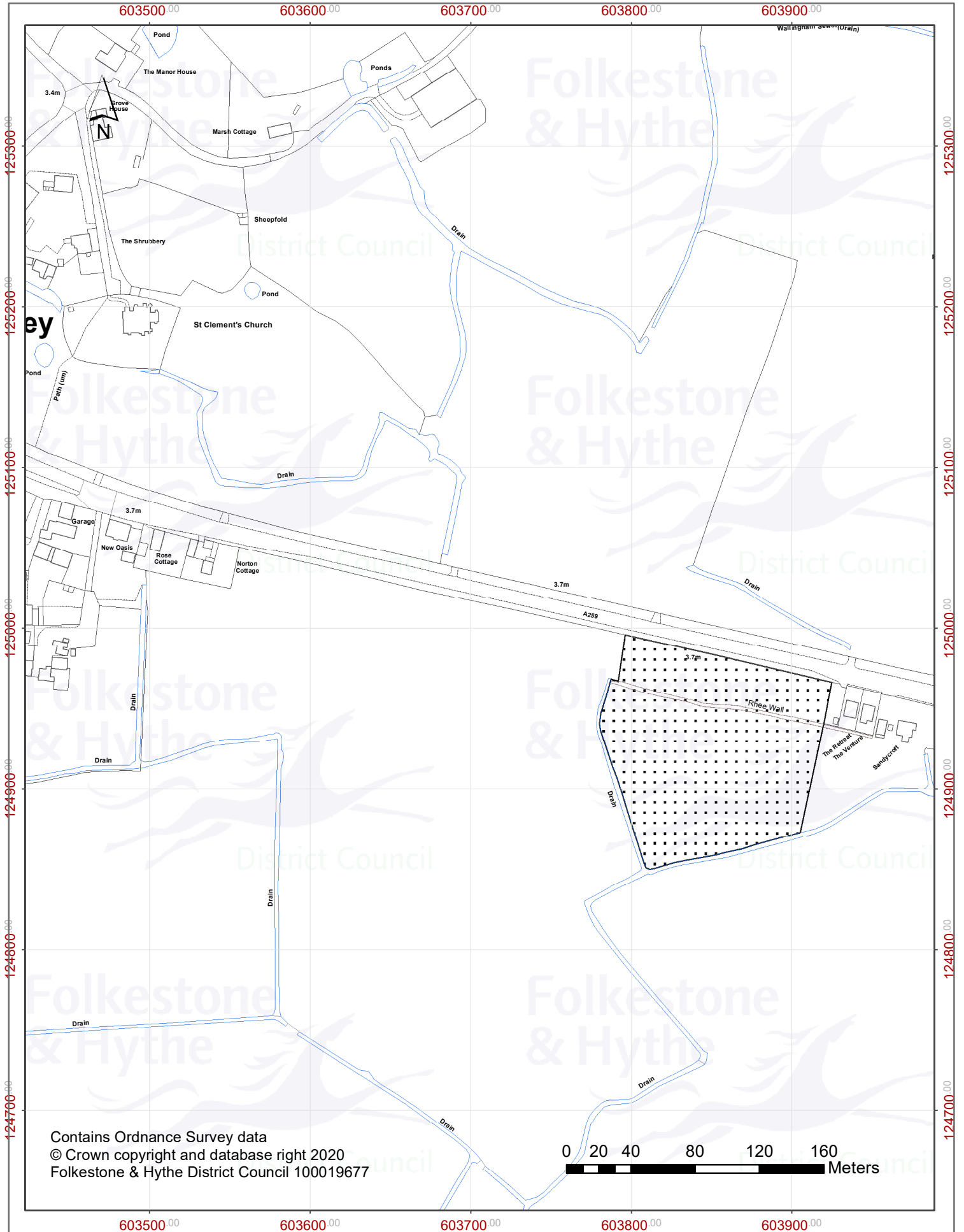
1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

2. Romney Marsh Area Internal Drainage Board consent under Section 23 of the Land Drainage Act 1991 will be required for the proposed surface water outfalls and for any outfalls serving package treatment plants.

Attachments:

Appendix 1 – Site Location Plan

Y19/0958/FH
Land adjoining The Retreat
Lydd Road
Old Romney



Contains Ordnance Survey data
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Folkestone & Hythe District Council 100019677

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Agenda Item 5

DCL/20/06

Application No: Y18/0768/FH

Location of Site: Land adjoining 39 Victoria Road West, Littlestone, Kent

Development: Outline application for up to 80 dwellings and access with matters of scale, layout, appearance and landscaping reserved for future consideration.

Applicant: Dean Lewis Estates Ltd.

Agent: Hobbs Parker Property Consultants LLP.

Officer Contact: Ross McCardle

SUMMARY

This application seeks outline planning permission (matters of scale, layout, appearance, and landscaping reserved) for up to 80 dwellings on land at Victoria Road West, Littlestone. The application site is allocated for residential development under policy RM2 of the emerging Places and Policies Local Plan; the development would not give rise to any serious amenity concerns, unacceptable flood risk, or harm to ecology; and the detailed appearance of the scheme would be considered by the Council through future applications. The application is therefore recommended for approval subject to receipt of final comments from the NHS; completion of a section 106 legal agreement to secure affordable housing, financial contributions towards the NHS; and an open space/ SUDS management plan and the conditions set out in the report.

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 This application is being reported to the planning committee after being called in by Ward Councillors Rolfe and Wimble.

2. SITE AND SURROUNDINGS

- 2.1 The application site is an irregularly-shaped parcel of agricultural land situated at the north-western end of Victoria Road West (VRW), Littlestone.
- 2.2 Extending to approximately 4.6 hectares (11.4 acres) the land lies outside but immediately adjacent to the defined built up area boundary, which runs along the garden boundaries of the houses on VRW and Queens Road. The site is largely flat and level, is threaded by a number of drainage ditches, and is

currently used as grazing land. The land is bordered by the existing dwellings on VRW to the east and those on Queens Road to the north, by agricultural fields to the west, and New Romney Caravan Park to the south (see figure 1).



Figure 1: Site Location

- 2.3 The character of the site is of an open agricultural field bordered by suburban-style residential housing to the north and east, and by flat, open agricultural land to the west and south, across which there are long-range views. VRW is characterised by small terraces of residential houses set back from the road with detached garages to the rear, but on-street parking is common. Much of Littlestone as a wider area comprises residential developments of a similar age that are not particularly reflective of the traditional built character to be found in the centre of neighbouring New Romney; houses are generally set along straight roads running inland from the sea, which creates a distinct linear pattern to the village.
- 2.4 The site lies outside of, but adjacent to the defined built up area boundary but is wholly allocated for residential development under policy RM2, which is discussed in detail below. The site is within Flood Zone 3, but also within an area benefitting from flood defences. The site ranges from no risk to significant risk under the 2115 SFRA. It is within an area of archaeological potential, a local landscape area, and the southern ~1/3 of the site is classified as Grade 3 agricultural land (lower quality) while the upper ~2/3 are classified as urban grade land. There are no public footpaths crossing or bordering the site.
- 2.5 The wider area is subject to Community Infrastructure Levy (CIL) at a rate of £57.86 per sqm of residential development.

