



Agenda

Meeting: **Planning and Licensing Committee**
Date: **11 February 2025**
Time: **7.00 pm**
Place: **Council Chamber, Civic Centre, Folkestone**

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

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

Please note there will be 37 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.

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

Queries about the agenda? Need a different format?

Contact Alex Baker – Tel: 01303 853498
Email: committee@folkestone-hythe.gov.uk or download from our
website
www.folkestone-hythe.gov.uk

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.

Members can make any declarations of lobbying online at <https://fhdcformassembly.tfaforms.net/f/declarations-of-lobbying>. Hard copies will also be made available at the meeting.

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

To consider and approve, as a correct record, the minutes of the meeting held on 7 January 2025.

4. **24/0719/FH - Ash Wells, Pilgrims Way, Postling, Hythe, CT21 4EY (Pages 11 - 32)**

Proposed barn for the stabling of horses (to consist of six stables, two tack rooms, and one wash room), following demolition of existing stables.

5. **21/0077/FH - 21 Station Road, Lyminge, CT18 8HQ (Pages 33 - 74)**

Demolition of existing garages and erection of a new dwelling - re-submission of 20/0465/FH.

6. **24/1749/FH - Seapoint Canoe Centre, Princes Parade, Hythe (Pages 75 - 88)**

Retention of 8 existing temporary containers and access gate (retrospective).

7. **23/2061/FH - Land Opposite Kinross, Rectory Lane, Lyminge, CT18 8EG (Pages 89 - 118)**

Erection of 3no. detached dwellings with carports.

8. **24/2016/FH/PA - Land Adjoining 1 The Coppice, New Road, Saltwood (Pages 119 - 138)**

Determination as to whether the prior approval of the Local Planning Authority is required under Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use and conversion of a agricultural building and associated land (as identified) into one (Class C3) dwelling.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

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

Other Significant Interest (OSI)

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

Voluntary Announcement of Other Interests (VAOI)

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

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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Minutes

Planning and Licensing Committee

Held at: Council Chamber, Civic Centre, Folkestone

Date: Tuesday, 7 January 2025

Present: Councillors Mike Blakemore, Polly Blakemore, Tony Cooper, Gary Fuller, Clive Goddard, Mrs Jennifer Hollingsbee, Anita Jones, Nicola Keen (Vice-Chair), Jackie Meade (Chair), Rebecca Shoob, Paul Thomas and Belinda Walker

Officers Present: Robert Allan (Principal Planning Officer), Rob Bailey (Development and Enforcement Manager), Alex Baker (Committee Services Officer), Sue Head (Strategic Development Manager (Interim)), Ellen Joyce (Democratic Services & Elections Officer), Alex Stafford (Principal Planning Officer) and Danielle Wilkins (Planning Officer)

58. **Declarations of Interest**

Councillor Shoob made a declaration in respect of 23/1774/FH as a Member of Otterpool Park LLP.

Councillor Goddard declared that 24/0653/FH and 24/1098/FH are in his ward, Walland and Denge Marsh.

Councillor Walker made a declaration in respect of 24/1356/FH as she was part of a group who met with local councillors.

Councillor Hollingsbee later declared that 23/1774/FH is in her ward, North Downs West.

59. **Minutes**

The minutes of the meeting held on 10 December 2024 were approved as a correct record.

60. **Minutes of the Licensing Act Sub-Committee**

The minutes of the Sub-Committee meeting held on 12 December 2024 were approved as a correct record.

61. **21/0553/FH - Land opposite 24 Station Road, Hythe CT21 5PW**

The application sought outline planning permission for the erection of 40 no. dwellings with associated access, parking and open space (matters of landscaping reserved for future consideration).

The Planning Officer advised the Committee that one additional representation had been received from a local resident, raising the following issues:

- The principle of the development
- The impact on highway safety
- The impact on local services
- Flooding and wildlife impacts

The Planning Officer advised all of the above have been covered in the report.

Kelvyn Brown, local resident, spoke against the application.

Guy Hollaway, architect, spoke for the applicant.

Cllr Andrew Walters, Hythe Town Council, spoke on the application.

Proposed by Councillor Thomas
Seconded by Councillor Keen; and,

Resolved:

To defer consideration of the application to a future meeting in order for officers to:

1. **Provide further information clarifying how the overshadowing and overlooking of Hollybank has been assessed.**
2. **Provide further details of the viability assessment and how it was appraised**
3. **Provide further information relating to the how the proposed clawback mechanism for affordable housing in the S106 would work and what the potential clawback could be.**
4. **Request that the applicant considers removing or reducing the size of the flat block.**

(Voting: 12 For, 0 Against, 0 Abstentions)

62. **23/1774/FH - Airport Café, Ashford Road, Sellindge, Ashford TN25 6DA**

The application sought the erection of 4 commercial units for E(g) and B8 use following the demolition of the existing units together with the erection of a utility block.

Proposed by Councillor Goddard
Seconded by Councillor Cooper; 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: 11 For, 0 Against, 1 Abstention)

63. **24/1356/FH - 33 Lancaster Drive, Hawkinge, Folkestone CT18 7SW**

This was a retrospective application to Incorporate the landscape buffer zone into a residential garden.

Proposed by Councillor Hollingsbee
Seconded by Councillor Thomas; 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: 10 For, 0 Against, 2 Abstentions)

64. **24/1098/FH - 1 The Parade, Greatstone, New Romney TN28 8NP**

This was an application for an extension to front, side, rear and roof of existing detached dwelling house.

The Planning Officer advised of two minor corrections to the report:

- In respect of paragraph 3.1, the resultant increase in height would be from 5.7 meters to 9 meters instead of the 9.3 as written in the report
- In respect of paragraph 7.3, the flats referred to as being directly opposite are roughly 100 meters to the north-west of the site.

Barry Cook, the applicant, spoke on the application.

The original recommendation put forward by officers was as follows:

That planning permission be refused for the reason(s) set out at the end of the report.

Proposed by Councillor Thomas
Seconded by Councillor Cooper; and,

(Voting: 4 For, 8 Against, 0 Abstentions)

The proposal was therefore lost.

Proposed by Councillor Keen
Seconded by Councillor Goddard; and,

Resolved:

That planning permission be granted and authority be delegated to officers to impose appropriate conditions.

(Voting: 8 For, 4 Against, 0 Abstentions)

65. **24/1607/FH - 31 Beachborough Road, Folkestone CT19 4AA**

The application sought subdivision of the existing property together with the erection of a two-storey side and rear extension and creation of rear parking area, following demolition of the existing outbuilding, to form a total of six self-contained flats.

**Elio Espana, local resident, spoke against the application.
Steve Davies, the agent, spoke on the application.**

Proposed by Councillor Goddard
Seconded by Councillor 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: 6 For, 4 Against, 2 Abstentions)

66. **24/0653/FH - The Log Cabin, Dungeness Road, Dungeness TN29 9ND**

The application sought permission for a replacement dwelling with retention and restoration of existing railway carriages.

The Development Management & Enforcement Manager advised the Committee that officers have recently reviewed the application and concluded that the application's publicity was not sufficient, and that further publicity should take place including posting the site notice.

The Planning Officer provided two further updates to the Committee:

- Comments were received from Natural England, raising no objections to the proposal
- One further neighbour representation was received in support of the application.

Dominic Gregory, local resident, spoke against the application.

Guy Hollaway, architect, spoke on the application.

The amended recommendation put forward by officers was as follows:

That authority to grant planning permission be delegated to officers, subject to no new material planning considerations being raised in any representations received in response to the new site notice.

Proposed by Councillor Hollingsbee
Seconded by Councillor Jones; and,

(Voting: 5 For, 6 Against, 1 Abstention)

As the initial votes for and against were tied, the Chair had to use their casting vote and voted against the application. The motion was therefore lost.

Proposed by Councillor Thomas
Seconded by Councillor Keen; and,

Resolved:

To defer the application until sufficient publicity is given to the application.

(Voting: 6 For, 5 Against, 1 Abstention)

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Application Number	24/0719/FH
Location	Ash Wells, Pilgrims Way, Postling, Hythe, Kent, CT21 4EY.
Application Description	Proposed barn for the stabling of horses (to consist of six stables, two tack rooms, and one wash room), following demolition of existing stables.
Applicant	Mrs T. Roman
Agent	M P Foad Ltd.
Officer Contact:	Ross McCardle

Recommendation

That planning permission be refused for the reason(s) set out below.

1. Reason for consideration by the Committee

- 1.1. The application is reported to Committee because this is a significant development within the Kent Downs National Landscape but has implications for animal welfare that require a balanced consideration by Members.

2. Site and Surroundings

- 2.1 Ash Wells is a detached house situated in the countryside to the north of Postling, and within the Kent Downs National Landscape and a Special Landscape Area. It sits in an isolated position at the foot of the Downs, set above road level and behind entry gates and mature boundary planting. The property includes the dwelling, outbuildings, and an L-shaped stable block, with grazing paddocks to the side (west) and rear (north). The buildings on the site are obscured in views from the road and the North Downs Way (which runs along the escarpment to the east and north) by tall mature tree planting along the side boundaries and changes in land levels.
- 2.2 The application relates to the existing stable block, which is positioned in the south-eastern corner of the site adjacent to the site boundaries. It is constructed of timber with a corrugated composite roof and has a concrete yard to the front enclosed by post and rail fencing. The stable block is set down from the footpath to the east by approximately 2m. The applicant has recently excavated an area of land to the north of the stables/yard which would provide access to the proposed new stables (as below).

- 2.3 The total area of the applicant's land ownership extends to approximately 13.8 acres, with grazing paddocks to the north and west of the house and stables.
- 2.4 Postling Down, immediately to the east of the site, is designated as a Local Wildlife Site and Public Right of Way HE215 runs adjacent to the eastern site boundary then follows the top of the escarpment east/west.



Figure 1: Aerial view of site (stables and hardstanding circled)

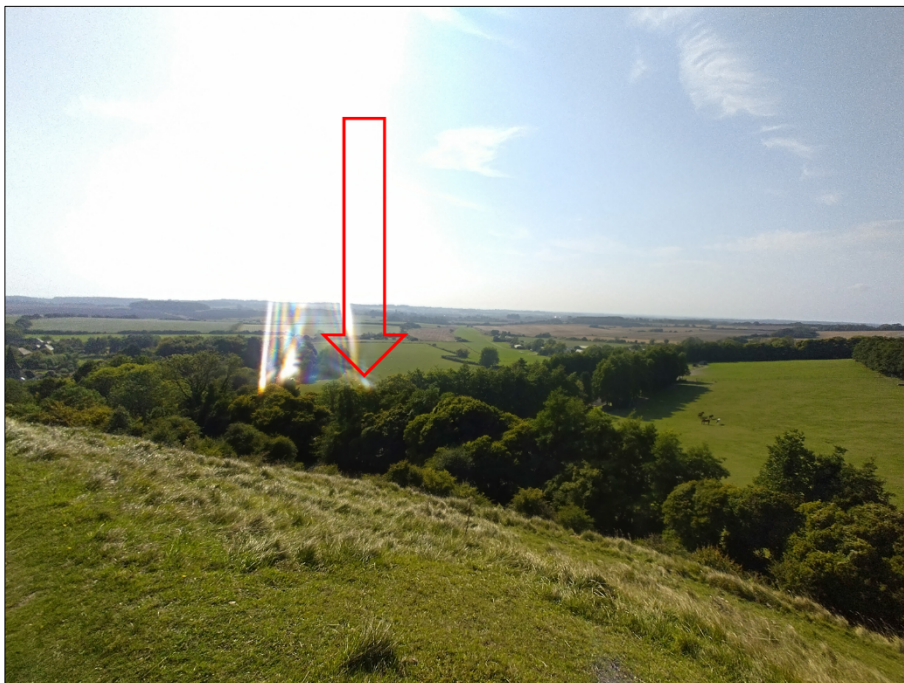


Figure 2: View from North Downs way (position of site indicated)



Figure 3: View from North Downs Way (position of site indicated)



Figure 4: Existing stables viewed from public footpath to east



Figure 5: Existing stables



Figure 6: Existing stables and groundworks

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

3. Proposal

- 3.1. Full planning permission is sought for demolition of the existing stable building and for the erection of a replacement barn for the stabling of the applicant's horses.
- 3.2. The proposed barn would measure 11m x 7.8m x 4.5m tall to the ridge and be constructed using timber cladding and profiled cement roofing. It would be set between 2.5m and 3m down from immediately adjacent land levels and would contain 6 stables, 2 tack rooms, and 1 washroom, with the northern end of the barn open to provide a covered area leading directly to/from the recently excavated field access to the north of the building.



