

Application No: Y16/0439/SH

Location of Site: White Lion 70 Cheriton High Street Folkestone Kent

Development: Creation of Ex-Servicemen's Home comprising conversion of Existing Building, including erection of external stair core, and the erection of 5 No. Houses with Associated Gardens, Parking, and Landscaping

Applicant: Mr Nick Brown
Atlas Cheriton
C/o Designscape Consultancy Limited
1A The Landway
Bearsted
Maidstone
ME14 4BD

Agent: Kingsley Hughes
Designscape Consultancy Limited
1A The Landway
Bearsted
Maidstone
ME14 4BD

Date Valid: 22.04.16

Expiry Date: 22.07.16

Date of Committee: 29.08.17

Officer Contact: Mrs Wendy Simpson

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

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for a 40-bed ex-servicemen's home through the conversion of the existing building (White Lion Public House) and construction of a related terrace of 5 No. houses as 'move-on units' fronting Chilham Road, together with the construction of an external stair core to the existing building, parking, and landscaping. The home is to provide accommodation for ex-servicemen with the purpose to re-integrate them back into civilian life.
- 1.2 Officers do not consider this description to accurately reflect the proposal, however, have not been able to come to an agreement on an accurate description with the applicant. Members should be aware that Officers consider a more accurate description to be: Change of use, extension and conversion of public house (use class A4) and the erection of a terrace of 5 houses in the former gardens to form a 40 room hostel (sui generis use) with associated parking and landscaping. Officers have considered the application on this basis and the recommendations reflect this description.

- 1.3 The conversion of the existing building, to provide 20-beds and communal space, would be enabled by the construction of a four storey external stair core (from lower ground floor to second floor) to the eastern side of the building with a footprint measuring, at its maximum, approximately 11.2m by 10m. The stair core would be of a basic 'square' form with flat roof. It is proposed to be entirely clad with weatherboard with no openings on the front or side elevations and a pedestrian entrance and two small windows on the rear, northern elevation. The conversion would provide: at lower ground floor level – residents' lounge/leisure space, including gymnasium; at ground floor level - reception lobby, communal laundry, disabled WC, store, 5 self-contained rooms (including one identified for Caretaker/Security), providing bed, chair, desk/chair, wardrobe, kitchenette, shower room). The self-contained rooms on the ground floor level range in size between 21.2sqm and 23sqm; at first floor level are proposed 8 self-contained rooms ranging in size between 15.9sqm and 24.5sqm; at second floor level 7 self-contained rooms with sizes between 17.9sqm and 21.7sqm. Overall a total of 20 self-contained rooms would be provided in the converted, existing building. In the additional information supplied the applicant refers to the rooms as 'studio accommodation'.
- 1.4 To the rear of the existing building the application seeks permission for the erection of a terrace of five 4-bedroom houses fronting Chilham Road, as 'move-on units' from the main building. The move-on units provide for shared living and occupiers would have access to the communal facilities and programmes within the main building. Each of the terraced units would comprise an open plan lounge/diner/kitchen and WC at ground floor level, two double bedrooms and bathroom at first floor level and two double bedrooms, both en-suite, at second floor level, within the roofspace. The terrace would be constructed of brick and tile construction. Each terrace property would have a rear yard measuring the width of the house and between 3m depth and 3.75m depth.
- 1.5 Between the front building and the proposed terrace a new vehicular access would provide access off Chilham Road to a parking area for 10 vehicles. The access would be 3.0 metres in width. The existing vehicle access off Cheriton High Street would be closed off.
- 1.6 The applicant has provided various documents and information in support of the application to explain the evolving intentions for the occupation of the development. Notwithstanding references made in the supporting information in respect to the proposal being a 'care facility' the Council is minded that the proposal does not qualify as a 'care facility' or 'residential home' under the Town and Country Planning (Use Classes) Order 1987 (as amended) but would be a 'hostel' use which is a type of licensable House of Multiple Occupation [HMO], due to the shared facilities on the lower ground floor of the main building and some shared WCs – albeit proposed for a restricted client group.
- 1.7 The terrace to the rear of the site is also considered to be part of the overall 'hostel' provision with the occupiers of these shared 'move-on' units also

being subject to the same contract restrictions/selection procedure as the occupiers of the main building, being 'managed' by the staff who are resident in the main building and having full access to the facilities in the main building and programmes designed/available for all occupiers on the site. These houses are therefore not considered by Officers to fall within a C3 use (dwellinghouse) as it clear that their use is not proposed/intended as such but as an extension to the hostel facility.