3. PROPOSAL

- 3.1 This application seeks outline planning permission for the erection of up to 80 dwellings on the site, with matters of scale, layout, appearance, and landscaping reserved for consideration under future applications. The only matters for determination under this application, therefore, are the principle of developing the site and the means of access (including the internal road layout).
- 3.2 The submitted drawings show that access would be gained from VRW by a continuation of the existing roadway into the site.
- 3.3 As this application is for outline permission only an indicative drawing has been provided to demonstrate how the proposed development could be accommodated on the site. This shows that VRW would be continued in a straight line across the site with short spurs projecting NE and SW; dwellings would face onto these roads to form a number of blocks on the northern half of the site, which would be occupied by detached and semi-detached houses.
- 3.4 The indicative layout shows that each dwelling would have a garden of at least 10m depth and houses would be appropriately separated to avoid mutual overlooking. It also demonstrates that each dwelling could be provided with a private driveway and garage, and shows a parking area along the eastern site boundary which would provide overspill/visitor parking for the development and for existing residents of VRW.
- 3.5 The southern half of the site is indicatively shown to be kept open to accommodate open space and drainage areas. Drainage ditches would draw water from across the site and feed in to an attenuation pond on the western part of the open space, which would then feed in to existing drainage ditches outside the site. An area of lower ground in the centre of the southern half would provide additional flood storage capacity. A band of planting would separate the northern and southern halves of the site.
- 3.6 I would reiterate that all matters other than access are reserved for consideration under future applications, and this application only seeks to agree the principle of development and the means of access. In that regard Members should note that the submitted drawings are indicative of how a development of up to 80 units *could be* accommodated on the site rather than a set-in-stone layout. It is normally the case, however, that indicative drawings agreed under outline consent for developments of this scale are often used as the layout (because the applicant will have carried out survey works, explored drainage routes, etc. to reach this stage).

4. RELEVANT PLANNING HISTORY

- 4.1 There are no relevant prior applications at the site.

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

5.2 Consultees

New Romney Town Council recommends that the application should be refused, raising the following summarised comments:

- Policies SD1(a), (c), (j) and (k), HO6 (e), LR9, LR10, BE13, TR11 and TR13 would be contravened;
- The site lies outside of the defined built up area boundary;
- Lack of local infrastructure;
- Local parking problems will be exacerbated;
- Inaccuracies in Design & Access Statement;
- Potential flood risk to existing properties on Victoria Road West; and
- Increased population would add to pressure on existing local healthcare provision.

Natural England has no objection, commenting:

"I advise that the proposed mitigation measures are sufficiently evidenced, robust and deliverable for me to have reasonable certainty that your proposal will result in an increase in the ability of habitat within the site boundary." (29.01.20)

"Based on the plans submitted, Natural England considers that the proposed development will not have likely significant impacts on the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site and has no objection to the development." (20.03.20)

Kent County Council Ecologist notes that there is evidence of Great Crested Newts within the site but, based on the submitted information, *"consider that the provided information is sufficient to ensure that the great crested newt population can be maintained at a 'favourable conservation status.'"* They advise that mitigation needs to be secured in perpetuity, and ultimately have no objection subject to the conditions which secure management of the site to the benefit of biodiversity and wildlife.

The Environment Agency notes that the site lies in Flood Zone 3a (an area at high risk of flooding) but that the area benefits from flood defences as demonstrated by the Council's Strategic Flood Risk Assessment and is therefore at relatively low risk. The Agency therefore has no objection subject to standard conditions as set out below.

Southern Water notes that a public sewer runs across the site, and the correct position thereof needs to be determined before a layout is finalised /agreed. Members will note layout is a reserved matter at this stage and an informative has been included to highlight this to the applicant for future reserved matters applications.

The Romney Marsh Internal Drainage Board initially objected to the development but, further to discussions with the applicant and an application made direct to the IDB, has now granted the applicant consent for drainage works associated with the proposed development.

Kent County Council Lead Local Flood Authority has no comments subject to standard SUDS conditions.

Kent County Council Economic Development have not requested any contributions to local public services; these will be provided for from the Community Infrastructure Levy (CIL) contributions secured through the Council's CIL process.

Kent County Council Archaeology has no objections subject to the use of a standard condition to secure investigation of the site prior to commencement of development.

Kent County Council Highways & Transportation has no objections subject to conditions, and commenting that *"the proposal does not cause safety concerns in terms of its impact on the wider public highway network."* With particular regard to vehicle parking on Victoria Road West their officers comment (in extract):

"...the existing parking situation on Victoria Road, particularly at the far western end, is such that two way traffic could not be maintained into the application site. The road in this location is not wide enough to accommodate parking on both sides and allow safe passage of vehicles. As a result this leads to parking on the verge and footway.

Although parking on the public highway is a benefit enjoyed by many at their convenience, it is important to remember that the purpose of the public highway is the free movement of people and goods. There is no 'right' to park on the public highway. There is certainly no right to park on the verge or footway, causing damage and obstruction to the safe passage of pedestrians.

To ensure free movement of vehicles onto the proposal site, the applicant has produced a proposal of mixed parking restrictions which would limit on street parking to one side only, staggered to reduce vehicle speeds, as well as some sections of no footway/verge parking.

These are shown on drawing P17008-002B in Appendix 1 of the Transport Technical Note 1 (upload date 19th July 2019 with the registered documents). These have been discussed with Folkestone and Hythe District Council's Parking Manager as workable in terms of enforcement and I am satisfied that the proposal is a practical

compromise in achieving safe access to the application site, allowing a large amount of the existing on street parking to remain yet preventing damage to verge/obstruction of footways.

Conscious of the resulting displacement of existing parking from the far western end of Victoria Road West, the developer is willing to provide a parking lay-by just within the proposal site (adjacent to the south east boundary of the site) as an alternative parking location for 5 of these displaced vehicles.

Taking account of the above, the proposed access arrangement and routing is acceptable.

The Council's Housing Strategy Manager has no objection, commenting that they are pleased with the developer's affordable housing offering. They set out that affordable housing must be secured at a split of 60% affordable rent / 40% shared ownership, at a rate of 25% one-bed, 40% two-bed, and 35% three-bed and above; this will all be secured in the associated s.106 agreement. The manager also sets out that the location of affordable housing within the site should be agreed by officers; this will be a consideration for the future reserved matters applications.

The Council's Arboriculture and Grounds Manager has confirmed he has no objections.

The Council's Environmental Health Manager concurs with the contamination consultant's findings (below) and has no objections subject to a standard condition regarding submission of a construction method statement. They do comment that properties should meet the British Standard on sound insulation, but this would be a matter for consideration under the Building Regulations and not a material planning consideration.