Figure 7: Site location plan



Figure 8: proposed layout

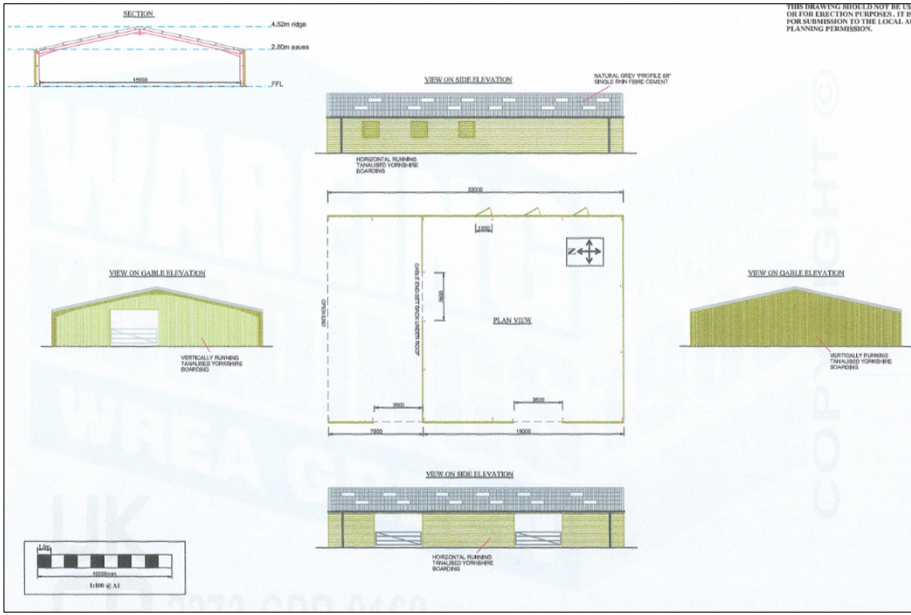


Figure 9: proposed elevations and internal plan

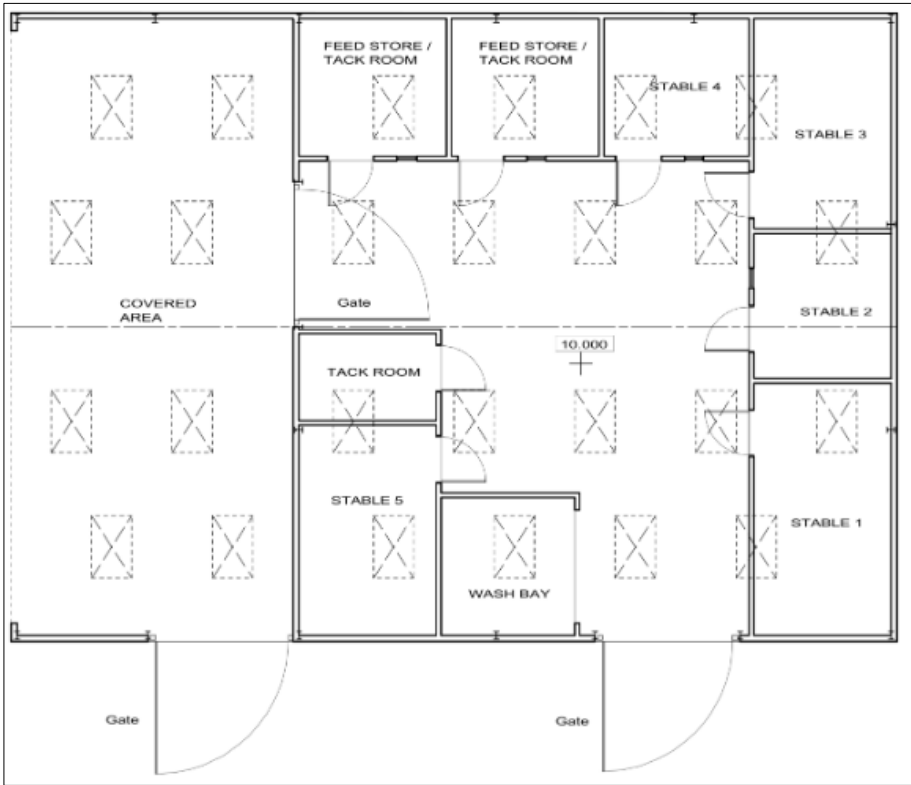


Figure 10: Proposed internal layout

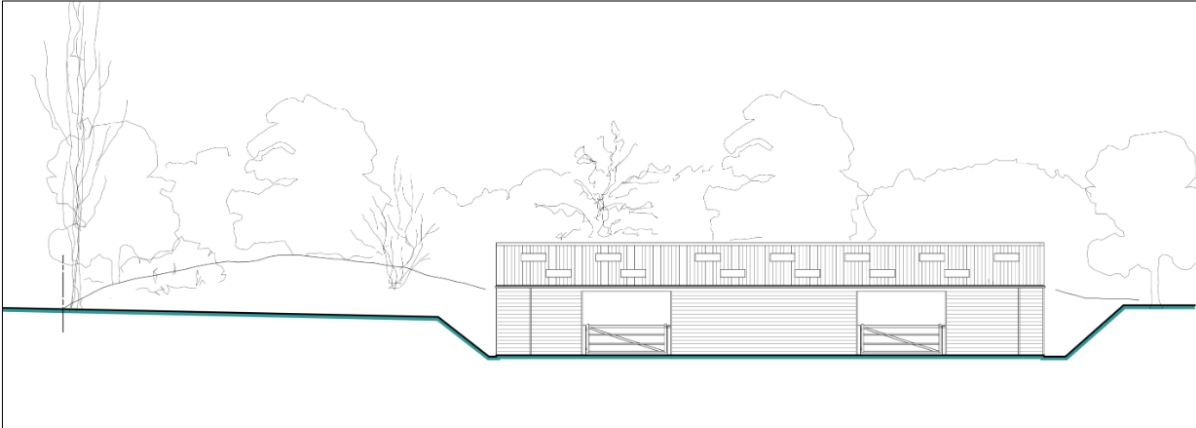


Figure 11: Proposed west elevation and site levels

3.3. The applicant has set out that the stables are required to house her own personal horses and there would be no commercial livery. In addition to her own riding horses the applicant has rescued a number of blind and disabled horses that require specialist care and the space within the barn would allow her to care for them accordingly during the winter months – the covered area being particularly required for the disabled horses to have sheltered circulation space. The applicant has also explained that the land grading works are necessary to provide a more gentle access gradient to the grazing paddocks and to prevent water from running downhill into the stable/yard area.

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

Preliminary Ecological Appraisal (PEA)

3.5. This document concludes:

- That the site is close to habitats that should be protected from impacts during construction;
- That the existing building on-site is of negligible roosting suitability for bats;
- Any new lighting should minimise impacts to commuting and foraging bats;
- That a mature beech tree may need to be removed from the site, but that it does not have any roosting bat suitability;
- That bat boxes should be installed on the new building as an enhancement;
- Nesting birds could be affected by proposals;
- Reptiles and GCN could be affected by vegetation clearance, but that precautionary working methods should mitigate for potential impacts; and
- Precautionary working methods should include mitigation for potential impacts to protected species e.g., hedgehogs and badgers.

Arboricultural Impact Assessment

3.6. The assessment concludes that (contrary to the findings of the PEA) no tree removal is required to enable construction of the proposed stables, but crown pruning of one tree and one group of trees will be required to provide proper clearance. Such pruning is not considered to be excessive and would not harm the health of the trees. The AIA also recommends that pre-commencement tree protection measures be installed and retained for the duration of construction.

4. Relevant Planning History

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

Y01/0120/SH	Erection of a pair of semi-detached bungalows for use as holiday accommodation.	Refused
Y01/0121/SH	Erection of a detached stable.	Approved
Y03/1014/SH	Erection of a detached stable block.	Approved
Y03/1060/SH	Variation of Condition 3 of planning permission 95/0304/SH to allow use of part of garage as office space.	Approved
Y04/0896/SH	Variation of condition 2 of planning permission Y03/1014/SH to permit two horses at livery.	Approved
Y14/0512/SH	Change of use of land to equestrian use and the construction of a riding menage and associated fencing.	Approved

5. Consultation

5.1 The consultation responses are summarised below.

Consultees

Postling Parish Council: object on the grounds of scale and visual impact within the Kent Downs National Landscape. Also comment that the stables should be for private use only.

KCC Archaeology: no objection.

KCC Highways and Transportation: does not meet protocol response threshold.

KCC Ecology: no objections subject to conditions.

Kent Downs National Landscape Team: does not meet protocol response threshold.

Environmental Protection Officer: no objection.

Public/Neighbour Consultation

5.2 2 neighbours directly consulted and a site notice posted. 1 letter of support and 1 letter neither supporting nor objecting to the application have been received in response.

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

- Potential for ecological enhancements.
- Control of external lighting.
- Existing stable block in poor condition.
- No unacceptable visual impact.

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

[Planning Register](#)

6. Planning Policy

6.1 The Development Plan comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020).

6.2 The relevant development plan policies are as follows:

Places and Policies Local Plan 2020

HB1	-	Quality places through design
HB8	-	Alterations and extensions to buildings
NE1	-	Enhancing and managing access to the natural environment
NE2	-	Biodiversity
NE3	-	Protecting the District's landscapes and countryside
NE4	-	Equestrian development
NE5	-	Light pollution and external illumination
CC1	-	Reducing carbon emissions
CC2	-	Sustainable design and construction

Policy NE4 is particularly relevant and states, in extract:

Planning applications for equestrian-related development, including the change of use of land, will be permitted where:

- 1. There would be no detrimental impact on the character or appearance of the rural landscape, especially within the Kent Downs Area of Outstanding Natural Beauty, the Special Landscape Areas and Local Landscape Areas;*
- 2. Existing buildings are reused wherever possible. Where new buildings are necessary, these should be well-related visually and locationally to existing buildings, appropriate to the number of horses to be kept and the amount of land available. The scale and design of the development is appropriate to the character of the locality;*
- 3. Sufficient land is available for grazing and exercise to ensure the safety of horses and avoid excessive erosion of soil and vegetation in accordance with the British Horse Society Standards;*
- 4. Sufficient land is available for grazing and exercise to ensure the safety of horses and avoid excessive erosion of soil and vegetation in accordance with the British Horse Society Standards;*
- 5. Development does not unacceptably affect local amenity by virtue of smell, noise, lighting or road safety;*

Core Strategy Review (2022)

SS1	-	District spatial strategy
CSD3	-	Rural and tourism development

Policy CSD3 states (in extract):

Proposals for new development in locations outside the settlements identified in the settlement hierarchy may be allowed if a rural or coastal location is essential, or to protect or enhance green infrastructure assets in line with Policy CSD4. Development in these locations will be acceptable in principle if for:

c. Agriculture, forestry or equine development;

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

Supplementary Planning Guidance/Documents

Kent Downs AONB Management Plan
Page 37 notes the character of the area:

The Chalk Scarp and Vales

The long arc of the North Downs chalk ridge is the most dominant element of the AONB, consisting of the steep, south-facing scarp slope rising above the Gault clay vale below. Spectacular views are offered along the chalk escarpment across the Vale of Holmesdale; the scarp along with the dramatic views it affords was a key target for the original designation of the Kent Downs AONB.

Para. 4.5 recommends “*the highest standards of landscape conservation, restoration and enhancement.*”

Chapter 5 seeks to encourage ecological and biodiversity enhancements.

Chapter 7 aims to ensure native-species tree cover is retained, replaced, and enhanced.

Government Advice

National Planning Policy Framework (NPPF) 2024

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

Para. 11 - Presumption in favour of sustainable development.

Para. 48 - Applications for planning permission be determined in accordance with the development plan.

Para. 131 – the creation of high quality, beautiful and sustainable buildings and places is fundamental.

Para. 187 – planning decisions should protect and enhance valued landscapes, recognise the intrinsic character and beauty of the countryside, and enhance biodiversity and ecology.

Para. 189 – the Kent Downs National Landscape has the “highest status of protection” in relation to landscape and scenic beauty.

The Countryside and Rights of Way Act 2000 (as amended)

The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on planning authorities to ‘*seek to further the purpose of conserving and enhancing the natural beauty of the area*’ when considering developments within Areas of Outstanding Natural Beauty (now known as National Landscapes). The new duty replaces the previous requirement for relevant authorities to ‘*have regard*’ to the purpose of AONBs, and is intended as a more proactive and strengthened requirement.

Recent (December 2024) DEFRA guidance clarifies this new duty, setting out that it is intended to ensure that the purposes for which National Landscapes are designated are recognised in reaching decisions and undertaking activities that impact these areas. In terms of specific actions DEFRA advise that planning authorities “*should take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes*” and “*should seek to avoid harm and contribute to the conservation and enhancement of the natural beauty, special qualities, and key characteristics of Protected Landscapes.*” With specific regard to planning applications it is advised that planning authorities “*should seek to further the purposes of the Protected Landscape - in so doing, the relevant authority should consider whether such measures can be embedded in the design of plans and proposals, where reasonably practical and operationally feasible.*”

7. Appraisal

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

- a) Whether the principle of development is acceptable?
- b) Whether the proposals result in harm to visual amenity and the landscape and scenic beauty of the Kent Downs National Landscape?
- c) Would the proposals would harm neighbour amenity?
- d) Would the proposals protect ecology and biodiversity?
- e) Would the development harm highway safety and amenity?
- f) Are there impacts upon land stability?

a) Whether the principle of development is acceptable?

- 7.2 The application site is outside of any defined settlement boundary and within the countryside, where local and national planning policies generally aim to restrict new development unless for certain purposes. The site is also within the Kent Downs National Landscape which is afforded the highest status of protection in terms of landscape and visual impacts by the NPPF, with para. 189 stating that *“the scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”* The stating point, therefore is that development is generally discouraged in this location.
- 7.3 However, policies NE4 and CSD3 (as set out above) explicitly support equestrian development within the countryside – CSD3 does so without exception while NE4 requires consideration of certain amenity impacts, as set out below. It is also generally accepted that equestrian uses require rural locations.
- 7.4 The applicant has set out that she has several horses, including some disabled horses in need of specialist care (which were noted during officer’s site visit), and that the size and condition of the current stables is not sufficient to meet the needs thereof. The applicant has explained that some of the horses are for her and her family to ride and the others are rescue horses that she has taken in to avoid them being put down. Officers therefore consider there to be a justifiable need for a replacement building. It is also noted that the applicant owns an extensive area of grazing paddock to adequately provide outdoor space for the horses.
- 7.5 Therefore, with regard to the above, the principle of a replacement stable building is considered acceptable subject to detailed consideration of its scale, design, and landscape/visual impact.

b) Would the proposals result in harm to visual amenity and the landscape and scenic beauty of the Kent Downs National Landscape?

- 7.6 The proposed barn would be significantly larger than the existing building, measuring approximately 11m x 7.8m x 4.5m tall and occupying the full extent of the existing concrete yard area; officers consider that it would have the scale and form of a small industrial warehouse rather than a traditional stable block. The use of timber cladding is a traditional detail that would help it settle into the context of the area somewhat, but the scale of the building is considered to be beyond that which would normally be acceptable for a private stables. The footprint of the building is such that it necessitates a very slack pitch to avoid a very high ridge line (which would further harm visual amenity), and the use of profile concrete sheet roofing would exacerbate the poor appearance and generally industrial scale and form of the structure. It

- is therefore considered that the building would represent an overly large and utilitarian form of development within the context of the KDNL, where there is a statutory duty to secure traditional built form of an appropriate scale and design that would sit comfortably within the landscape context.
- 7.7 It is noted that surrounding land levels and planting would provide some degree of shielding for the structure. Land levels slope upwards from the outer edge of the existing building so that it is set down by between 2.5m and 3m from the immediately adjacent land levels; figures 4 and 6 show this in relation to the existing structure, where the roof projects above ground level and is visible from the adjacent public footpath.
- 7.8 Figure 11 shows that the proposed building would project further above existing levels, increasing the prominence and visual impact of the building in a manner harmful to the character and amenity value of the countryside. This would conflict with the Council's new statutory duty to protect the KDNL and further the aims of its designation; the development would detract from the objectives of the designation without bringing any mitigating benefits to landscape character or appearance.
- 7.9 Land levels also slope upwards to the north, with the North Downs Way along the edge of the escarpment being set approximately 30-40m above the level of the site with consequently far-ranging views. During the site visit it was noted that existing boundary planting screens views of the site quite effectively, however this cover would decrease substantially during the winter months during which the building would be significantly more prominent and intrusive in public views from the North Downs Way. The building would therefore, as above, be an overly large structure with an industrial appearance that would sit at-odds with the very rural character of the area and be a very large and incongruous form of development within the KDNL.
- 7.10 While the site is also raised substantially above the level of the Pilgrims Way to the front, the additional height and massing of the proposed building would be visible and would, as above, be an intrusive negative feature particularly during the winter months.



Figure 8: View from Pilgrims Way April 2023

- 7.11 Therefore, while the need for the building is accepted it is considered to be of an unacceptably large scale and design that would harm the character and appearance of the countryside and conflict with the objectives of the KDNL and the requirements of adopted policies NE3 and NE4. Furthermore it is considered that the development would fail to conserve or enhance the landscape and scenic beauty of the National Landscape, as required by the new statutory duty set out within the Levelling-up and Regeneration Act 2023 (as amended).

c) Would the proposals harm neighbouring residential amenity?

- 7.12 The application site is remote (min. 99m) from any neighbouring dwellings and therefore there would be very little potential for the proposed development to give rise to any issues of overlooking, overshadowing, noise and disturbance, or smell.

d) Would the proposals protect ecology and biodiversity?

- 7.13 KCC Ecology are satisfied that, subject to the conditions set out below, the development can be carried out without causing harm to local ecology and protected species (as demonstrated by the submitted ecological appraisal, which includes consideration of Great Crested Newts).
- 7.14 The submitted arboricultural report has been reviewed and its conclusions (i.e. that the development would not unacceptably impact existing adjacent trees subject to tree protection measures during construction) are considered to be accurate and reasonable. Accordingly, a condition is set out below to ensure that the recommended protection measures are implemented prior to

commencement and retained throughout construction. Subject to this condition there are no concerns in regards impact upon existing trees.

7.15 The applicant owns and controls sufficient land surrounding the proposed barn to ensure that the national minimum 10% biodiversity net gain condition can be met on-site. For example new trees can be planted around the site and hedgerow improved along the site boundaries. Officers are therefore confident that the national standard condition can be met and no objections are raised in this respect.

7.16 Having regard to the above, it is considered that ecology and biodiversity would be appropriately protected and enhanced.

e) Would the development harm highway safety and amenity?

7.17 The application does not include proposals for commercial livery use, and the applicant has set out that the horses to be kept in the barn are her own. The condition below also prevents commercial livery use. It is therefore unlikely that the proposed barn would generate additional vehicle movements significantly greater than those associated with the current site, and it is noted that KCC Highways consider the scheme to fall below their threshold response requirements.

7.18 There is space within the wider property for parking and turning of several vehicles, and during officer's site visit they noted an LGV delivery vehicle turning within the site (in addition to vehicle parking) and good visibility at the site access point.

7.19 The proposed works would not bring built form any closer to the adjacent public right of way or necessitate obstruction during either construction or operation. Use of the footpath would therefore remain unaffected by the development and no objections are raised in that regard.

7.20 It is therefore considered that the development would not unacceptably affect highway safety or amenity.

f) Are there impacts upon land stability?

7.21 The application site lies wholly within an area of low land instability, but close to the boundary with an area of higher risk. However, it is noted that the proposed barn would largely sit on the existing concrete hardstanding, with only a small extended footprint on the northern side to accommodate the covered area; the footprint of this extended area has already been cleared and therefore no further groundworks are required. It is therefore considered that there would be little potential for any additional ground disturbance that would give rise to any movement or slippage, thus no objections are raised in this regard.

Environmental Impact Assessment

- 7.22 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and the threshold is not relevant as the application site is within a sensitive area (Kent Downs National Landscape). A screening opinion has been carried out by the Council and has concluded that the development is not EIA development and as such an Environmental Statement was not required. Please see formal screening opinion on the planning file for further detail).

Local Finance Considerations

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

Human Rights

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

Public Sector Equality Duty

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

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

Working with the applicant

- 7.27 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. In this instance additional details were requested and received.