- 1.8 The Design and Access Statement details that the applicant, Atlas Cheriton, has submitted the application in conjunction with Reveille Homes, which it refers to as 'a charitable foundation set up with the purpose of providing accommodation for ex-servicemen'. However, Reveille Community Homes Ltd, is listed as a private limited company. The applicant has more recently advised that a charitable status is being sought and they are a 'not for profit company'. No facilities are operated by Reveille Community Homes to date and therefore there are no examples of other facilities operated by this provider nor examples given within the application of comparable facilities.
- 1.9 The company is not proposed to just be Kent based but in discussion have advised ambitions to operate accommodation around the country over time. The applicant advises that they will be using a website to detail this facility and potential occupiers can apply through the website nationally. As such the applicant is not currently proposing a local connection test as part of this process.

Applicant's operational information:

- 1.10 At submission stage the applicant described the proposal as follows:

"ex-servicemen would live at the facility for a short period, such as six to eighteen months, to assist re-integration to society. There would be initiatives to assist this such as outreach into the community whereby ex-servicemen visit local facilities such as schools and community centres; learning a building trade such as bricklaying, carpentry, plastering or plumbing and thereby gain independence and integrate back into society."

"...it would be possible for residents to initially live in the main building and then move into one of the houses, which would be on a house-share basis, as a stepping stone to then moving back into mainstream society."

- 1.11 In February 2017 additional information was provided as follows:
- 1.12 "All clients that are awarded a place at the above resource must contract by way of a formal agreement to the Terms of Occupation..."

- 1.13 The management of the resource will be dealt with on a day to day basis by the two residential care staff who will occupy two of the studios. [Please note this is a change to the drawings which show a single room for caretaker/security only and has not been updated to reflect this more recent information.] The access to and from the property will be by way of an electronic coded fob key. A strict adherence to rules concerning visits to the resource will be maintained by the management staff. This will be *complimented using both internal and external CCTV. Within the contract of occupation, clients will be advised on visiting times for friends and/or family to attend the resource with the emphasis on visiting times clearly marked towards Saturdays and Sundays. Visiting during the week will be limited to early evening hours, ideally between 7pm and 9pm...*
- 1.14..*The principle restrictions for clients to observe will be that of no smoking or naked fires within the building. There will be an allocated smoking space to the rear of the building. Clients will contract to observe the rules on noise levels especially with regards to music and televisions within their rooms with the emphasis being that no noise should disturb other clients. A further rule for clients will be to agree not to invite more than one friend to the building at one particular time within the set hours and, in particular, it will be a rule by way of occupation that no visitors will attend the premises or the adjoining two roads within a 100-metre perimeter with a motor vehicle or motorcycle. There will be cycle rack to the side of the building for 20 cycles which are available to the clients staying at the resource.*
- 1.15 *A key factor in the support programme for all clients is that they will attend various workplaces to assist with the programme devised for both individuals and groups. This is part of the care package and will be assessed for each individual client to ensure suitability. The external work placements are likely to be with other similar ex-forces personnel, but with a strong emphasis on assisting community matters wherever possible. Clients staying at the resource are asked to provide some 20 hours of support to community issues afforded through liaison and direction of Reveille Homes. This is aimed at clients that are unemployed or retired. Those that have employment will be asked to devote any time they feel they can offer on a voluntary basis. The key to assisting all clients staying at the resource is to procure a sense of camaraderie similar to that they experienced in the forces. We see this as the main part of our plan to establish clients back to a level of wellbeing that they enjoyed within the armed forces community...*
- 1.16...*It is further projected that the support package will be assisted by the use of raising monies through its services to the local community such as providing technicians and construction workers to assist with community housing and other projects requiring assistance almost as an agency style arrangement. We have already had an agreement with three developers that would allow the clients attending the above resource to work with them on new housing projects in the Canterbury area which are to be built in conjunction with the designated Housing Association and several key funding partners."*
- 1.17 The period of occupation at the facility is now referred to as being 18 to 36 months rather than the 6 to 18 months originally stated in the Design and Access Statement. Given that the stated reason for the facility is to re-ingrate the former service personnel into civilian life and given that the hostel is not for ex-servicemen with chronic conditions/medical needs or for recuperation it would not

be expected that the re-integration timeframe would be required for longer than the originally stated period of 6 to 18 months.