The Council's Contamination Consultant has no objection subject to a standard contamination condition to secure on-site remediation if necessary, as set out below.

I await final comments from the NHS in regards financial contributions towards local healthcare services. Such contributions would be secured within a s.106 agreement to accompany any grant of planning permission, and I will update Members of the NHS' response at the meeting.

5.3 Local Residents Comments

42 letters have been submitted by 21 individual local residents, raising the following summarised comments:

- Victoria Road West is not wide enough to allow HGV access to the site;

- Access to and from the site is poor, and the A259 is increasingly congested from other local developments;
- The road is in poor condition;
- The road is often obstructed by parked vehicles, which would make emergency vehicle access difficult;
- Highway safety impacts;
- Will adequate parking be provided?
- Can the Council lawfully impose parking restrictions on existing residents?
- Local schools, doctors, and police service can't cope with additional residents;
- Housing development in the area will only benefit "greedy developers";
- Local drainage is poor;
- Existing houses must be protected from flooding;
- Impact on soakaways at existing properties;
- Is the existing sewage pumping station sufficient?
- The site is within a flood zone, and floods during periods of heavy rain;
- Where will water drain to?
- Impact on local wildlife and loss of habitat;
- Will change character of the area;
- The local area should be kept undeveloped to retain tourism, and the application site should be kept agricultural;
- The development will require removal of marsh stone and shingle;
- Are contributions to off-site lay areas a "sweetener" for the Council?
- The Council hasn't properly informed local residents;
- A local referendum should be held to determine the application;
- The planning department has not listened to local concern;
- Loss of value for existing houses [NB: this is not a material planning consideration];
- Damage to existing properties during construction;
- There is no demand for additional housing;
- Will the houses be affordable during a period of austerity?
- The site is Green Belt [NB: there is no Green Belt in Folkestone and Hythe district];
- Noise and disturbance from construction and construction traffic, particularly for night shift workers; and
- Contractors and builders parking in local area
- Building on green space not the answer
- This is agricultural land
- Will be a dead end with no through road
- Housing numbers have increased to 80 from 70.

A further letter has been submitted by the "Darcy Square Management Company." (Darcy Square comprises a number of properties in a courtyard development on VRW, close to the application site.) The residents thereof raise concern in regards loss of on-street parking and consequent reliance upon the allocated rear garage blocks which are accessed by a private driveway.

New Romney Caravan Park has objected on grounds set out within the comments above, and on the following summarised additional grounds:

- Potentially increased flood risk to the caravan park;
- Insects breeding in the attenuation pond could affect residents / visitors;
- The attenuation pond could become polluted;
- Risk of drowning; and
- The site is not required to meet the Council's 5yr supply.

A link to a 378-signature petition on Change.org, titled "Save our rural community from overdevelopment," has also been submitted to the Council (https://www.change.org/p/the-council-save-our-rural-community-from-overdevelopment?recruiter=758500525&utm_source=share_petition&utm_medium=facebook&utm_campaign=share_for_starters_page). The petition sets out:

"We the undersigned register our objection to the development proposed & referred 'The Proposal', on the grounds highlighted in the points 1 – 6 below

The proposal: To build 70 dwellings, including 4 self build plots, to the rear of Queens Road with access via extension of the road that is Victoria Road West.

- 1. No plan for through road or exit from the development other than via Victoria Road West, significantly increasing traffic flow on surrounding roads, both during & post construction.*
- 2. Current Infrastructure failures: Over-subscribed schools, both primary & secondary & Doctors Surgeries, insufficient waste water drainage (Queens Road Pumping Station operates at full capacity now!)*
- 3. Flood risk from the fields to adjacent properties, this has long been a local issue.*
- 4. Destruction of established wildlife habitats: Newts & other amphibians, Bats, Slow worms, Badgers etc.*
- 5. Local property values could decrease.*
- 6. Minimum of 12 months disruption from building works, heavy plant activities & materials/waste transport in & out of the site."*

5.4 **Ward Member**

The application has been called in by Ward Councillors Rolfe and Wimble.

- 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 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), CO1 (development in the countryside) HO1 (new residential development) U3 (drainage) BE1 (design), BE16 (retaining landscape features), and TR5 (cycling) TR6 (pedestrians), TR11 (Access to the highway network), TR12 (car parking).

Shepway Local Plan Core Strategy (2013)

DSD (Delivering Sustainable Development), SS1 (District Spatial Strategy), SS3 (place-shaping and sustainable settlements strategy), SS5 (district infrastructure planning), CSD1 (Balanced Neighbourhoods for Shepway), CSD2 (District Residential Needs), CSD5 (Water and Coastal Environmental Management in Shepway).

Places and Policies Local Plan Submission Draft (February 2018)

Policy RM2 (Land of Victoria Road West) allocates the site for residential development:

Attachments:

Site Location Plan

Policy RM2

Land off Victoria Road West, Littlestone

Land off Victoria Road West, Littlestone is allocated for residential development with an estimated capacity of 70 dwellings.

Development proposals will be supported where:

1. Vehicular access to the site is from Victoria Road West, and a suitable layout is provided to enable an emergency access along the southern boundary of the site to the satisfaction of the local highway authority. Adequate parking to serve the new development should be provided;
2. At least 4 self-build or custom build plots are provided on site in accordance with Policy HB4: Self-build and Custom Housebuilding Development;
3. Extra flood resistant and resilient construction measures are incorporated into the design of the development to reduce the risk of life to occupants in an extreme flood event and improve flood risk management;
4. A surface water drainage strategy forms a fundamental constituent of the design concept for the site, and is submitted to the satisfaction of the statutory authority;
5. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place;
6. Provision is made for open and play space on site or at an appropriate locality within walking distance, and reinforces the integration and connectivity of green infrastructure in accordance with Core Strategy Policy CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation;
7. Mitigation measures are employed to prevent adverse effects on the nearby Ramsar, Special Area of Conservation and Site of Special Scientific Interest, and where possible provide biodiversity enhancements;
8. Appropriate and proportionate contributions are made to healthcare facilities in New Romney through a site-specific Section 106 agreement; and
9. The masterplanning of the site takes account of the nearby pumping station to allow for odour dispersal and prevent unacceptable impact from vibration.

Policies HB1 (quality places through design), HB2 (cohesive design), HB3 (space standards), C1 (creating a sense of place), C3 (provision of open space), C4 (children's play space), T1 (street hierarchy and site layout), T2 (parking standards), T3 (residential garages), T5 (cycle parking), NE2 (biodiversity), NE9 (development around the coast), CC2 (sustainable design and construction), CC3 (SUDS), and HE2 (archaeology) are relevant.

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. An examination-in-public was held in 2019, with hearing sessions taking place from 15-17 May 2019. The Inspector recommended a limited number of Main Modifications to the Plan which were consulted on from 13 January to 24 February 2020. The council is currently waiting for the Inspector's Report on the Plan before proceeding to adoption.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018), as proposed to be modified by the published Main Modifications (2020), may be afforded significant weight.