8. CONCLUSION

- 8.1. This application seeks planning permission for demolition of an existing stable block and the erection of a replacement stable building with associated land grading works. While the applicant's need for the building is acknowledged it is considered that it would be an unacceptably large and poorly designed structure, the need for which is significantly outweighed by the harm it would cause to the character, appearance, and landscape and scenic beauty of the Kent Downs National Landscape, Special Landscape Area, and the character and appearance of the wider countryside.
- 8.2. It is therefore considered the development would be harmful to policies HB1, NE3, and NE4 of the Places and Policies Local Plan; policy SS1 of the Core Strategy Review 2022; and the advice of the National Planning Policy Framework, and therefore recommended that planning permission should be refused.

9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View Applications online pages under planning application reference 24/0719/FH.

10. RECOMMENDATIONS

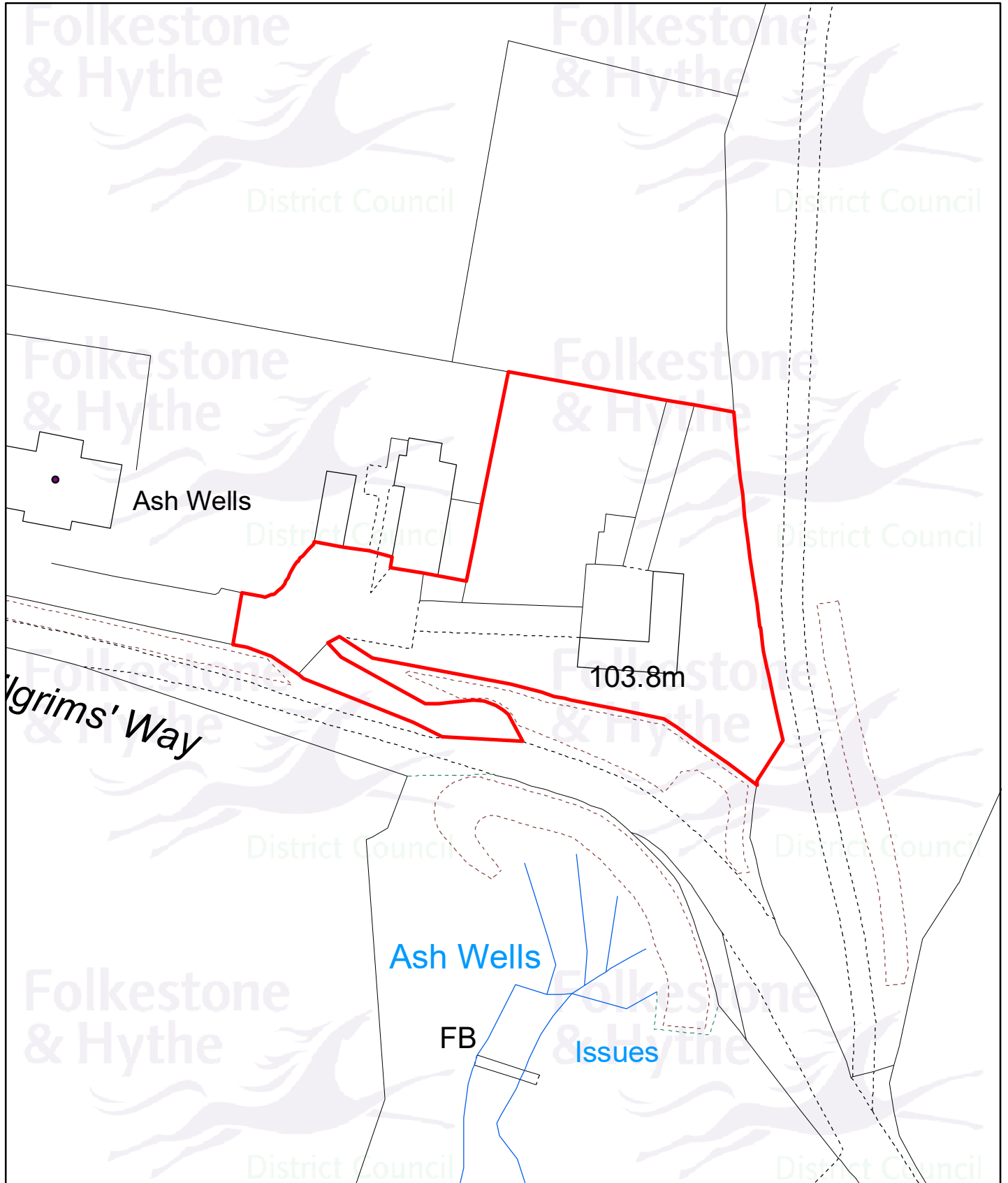
That planning permission be refused for the following reason(s):

Reasons:

1. The proposed building would represent an unacceptably large and commercial form of development that would fail to conserve or enhance the landscape and scenic beauty of the Kent Downs National Landscape, Special Landscape Area, and the character and appearance of the wider countryside in a manner contrary policies HB1,

NE3, and NE4 of the Places and Policies Local Plan; policy SS1 of the Core Strategy Review 2022; and the advice of the National Planning Policy Framework.

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Planning Application:
24/0719/FH
Drawn date:
29 Jan 2025
Drawn by:
Carrie Stacey
Drawing ref:
1439/COP/EC


Llywelyn Lloyd
Chief Planning Officer

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Application Number	21/0077/FH
Location	21 Station Road, Lyminge, CT18 8HQ
Application Description	Demolition of existing garages and erection of a new dwelling (re-submission of 20/0465/FH).
Applicant	J Thind
Agent	Iain Warner
Officer Contact:	Helena Payne

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. Reason for consideration by the Committee

1.1. The application was deferred at the meeting of the Planning Committee in December 2024 to allow for consultation with emergency services to be carried out and amendments to be sought in response to issues raised regarding visibility in and out of the site. This report is an addendum to the original report. A site location plan is appended to this report as Appendix 1 and the original committee report is appended to this report as Appendix 2.

2. Clarifying Information

2.1 The proposal has not changed from that which was presented to the Planning and Licensing Committee in December, however additional assessment and clarification regarding safety and access for emergency vehicles and demonstration of visibility either side of the site access has been provided and is set out within this report to address concerns around visibility in and out of the site.

3. Additional Consultation

Consultees

KCC Highways and Transportation: The proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

Kent Fire & Rescue: No objection. The application would be within 45m hose laying distance. Note narrow nature of the road. Access arrangements would be subject to consideration at Building Control stage.

Building Control: A Fire pumping appliance would need to be able to get to within 45m of any part of the building. This would be addressed at building regulations stage of the development.

4. Appraisal

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

- a) Whether there would be appropriate visibility in and out of the application site?
- b) Whether access for emergency vehicles would be impacted by the development?
- c) Other Highway Matters

a) Whether there would be appropriate visibility in and out of the application site?

4.2 Additional information in the form of the annotated proposed block plan below demonstrates that there would be appropriate visibility and parking associated with the new dwelling on site.

4.3 The proposed driveway would allow for 18m visibility spays either side of the access/driveway (as is shown on the Proposed Site Layout Visibility Plan above). Further, the west boundary fence is now proposed to be set back by approximately 3m from the edge of the road to ensure visibility is not obstructed. This can be conditioned.

4.4 The parking spaces have been altered in size since consideration at the December planning committee but continue accord with policy, measuring 5m x 3m and are acceptable. A condition will be imposed on any forthcoming planning approval to ensure appropriate visibility in line with the additional details provided.

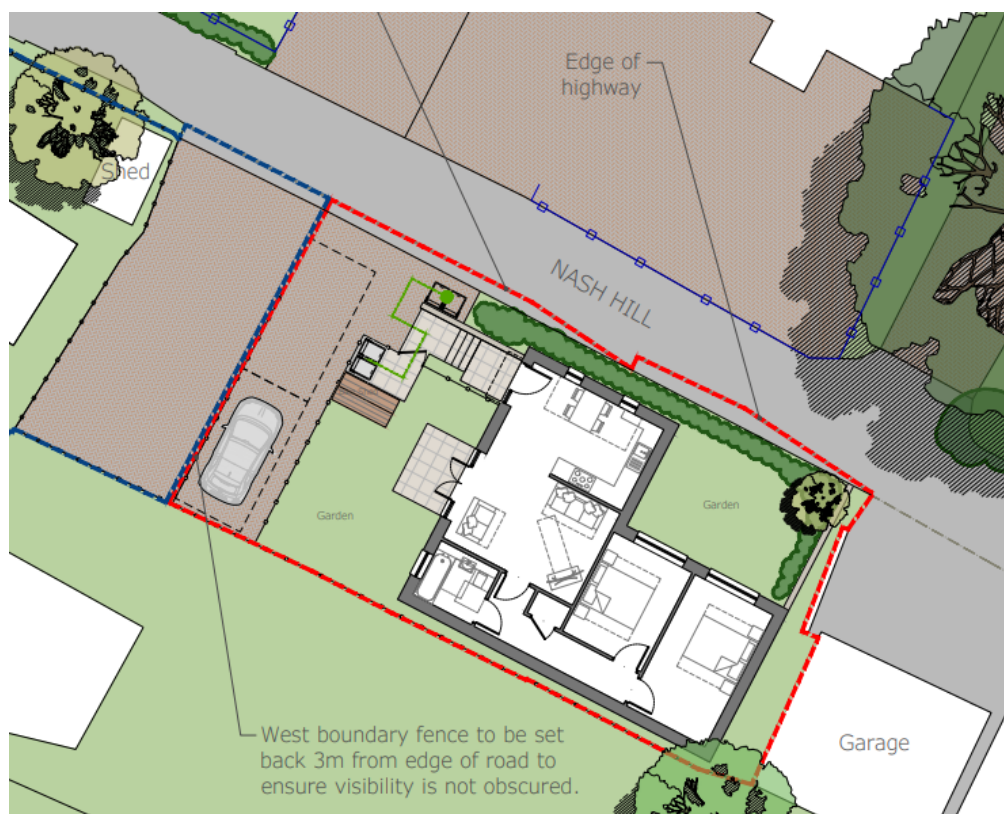


Figure 1: Proposed Site Plan

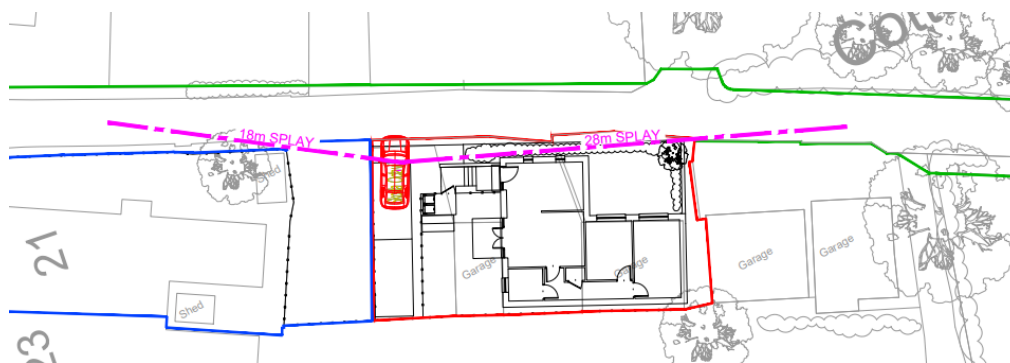


Figure 2: Proposed Site Layout Visibility

b) Whether access for emergency vehicles would be impacted by the development?

4.5 Members raised concern regarding the narrow nature of Nash Hill, requesting assurance that in developing the site as proposed, it would not obstruct access along the lane, specifically for emergency vehicles. The applicant has confirmed, further annotated by Figure 1 above, that the proposed development would be contained solely within the application site, and would not result in a reduction in the width of the existing carriage way.

- 4.6 Kent Fire & Rescue has noted the narrowness of the lane, but accepts that this is an existing situation, which would not be worsened by the proposed development. Access arrangement for emergency vehicles would be subject to building control and is not a material consideration in determining the acceptability of the proposal in planning terms.
- 4.7 Whilst it is accepted that the existing parking area to the front of the garages, currently occupying the application site may be used from time to time as an informal passing bay to allow on-coming vehicles to pass, it remains privately owned land, is not part of the highway and cannot not be relied upon in this regard. As a private site, the owner could choose to enclose the site without the need for the express grant of planning permission, which would prevent such a use from taking place in much the same way as the proposed dwelling, subject of consideration here.
- 4.8 The proposed development of the application site would not result in an encroachment onto or narrowing of Nash Hill and would therefore not result in harm to highway safety in this regard. There would be no change to the existing circumstances of this lane, which would allow access for vehicles, as is the case currently. One additional residential unit would not increase the requirements for emergency vehicles to access the road, where there are other properties already in situ and in close proximity to the site.

c) Other Highway Matters

- 4.9 Members previously queried how construction vehicles and deliveries would be undertaken given the narrowness of the road. Construction impacts would be temporary; however a condition can be imposed to request the submission of a Construction Management Plan, which will set out how the construction phase of the development can be managed.
- 4.10 All other highway matters are set out within the original report found under Appendix 2 below.

5. CONCLUSION

- 5.1. The proposal would permit the erection of one single storey dwelling on site. As set out in the previous report to Members, it is considered that the proposal is of an appropriate design that would contribute positively to the character and appearance of the street scene (being an improvement of the existing garages). The single storey nature of the proposal has reduced its visual impact when compared to previous schemes for development of the site and has removed amenity protection concerns, where the development would no longer unacceptably impact immediate neighbours of the site by way of loss of privacy, overbearing or loss of outlook. The additional clarification regarding access, visibility and implication on Nash Hill has further demonstrated that there would not be an unacceptable impact on parking,

visibility and highway safety subject to the conditional requirements set out within the report.

- 5.2. Given the above, it is recommended that Members resolve that planning permission be granted subject to the conditions set out within the original report found under Appendix 2 below.

6. RECOMMENDATIONS

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

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

<u>Plan/Drawing Title</u>	<u>Drawing Number</u>	<u>Received</u>
Site Location Plan	SL_01 P4	17.01.25
Proposed Site Plan	PL_05 P6	17.01.25
Proposed Ground & Roof Plan	PL_06 P5	17.01.25
Proposed Front & Rear Elevations	PL_07 P6	17.01.25
Proposed Side Elevations & Sections	PL_08 P5	17.01.25
Proposed Nolli Map	PL_09 P4	17.01.25
Proposed Site Layout Visibility	25-005/001	17/01/25

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3. Notwithstanding the submitted details, no construction above foundation level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, inclusive of (windows, doors, bricks, tiles, cladding, rainwater goods and their routing/position), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A or B of Part 1 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 the visual amenity of the area.

5. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

6. The parking area shown on the submitted plan shall be provided and made available prior to the first occupation of the dwelling hereby approved, shall be kept available for such use 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 the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: In the interests of highway safety and convenience.

7. Prior to first use of the parking spaces, details of visibility splays shall first be submitted to, for the written approval of, the Local Planning Authority and thereafter implemented as approved and maintained clear of any structure, tree, plant or other obstruction which exceed 0.6 metres above carriageway level within the approved sight lines.

Reason: In the interests of highway safety.

8. Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging point shall be provided, in accordance with specifications and in a location that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

9. From commencement of works (including site clearance), to avoid impacts to protected and priority species, the following precautionary mitigation should be implemented:

- a) Any vegetation and trees to be retained, including their roots, will be protected from damage;

- b) All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets.

- c) Any work to vegetation/structures that may provide suitable bird nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If within the breeding bird season a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works.

- d) Prior to clearance, the removal of the weatherboarding on building two will be conducted by hand prior to the demolition of the building, to ensure no harm is caused to any temporary bat roosts.

- e) Prior to clearance, the removal of the compost heap will be conducted by hand to ensure no harm is caused to any reptiles or amphibians that may be present.

- f) If at any time a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted. Works will not resume until any required surveys and/or mitigation are completed

Reason: In the interests of biodiversity and ecology

10. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

11. 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. loading and unloading of plant and materials.
- iii. storage of plant and materials used in constructing the development.
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- v. wheel washing facilities.
- vi. measures to control the emission of dust and dirt during construction.
- vii. 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.

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

Monday to Friday 0800 – 1800 hours
Saturdays 0800 – 1300 hours

Unless in association with an emergency or with the prior written approval of the Local Planning Authority.

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 13.(A) 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.

(B) 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).