- 1.18 Irrespective of the above, it would not be reasonable to seek to restrict the period of occupation or the use to a set group of people via planning controls as the Council does not have evidence to demonstrate an ongoing need for this type of accommodation.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is situated on the corner of Cheriton High Street and Chilham Road and extends along the eastern boundary of Chilham Road. At present the site is occupied by the White Lion Public House, fronting Cheriton High Street and its former curtilage, running north along Chilham Road and separated by a brick wall approximately 1.5 metres in height. The site is rectangular in shape, approximately 25 metres in width and 50 metres in depth, with a site area of 0.128 hectares.
- 2.2 Cheriton High Street is a busy road that forms the main route into Folkestone from Cheriton and Junction 12 of the M20 motorway. Chilham Road is a no-through road approximately 120m in length with no turning area available. Chilham Road operates a residents parking scheme which restricts parking to residents only during the daytime (8am to 8pm). On the western side of Chilham Road there are double yellow lines from the junction with Cheriton High Street to opposite 1 Chilham Road. The White Lion itself is a large, imposing Victorian building with a vehicle access off Cheriton High Street to its eastern side and outside space to the rear (north).
- 2.3 The area in general has a mix of uses but is predominantly residential. The site, as well as the existing building, has been vacant for some time and is boarded up. To the east of the site, accessed by Stanley Road is "All Souls Primary School." To the north of the site, separated by a narrow alley is 1 Chilham Road, a traditional Victorian terraced property, the style and detailing of which is replicated along Chilham Road. Opposite the application site, fronting the western side of Chilham Road is a commercial use, with a tyre service company having recently closed.
- 2.4 The site falls within the urban boundary of Folkestone and is not within any other areas of specific designation in the Local Plan. The Environment Agency maps identify the site as being within Groundwater Protection Zone 3 and there is history of surface water flooding in the surrounding streets and in the site.

3.0 RELEVANT PLANNING HISTORY

- Y07/0937/SH - Change of use and conversion of public house to student accommodation (16 student flats) and erection of a terrace of four x 2-bedroomed dwellings (Approved 07.11.07.)

93/0160/SH	-	Siting of a temporary building for use as a taxi office and aerial on roof of public house. (Refused 30.04.93)
88/0493/SH		Minor internal alterations, extension and change of use of ground floor to restaurant and first floor room to function room. (Approved 17.08.88)

4.0 CONSULTATION RESPONSES

4.1 Folkestone Town Council

Support this scheme as it retains an attractive building and is intended for ex-servicemen. As a Town we support the Armed Forces Covenant.

4.2 Kent Highways and Transportation

Objection - To provide the required sight lines for the proposed access will result in the loss of a significant amount of on-street parking spaces in Chilham Road, which is a street of Victorian terraces that have no off-street parking.

4.3 KCC Accommodation Solutions Strategic and Corporate Services

Do not recognise the proposal as a 'care home'.

"On reading through the information supplied, I do not feel that this proposal links to a care facility. The information given describes more of a retraining/rehabilitation environment that seems very regimented with specific rules that people are being asked to adhere to. They do not mention any packages of care within the proposal, but advise that people with 'psychological problems will be referred onto to other services'. The purpose of the on-site 'care takers' seems to be to ensure that people adhere to the rules, and we certainly would not expect such strict regulations around visitors to be present in any environment that we regard as a care service."

4.4 Housing Strategy Manager

Objection. Insufficient evidence has been supplied to show that there is a district need for a facility of this size and providing this form of accommodation. Shepway District Council signs up to the forces covenant which allows former members of the armed forces to join the SDC housing waiting list outside of the two year local connection requirement. Therefore as a result of this proposal any of the residents moving into the facility from outside the area are then likely to remain in the area having built local ties, which will place pressure on the local rented housing stock in both the social and private sectors. The five 'move on' units will potentially make this more likely.

An HMO or hostel of this size in an existing residential area would not normally be acceptable due to matters of noise/disturbance generated by such uses.

4.5 Environmental Health

No objection subject to use of standard contamination condition.

4.6 Environment Agency

We have assessed this application as having a low environmental risk. We therefore have no comments to make.

4.7 Southern Water

No objection subject to conditions related to the means of foul and surface water sewerage disposal, which need to be agreed in consultation with Southern Water and in consultation with the Environment Agency to ensure the protection of the public water supply source.

The detailed drainage design for the proposed basement should take into account the possibility of the surcharging of the public sewers.