Core Strategy Review Submission draft (2019)

SS1 (district spatial strategy), SS2 (housing and economy growth), SS3 (place-shaping and sustainable settlements), SS5 (district infrastructure planning), CSD1 (balanced neighbourhoods), CSD8 (New Romney strategy)

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection.

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

Supplementary Planning Guidance/Documents

Kent Vehicle Parking Standards.

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 following paragraphs of the NPPF are relevant to this application:

Para. 8 sets out the three main strands of sustainable development: economic, social, and environmental. Para. 11 then sets out that to achieve these aims development proposals that accord with an up-to-date development plan should

be approved “without delay.” Para. 12 clearly sets out that the starting point for decision-making is the development plan.

Para. 20 requires Councils to have strategic policies that make sufficient provision for housing, infrastructure, and community facilities in appropriate locations, while ensuring conservation of natural and historic environments. Para. 22 then sets out that such strategic policies should look ahead over a minimum of 15 years (hence the lengthy span of the adopted and emerging Local Plans).

Section 5 of the NPPF requires Councils to deliver a sufficient supply of homes, of varying types and tenures, to meet an identifiable need. Para. 67 requires Councils to have an identifiable supply of specific and deliverable housing sites to meet demand for at least 5yrs hence, and para. 72 advises Councils to identify and allocate sites to meet this need.

Para. 109 states that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Para.117 encourages best, most productive use of land to meet the need for homes, while safeguarding the environment and ensuring safe and healthy living conditions. Para. 122 encourages development at appropriate densities, taking into account the character of the site and the need for different types of housing.

Section 12 aims to achieve well-designed developments and places.

Section 14 requires Planning Authorities to have appropriate regard to climate change and flood risk, and para. 155 sets out that development *“should be made safe for its lifetime without increasing flood risk elsewhere.”*

Para. 170 requires planning decisions to protect and enhance the natural environment; to protect valued landscapes; minimise impact upon and provide net gain for biodiversity; and mitigate and remediate despoiled land and pollution. Para. 175 deals with biodiversity in particular, and sets out that developments which give rise to significant harm in this regard should be refused.

The National Design Guide and Nationally Described Space Standards are also relevant.

7. APPRAISAL

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

- a) Principle of development.
- b) Five year housing land supply.

- c) Means of access.
- d) Highways and parking.
- e) Residential amenity.
- f) Ecology and biodiversity.
- g) Flooding and drainage.
- h) Other matters.

a) Principle of development

- 7.2 The application site lies outside of the built up area boundary, where residential development is normally restricted. However, in this instance the land is proposed to be formally allocated for residential development (of approximately 70 dwellings) by policy RM2 of the emerging Places and Policies Local Plan (PPLP). This allocation forms part of the Council's formal housing land supply strategy going forward to 2031, and is the basis of how the Council will meet its identified rolling 5yr housing land supply requirement.
- 7.3 While the PPLP is still an emerging document, as set out at section 6.4 above, it has been through a formal review by the Local Plan Inspector and at this advanced stage of the adoption process it can be given significant weight in the determination of applications. The Inspector has not requested any modifications to policy RM2 and the Council can therefore have a high degree of certainty that the wording of the policy (as set out above) will remain unchanged.
- 7.4 The site would also provide a reasonably significant contribution towards the Council's 5yr housing land supply requirement, as set by the NPPF (see above) Ensuring an adequate supply of housing land is one of the principal reasons for allocating sites under the local plan process, as it ensures an identifiable supply of sites rather than a reliance on windfall applications.
- 7.5 The principle of residential development on this site is therefore agreed as being acceptable through the Local Plan process, and policy RM2 in particular. Members will note that the wording of RM2 refers to an "estimated capacity of 70 dwellings," while the current application is for "up to 80 dwellings." Officers consider that "up to 80" accords with the spirit of the policy in that it is not a significant departure from the estimated capacity, and from a review of the submitted indicative layout it is evident that up to 80 dwellings can be comfortably accommodated on the site without appearing cramped or over-developed. (This is considered further in the amenity section below.) It is also considered that the additional units would contribute towards realising the full potential of the site and thus make efficient use of the land.

- 7.6 Whilst the site does currently lie outside of the defined built up area boundary it is set hard against that boundary, and is within a sustainable location close to local shops and services in Littlestone and the wider shops, services, and public transport links available in New Romney. In that regard residential development of the site can be considered to contribute to sustainable development as required by the NPPF. Policies SS1 and SS3 of the emerging Core Strategy (which, like the PPLP, has been through a review and can be afforded significant weight) specifically direct residential development to sustainable, allocated sites such as this.
- 7.7 While local concerns about the impact of additional houses on the A259 and local distributor roads it must be noted that KCC Highways and Transportation, as the relevant highway authority, do not object to development here on the basis of an unacceptable impact upon the strategic highway network.
- 7.8 Taking the above into account officers consider that the principle of developing the site has been clearly established.

b) Five-year housing land supply

- 7.9 The Council calculates the five-year housing land supply for the District each year at the end of March. For the 2019 year the five-year supply was 5.17 years with a 5% buffer. This is based on the current annual housing requirement of 738 dwellings per annum. As the application site is included within the Places and Policies Local Plan it has been included in that five year calculation as contributing 65 dwellings (estimated at time of calculation) phased in the years 4 and 5 of that five-year strategy.
- 7.10 If the site were to be refused permission those estimated 65 units would need to be removed from the projected five-year supply. It is important to note that if the Council cannot demonstrate a five year supply then the policies which are most important for determining applications will be considered out-of-date (as specified by NPPF paragraph 11 d), and all applications for residential development will have to be considered against the 'presumption in favour of sustainable development' as set out in the NPPF, which has the potential to open up unallocated greenfield sites throughout the district for residential development until such time as the Council can demonstrate that the five-year supply has been met. This has been an issue at other Kent authorities in recent years.
- 7.11 Members must be clear when considering this issue that refusing permission on an allocated site, which has been agreed through the Local Plan process, and which contributes substantially to the calculated five-year supply, may have a considerable impact on the future of development elsewhere in the district.

c) Means of access

- 7.12 Means of access is the only matter put forward for consideration under this outline application and, as set out in the description of development at section 3, would be provided via a continuation of VRW into the site. The site layout

shows that the existing field gate / fence at the head of the road will be removed to create an access point (see figure 2). The proposed access would then continue through and across the site in a reflection of the linear avenues throughout wider Littlestone (see figure 3).