(C) If investigation and risk assessment shows that remediation is necessary, no development shall take place until 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 has been submitted to and approved in writing by the Local Planning Authority. 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.

(D) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been 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.

(E) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. 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.

14. No development beyond the construction of foundations shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies.

15. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

16. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

17. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

18. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.

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

Informatives:

1. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit: southernwater.co.uk/developing

Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be

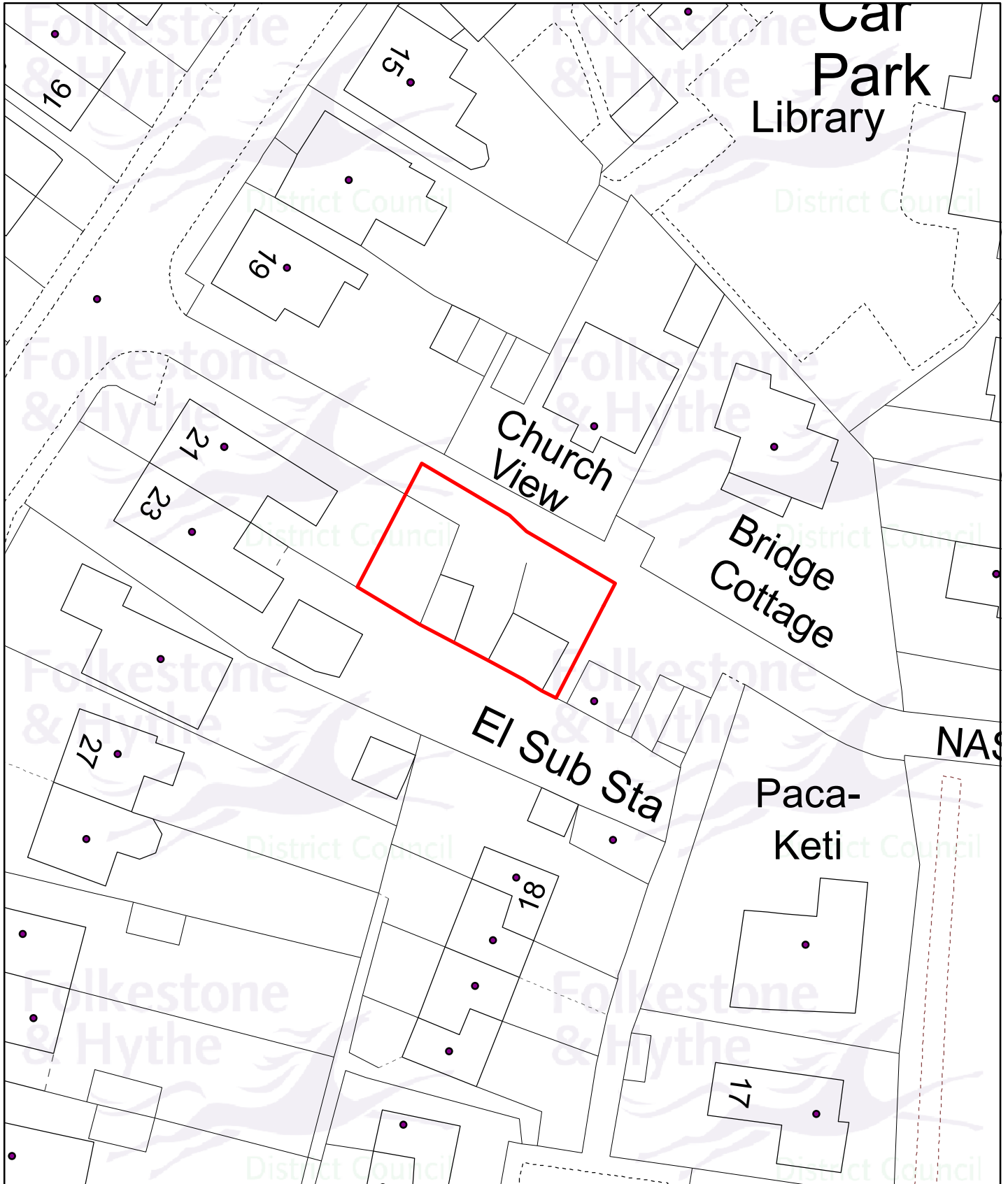
in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](https://www.southernwater.co.uk) by email at: SouthernWaterPlanning@southernwater.co.uk

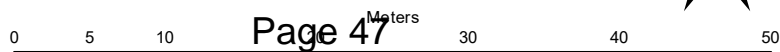
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Planning Application:
21/0077/FH
Drawn date:
29 Jan 2025
Drawn by:
Carrie Stacey
Drawing ref:
1640/COP/EC


Llywelyn Lloyd
Chief Planning Officer

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Application Number	21/0077/FH
Location	21 Station Road, Lyminge, CT18 8HQ
Application Description	Demolition of existing garages and erection of a new dwelling (re-submission of 20/0465/FH).
Applicant	J Thind
Agent	Iain Warner
Officer Contact:	Helena Payne

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. Reason for consideration by the Committee

- 1.1. The application is reported to Planning & Licensing Committee due to the objections raised by the Parish Council.

2. Site and Surroundings

- 2.1 The application site is located within the defined settlement boundary of Lyminge, within the Kent Downs National Landscape (formerly known as the AONB), North Downs Special Landscape Area (SLA) and an area with archaeological potential.
- 2.2 The site is located to the rear of 21 Station Road and is currently occupied by a detached brick-built double garage, with a pitched, gabled roof of concrete tiles and a timber-clad single garage also with a pitched, gabled roof. The site slopes down from southeast to northwest resulting in land level changes across the site, with the larger garage set at a higher level than the single garage.
- 2.3 Station Road is predominantly characterised by two-storey, semi-detached properties with pitched roofs and gables to the sides. Most properties, including 21 Station Road itself, are of Victorian/Edwardian era style (although there are some exceptions). 21 and 23 Station Road (backing onto the application site) are three storey properties (with rooms in the roof slope served by dormer windows). 21 itself provides a commercial/pharmacy use at ground floor and residential above, which utilises the garden area to the rear.

- 2.4 The site is accessed via Nash Hill, a private, narrow, rural lane, with hedges, shrubs and trees. Nash Hill rises up significantly to the southeast, with substantial two storey properties set back behind vehicular parking and drives on its northern side and with hedging on the front boundaries. To its southeast is a range of garages set back to allow parking in front. These detached buildings, on either side of the street, are set at different heights following the slope of the hill. This gives a spacious, low-density character and reflects the topography.
- 2.5 Immediately opposite the application site is Church View, a detached two storey property with a third floor located within the roof space and served by dormer windows. To the east of this, further up the hill, is Bridge Cottage, a detached two storey dwelling.
- 2.6 A site location plan is attached to this report as **Appendix 1**.

3. Proposal

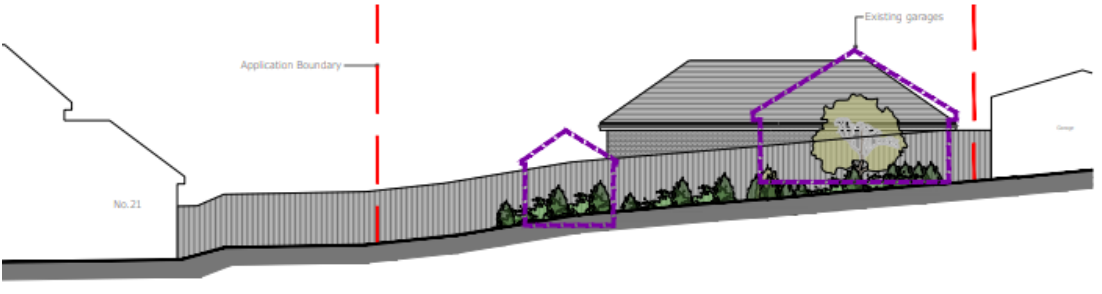
- 3.1. Full planning permission is sought for the demolition of the two existing garages on site and the erection of a single storey dwelling. The application is a resubmission of previously refused application 20/0465/FH and has also been amended during the course of the application to address Officer's concerns.
- 3.2. The proposal would provide a single storey, 2 bedroomed (4 person) bungalow. It would be constructed from red brick and clay tiles and would be accessed via Nash Hill. The property would provide a kitchen, living room, bathroom and 2-bedrooms with storage. The front of the property would provide off road parking in tandem for 2 family cars.
- 3.3. The proposed dwelling would be 'L' shaped, with a pitched roof with a maximum height of approximately 5.2 metres from the lowest ground point to the tallest roof ridge and 4.2 metres from the highest ground to the tallest roof ridge. All internal rooms meet the minimum space standards as set out in the Technical Housing Standards – Nationally Described Space standards (March 2015). This requires 2-bedroom, 4 person one-storey dwellings to have a minimum gross internal floor area of 70 sq.m with built in storage. The proposed dwelling would provide 71.2 sq.m internal floor space.
- 3.4. External amenity space, measuring 5.3m x 7.6m, is proposed to the front and side of the property in the form of a private, walled garden. Cycle storage associated with the dwelling would be provided within the garden area.



Figure 1: Proposed Block Plan



Front Elevation (A)



Rear Elevation (C)

Figure 2: Proposed Front and Rear Elevations.

- 3.5. The following reports were submitted by the applicant in support of the proposals:

Design & Access Statement

- 3.6. The Design and Access Statement considers the context of the building, access and parking, future living conditions and provides a summary of the proposed scheme with information on the floor plans and site layout. It concludes that the proposal would preserve the character of the site, street scene, surrounding area and that the proposed dwelling would not result in harm to neighbouring amenity and would provide a high level of accommodation for future occupants.

Nutrient Neutrality Statement

- 3.7. This report sets out that whilst the application site is located within the Stour catchment in relation to the Stodmarsh Designated Site, as the proposed dwelling would discharge to the Hythe Wastewater Treatment Works there would be no increase in the discharge of treated effluent as a result of this proposal. The development is therefore nutrient neutral.

Preliminary Ecological Appraisal

- 3.8. The report considers the site has a number of protected and notable species within it, such as birds, bats and hedgehogs, and sets out avoidance and general mitigation measures to ensure no harm to biodiversity. The report also identifies opportunities for ecological enhancement. The report concludes that the development can proceed with minimum impact on habitat and protected/notable species if the avoidance and mitigation measures outlined within the report are implemented.

4. Relevant Planning History

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

20/0465/FH	New eco-build house	Refused
Y18/0784/FH	Erection of a two-storey building to accommodate 3no. apartments together with underground parking and cycle stores following removal of existing garages (re-submission of application Y18/0126/SH)	Refused. Dismissed at Appeal
Y18/0126/SH	Erection of a two-storey building to accommodate 3no. apartments together with	Withdrawn

underground parking and cycle stores following removal of existing garages.

5. Consultation

Ward Member: No comment received.

5.1 The consultation responses are summarised below.

Consultees

Lyminge Parish Council: Objection on the following grounds:

- Concerns regarding drainage
- Harm to highway safety and damage to highway during construction
- The proposal for the site is overdeveloped.
- The proposal shows a lack of understanding of the local area.
- Overbearing impact.
- The documents don't give any dimensions.
- Archaeology would need to be considered.

The Parish Council felt that the proposal raised the issue of realistic deliverability. It was noted that the application should have been presented as a brand-new application, not a resubmission and that residents raise fair and real issues with the proposal.

KCC Highways and Transportation: The development does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

KCC Ecology: No objection subject to conditions relating to biodiversity enhancements and lighting.

Natural England: No Objection. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment. than the original proposal. The proposed development would not have significant adverse impacts on designated sites Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar and Site of Special Scientific Interest.

Kent Downs AONB Unit: No comments received.

Affinity Water: No comments received.

Southern Water: No objection but a formal application will need to be made to Southern Water regarding connection to the public foul sewer.

Contamination Consultant: No objection to the grant of planning permission. As the proposals would introduce new sensitive residential receptors to previously used land it is appropriate to apply the Council's standard land contamination planning condition to any consent granted.

KCC Archaeology: No objection subject to conditions relating to the implementation of a watching brief.

Public/Neighbour Consultation

5.2 14 neighbours directly consulted. 15 letters of objection, 0 letters of support received and 0 letters neither supporting nor objecting to the application.

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

Objections

- The site is too small for a new dwelling, overdevelopment.
- Harm to highway safety
- Noise disturbance from passing cars onto future occupants
- 21 Station Road has right of access to rear. No. 21 could easily revert back to a dwelling.
- Harm to residential amenity
- Noise, dust etc during construction and demolition.
- Harm to visual amenity and character of the area
- No accessibility for disabled occupants.
- The plot seems to extend beyond land owned by the applicant.
- Biodiversity implications.

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

[Planning Register](#)

6. Planning Policy

6.1 The Development Plan comprises the Core Strategy Review (2022), the Places and Policies Local Plan (2020), the St Mary in the Marsh Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).

6.2 The relevant development plan policies are as follows:

Places and Policies Local Plan 2020

HB1 - Quality Places Through Design
HB3 – Internal and External Space Standards
HE2 – Archaeology
NE2 - Biodiversity
NE3 – Protecting the District’s Landscapes and Countryside
T2 – Parking Standards
T5 – Cycle Parking

Core Strategy Review (2022)

SS1 - District Spatial Strategy
SS3 – Place-Shaping and Sustainable Settlements Strategy
CSD5 – Water and Coastal Environmental Management

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

Supplementary Planning Guidance/Documents

Kent Downs AONB Management Plan

SD3 – Conserve and enhance the character and qualities of the AONB
SD5 – Energy efficiency measures will be persuaded.
SD8 – Ensure proposals do not negatively impact on the distinctive landform.
SD9 – New development will be expected to apply appropriate design and be complementary of the local character in form, siting, scale etc.

The Kent Design Guide

Government Advice

National Planning Policy Framework (NPPF) 2023

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy

Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

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

Paragraph 55 - Use of planning conditions.

Paragraph 83. Promotion of sustainable development in rural areas.

Paragraph 114 – 115 – Highway safety and sustainable transport.

Paragraph 123 - 124 – promote effective use of land in meeting the need for homes.

Paragraph 135 – Good quality and sympathetic development.

Paragraph 180 – conserving and enhancing the natural environment.

Paragraph 185 – Biodiversity and habitat.

Paragraph 189 – Land contamination

7. Appraisal

- 7.1 There have been a number of proposals for the residential development of the site (the details of these are set out within the above site history section). The most recent of these (20/0465/FH) sought planning permission for the erection of a three-storey dwelling together with lower-ground parking (double garage) following removal of the two existing garages and parking. The proposed building formed a three-bedroom two-storey dwelling, which was refused on grounds of its scale, appearance and layout resulting in a dominant and incongruous form of development in the area; lack of outlook and external amenity space for future occupants, poor impact on neighbour amenity by way of overbearing and failure to meet off-street parking requirements. The proposal was also considered to result in an overbearing impact upon the amenity area of no. 23 Station Road.
- 7.2 This current application has sought to overcome previous concerns. The proposed dwelling has been significantly reduced in scale to form a single storey bungalow. Concerns regarding design have also been addressed (the acceptability of which is discussed below). Additional parking has been added in response to previous concerns.
- 7.3 In light of the above the main issues for consideration are:
- a) Whether the principle of development is acceptable?
 - b) Whether the proposal would harm visual amenity?
 - c) Whether the proposal would harm neighbour amenity?

- d) Does the proposal meet residential space standards?
- e) Whether the proposals result in harm to Highway safety?
- f) Would the proposed development result in harm to drainage/surface water flooding?
- g) Would the proposal negatively impact matters of biodiversity and ecology?
- h) Are there any land contamination issues to consider?
- i) Other Matters

a) Whether the principle of development is acceptable?

7.4 Development should be focused on the most sustainable towns and villages as set out under Core Strategy Review Policy SS3 and should also be channelled to existing settlements, not only to help protect the district's specially designated countryside, but also to shape distinctive places. The application site is within the defined settlement boundary of Lyminge, which has been identified within the District Settlement Hierarchy as being a Rural Centre and where development for residential purposes is considered acceptable in principle in accordance with the aims and objectives of the Local Plan.

7.5 The in-principle acceptance of the proposed residential dwelling is subject to a number of additional material planning considerations, which are discussed below under the relevant subheadings.

b) Whether the proposal would harm visual amenity?

7.6 The proposal is set behind Station Road and fronts Nash Hill. A previous decision made by the Planning Inspectorate identified the immediate area behind Station Road as being particularly spacious and low density in character with buildings, including the garages on site, reflecting the topography of the land. Previous proposals related to the development of the site for two storey accommodation, which was deemed to be unacceptable and uncharacteristic of the area.