4.8 Transportation Manager (Shepway District Council)

Objection - The removal of 8 on-street parking spaces will have a serious impact on parking availability for local residents and wouldn't be acceptable.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 30 March 2017

5.2 Site Notice. Expiry date 9 March 2017

5.3 Press Notice. Expiry date 13 April 2017

6.0 REPRESENTATIONS

6.1 2 emails received on the following grounds:

- Concern regarding parking in Chilham Road;
- As we are permit parking the road at present and there are more parking permits than parking spaces;

- Additional parking of pressure will mean road residents/visitors are not able to park in Chilham Road.

6.2 1 letter of support has been received referring to the military covenant from a resident living in Jointon Road.

7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO10, BE1, BE16, TR5, TR11, TR12, U2, U4, U10a.

7.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS3, SS5, CSD2, CSD5.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework particularly paragraphs 7, 9, 14, 15, 17, 42, 49, 50, 56, 57, 58, 120, 121.

National Planning Policy Guidance

8.0 APPRAISAL

Background

8.1 In 2007 an application was approved under application reference Y07/0937/SH for:

“Change of use and conversion of public house to student accommodation (16 student flats) and erection of a terrace of four x 2-bedroomed dwellings [C3 use class].”

24 bed spaces in total.

8.2 Planning permission was granted subject to a number of conditions including a restriction that: *“A car free agreement to be entered into by the occupants of the student accommodation”* and *“The use of the premises formerly known as ‘The White Lion Public House’ shall be limited to Student Accommodation only.”*

In that application the parking spaces being provided on site were proposed to be for local residents (who would have lost on-street car parking spaces as a result of the development) together with staff parking.

8.3 The planning permission expired without being implemented.

Relevant Material Planning Considerations

8.4 The main matters for consideration are:

- Principle
- Design and Appearance
- Neighbours Amenities
- Parking and Highway matters
- Contamination/Drainage
- Other matters (including Armed Forces Covenant)

Principle

8.5 In this case the applicant has stated they are applying for a residential care home use but, following consultation with KCC Accommodation Solutions Strategic Corporate Services team and the Shepway Housing Manager and having reviewed case law, Officers are minded that the proposed use does not constitute a care use but is considered to be a hostel use. A hostel is a type of licensable house in multiple occupation (HMO). As such, the application has been assessed on this basis. The applicants contend that the proposal would fall within a 'residential care home' but for such a facility to fall within the planning definition of a care home it would need to provide a package of care administered by registered care provided regulated by the care quality commission. No information about how care would be administered has been provided or that it would meet the requirements of the regulator. In fact the KCC Accommodation Solutions Strategic and Corporate Services manager advises that from the latest information provided by the applicant they do not recognise the proposal as a 'care home'.

8.6 Paragraph 50 of the NPPF requires that local authorities should deliver a wide choice of high quality homes, including for:

'the needs of different groups of the community (such as but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);'. It continues 'identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand;'

8.7 Policy HO10 of the Shepway District Local Plan Review has been saved as being compliant with the NPPF and states that:

"Planning permission will not be granted for Houses in Multiple Occupation, defined as more than one household occupying a single dwelling where all facilities are not self-contained unless the applicant demonstrates firm and substantial evidence of local need for that form of accommodation. Applications for development described as residential hotels will be treated

as for houses in multiple occupation even though services may be provided.”

- 8.8 Firstly in consideration of the NPPF guidance there is reference to ‘service families’ which is not the proposal under consideration but there is the wider acceptance that ‘*the needs of different groups of the community*’ be provided for, which includes single ex-servicemen. However this provision according to the NPPF is to be of a type and tenure that is required subject to local demand.
- 8.9 It is this starting point of ‘local demand’ that must be evidenced to comply with the NPPF guidance and as explicitly required by the wording of saved policy HO10 of the Shepway District Local Plan Review.
- 8.10 There is no policy position requiring a local area to provide specific accommodation types to address a national need or shortage. The policy requirement is that a proportional provision be made of various housing types in response to the local need. Therefore policy would direct that an ex-servicemen’s hostel that is evidenced to be addressing a local housing need could potentially be acceptable, but would need to be subject to the consideration of other material planning matters such as design, impact on amenities, parking, etc.
- 8.11 However, this application was made with no evidence of ‘local need’ being submitted. The matter of evidence of the ‘need’ has been raised with the applicant repeatedly during the progress of the application and much of the delay of the application has been to allow for the applicant/agent to collate and present additional information to address this and other matters.
- 8.12 In terms of the material that the applicant has submitted to address the matter of ‘local need’ none of the additional material presented to the Local Authority to date, nor following Officers’ own investigations, show that there is a local need for a facility of this scale or type. Furthermore, of the very small numbers of known homeless ex-servicemen in the area; ex-servicemen on the housing waiting list or from the Ghurkha community, there is no evidence that the type of hostel being proposed, which is for single persons, is very regimented and with an emphasis on working in the construction industry, would address the requirements/wants of the known single ex-servicemen in the area and be taken up by them.
- 8.13 In fact, in the additional information recently supplied, the applicant advises that they will be using a website to detail the facility and potential occupiers can apply directly through the website. In reality occupiers would not only be ex-servicemen who are already identified as being in need of housing but the accommodation would also be available to servicemen and ex-servicemen to apply directly and not through any Local Authority housing lists and potentially from all over the country. As such, even if this proposal were to be approved and built out, it may not address our small identified