Figure 2: Proposed access and internal road layout

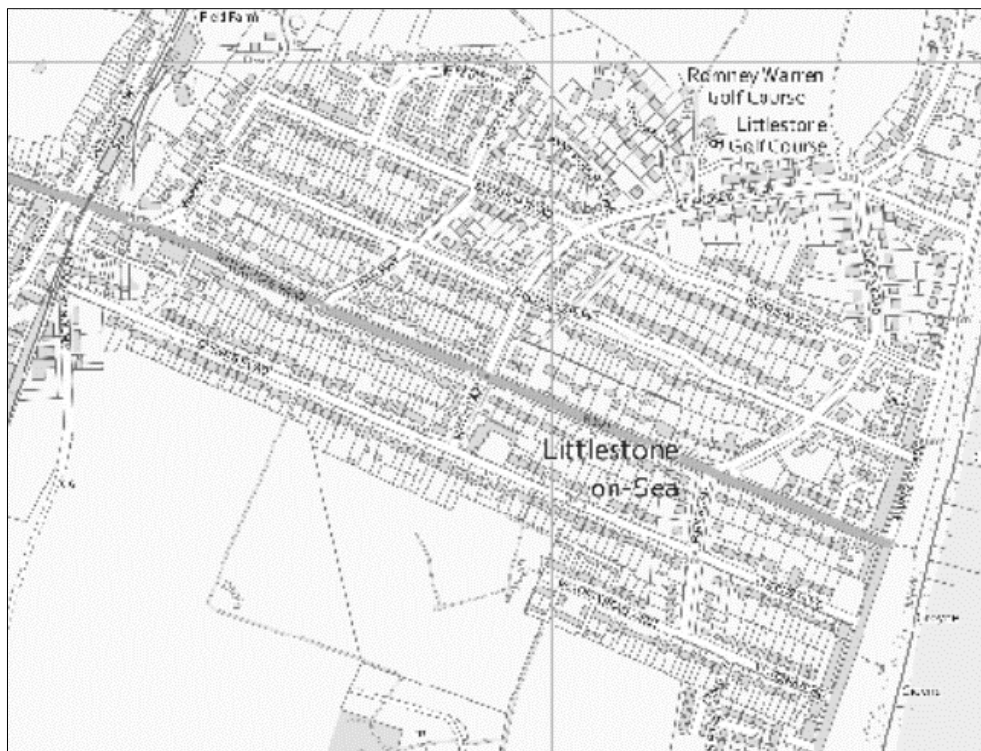


Figure 3: Linear road layout of Littlestone

7.13 While local objection is noted officers consider that this is a sensible point from which to take access. If the principle of developing the site is accepted (as above) then there are no other points from which to enter the land; the applicant

does not control / own the land to the west (beyond which is Station Approach), access from the north is blocked by existing houses on Queens Road, and access from the south would require a substantial roadway to be laid across fields.

- 7.14 It is also noted that KCC Highways and Transportation have no objection to the proposed access.
- 7.15 Taking this into account I have no concerns in regards the proposed means of access.

d) Highways and parking

- 7.16 The submitted layout demonstrates that on-plot parking can be provided for each dwelling, and additional visitor parking can be provided throughout the development in accordance with the requirements of the adopted Kent Vehicle Parking Standards (maximum requirement is 2 spaces per unit for a 4-bed house).
- 7.17 While the access point is considered acceptable in itself (as above), it is recognised that this gives rise to wider highway concerns for the local residents. In particular the volume of traffic using VRW and the perceived impact upon parking from the installation of double yellow lines.
- 7.18 The volume of traffic on the road as a result of the development would be more than at present, but I take the advice of KCC Highways and Transportation that vehicle movements would not be excessive or exceed the capacity of the local highway network:

“The estimated trip rates as presented by the applicant by the using the TRICS database have output figures of 42 trips (11 arrivals and 31 departures) in the AM peak traffic hour and 45 trips (30 arrivals and 16 departures) in the PM peak traffic hour. This is in line with what would normally be expected from a development of this size.

At less than one vehicle per minute, particularly when taking into account of the split in direction due to arrivals and departures, this does not constitute a severe impact on highway capacity or safety. As such, the proposal is acceptable to the local highway authority.”

- 7.19 While local concern is appreciated and understood – any increase in traffic levels on a residential street is understandably bound to cause concern for local residents, however, on the basis of KCC’s expert advice I do not consider that there is justification to refuse the application on the grounds of traffic, in terms of either volume or movement.
- 7.20 Double yellow lines will need to be installed along VRW to prevent on-street parking and maintain free flow of traffic. This would be a change from the current situation where local residents have enjoyed on-street convenience

parking for many years. I fully appreciate that the loss of this convenience would be a cause for concern, but would reiterate KCC's comments at para. 5.1 above that there is no right to park on the highway, rather it is a benefit that locals have thus far incidentally enjoyed.

- 7.21 The existing properties on VRW benefit from either on-plot parking or, on the blocks closest to the application site, dedicated garage blocks to the rear which are accessed by private roads. Access to these garages/parking spaces will not be affected by the development and, as such, residents will still be able to park their vehicles albeit at the rear of the properties rather than on the street to the front.
- 7.22 Objections have been submitted in regards to restricted access to these allocated parking spaces, particularly by the Darcy Square Management Company – which as I understand it manages the access and forecourts of the garages. Residents have a right to use the access and forecourt but not a right to park anywhere other than their dedicated spaces. Development of the application site in no way infringes upon that right of access, nor would it prevent residents from parking in their allocated spaces. Any changes to the right of access would be a private legal matter between residents and the owner of the access roads/forecourts, and is not a material planning consideration on which planning permission could justifiably be refused. I would also refer Members to KCC Highways comments on this aspect (my emphasis in **bold**):

I am aware that an issue has been raised in terms of availability of and access to rear serviced parking for existing properties. An observation was made that some existing residents have access to rear parking but may choose to park on street at the front of their properties (as is common in many locations with rear access parking). Although there may be no "additional" parking court available for use, the implication in this case is simply that dwellings to the west of Victoria Road West each have a garage associated with their property and a lawful right of access to it. Some residents may, or may not utilise the parking that they already have access to at the rear of their property, as with any house with a garage this is a personal choice for the individual resident.

This issue does not have any bearing on the access / parking discussion as detailed above, particularly as the developer has offered to locate an additional visitor parking allocation on site close to the site entrance.

- 7.23 The installation of parking restrictions on VRW would ensure adequate and appropriate emergency / service vehicle access to the site.
- 7.24 Damage to the highway or to existing dwellings by any traffic using the highway would be a private legal matter, and not a material consideration to determination of this application.

7.25 Taking the above into account, while parking and highways are acknowledged as particular local concerns, it is considered that there are no justifiable or reasonable grounds on which the application could be refused on these issues.

e) Residential amenity

7.26 As referred to above: the layout demonstrates that the site can comfortably accommodate up to 80 dwellings. They would be appropriately spaced to ensure each plot has an appropriately-sized garden and that there would be no unacceptable overlooking or overshadowing of any unit. Layout is, however, a reserved matter and the precise details would be fully considered during the course of a future reserved matters application to address this should Members resolve to grant permission, but I am satisfied that the layout shows sufficient space such that no serious or insurmountable issues will arise. The layout also demonstrates that each dwelling would be of an acceptable scale in terms of footprint / floor space such that future residents would enjoy a good standard of amenity.