7.7 This current proposal has been significantly amended in comparison with previous schemes, and now proposes a small two-bedroomed bungalow, more reflective of the scale and size of the garages it would replace on site. Its reduced scale would also lessen its dominance within the street scene when viewed against other neighbouring developments along Nash Hill itself.

7.8 The dwelling would be of traditional design, encompassing some characteristic features and making use of materials found elsewhere within the street scene (although full details of materials can be obtained via an appropriately worded condition). Whilst the dwelling would be positioned

closer to the carriageway, moving built form forward of the existing building lines, the proposal has appropriately retained some elements of openness to its frontage (in the form of a front garden). This, coupled with its appropriate scale, ensures that the dwelling would not give rise to unacceptable visual prominence within the street scene. The visual amenities of the site would be improved as a result of the development, when compared to the existing, visually poor garages and the contribution they make to the street scene themselves. A condition is proposed to be imposed removing householder permitted development rights to enable consideration to be given to any future additions and adaptations that may visually affect the site.

- 7.9 The roof line and extent of the building set into the hill would be no more dominant than the existing garages on site and would continue to respect the stepping of smaller buildings up the hill as currently exists.
- 7.10 The scale, size and positioning proposed would be acceptable in terms of its impact on the character and appearance of the area. The proposal is considered to comply with the provisions set out within Local Plan Policy HB1, which (among other objectives) requires development to respect the layout, scale and form of existing buildings and to make a positive contribution to its location and surroundings.
- 7.11 The proposed development would be located close to the centre of Lyminge and as such would not have a pronounced impact on the wider National Landscape. Notwithstanding this, the removal of the existing garages and their replacement with the proposed bungalow would both preserve and enhance the character and scenic quality of the National Landscape, and is acceptable in this regard, complying with Policy NE3 of the Local Plan.

c) Whether the proposal would harm neighbour amenity?

- 7.12 There would be sufficient separation distance from the proposed bungalow to neighbours to the north and west to avoid any significant overshadowing, loss of light and overbearing impact.
- 7.13 Concern has been raised by neighbours of the site with regard to the impact of the proposed dwelling on their privacy and outlook, exacerbated by its elevated position when compared to those properties along Station Road as well as land level differences on site. In response to these concerns the proposal has been amended, reducing its scale to a single storey dwelling in order to prevent direct overlooking.
- 7.14 The separation distance between the proposed dwelling and the neighbours to the northwest (no 21 Station Road) is approximately 14.6m at the closest point, which is the ground floor rear of the pharmacy, and approx. 20.7m to

the first-floor window serving the upper floor flat. The proposed side elevation, includes two external doors and a window, however, and notwithstanding the land level differences (the application site being elevated compared to dwellings along Station Road), the impact of these would be reduced as a result of the single storey nature of the development, which would assist in preventing any direct overlooking between windows. The dwelling would be distanced sufficiently from no. 21 not to impact on their outlook or result in an overbearing impact.

- 7.15 The proposed bungalow would be separated from the nearest habitable first floor window serving the neighbour at no.23 Station Road by approximately 21m and as such, in addition to the single storey nature of the development, there would be no implications on neighbour privacy in this regard. The proposed bungalow would also be located approx. 8.8m at its closest point from a rear single storey addition to no. 23 Station Road, which would not present as wholly different in circumstance when compared to the existing garages on site and would not have a harmful impact on the outlook from this property.
- 7.16 There would be no residential harm on the property opposite the application site, which is separated by Nash Hill itself at a sufficient distance.
- 7.17 Concern has been raised regarding the potential noise disturbance from passing cars onto future occupants of the proposed dwelling. However, there are a number of other residential uses along Nash Hill, including directly opposite the site and the impact from any passing vehicle would be no more harmful on the new dwelling as it is currently for existing dwellings here.
- 7.18 The proposal would comply with the policies of the PPLP and is acceptable in this regard.

d) Does the proposal meet residential space standards?

- 7.19 Policy HB3 in the Places and Policies Local Plan sets out space standards internally and externally. In respect of the internal space standards, the proposed floor area exceeds the minimum required by the Nationally Described Standard, with good natural daylight provided to each room.
- 7.20 In respect of the external amenity area, the detached bungalow would be provided with a garden of approx. 5.3m x 7.6m in size. This falls slightly below the standard set in the policy but would still give rise to an acceptably sized private garden area.

e) Whether the proposal would result in harm to highway safety?

- 7.21 The hard standing to the front of the existing garages would cease to be available for off road parking associated with 21 Station Road, although this

- area is not currently formally used for any vehicular purpose and does not currently serve as customer or staff parking associated with the Pharmacy. Garages are not recognised as providing off road parking by the County Highway Authority, but in any case, there are no previous conditions imposed on them that would request their retention and as such the demolition of the garages to enable the residential development of the site would not result in the loss of useable parking provision.
- 7.22 Two off road parking spaces would be provided as part of this proposal. As such, the proposal would comply with Kent vehicle parking standards as set out under Policy T2 of the Local Plan, which requires at least 1.5 spaces per unit for two bed properties within suburban, edge and village locations.
- 7.23 Concerns have been raised about the size and practical use of the parking spaces and the ability to maneuver in and out of the site. The parking spaces are shown to measure 5m x 2.8m and are acceptable. It is noted that Kent Highways has not commented on the application, advising that the development does not meet the criteria to warrant involvement from the Highway Authority, however, and notwithstanding this, a condition will be imposed on any forthcoming approval to ensure appropriate visibility is obtained from those entering and exiting the site. Parking will also be required to be provided ahead of occupation.
- 7.24 Details of proposed secure cycle parking is identified on the proposed plans and considered acceptable. At least one EV Charging point will be required via condition.
- 7.25 Concern has been raised regarding the narrow nature of Nash Hill itself, with concern that developing the site as proposed would further reduce opportunities for vehicles to pull aside to allow on-coming vehicles to pass. It is of note that presently the private garage site has often been used as a passing bay in this regard. However, this is not its true function and the use of private land cannot and should not be relied upon to allow safe passage along Nash Hill. In any case, as a private site, the owner could choose to enclose the site without need for formal planning permission, which would prevent this from taking place and overall, this concern cannot be grounds for refusal here.
- 7.26 There have also been concerns regarding refuse and other larger vehicles (such as emergency vehicles) accessing the site. As set out above, the proposed development would not impact access along this narrow lane.. One additional residential unit would not increase the requirements for such vehicles to access the road, where there are two larger properties in close proximity to the site.
- 7.27 Concerns regarding the impact of construction traffic, including damage to the road are noted. Construction impacts would be temporary; however a condition can be imposed to request Construction Management Plan, which

- would set out times of work, and require care to be taken to reduce mud onto the public highway.
- 7.28 Given the above, it is not considered that there would be a harmful impact on highway safety.

f) Would the proposed development result in harm to drainage/surface water flooding?

- 7.29 The application site lies outside Flood Zones 2 and 3 and is not therefore liable to flood risk. The development would also not increase flood risk elsewhere, but the suggested mitigation measures in the form of SuDS (as indicated from the application form) would not be possible as there are no public surface water sewers in the area to serve the development. Alternative means of draining surface water from this development is therefore required. It is considered necessary to condition measures to control surface water drainage and run off in the event of approval.
- 7.30 Southern Water has advised that a formal application for a connection to the public foul sewer would need to be made directly to them prior to works commencing and the applicant will be reminded of this requirement via an informative to the planning permission.
- 7.31 Overall, the occupants of the development would be safe, and the development would not increase the risk of flooding elsewhere. As such and subject to appropriate conditions, the development meets the requirements of policy CSD5 of the CS and the NPPF with regards to flood risk.

g) Would the proposal negatively affect biodiversity and ecology?

- 7.32 The County Ecologist has confirmed that sufficient ecological information has been provided in support of the application. The submitted Preliminary Ecological Report (PER) outlines that limited impacts are anticipated from the development/demolition of two existing garages to provide a new dwelling.
- 7.33 There is however, opportunity for bats on site and the removal of the garages, including the weatherboarding on building 2 (which could provide a temporary roost feature for bats) should be done with care. A sensitive lighting approach and enhancements, to include a bat box, have been suggested within the PER and the County Ecologist has requested details of bat boxes, lighting and mitigation measures be secured by conditions. Subject to these conditions, no objection is raised to the development on ecological grounds in accordance with Local Plan Policy NE2.

h) Are there any land contamination issues to consider?

- 7.34 The proposal would introduce new sensitive residential receptors to the site. The Council's contamination consultant has raised no objection to the granting of planning permission subject to imposition of the council's standard land contamination condition.

i) Other matters to be considered:

- 7.35 The application site lies within the village of Lyminge, which is archaeologically important due to the village's known and potential significance in the early medieval period. As such, if approved, a pre-commencement condition would be issued for the securing and implementation of a watch brief to be undertaken to ensure that features of archaeological interest are properly examined and recorded.

The proposal includes a dedicated area for the storage of refuse and recyclables within site, which is considered acceptable.

- 7.36 There is at least one large tree in proximity to the site, but that would remain unaffected by the proposal. No trees covered by a Tree Preservation Order (TPO) are within or immediately adjacent to the site. The tree opposite and adjacent to Church View, covered by a TPO, will not be impacted.
- 7.37 The application site is located within a Class A land stability area where slope stability problems are not thought to occur.
- 7.38 The concerns regarding amendments during the course of the planning application, and the consideration of a further application for residential development on the site are noted, however Members are advised that amendments can be considered at the Local Planning Authority's (LPA) discretion, and in this case were requested in order to allow the applicant opportunity to address concerns. The LPA is duty bound to accept and consider all applications for planning permission and in this case, where the principle acceptance of the development has not previously been challenged, it would be unreasonable to refuse to do so.

Environmental Impact Assessment

- 7.39 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

7.40 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.

7.41 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £168.88 per square metre for new residential floor space.

Human Rights

7.42 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

7.43 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.

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

Working with the applicant

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

8. CONCLUSION

- 8.1. It is considered that the proposal is of an appropriate design that would contribute positively to the character and appearance of the street scene (being an improvement of the existing garages). The single storey nature of the proposal has reduced its visual impact when compared to previous schemes for development of the site and has removed amenity protection concerns, where the development would no longer unacceptably impact immediate neighbours of the site by way of loss of privacy, overbearing or loss of outlook. There would be no unacceptable impact on parking and highway safety subject to the conditional requirements set out within the report.
- 8.2. Given the above, it is recommended that Members resolve that planning permission be granted subject to the conditions below.

9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View applications on line pages under planning application reference 21/0077/FH).

10. RECOMMENDATIONS

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

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

<u>Plan/Drawing Title</u>	<u>Drawing Number</u>	<u>Received</u>
Site Location Plan	SL_01 P2	05.04.24
Proposed Site Plan	PL_05 P3	22.11.24
Proposed Ground & Roof Plan	PL_06 P3	22.11.24
Proposed Front & Rear Elevations	PL_07 P4	22.11.24
Proposed Side Elevations & Sections	PL_08 P3	06.11.24
Proposed Nolli Map	PL_09 P2	05.04.24

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3. Notwithstanding the submitted details, no construction above foundation level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted, inclusive of (windows, doors, bricks, tiles, cladding, rainwater goods and their routing/position), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A or B of Part 1 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 the visual amenity of the area.

5. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

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>

Reason: In the interest of sustainable development and minimising water consumption.

6. The parking area shown on the submitted plan shall be provided and made available prior to the first occupation of the dwelling hereby approved, shall be kept available for such use 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 the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.

Reason: In the interests of highway safety and convenience.

7. Prior to first use of the parking spaces, details of visibility splays shall first be submitted to, for the written approval of, the Local Planning Authority and thereafter implemented as approved and maintained clear of any structure, tree, plant or other obstruction which exceed 0.6 metres above carriageway level within the approved sight lines.

Reason: In the interests of highway safety.

8. Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging point shall be provided, in accordance with specifications and in a location that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

9. From commencement of works (including site clearance), to avoid impacts to protected and priority species, the following precautionary mitigation should be implemented:
- a) Any vegetation and trees to be retained, including their roots, will be protected from damage;
 - b) All temporarily stored building materials (that might act as temporary resting places) will be isolated within hardstanding areas and raised off the ground, e.g. on pallets.
 - c) Any work to vegetation/structures that may provide suitable bird nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If within the breeding bird season a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works.
 - d) Prior to clearance, the removal of the weatherboarding on building two will be conducted by hand prior to the demolition of the building, to ensure no harm is caused to any temporary bat roosts.
 - e) Prior to clearance, the removal of the compost heap will be conducted by hand to ensure no harm is caused to any reptiles or amphibians that may be present.
 - f) If at any time a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted. Works will not resume until any required surveys and/or mitigation are completed

Reason: In the interests of biodiversity and ecology

10. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

11. 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. loading and unloading of plant and materials.
- iii. storage of plant and materials used in constructing the development.
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- v. wheel washing facilities.
- vi. measures to control the emission of dust and dirt during construction.
- vii. 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.

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

Monday to Friday 0800 – 1800 hours
Saturdays 0800 – 1300 hours

Unless in association with an emergency or with the prior written approval of the Local Planning Authority.

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

13.(A) 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.

(B) 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).

(C) If investigation and risk assessment shows that remediation is necessary, no development shall take place until 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 has been submitted to and approved in writing by the Local Planning Authority. 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.

(D) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been 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.

(E) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. 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.

14. No development beyond the construction of foundations shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies.

15. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

16. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

17. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

18. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved by the Local Planning Authority.

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

Informatives:

1. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit: southernwater.co.uk/developing

Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk by email at: SouthernWaterPlanning@southernwater.co.uk

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Application Number	24/1749/FH
Location	Seapoint Canoe Centre, Princes Parade, Hythe.
Application Description	Retention of 8 existing temporary containers (retrospective).
Applicant	Ms Allison Burton
Agent	N/A
Officer Contact	Ross McCardle

Recommendation

That temporary 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. Reason for consideration by the Committee

- 1.1. The application is reported to Committee because the land is owned by the Council.

2. Site and Surroundings

- 2.1 The application site is Seapoint Canoe Centre, a community sports facility situated at the eastern end of Princes Parade within the defined settlement boundary. The facility operates from 8 steel containers situated next to the Seapoint car park, which is accessed directly from Princes Parade. The two northernmost containers are raised on stilts and serve as office/changing/amenity space with the remaining six containers positioned adjacent to the roadside boundary and serving as storage space. The land is owned by the Council.
- 2.2 The containers (and wider car park) are visible from the public highway and seafront promenade.
- 2.3 To the north of the site is the Royal Military Canal (RMC), which is a Scheduled Monument; paths to either side of the containers lead down to the canal, where a floating pontoon provides access to the water for canoes and other personal craft. The canal is lined with mature vegetation but there remain clear views of the site from Seabrook Road to the north.

2.4 The wider area is defined by residential development to the east and north, the beach to the south, and open space to the west (between the canal and the road).

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

3. Proposal

3.1. This application seeks temporary planning permission for retention of the existing structures for five years to enable the canoe centre to continue operations. No additional containers are proposed the layout is to remain as existing, and the applicant has advised that they intend to repaint the containers if permission is granted.

3.2. A temporary permission is sought as the centre was to be provided with a new purpose-made facility as part of the Princes Parade redevelopment but is now considering alternative options.