housing need for ex-servicemen in Shepway as others from outside of the area and those not currently on any housing list may be accepted ahead of them.

- 8.14 Without robust evidence of local need for this type and scale of hostel the proposal is considered to be contrary to the NPPF paragraph 50, saved policy HO10 of the Local Plan and policy CSD2 of the Core Strategy Local Plan.

Visual Amenity/Design

- 8.15 The NPPF and saved local plan policy BE1 requires new residential development to deliver high quality housing in term of the appearance of the development, ensuring that the development density is appropriate for its location, the impact on the street scene and character of the area and also the functionality and layout of the development design. Para 56 of the NPPF says that 'good design is a key aspect of sustainable development'. Para 57 and 58 refer to high quality and inclusive design, that is visually attractive as a result of good architecture and appropriate landscaping, that adds to the overall quality of the area and responds to local character and history and reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Policy BE8 requires that extensions should reflect the scale, proportions, materials roofline and detailing of the original building and not have a detrimental impact upon the streetscene.
- 8.16 The existing former public house building in the southern part of the site is in a state of poor repair and bringing the building back into use would benefit the area visually. However the proposal to convert the building relies on a four storey external staircase being erected that appears in its design to be alien to the building to which it would be attached and not of good design or appearance.
- 8.17 The stair core extension would appear as a blank 'block' on the eastern end of what is an attractive building incorporating many design features and architectural detailing. The proposed extension would be a tall, larger, block-like structure of a contrasting material to the building to which it would be attached. It would appear bulky and slab-like and would not be aesthetically pleasing in itself and would be completely out of character to the predominant Victorian built form in the area, which includes the building to which it would be attached. The proposed extension form and design is not appropriate or an acceptable extension to this building.
- 8.18 The applicant has been advised of officers' concerns and has informally submitted for discussion more visually acceptable designs for the staircase, before reverting back to the original unacceptable design.
- 8.19 The proposed terraced units to the rear of the premises are of a more traditional styling and scale and are considered to compliment the Victorian housing form within Chilham Road.

Amenity

- 8.20 Saved policies SD1 and BE8 of the Shepway District Local Plan Review and the NPPF (paragraph 17) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 8.21 As hostel accommodation the proposal (including terraced units) is considered to provide acceptable living conditions for future occupiers of the development. The various 'living restrictions' for occupiers detailed in the additional information submitted by the applicant could not be controlled through planning conditions or legal agreement as the Council would have no jurisdiction to be able to monitor or enforce such restrictions or prevent them being changed by the applicant.
- 8.22 Whilst currently the proposed terrace in the rear part of the site is being proposed as additional accommodation to the main building, should it have been proposed as a standard C3 dwelling use, the properties would not be considered acceptable against planning policy and guidance as they lack sufficient garden space to serve a family dwelling of the size proposed and would need to have dedicated off-street parking spaces provided.
- 8.23 In terms of neighbours' amenities, neither the conversion of the existing building, including the stair core extension, nor the construction of the terrace would result in harm to the living conditions of residential neighbours in the area or All Souls' C of E Primary School in terms of loss of outlook, privacy, daylight or overshadowing.
- 8.24 However, Officers are concerned that neighbouring amenity would be unacceptably compromised as a result of the size (providing 40-beds) of the proposed hostel and the potential for noise and disturbance of the living conditions of neighbours. [The previously approved student accommodation scheme provided a lesser number of bed spaces – 16 beds in the converted building and separately four 2-bedroomed terraced houses (C3 use) fronting Chilham Road.
- 8.25 The applicant has advised measures they intend to implement, which includes restricted visitor hours, controlling television noise and so forth. Of the staff that live on site their role is unclear. As originally proposed one staff person only was to live-in whose role was specifically as a caretaker/maintenance worker. More lately the additional information supplied refers to '*two residential care staff who will occupy two of the studios*' and '*will manage the resource on a day-to-day basis*'. (The drawings have not been updated to reflect this.) However as no evidence of care being provided has been submitted, nor the care needs of the proposed occupants established the proposal does not constitute a care facility and these roles remain unclear. Their management role is said to include '*a strict adherence to the rules concerning visits to the resource*'. It is also not clear if these staff are in addition to the caretaker/manager who is now no longer referred to. Furthermore two staff are not able to work the 24/7 hours that the hostel operates. Without clear information of the role(s) of the staff in the hostel, and perhaps even if supplied, notwithstanding the staff, Officers have