7.27 There is adequate space within the site to ensure that the proposed dwellings are set away from existing houses so as to prevent any serious overlooking, overshadowing, or unacceptable loss of amenity for local residents.

7.28 While the policy refers to an estimated site capacity of 70 dwellings this is not a prescriptive restriction to be rigidly enforced. Rather it is a guide figure to ensure that the site is not over-developed and, as above, officers are confident that the site can comfortably accommodate up to 80 units.

7.29 I consider that there are no justifiable grounds for refusal on amenity issues at this stage, and would reiterate that officers can fully consider a detailed layout during the course of future applications.

f) Ecology and biodiversity

7.30 As set out above: Natural England has no objection to the development further to additional information that was provided by the applicant in the document *Information to Inform a Habitat Regulation Assessment of the Potential Impacts on the European Designated Sites* (dated February 2020). This sets out two main aims within the site – i) habitat creation and ii) management.

7.31 The formation of the flood attenuation pond; introduction of micro-variations in site level; seeding with species-appropriate grassland mix; structural scrub planting; and fencing to prevent access to the majority of the southern portion of the site (around the attenuation pond) will create improved habitat both on the site and on land immediately to the east which is also owned by the applicant. This will not just be better suited for Curlews (a particular noted species on the site) by providing an optimal foraging habitat, but also encourage a wider range of animal and plant species that will result in a significant biodiversity net-gain overall.

- 7.32 The proposed measures will be secured in perpetuity through the accompanying s106, which lead Natural England to support the scheme:

“These measures, secured in perpetuity, appear appropriate to increase the suitability of the existing habitat for foraging curlew chiefly by: increasing the density of earthworms and other invertebrate prey species, reducing the impacts of human disturbance and managing the existing habitat to optimise the foraging potential of curlew.”

- 7.33 I would also reiterate that, further to the additional information and Natural England’s comments, the KCC Ecologist has no objections subject to the conditions below. I am therefore satisfied that development of the site would not have a serious impact upon local ecology and biodiversity, and do not consider there to be any justifiable grounds for refusal on this aspect.
- 7.34 An Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (the “Habs Regs”) is appended below.

g) Flooding and drainage

- 7.35 While the site lies within Flood Zone 3a, and is shown in parts to be at risk of flooding in the 2215 Strategic Flood Risk Assessment (SFRA), the wider area benefits from flood defences as detailed within both the SFRA and the applicant’s submitted Flood Risk Assessment (FRA). It is therefore, in actuality, at relatively low risk of flooding. The FRA also demonstrates that development of the site would not increase the risk of flooding elsewhere (i.e. for existing residents or neighbouring parcels of land).
- 7.36 In respect of flood risk, CS policy SS3 and emerging CSR policy SS3 state “For development located within zones identified by the Environment Agency as being at risk from flooding, or at risk of wave over-topping in immediate proximity to the coastline (within 30 metres of the crest of the sea wall or equivalent), site-specific evidence will be required in the form of a detailed flood risk assessment. This will need to demonstrate that the proposal is safe and meets with the sequential approach within the applicable character area of the district of the three identified, and (if required) exception tests set out in national policy. It will utilise the Shepway Strategic Flood Risk Assessment (SFRA) and provide further information. The Core Strategy recognises that development within the Romney Marsh area is necessary (suggesting in the region of 800 dwellings within the plan period) to avoid stagnation of growth. The NPPF requires plans to apply a sequential, risk based approach to the location of development. Development within the Romney Marsh area has been allocated in accordance with the Sequential Test via the Folkestone and Hythe Places and Policies Local Plan and the Core Strategy review both of which are at an advanced stage in their preparation. As such and in accordance with the NPPF and the National Planning Policy Guidance (NPPG), the sequential test has been applied at the plan level for development of this site and in accordance with paragraph 162 of the NPPF does not need to be reapplied at the site specific level.

- 7.37 As the development is located within Flood Zones 2&3 as depicted on the Environment Agency flood maps and includes 'more vulnerable' development, it is necessary to apply the exceptions test. The exceptions test states that in order to grant planning permission or allocate a site:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.38 It is considered that this site meets the requirements of the exception test. Firstly, the site has wider sustainability benefits – the site is proposed to be allocated to provide sufficient housing in order to meet the Council's requirements for housing land supply. Emerging Policy RM2 of the PPLP provides for additional housing on this site in order to bring forward and support other wider sustainability benefits to the area and seeks to develop the wider Romney Marsh area as a residential, business, service, retail and tourist centre. Secondly, it is considered that the development could be made safe for its lifetime provided mitigation measures as submitted within the Flood Risk Assessment are provided. The Environment Agency's comments are set out in section 5 of this report. These raise no objection provided the necessary mitigation measures are included, such as a ground floor finished floor level of at least 3.2 ODN, with all sleeping accommodation to be set at first floor level and the incorporation of flood protection measures. In addition, subject to a SUDS scheme being implemented, which can be required by condition the proposal would not increase flood risk elsewhere. KCC as the lead flood authority have not raised objection to the proposal subject to a suitable SUDS scheme being employed. As such, the development is considered to pass the exceptions test.
- 7.39 I note that, as set out above, the Environment Agency has no objection to the scheme subject to the imposition of standard conditions as set out below, and I therefore consider the development to acceptable in terms of flood risk.
- 7.40 The Romney Marsh Internal Drainage Board (IDB) – in their initial response to the application – identified issues in the originally submitted FRA. The IDB made it clear that they did not object to the planning application but identified that layout changes were necessary to enable a workable surface water disposal strategy for the site, and for future maintenance. In response to this the applicant has engaged in discussions with the IDB which have resulted in the FRA being updated. The revised FRA was submitted in May 2019, and the approach proposed by the applicant received formal consent from the IDB in July last year.
- 7.41 The scheme has therefore fully addressed the IDB concerns and achieves the following:

- Avoids the infilling of existing watercourses;
- Provides mitigation to address any overflow of the existing public foul water drainage system;
- Provides increased flood storage capacity for existing surface water drainage systems, thereby reducing the risk of flooding;
- Provides a resilient drainage solution with inbuilt diversion measures to deal with the possibility of a drainage channel becoming full;
- Provides on-site flood storage (to ensure flood water is not displaced in a manner which increases risk of off-site flooding) via the use of a controlled flow rate;
- The site flood storage areas are designed to enhance the ecology of the site by providing a habitat rich wetland feature; and
- All the land required to provide the drainage solution is contained within the application site, and can thus be secured in perpetuity.

7.42 Therefore, while I note local concern on this issue, I am satisfied that development is acceptable in terms of drainage and flood risk, and I don't consider there to be any justifiable reasons for refusal on these matters.

h) Other matters

7.43 The detailed design of the attenuation pond can be agreed under future applications to ensure bank gradients allow for safe egress in the event anyone should fall in. However, the area in which the attenuation pond is proposed will be enclosed to discourage access and preserve it as wildlife habitat; this can be achieved through defensive planting and carefully designed fencing, again to be agreed through future applications. I note the neighbouring caravan park refers to the potential for insects as a result of the pond, but this is unlikely to be more of a significant concern than from any standing water in the ditches already present on the site, or within the wider marsh landscape.