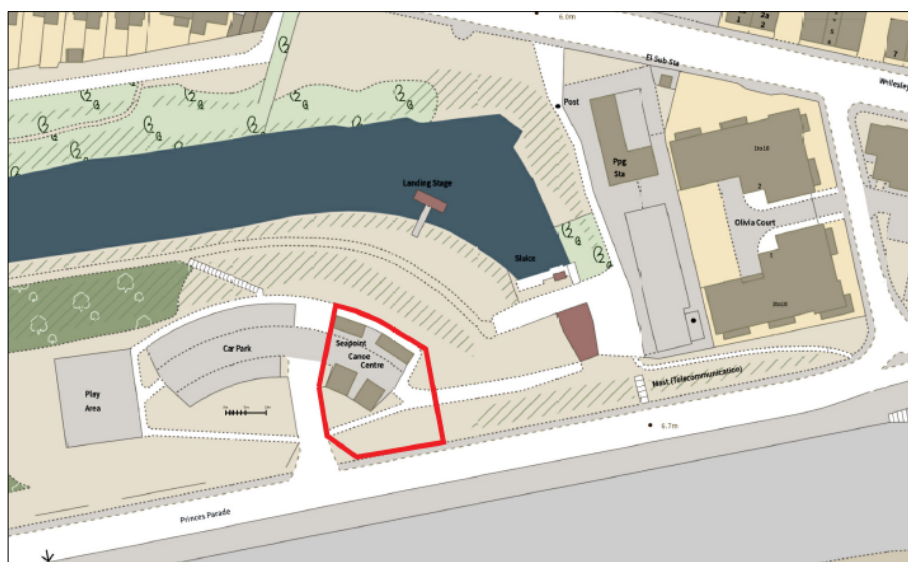


Figure 1: Site location

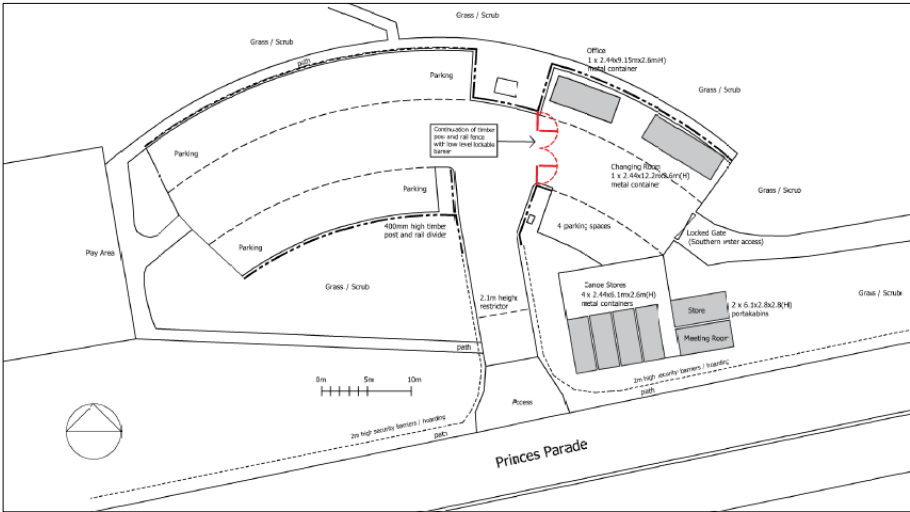


Figure 2: Existing and proposed layout

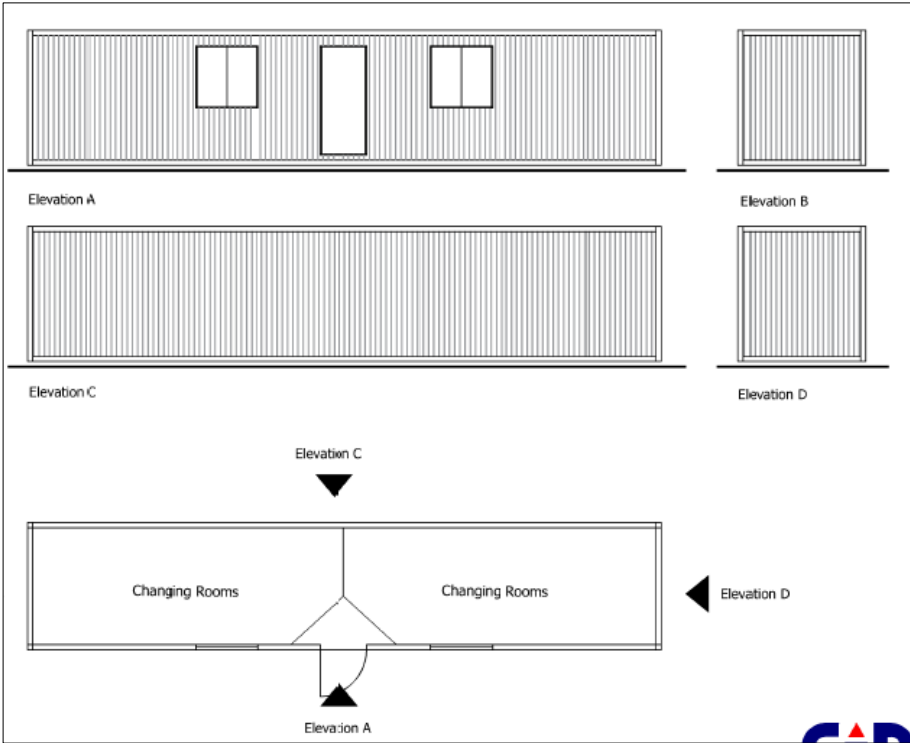


Figure 3: Elevations

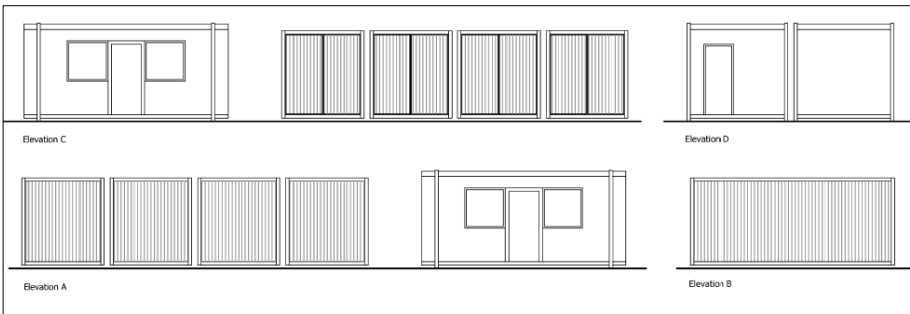


Figure 4: Elevations

- 3.3. The following reports were submitted by the applicant in support of the proposals:

Design and Access Statement

- 3.4. This document provides a brief outline of the site history and the rationale for the application. It comments:

“The Seapoint Canoe Centre is an established community facility based at the location since planning permission was granted in 2007 (Y07/1137/SH). Since that time it was originally hoped that this site would be constructed in 2010 and incorporate a permanent new facility. This has not come to fruition and the centre therefore require a longer period of time whilst other options and more funding can be progressed for a permanent facility or location.

An extension to temporary planning permission is sought for the retention of the facility (for a further period of 36 months) in order that the existing facility can continue to supply its current community use. This will allow time for additional funding and a permanent solution to be found.

The existing containers are to be retained in their current positions and redecorated in a dark green shade.

The layout will remain as existing.”

Statement explaining the change in demands and needs at Seapoint Canoe Centre

- 3.5. This document sets out that there has been a rise in demand for lessons since the Covid pandemic, including significant demand from the general public, youth and community groups, SEND pupils from local schools, and various other organisations.

Heritage Statement

- 3.6. This document appears to relate to a previous application for most significant development of the application site, but nevertheless provides a detailed history of the RMC (i.e. that it forms part of a linkage of forts and defences constructed along the coast in response to the Napoleonic threat of invasion) and an assessment of its special character. The document concludes that development outside of the immediate bank and towpath would, subject to consideration of detailed design and materials, not adversely impact the heritage value or context of the RMC.

4. Relevant Planning History

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

Y14/1248/SH	Erection of a building for canoe training and recreation centre that will affect a public right of way (re-submission of planning application Y13/0678/SH).	Approved
Y13/0678/SH	Proposed new building for canoe training and recreation centre that will affect a public right of way.	Withdrawn
Y07/1137/SH	Erection of 14, three storey dwellings with semi basement parking and provision of a community facility with associated storage facilities comprising development affecting a public right of way following demolition of existing building.	Approved

5. Consultation

Ward Member: The ward members for Hythe are Councillors Rich Holgate, Anita Jones, and Jim Martin.

5.1 The key consultation responses are summarised below.

Consultees

Hythe Town Council: *“No objection subject to this being a limited time project and with the caveat that there should be fewer containers and set back from the road.”* The town council also notes that they support the centre but consider “more should be made of the area” and the containers should be made more attractive through the introduction of cladding.

Environment Agency: no objection.

Historic England: do not offer any advice and defer to the Council’s internal heritage advisor.

KCC Highways & Transportation: Do not provide detailed comments as the scale of development is below their protocol response threshold.

Public Consultation

5.2 Forty-nine neighbours directly consulted, a site notice posted, and an advert placed in the local press. Fourteen representations received objecting to the application.

5.3 No comments have been received in response.

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

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

6. Planning Policy

6.1 The Development Plan comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020).

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

- HB1 - Quality places through design
- C2 - Safeguarding community facilities
- NE2 - Biodiversity
- HE1 - Heritage assets
- NE2 - Biodiversity
- UA18 - Princes Parade

Core Strategy Review (2022)

- SS1 - District Spatial Strategy
- CSD7 - Hythe strategy

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

Government Advice

National Planning Policy Framework (NPPF) December 2024

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 conflict with the NPPF. The following paragraphs of the NPPF are relevant to this application: -

- 11 - Presumption in favour of sustainable development

- 48 - Applications for planning permission be determined in accordance with the development plan
- 96 - Promoting healthy and safe communities
- 98 - Providing social, recreational, and cultural facilities
- 212 - Impact upon heritage assets

7. Appraisal

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

- a) Is the principle of development acceptable?
- b) Is the visual impact of the development acceptable?
- c) What weight should be given to retention of the community facility?
- d) Would the development safeguard designated heritage assets? Would the development harm residential amenity?
- e) Would the development have an acceptable impact upon ecology?
- f) Would the development safeguard highway safety and amenity?
- g) Other matters
- h) Planning balance

a) Is the principle of development acceptable?

7.2 The applications relates to an existing community facility set within a sustainable urban location. Adopted local and national planning policies support the provision and retention of community facilities in such locations, and the principle is therefore acceptable.

b) Is the visual impact of the development acceptable?

7.3 Adopted policy HB1 sets out:

“Planning permission will be granted where the proposal... makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality...so as to ensure all proposals create places of character.”

7.4 HB1 also requires developments to *enhance and integrate areas of public open space, green infrastructure, biodiversity and heritage and other public realm assets.*”

7.5 The application site lies in a prominent position with direct views from Princes Parade and the promenade, and slightly obscured (by vegetation) but nonetheless direct views from Seabrook Road to the north, across the RMC.

The containers are therefore very visible from all surrounding public vantage points and represent notable built form within the local area. Due to their design and siting they are generally considered to be inappropriate features within the context of the street scene; the harsh industrial appearance is at-odds with the otherwise more traditional built form of nearby buildings and the verdant nature of the open space surrounding the canal.

- 7.6 It is considered that the development is unacceptably prominent and poorly designed such that it is harmful to the visual amenity and to the character and appearance of the area, and therefore contrary to the requirements of policy HB1, as set out above.
- 7.7 As the containers harm the visual amenity of the area, their permanent retention would be unacceptable. Members will though note that the application seeks temporary planning permission for a limited period of time, which would allow an acceptable permanent solution to be sought.

c) What weight should be given to retention of the community facility?

- 7.8 Adopted local and national planning policy is clear that existing community facilities should be supported and retained where possible; adopted policy C2 requires submission of a substantial degree of supporting evidence where applications seek to close an existing facility, showing the strength of the Council's commitment to retaining existing services wherever possible. In this regard it is noted that the canoe centre regularly works with local community groups (including vulnerable individuals).
- 7.9 It is therefore considered that significant weight should be given to the need to ensure the centre can continue operations in the short-term while exploring alternatives.

d) Would the development safeguard designated heritage assets?

- 7.10 Adopted policy HE1 relates primarily to development of heritage assets, rather than unassociated developments that may impact them. The specific requirements when considering development that may impact a heritage asset are set out within the NPPF; paragraph 212 is particularly relevant in this instance:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

7.11 NPPF para. 215 then sets out that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”*

7.12 Further to consideration of visual amenity impacts as set out above, is considered that the design and siting of the containers, by way of their proximity to the RMC and intrusion into views thereof, is harmful to the setting of the designated heritage asset. There would, however, be very little harm to the historic significance and intrinsic heritage value of the RMC due to the temporary and reversible nature of the development and its siting away from the main course of the canal and the towpath. It is therefore considered that any harm arising directly to the RMC would be “less than substantial” (as per the NPPF) , and it is noted that any impacts would cease once the containers are removed from the site.

7.13 As above: painting the containers a suitable colour would slightly reduce the impact on the setting of the RMC.

7.14 Therefore, while the development would not safeguard the designated heritage asset the harm arising is considered less than substantial and is acceptable in the short-term with specific regard to the functioning and temporary nature of the development.

e) Would the development harm residential amenity?

7.15 The existing containers lie a minimum of 60m from the nearest residential properties and the potential for any noise or disturbance, particularly against background noise levels (vehicles, waves, etc.) is therefore very limited. There will not be any issues of overlooking or loss of privacy due to these separation distances.

7.16 It is therefore considered that the development would not harm residential amenity.

f) Would the development have an acceptable impact upon ecology?

7.17 The buildings are existing and no further development is proposed. There would be no additional impact upon ecology beyond the existing circumstances.

g) Would the development safeguard highway safety and amenity?

7.18 The development makes use of the existing access and parking arrangements and there would be no additional impacts beyond those associated with the existing site. There would therefore be no harm to highway safety and amenity.

h) Other matters?

7.19 The use of a temporary planning permission provides the applicant with time to secure a more permanent solution without interrupting the running of the centre. Temporary permissions are used infrequently but is considered acceptable in this instance due to the wider community benefits of retaining the centre.

i) Planning balance

7.20 This application seeks to retain storage containers (used as a community facility) for a temporary period of five years while a more suitable long-term accommodation solution for the canoe centre is explored. While it has been concluded that the containers are unacceptable in terms of their design and siting, and therefore harmful to visual amenity and the setting of the Royal Military Canal (which is a Scheduled Monument), it is acknowledged that these harms would be for a temporary period only, while a more suitable permanent accommodation solution for the canoe centre is explored/secured.

7.21 However, officers consider the temporary and short-term visual harm and heritage impacts of retaining the containers to be outweighed by the wider public benefits of ensuring a valuable community facility (the retention of which is strongly supported by adopted planning policy) remains operational. The use of a temporary planning permission is therefore considered appropriate in the circumstances; this will enable the community facility to remain operational while safeguarding the Council's position and duty to provide well-designed places (NPPF chapter 12) in the long-term.

7.22 The applicant has indicated they would paint the containers an appropriate colour if permission is granted. This would somewhat tidy up their appearance and help to reduce visual harm, and is secured by the condition below.

Environmental Impact Assessment

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

Local Finance Considerations

7.24 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.

7.25 The development is not liable for CIL.

Human Rights

7.26 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

7.27 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.

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

Working with the applicant

7.29 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 proposal seeks to retain existing buildings for a temporary period of five years while more suitable long-term accommodation is considered and funding secured. While the containers are considered to be unacceptable in terms of their design and siting, and consequently cause harm to both visual amenity and the setting of the Royal Military Canal, these harms would be temporary

and reversible and are outweighed by the wider public benefits of ensuring the centre can remain functional in the interim.

- 8.2. Therefore, on balance, the application is considered acceptable subject to conditions setting a five-year temporary limit and requiring the containers to be painted an appropriate colour.

9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 24/1356/FH.