significant concerns that due to the high density of the scheme and number of units the hostel would likely be a source of noise disturbance and possibly anti social behaviour. It is also unclear how staff would be able to monitor and enforce some of the requirements, for example the rule that *'that no visitors will attend the premises or the adjoining two roads within a 100-metre perimeter with a motor vehicle or motorcycle.'* This is not something that the local planning authority can condition as it would not be possible for officers to monitor and enforce this.

8.26 The nature of hostel accommodation is that there is a high turnover of occupiers and it is usually a short term form of accommodation. The Housing Strategy Manager advises that this form of accommodation generally generates more noise/disturbance than standard flat/house accommodation with a more settled occupation pattern. For this reason HMO/hostel type units are normally limited in size and not grouped together to lessen their impact on living conditions for neighbours.

8.27 Given the above and taking into consideration the number of units proposed as a single HMO/hostel, Officers consider the proposal would lead to an overdevelopment of the site resulting in unacceptable noise and disturbance to the detriment of neighbouring amenity.

Highways

8.28 Policy TR12 of the Shepway Local Plan Review relates to car parking levels to serve new development. However, in terms of parking standards there is no adopted parking standard for hostel uses and as such the details of the operation and scale of the development must be used to assess the adequacy or otherwise of the parking proposed.

8.29 The proposal seeks to provide 10 parking spaces on the site, to the rear of the buildings and accessed via a new access point off Chilham Road. The existing access point to the site off Cheriton High Street would be closed off.

8.30 Policy TR11 relates to the impact of new development on the highway network. The Kent County Council Highways and Transportation Officer raises an objection as the proposal has not accounted for the provision of the required sight lines for the proposed access from Chilham Road, which operates a residents' parking scheme during the daytime and is a short no-through road. (The resident's parking scheme operates between 8am to 8pm, during which time non-residents can only park for 1 hour.) On the western side of the road are double yellow lines from the junction with Cheriton High Street to opposite 1 Chilham Road, a distance of about 60m – half of its 120m length. Therefore parking within Chilham Road is already under significant pressure.

8.31 The Highway Authority officer advises that the visibility splay required at the proposed new access is 18 metres in a southerly direction by 2 metres by 25 metres in a northerly direction. As a result of the required sight lines, a significant number (8 spaces) of the existing on-street parking spaces will be lost in Chilham Road, which is a street of Victorian terraces that have no off-

street parking. The street is reported by residents to be heavily parked even with the existence of a residents' parking scheme on the street.

8.32 The latest operational details provided for the hostel does not propose that 40 residents of the hostel will not be allowed to own/park cars/motorbikes at the facility. Even in the event of the use of a 'car free' condition requiring that residents do not park their cars on the site, such as was used on the student accommodation historic permission, neither the applicant nor the Council has the ability to stop occupiers of the hostel owning cars/motorbikes and parking them off site in local streets including Chilham Road (which has unrestricted parking the evenings/overnight) in the event that the hostel was listed as being not eligible for resident's parking permits.

8.33 In addition to any potential occupiers' cars, the applicant proposes the occupiers of the hostel be employed in the building trade. The applicant has links to construction companies and advise that they already have an agreement with three developers that would allow the residents of the hostel to work with them on new housing projects in the Canterbury area. Therefore it is anticipated that there will be a requirement for mini-buses to park on site, together with staff vehicles and other 'non-residents' parking related to the hostel, such as professionals who may need to visit e.g. to run job seekers courses, undertake personal assessments etc.