7.44 The applicant has confirmed that the requisite CIL payment will be met, in accordance with the Council's agreed CIL schedule. NHS contributions don't fall under CIL; these will be secured through the associated section 106 legal agreement (as above: I will update Members on the NHS comments at the meeting).

7.45 The applicants have agreed that Affordable Housing will be secured in accordance with the Council's policy requirements, in the mix stipulated by the Housing Manager (see above) through the accompanying s.106 agreement.

Environmental Impact Assessment

7.46 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

- 7.47 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.

Human Rights

- 7.48 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

- 7.49 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

- 7.50 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. However this application is retrospective, and the concerns noted above can't be resolved by anything other than removal of the development in its entirety. Officers therefore consider that there are no amendments that would resolve the matter.

8. CONCLUSION

- 8.1 This application seeks outline planning permission for the erection of up to 80 dwellings on land which has been allocated for residential development by the Council's emerging Places and Policies Local Plan. All matters of detail other than access are reserved for consideration under future applications. The means of access is considered to be acceptable, and the site is capable of being developed without giving rise to any serious issues of amenity, as set out in the report.
- 8.2 I have considered local objections to the scheme. While local concern is understood and appreciated none of the concerns raised amount to a justifiable or defensible reason for refusal in this instance.
- 8.3 I therefore recommend that planning permission should be approved, subject to receipt of final comments from the NHS and KCC Ecology; completion of a section 106 legal agreement to secure affordable housing, financial contributions towards the NHS and an open space/ SUDS management plan; and the conditions set out 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 approved subject to the following condition(s):

Reserved matters details

1. Details relating to the layout, scale and appearance of the proposed building(s), and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. No development shall place other than in accordance with drawings 7731-L-01-D and 7731-L-03-M, (up to 80 dwellings) and the details set out within the approved Design and Access Statement, Flood Risk Assessment (prepared by Herrington Consulting April 2019, Issue 8, revision 7), and *Information to Inform a Habitat Regulation Assessment of the Potential Impacts on the European Designated Sites* (dated February 2020).
5. Any application for reserved matters subject to conditions 1, 2 and 3 above shall make provision for a minimum of 4 self-build or custom-build plots.

Reason: To ensure suitable provision for a range of dwelling types in accordance with policies RM2 & HB4 of the Places & Policies Local Plan.

Pre-commencement

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. the timing of deliveries
 - iii. haulage route
 - iv. loading and unloading of plant and materials
 - v. storage of plant and materials used in constructing the development
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vii. likely noise levels to be generated by plant and machinery
 - viii. wheel washing facilities
 - ix. measures to control the emission of dust and dirt during construction
 - x. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

7. No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a) Purpose and objectives for the proposed works:
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives including any necessary updated ecological surveys;
 - c) Extent and location of proposed works, including confirmation of the full extent of the ecological receptor site, shown on appropriate scale maps and plans;

- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) On going management until the site wide management plan is implemented.
- h) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interest of minimising harm and disturbance to protected species, and to encourage and support biodiversity and ecology.

8. Within 3 months of works commencing on site a detailed ecological management plan for the habitat creation areas as depicted on drawing ref. Figure 2 (within the approved document *Information to Inform a Habitat Regulation Assessment of the Potential Impacts on the European Designated Sites* (dated February 2020)) is produced and submitted to the LPA for written approval. It must detail how the open space area will be managed and include the following:
- Details of the habitats to be managed
 - Details of the aims/objectives of the management
 - Rolling 5 year management plan
 - Details of enhancements to be incorporated in to the site.
 - Details of who will be implementing the management.
 - Details of on-going monitoring
 - Details of how access will be restricted to the site.

The plan must be implemented as approved.

Reason: In the interest of minimising harm and disturbance to protected species, and to encourage and support biodiversity and ecology.

9. Within 6 months of works commencing on site an ecological enhancement plan, must be submitted for approval in writing by the LPA, detailing what ecological enhancements will be incorporated in to the site. The plans must be incorporated in to the site as detailed in the approved plan.

Reason: In the interest of minimising harm and disturbance to protected species, and to encourage and support biodiversity and ecology.

10. (1) No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical

representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

(2) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

(3) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(4) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and

approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

(5) In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the District Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

12. No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

13. No development shall take place until the parking restrictions on Victoria Road West (as shown on drawing P17008-002B) have been implemented.

Reason: In the interest of highway safety and amenity.

14. (a) Construction shall not proceed beyond slab level until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres per person per day as defined in paragraph

36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator. (b) The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures. Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

During construction

15. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

16. No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Flooding / drainage

17. No development shall be carried out other than in accordance with the recommendations as set out in the approved Flood Risk Assessment (prepared by Herrington Consulting April 2019, Issue 8, revision 7).

Reason: To minimise the risks in the event of flooding.

18. No development shall take place until details of measures to prevent the discharge of water on to the highway have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity.

19. The finished floor level of all dwellings on the site shall be 300mm above the design flood level (at 3.11maODN), with all sleeping accommodation 600mm above (at 3.41maODN).

Reason: To reduce the impact of flooding on the proposed development and future occupants.

20. No development shall take place until a detailed storage compensation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate (to the satisfaction of the LPA, Internal Drainage Board and the Environment Agency) that the loss of pluvial storage/conveyance caused by the infilling of depressions across the site will not exacerbate flooding elsewhere in the vicinity.

Reason: To ensure the risk of flooding to site and surrounding area is not exacerbated by the approved development.

21. No development shall place until:

- i) The details required by condition 1 have demonstrated that requirements for surface water drainage (and the conveyance of existing flows via watercourse / sewers) can be accommodated within the proposed development layout; and
- ii) A detailed sustainable surface water drainage strategy has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon proposals within the submitted Flood Risk Assessment (prepared by Herrington Consulting April 2019, Issue 8, revision 7) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and discharged from the site at an agreed controlled discharge rate. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

22. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components;
- A general arrangement plan with the location of drainage measures and critical features clearly marked;
- An approximate timetable for the implementation of the drainage system;

- Details of the future maintenance requirements of each drainage or SUDS component, and the frequency of such inspections and maintenance activities;
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime;

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

23. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land, neighbouring land, controlled waters, property, and ecological systems are minimised.

Highways / parking

24. The details submitted pursuant to condition (1) above shall show adequate land reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards). Such land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

25. Prior to the occupation of the dwellings hereby approved, the proposed estate road, footways, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, access, carriage gradients as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved by the District Planning Authority in writing before their construction begins. For this purpose plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the District Planning Authority.

Reason: To ensure that the roads are constructed and laid out in a satisfactory manner.