10. RECOMMENDATION

That temporary 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:

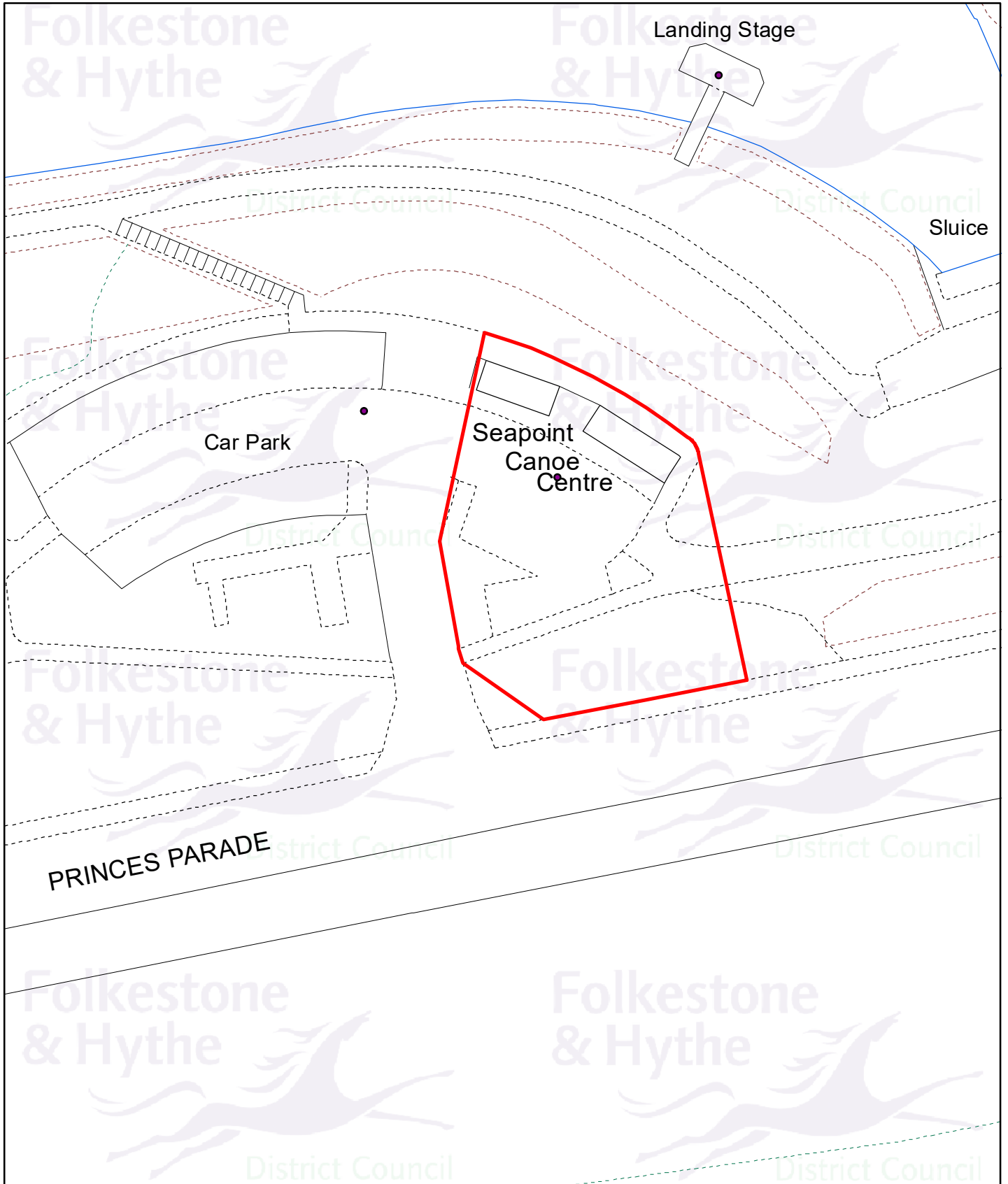
1. Within six months of the date of this permission the containers shall be repainted in a colour that has first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and the special historic interest of the adjacent Royal Military Canal.

2. The structures hereby permitted shall be removed and the site returned to its previous condition not later than five years from the date of this permission.

Reason: As permanent retention of the structures would be unacceptably harmful to visual amenity and the special historic interest of the adjacent Royal Military Canal, and to allow the Council to reconsider its position.

24/1749/FH - SEAPOINT CANOE CENTRE, PRINCES PARADE, HYTHE



Planning Application:
24/1749/FH

Drawn date:
29 Jan 2025

Drawn by:
Carrie Stacey

Drawing ref:
1834/COP/EC

Llywelyn Lloyd
Chief Planning Officer

Contains Ordnance Survey data
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Folkestone & Hythe District Council AC0000821403 - 2025



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Application Number	23/2061/FH
Location	Land opp Kinross, Rectory Lane, Lyminge CT18 8EG
Application Description	Erection of 3no. detached dwellings with carports.
Applicant	Mr. Lang
Agent	Miss Hannah Garlinge
Officer Contact	Robert Allan

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. Reason for consideration by the Committee

- 1.1. The application is reported to Committee due to the views of Lyminge Parish Council and at the request of Cllr Elaine Martin.

2. Site and Surroundings

- 2.1 The application site comprises an open area of scrubland, with a series of mature trees on the western boundary, which sits on the west side of Rectory Lane on the southern edge of the village of Lyminge. The application site is outside of the defined settlement boundary of Lyminge, which lays immediately to the east, so is considered to be within the open countryside, in planning policy terms.
- 2.2 To the north of the site are five residential properties (Whisper Cottage, Chestnut Lodge, York House, Treetops, The Old Coach House) separated by a small private access road to The Old Rectory. To the east are residential properties (Bracknell, One Gable, Kinross, Dolphin Cottage, Hawksdown, The Springs). The Rectory extends to the southeast of the application site. The site is bound to the west by the curtilage of The Old Rectory. To the south are open fields.
- 2.3 The properties in the surrounding area show a mix of architectural styles and form. While they are predominantly detached, a mix of bungalows, chalet bungalows and two-storey dwellings are evident, with no single style or character that defines this location architecturally. The properties on the western side are slightly elevated due to land levels rising to the west.

2.4 The site is within the Kent Downs National Landscape (NL), North Downs Special Landscape Area (SLA) and within an archaeological notification area. Public Right of Way (PROW) HE 58 terminates at the south eastern edge of the application site where it joins Rectory Lane.

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

3. Proposal

3.1. This application seeks planning permission for the erection of three detached dwellings on land on the west side of Rectory Lane. The proposed plots would follow the linear pattern of development on Rectory Lane and would be orientated with the principal elevation fronting the road but set back from the road by off-street parking and front gardens. The proposed layout can be seen in **Image 1**.

3.2. Existing trees and hedges are to be retained, where possible, although it is proposed to remove a low-quality hedgerow and tree on the western boundary of the site in order to facilitate the development. A wildflower area is proposed in the north of the site, as well as planting and other management of the existing boundaries, to provide biodiversity enhancement and augment the existing landscaping.

3.3. The properties would be two storeys in height, with pitched roofs, utilising a mix of render, brick and tiles to the external surfaces. Please see **Image 2** for elevations.

3.4. Designated bin storage would be provided within the curtilage of each plot, and it is proposed that refuse collection will continue to operate as it currently does along the publicly maintained highway of Rectory Lane.

3.5. Each plot would have individual access from Rectory Lane and two designated off-street parking bays, with all plots featuring an electric vehicle charging point. Plots 01 and 02 would have integral garages, which would also contain cycle storage space, whilst Plot 03 would have a shed in the rear garden for cycle storage.

3.6. A passing space would be incorporated into the plans, which the applicant has stated was requested by residents of Rectory Lane. A turning head would also be provided to the front of Plot 02.

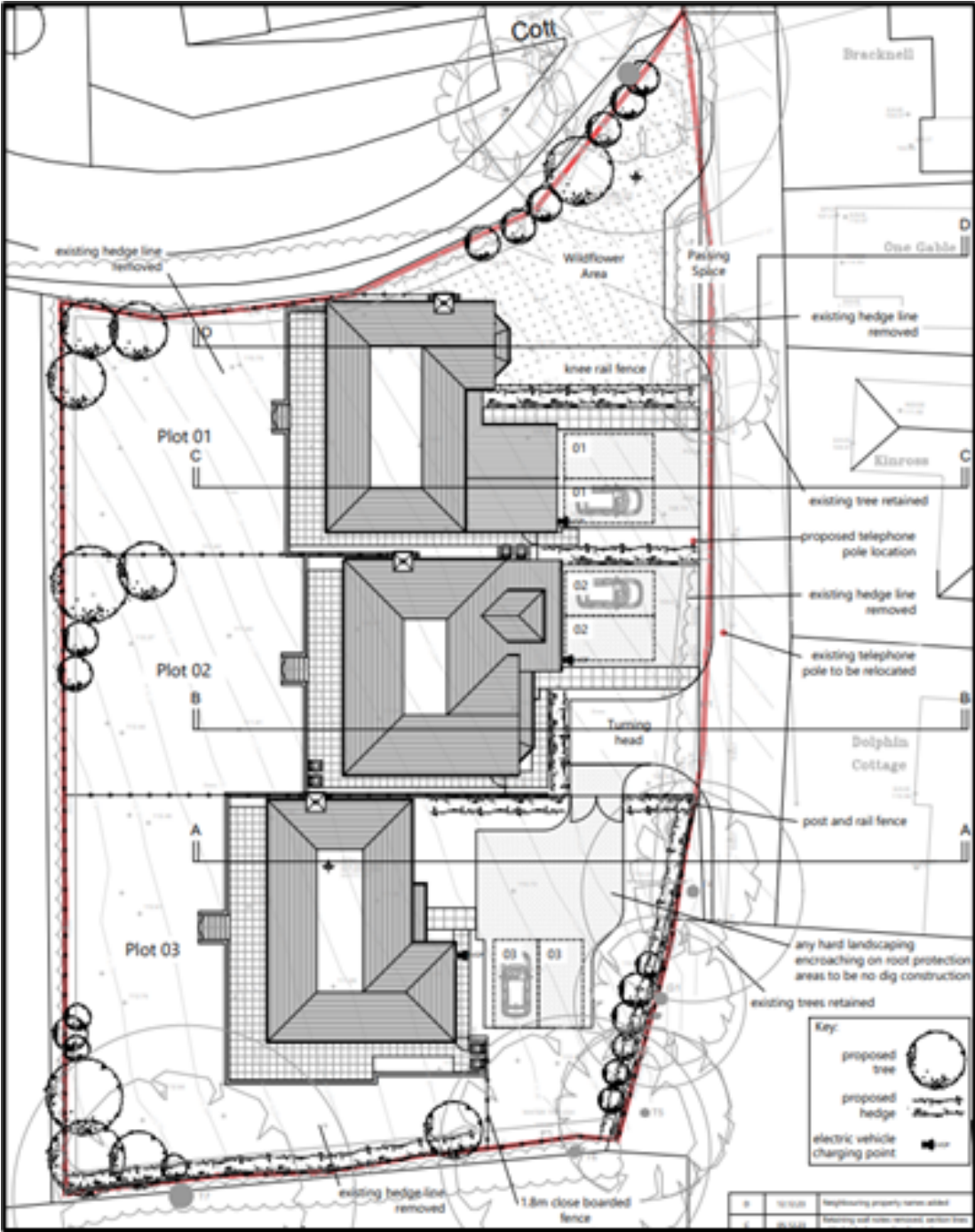


Image 1: Proposed layout



Plot 1 proposed front elevation



Plot 2 proposed front elevation



Image 2: proposed front elevations

3.7. The proposal would create three, four-bedroom dwellings. The proposed gross internal area (GIA) has been set out beside the GIA required by Places and Policies Local Plan policy HB3 in table 1 below:

Proposed Accommodation Schedule			
	Predicted occupancy	Proposed GIA	Policy GIA Req.
Plot 01	8 people	168.54sqm	124sqm
Plot 02	8 people	175.13sqm	124sqm
Plot 03	8 people	188.36sqm	124sqm

Table 1

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

Planning Statement

3.9. This document describes the site and the wider area, the planning history at the site and in the surrounding area, describes the proposal, gives the relevant planning policy context for the proposal, highlights the key planning issues and refers to the pre-application advice received from the Council, concluding that the proposal would deliver a high-quality development that would respect the character and appearance of the area, with design and layout contributing to

the village location, with appropriate scale and use of materials, and with landscaping to soften the impact of the development. The development is considered to be in a sustainable location and would support local community facilities and services. Overall, the proposal would be consistent with local and national policy.

Landscape & Visual Impact Assessment (LVIA)

- 3.10. This document describes the landscape setting and context, sets out how the assessment was carried out, outlines the national and local policy context. The LVIA concludes that the proposal would be appropriate to the scale and wider landscape setting, which would relate well to the existing village, with the new planting conserving and improving the existing vegetation as part of wider green corridor and helping to improve the existing landscape character over time.

Arboricultural Impact Assessment and Method Statements

- 3.11. The document sets out how the trees affected by the proposed development were surveyed, identifies that they are a mix of native and non-native specimens that are mostly early mature to mature specimens which are considered recent landscape additions. A Hawthorn (H1) is proposed to be removed (see **Image 3** below) to facilitate the proposed access, which is considered to fall in Category C, having a low value and that does not make a significant contribution to local landscape character or visual amenity, that would be able to be mitigated with suitable replacement planting as part of the wider soft landscaping scheme.
- 3.12. Excavation would be required within the Root protection Areas (RPA) of trees T3 and T4 to facilitate the proposed access, but the impact is stated to be able to be mitigated through the application of the supplied method statement, whilst the remaining trees, which are mix of category A, B and C trees, could be adequately protected using temporary barriers in accordance with BS 5837 during the build phase and the proposal would, overall, have a low impact upon tree visual amenity value. The report concludes that, assuming the method statements and tree protection are implemented as part of the development, the proposal can be constructed with reduced disturbance to the trees.

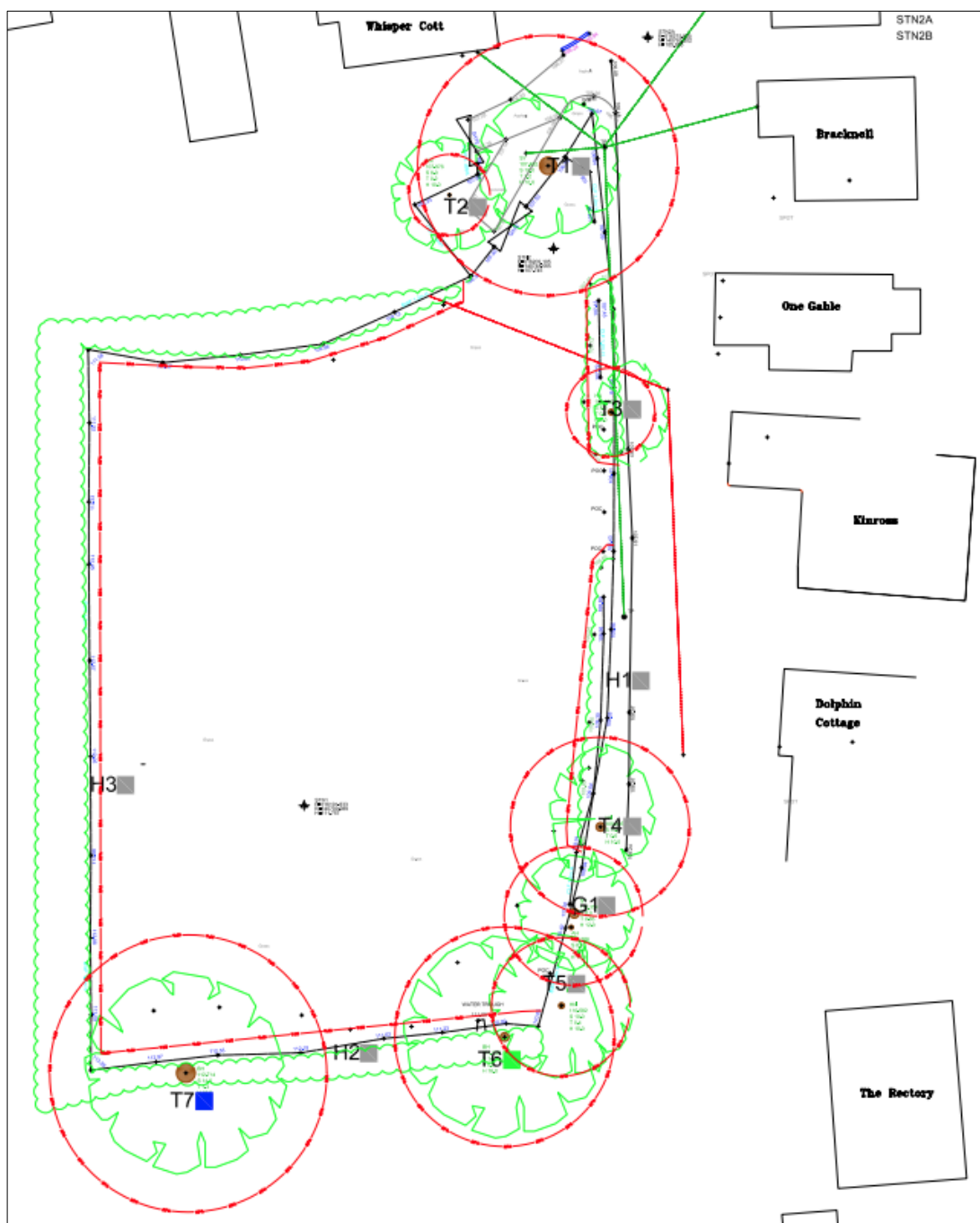


Image 3: Location of Hawthorn H1, to be removed from eastern boundary

Preliminary Ecological Assessment

- 3.13. The report identifies suitable habitats for protected species directly onsite and potentially within the Zone of Influence (2km) and suggests further surveys would be required to be undertaken for bats and reptiles, noting that the application has been made alongside Great Crested Newt District Level License reference DLL-ENQ-KENT-00310, given the application site proximity to waterbodies and suitable on-site habitat.