8.34 Therefore, on the basis of the theoretical operational detail provided (given that the applicant has not run any hostels to date) it is clear that the proposal will result in a parking demand and as such the on-site parking proposed would need to be retained for the use of the hostel and could not absorb any displaced parking spaces from Chilham Road. Therefore, not only will 8 parking spaces on street be lost to local residents there will only be an overall net gain of 2 spaces.

8.35 The applicant has not proposed that the parking spaces to be provided on the site will be made available for residents of Chilham Road and, notwithstanding such an occurrence being envisaged for the historic student use allowed on this site, such a scenario cannot be suitably controlled even if agreed in principle by the applicant and as such cannot be conditioned.

8.36 The revised 'day-to-day operations' information supplied also states:

"clients will be to agree not to invite more than one friend to the building at one particular time within the set hours and, in particular, it will be a rule by way of occupation that no visitors will attend the premises or the adjoining two roads within a 100-metre perimeter with a motor vehicle or motorcycle. There will be cycle rack to the side of the building for 20 cycles which are available to the clients staying at the resource."

8.37 However, clearly there is no ability for the applicant, occupiers or the Council to ensure that visitors to occupiers of the facility do not park within 100m of the facility.

8.38 Therefore, the proposal will result in a loss of on-street parking spaces in Chilham Road, which is a significant proportion of the on-street parking available in this short no-through road. Planning Officers and KCC Highways and Transportation officer have raised this concern with the applicant on a number of occasions since the submission of application. The Council's Transportation Manager has objected to the proposal on the basis that the removal of 8 on-street parking spaces would have a serious impact on parking availability for local residents. The Transportation Manager advises that if an application to amend the Traffic Regulation Order in this way were received the residents would be consulted and would have to agree the change before it would be able to proceed.

8.39 The case officer requested the applicant provide a copy of the proposed site plan showing the sight lines for the access – which would have then been provided for public consultation. The applicant has declined to provide this drawing. Officers have advised the applicant to provide parking surveys of parking numbers in the street and to install tracking equipment to count the number of cars using Chilham Road to evidence if a lesser vision splay could be used. The applicant has not been minded to do either of these things.

8.40 The proposal is therefore considered to be to the detriment of the living conditions of residents in Chilham Road who have residents parking permits, by causing the loss of a significant amount of the existing on-street parking provision contrary to saved policies SD1 and BE1 of the Shepway Local Plan Review.

Contamination/Drainage

8.41 Saved policy U10a relates to contamination with respect to the health and safety of occupiers of residential development and the contamination of land and watercourses by the development. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented to ensure that unacceptable risk of contamination of water sources and to human health does not occur. (NPPF, paragraphs 121 and 109).

8.42 In this case no phase 1 investigation (desk top study) with respect to contamination was submitted with the application. However, given that the site has been in use as a public house/hotel long term and is not shown to be close to known contamination sites on the EA hazard maps, there is no reason to conclude that planning permission should not be granted due to concerns related to land contamination. Therefore, if planning permission is granted it should be subject to a suitably worded planning condition requiring site investigation in respect to contamination and remediation if necessary.

8.43 In respect to drainage matters the Environment Agency flood hazard maps identify some surface water flood risk in the surrounding streets and on the site. Southern Water identify the risk of the possibility of the surcharging of the public sewers affecting the basement and recommend a

condition requiring a detailed drainage design, to be agreed in consultation with them.

Other Issues

Armed Forces Covenant

- 8.44 Shepway District Council signs up to the Armed Forces Covenant, which originated in the year 2000. The Armed Forces Covenant represents a promise by the nation that those who serve or have served, and their families, are treated fairly. All 407 local authorities in mainland Great Britain and 4 Northern Ireland councils have pledged to uphold the Armed Forces Covenant.
- 8.45 Folkestone has military connections and there is evidence that ex-service personnel often settle in areas where they have served. Under the Armed Forces Covenant pledge made by Shepway District Council these former service personnel are able to join the Council's housing waiting list on leaving the military and are excused the local connection eligibility criteria period of two years that others have to adhere to before being able to join the housing waiting list.
- 8.46 The national guidance and local planning policy has been written in the light of all 407 Local Authorities on mainland Britain having signed up to the Armed Forces Covenant. The NPPF guidance that provisions to address local housing needs for 'service families', and by implication other ex-service personnel types, are made '*reflecting local demand*'. There is no conflict in guidance or policy with the Armed Forces Covenant (although as explained earlier in the report there is conflict with the NPPF).