26. No development beyond laying of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the dwellings hereby permitted. Following approval the infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process, and be available for use on the first occupation of the dwellings unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

Reason: To ensure that the new development is provided with high quality broadband services.

INFORMATIVES

1. Please note that (as set out in Southern Water's letter dated 04.06.2019) a public sewer crosses the site. Construction or tree planting over or within the standoff distance (3m either side) of public sewers will not be permitted by Southern Water, and the exact position of the public sewer must therefore be determined before a layout is agreed under any forthcoming reserved matters applications.
2. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads and transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly

established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways

Appendices

1. **Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017**

This Appropriate Assessment (AA) has been undertaken with regard to information provided by the applicant, and the comments of Natural England and the Kent County Council Ecologist.

The application site is situated 400m from the Dungeness, Romney Marsh and Rye Bay SSSI and a Ramsar site, which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

Dungeness, Romney Marsh and Rye Bay is a nationally important site by reason of a diverse range of biological and geological features, specifically the coastal geomorphology of Dungeness and Rye Harbour and the following important habitats: saltmarsh, sand dunes, vegetated shingle, saline lagoons, standing waters, lowland ditch systems, and basin fens. These habitats and others within the site support a number of nationally and internationally important species of plants, moss, water voles, breeding birds, waterfowl, great crested newts, and invertebrates.

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. The proposal is not necessary for the management of the European sites. However, further to the advice of Natural England and subject to the conditions set out within the report, it is considered that the proposal is unlikely to have significant effects upon the integrity of these sites or the species which they contain.

The April 2018 judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “*it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.*” The development therefore cannot be screened out of the need to provide an Appropriate Assessment.

However, the proposed development, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

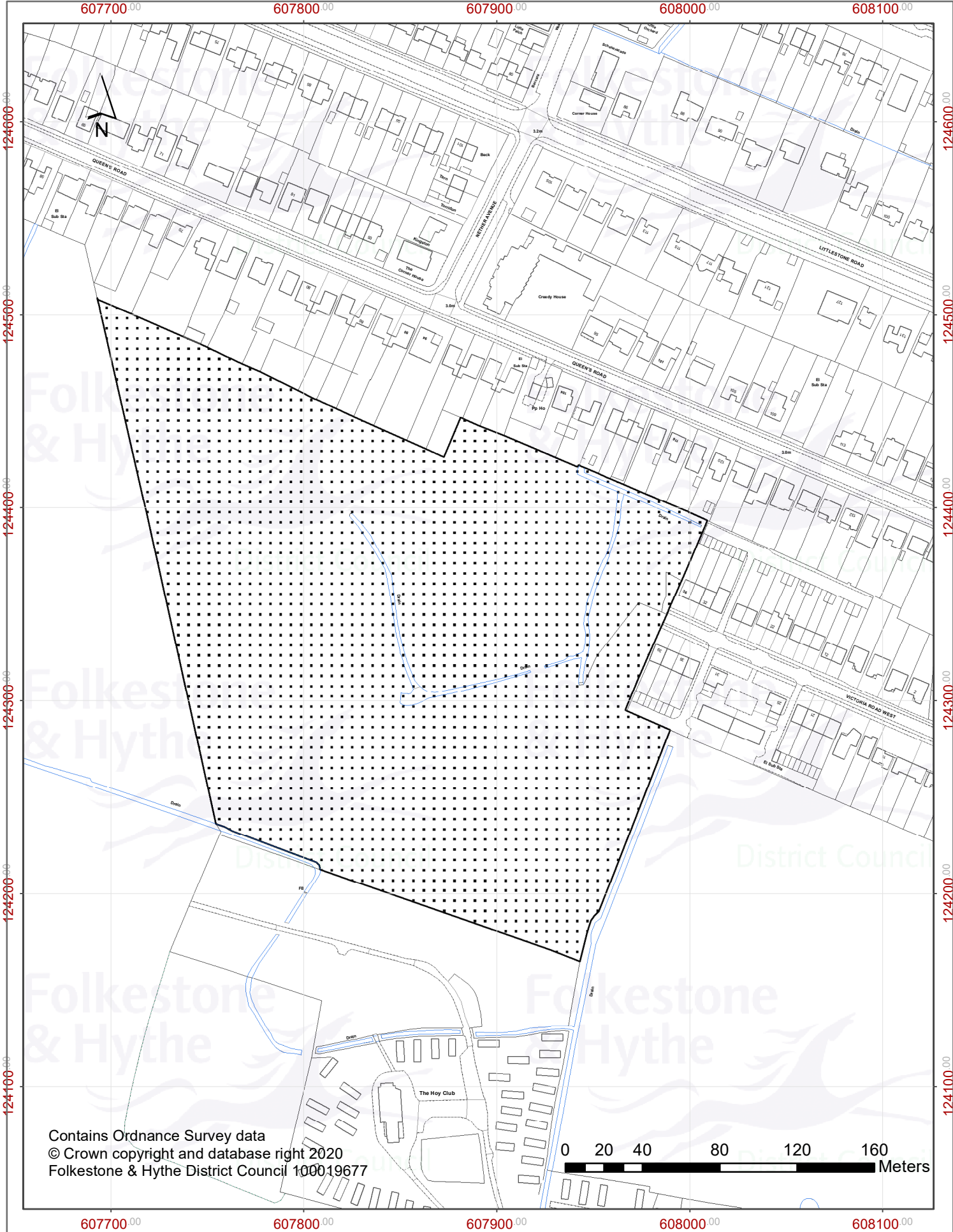
Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure strategic mitigation against any impacts of the development and that such strategic mitigation must be in place before the dwelling are occupied.

Based on the correspondence with Natural England (via the NKEPG), I conclude that off-site mitigation is required. It is noted that such mitigation is to be provided in the form of creation and management of two areas of mitigation to benefit curlews (and other birds associated with the designated sites). Measures to be implemented within these areas include formation of ponds, micro-adjustments to ground level to create areas of wetland, seeding with appropriate plant species and introduction of scrubland planting. These areas will be secured, retained, and managed in perpetuity through a s.106 agreement to accompany any grant of planning permission.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

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Y18/0768/FH
Land adjoining 39 Victoria Road West
Littlestone



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LIST OF DEVELOPMENT PLAN POLICIES

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

Core Strategy (2013) policies

Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

Chapter 4 – The Spatial Strategy for Shepway

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

Chapter 5 – Core Strategy Delivery

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

Local Plan Review (2006) policies applicable

Chapter 2 – Sustainable Development

SD1 - Sustainable Development

Chapter 3 – Housing

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

Chapter 4 – Employment

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

Chapter 5 – Shopping

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

Chapter 6 – Tourism

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

Chapter 7 – Leisure and Recreation

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

Chapter 8 – Built Environment

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

Chapter 9 – Utilities

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

Chapter 10 – Social and Community Facilities

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

Chapter 11 – Transport

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

Chapter 12 – Countryside

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

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

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

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

Chapter 13 - Folkestone Town Centre

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

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