Impact on Support Services

- 8.47 The local need for this size of facility has not been evidenced by either the applicants or through Council officers' enquiries. Based on the available evidence, if the proposal went ahead, in order to fill the available bed space, ex-servicemen would be moved into the hostel on a regular turnover from outside of the District. On leaving the hostel these residents would then be able, under the Armed Forces Covenant, to join the Shepway housing waiting list or would be seeking residence in the local private rental market. This would place increased pressure on the local 'affordable' and rental market housing resources. Additionally it would result in increased pressure on doctors, dentists, other social services and support services within Shepway.
- 8.48 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The 'social role' of sustainable development says that a supply of housing should be supplied to meet the needs of the present and future generations with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Sustainable development is therefore implicitly required to be proportional to local need and in not being in

proportion to local need, as has failed to be demonstrated in this case, would not meet the three dimensions of being classed as sustainable development.

Officer advice

8.49 Officers are minded that planning policy would direct that the applicant needs firstly to be seeking to provide hostels in those areas, in Kent or elsewhere, that can likely easily demonstrate a local need for the size and type of accommodation being proposed in this application. The applicant has been advised that this is the policy position but the applicant wishes to continue with the current application.

8.50 The applicant has also been advised by officers that policy would also allow for a scheme of 100% affordable housing units operated by a recognised Housing Association (possibly working in partnership with the applicant) but with priority given to ex-servicemen who are on the Council's housing waiting list. However, to date this option has not been followed up by the applicant.

Local Finance Consideration

8.51 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. New Homes Bonus payments are not considered to be a material consideration in the determination of this application. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new residential space (excluding any residential floor area created through a change of use).

Human Rights

8.52 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.

8.53 This application is reported to Committee at the request of Cllr Gane for the following reason: *'In the local plan we judge development on if they fill a*

local need. However I believe this development is needed by the military community as a whole and therefore may go outside that particular parameter and therefore a judgement needs to be met by development control on the local need with the national need as we are signature at both town and district level to the military covenant”.

9.0 SUMMARY

- 9.1 No evidence has been provided or found by officers to demonstrate that a 40-bed hostel is required to address ‘local need’. The supporting information identifies that potential occupiers are not limited to only applying from the local area or even the county. As such the proposal is contrary to National Guidance and local planning policy. Without a demonstration of local need the proposal fails to fulfil the ‘social role’ of sustainable development and as such the proposal is not considered to constitute sustainable development.
- 9.2 It is also considered that neighbours’ living conditions, particularly in Chilham Road but also in the wider residential area, will be harmed by the loss of 8 on-street parking spaces in a short no-through road, with no off-street parking opportunities, which already operates a residents’ controlled parking zone. The size of the hostel is also not considered to be appropriate for the location within a residential area for reasons of general noise and disturbance arising from the concentration of this form of HMO accommodation.
- 9.3 The proposed side extension would be of a bulky and slab-like appearance and would be unattractive in itself and with no reference to the materials, design or detailing of the building to which it would be attached. The extension would be out of character to the predominant Victorian built form in the area and would have a detrimental impact upon the streetscene.
- 9.4 Given the above, the scheme is recommended for refusal.

10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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

1. The application fails to provide robust evidence of a local need for hostel accommodation of this type or scale to meet district residential needs. As such the proposal is unsustainable development contrary to saved policies SD1 and HO10 of the Shepway Local Plan Review, policy DSD of the Core Strategy Local Plan and paragraphs 7, 15 and 50 of the National Planning Policy Framework.

2. The proposal is likely to result in an unacceptable level of noise and disturbance in the local area to the detriment of neighbours' living conditions. The loss of the on-street parking spaces would also be detrimental to the living conditions of residents in Chilham Road and the surrounding residential streets that would have to absorb the displaced cars. As such the proposal would result in unacceptable harm to neighbouring amenity due to the number of units proposed and the loss of eight on-street parking spaces and is therefore contrary to paragraph 17 of the National Planning Policy Framework, policy DSD of the Shepway Core strategy and saved policies SD1 and BE8 of the Shepway Local Plan Review.

3. The proposed side extension to the White Lion Public House would be of a bulky and slab-like appearance, unattractive in itself and with no reference to the materials, design or detailing of the building to which it would be attached. The extension would be out of character to the predominant Victorian built form in the area and would have a detrimental impact upon the streetscene. As such the proposal is contrary to paragraph 56, 57 and 58 of the National Planning Policy Framework, policy DSD of the Shepway Core strategy and saved policies BE1 and BE8 of the Shepway Local Plan Review.