- 3.14. The study identifies designated sites within the Zone of Influence (2km) as Great Shuttlesfield Down (SSSI), Folkstone to Etchinghill Escarpment (SAC, SSSI), Seabrook Stream (SSSI), Folkstone Warren (SSSI, LWS) and the Kent Downs (AONB). It concludes that, due to the relatively small-scale development footprint as proposed, the recreational impact to these designated sites and area is unlikely to be of great significance.
- 3.15. The report states that additional enhancement measures will be required to increase the viability of the site post-development to achieve an overall net gain in biodiversity in accordance with the National Planning Policy Framework. These could include increasing opportunities for wildlife with areas such as green spaces, hedgerows, grasslands, or wildflower meadows.

Reptile Survey Report

- 3.16. The report was prepared in accordance with the recommendations of the preliminary ecological appraisal and describes the survey results and methodology used to determine the likelihood of reptiles being present within the development footprint and to inform what, if any, mitigation measures may be necessary.
- 3.17. Results recorded one grass snake on site, but no other reptiles on site during the survey.
- 3.18. The report identifies that, precautionary mitigation is necessary for the protection of onsite reptiles and to reduce the risk of potential adverse effects for local reptile presence within the surrounding wider habitat.

Great Crested Newt Impact Assessment and Conservation Payment Certificate

- 3.19. The applicant has submitted a countersigned Impact Assessment and Conservation Payment Certificate confirming that the proposal has been accepted on the District Level Licencing (DLL) scheme.

Bat Activity Assessment

- 3.20. The report was prepared in accordance with the recommendations of the preliminary ecological appraisal to inform the planning application in respect of ecology and the potential risks to bats which may arise from the development works.
- 3.21. The report finds that no further surveys are required as the results are deemed reasonable effort for the purposes of the proposal to mitigate any potential risk of ecological impacts to bats.
- 3.22. A lighting strategy will be required, as the addition of any artificial lighting during construction and post construction is considered likely to cause disruption to the local bat populations and ecosystem as a whole. The tree lines to the site boundary on the west, south and parts of the north provide valuable

connectivity and foraging habitats, and these linear features should be kept as dark zones for the site wherever possible.

Archaeological Desk Based Assessment

- 3.23. The applicant has submitted a report following excavations carried out at the site in 2010 by the University of Reading. The document describes the site and explores its historic context.
- 3.24. The report concludes that the potential for archaeological finds in situ is low, further detailed archaeological evaluation is not regarded as justified, and as previously confirmed by the County Archaeologist, no further action is warranted.

4. Relevant Planning History

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

88/1506/SH Outline application for the erection of a Refused detached dwelling.

5. Consultation

Ward Member: The ward members for North Downs West Ward are Councillor Jennifer Hollingsbee and Councillor Elaine Martin.

5.1 The key consultation responses are summarised below.

Consultees

Lyminge Parish Council: Object on the following grounds:

- Ecology survey undertaken once land had been cleared;
- No ecological impact assessment;
- Outside of settlement boundary in an Area of Outstanding Natural Beauty;
- Overshadowing and overlooking for residents of Kinross, One Gable and Dolphin Cottage due to elevated site and tall housing;
- No consideration of surface water flooding or sewage;
- Rectory Lane is narrow and cannot allow two cars to pass and is not suited to industrial vehicles;
- Lyminge is in an SSSI Impact Risk Zone;
- Bat survey was completed in a known roosting period;

- Proposal not in keeping.

KCC Highways & Transportation: This development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

KCC Heritage Conservation: No objection subject to condition.

KCC Ecological Advice Service: No objection, subject to conditions.

Southern Water: No objection raised.

Kent Downs National Landscape: Comment as follows:

Given the relationship of the site to existing built form in the village, with existing built development to the north and east, the relative containment of the site in the wider landscape by existing vegetation and the fact there is no public access to the site, we consider the principle of residential development here could be acceptable in terms of National Landscape impact, subject to an appropriate design of development and the incorporation of suitable mitigation.

Natural England: As submitted, the application could have a likely significant effect on:

- Stodmarsh Special Area of Conservation (SAC)
- Stodmarsh Special Protection Area (SPA)
- Stodmarsh Ramsar site
- Stodmarsh Site of Special Scientific Interest (SSSI)
- Stodmarsh National Nature Reserve (NNR)

Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to ensure that the proposal will not have an adverse effect on the integrity of the sites named above.

Chief Planning Officer Comment: The response of Natural England made relates to the application at the time of submission, in 2023. Since submission of the application, it has been clarified that the application site is served by Hythe Wastewater Treatment Works, which is not affected by the Stodmarsh constraints. Additionally, the site also falls within the Little Stour & Wingham Operational Catchment, which is now outside of the area where Natural England's Nutrient Neutrality advice applies for Stodmarsh SAC / SPA /

Ramsar. Consequently, the proposal is no longer considered likely to have any impact upon the designated sites.

Public Consultation

5.2 Fourteen neighbours directly consulted. Nineteen representations received objecting to the application; three neither objecting to, nor supporting the application.

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

Objection

- Increased traffic levels
- Damage to track
- Detrimental noise impact
- Blocking of access
- Loss of privacy
- Overshadowing / loss of daylight
- Loss of agricultural land
- Detrimental impact upon aesthetic and character of area
- Detrimental impact upon residents during construction phase
- No turning available in lane
- No footpaths
- Preliminary ecological assessment unsafe
- Loss of natural habitat & impact upon wildlife
- Impact upon groundwater flow
- LVIA incorrect – site has been cleared
- No communication, as stated
- Cumulative impact from construction of new dwelling adjacent to The Rectory
- No surface water drainage detail
- No sewerage detail
- Detrimental impact upon views
- Overdevelopment of site
- Outside of settlement boundary
- Other sites are being developed in Lyminge and Etchinghill
- Devaluation of existing properties
- Impact upon Area of Outstanding Natural Beauty

Neither objecting nor supporting

- Impact from heavy delivery vehicles damaging road
- Insufficient time to comment
- Narrow access lane
- Increased traffic during construction
- Passing place will be used for overflow parking
- Surface water will drain onto lane

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

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

6. Planning Policy

6.1 The Development Plan comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020).

6.2 The relevant development plan policies are as follows:

Places and Policies Local Plan 2020

- HB1 - Quality Places Through Design
- HB3 - Internal and External Space Standards
- NE2 - Biodiversity
- NE3 - Protecting the District's Landscapes & Countryside
- NE5 - Light Pollution & External Illumination
- CC2 - Sustainable Design & Construction
- T2 - Parking Standards
- T5 - Cycle Parking
- HE2 - Archaeology

Core Strategy Review (2022)

- SS1 - District Spatial Strategy
- SS3 - Place-Shaping and Sustainable Settlements Strategy
- CSD3 - Rural and Tourism Development
- CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

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

Kent Downs AONB Management Plan 2021 - 2026

- MMP2 - Management of the Kent Downs AONB
- SD1 - 7 - Sustainable Development
- LLC1 - Landform and Landscape Character

Government Advice

National Planning Policy Framework (NPPF) December 2024

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 conflict with the NPPF. The following paragraphs of the NPPF are relevant to this application: -

- 11 - Presumption in favour of sustainable development
- 48 - Applications for planning permission be determined in accordance with the development plan
- 131 & 135 - Achieving well-designed places
- 187 & 189 - Conserving & enhancing the natural environment
- 193 - Habitats & biodiversity
- 196 - Ground conditions & pollution
- 207 - Proposals affecting heritage assets

7. Appraisal

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

- a) Is the principle of development acceptable?
- b) Is the visual impact of the development acceptable?
- c) Would the proposal harm residential amenity?
- d) Would the proposal meet residential space standards?
- e) Would the proposal have an acceptable impact upon ecology?
- f) Would the development safeguard highway safety?
- g) Would the development safeguard designated heritage assets?
- h) Other matters

a) Is the principle of development acceptable?

7.2 The Settlement Hierarchy, as set out within the Core Strategy, provides a framework to concentrate development in selected locations so as to maximise

efficient use of existing infrastructure and support business and community facilities. To maintain the character and integrity of the countryside and protect small rural places, the extent of settlements is defined through boundaries separating settlements from open countryside. The application site is outside of the defined settlement boundary and therefore within the open countryside for the purpose of applying planning policy.

7.3 However, the site is considered to be in a location that is sustainable and certainly no less sustainable than the houses that sit immediately adjacent to the site to the east and north. It would not encroach further south into the countryside than The Rectory to the southeast. It is within walking distance of the centre of the village, which is well served with a primary school, doctors' surgery, pharmacy, post office, library, and some shops. There are bus stops within walking distance giving links to Folkestone, Hythe and Canterbury. While Rectory Lane has no footpath, it is a no-through road that serves only the dwellings on the street, and pedestrian footways start on Mayfield and Well Road to the north. There is a public footpath to the southeast of the site leading to Canterbury Road via agricultural land to the south.

7.4 Policies SS1, SS2 and CSD3 of the Core Strategy seek to direct new development to towns and villages within the Settlement Hierarchy, of which Lyminge is defined as a 'Rural Centre':

*Rural Centres and Primary Villages: These are larger or better-served rural settlements within their character area, and as a group of locations there may be potential – subject to further examination of environmental impact – **for modest expansion from their current built limits** to meet rural development needs. There is a particular contrast in size between the largest and smallest settlements in these categories, so any growth should be proportionately limited in scale and well-related to the existing built environment and infrastructure. Neighbourhood plans are particularly encouraged in these locations to define locally preferable development, although they have not been relied on in meeting the development requirements within the Core Strategy Review. (**emphasis added**)*

7.5 So, whilst the application site is rural and considered to be within the countryside in planning policy terms, it is located immediately to the west of the defined settlement boundary and adjacent to other residential uses, so is not considered isolated dwellings, as set out in paragraph 84 of the NPPF. Paragraph 83 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, which it is considered the case for this site.

7.6 The site is immediately adjacent to existing residential development and whilst it lies outside of the defined settlement boundary, it is considered to be in a sustainable location. Subject to detailed matters of scale, design, landscaping and landscape impact, residential development of this could be acceptable.

b) Is the visual impact of the development acceptable?

- 7.7 The application site is within the Kent Downs National Landscape, where great weight should be given to conserving and enhancing landscape and scenic beauty and the designated landscape enjoys highest status of protection in relation to these issues (paragraph 189 NPPF 2024).
- 7.8 The Levelling-Up and Regeneration Act 2023 amended the Countryside and Rights of Way Act, to place a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance National Landscapes.
- 7.9 The site lies on the side of the Elham Valley, on rising ground that places it higher than the existing housing to the north and east, which can be seen in image 4 below. The site also lies on the edge of the village, adjoining open countryside to the south, so the development would be visible in views from the south, including from PROW HE58, which forms part of the Elham Valley Way. The development here would potentially be visible from the opposite side of the Elham Valley as a result to the rising ground level, but would be read in the context of the existing development to the east, forming a continuation of the roofscape that already rises up the lower part of the valley side. Views of the application site from Station Road are already curtailed by vegetation and existing buildings, and the proposal would not add significantly to this.
- 7.10 The application site would occupy a small paddock at the end of Rectory Lane where the rolling topography is defined by medium to large fields broken up by hedges and woodland, which create a defined, mature edge. The proposal would result in the loss of the paddock area and sections of hedge on the eastern boundary to create accesses onto Rectory Lane, but additional planting is proposed to strengthen the remaining boundaries, alongside active management to stimulate additional growth.
- 7.11 The application site has a strong relationship to the existing built form in the village and the existing built development to the north and east, and would form a natural extension to the built development, it is a site that is relatively contained in the wider landscape by the existing vegetation, which it is proposed would be retained and augmented, although the development would be likely to be visible in views from the south from PROW HE58.
- 7.12 The concern over the proposed scale and in particular, height, of the proposed dwellings is acknowledged and a 'hidden' flat roof has been incorporated into the design to reduce the mass and limit the overall height of the proposed buildings.
- 7.13 The design of the properties is considered to be semi-rural in character and reflects the mixed architectural vernacular of the surrounding development. Together with the muted materials proposed for the external surfaces of the properties that would be sympathetic to the palette of the designated National

Landscape and the surrounding development, the visual presence and impact of the built form would be, in part, mitigated.

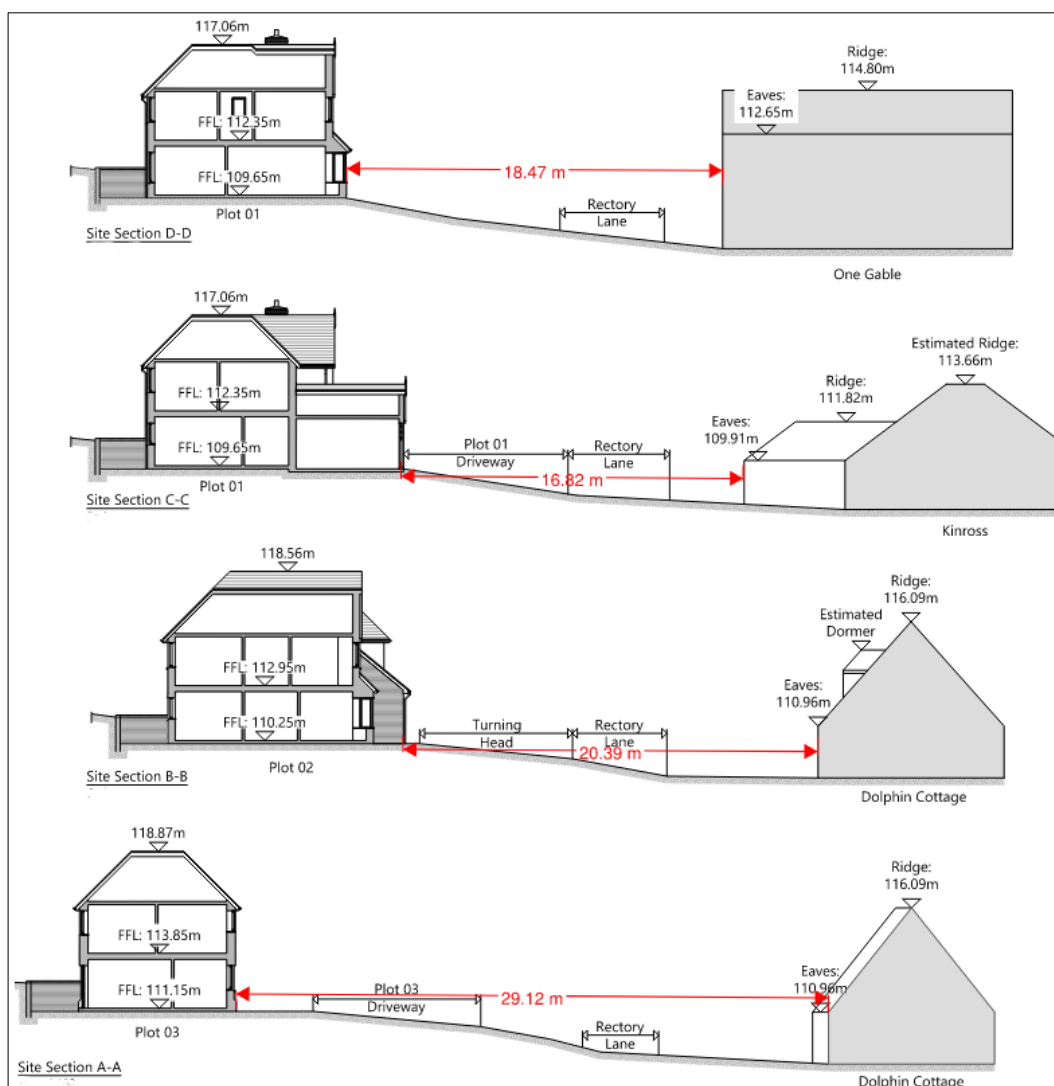


Image 4: proposed site sections east to west

- 7.14 There would be a change in character for the site and immediate area, this would be contained and mitigated by the combined effects of retaining much of the existing vegetation and additional new planting, whilst the location and layout of the proposed development adjacent to existing development, together with the design and material palette of the proposed structures, would result in a development that is considered to be in proportion to the site and surrounding area, with landscape features of value retained and improved, to give a neutral impact upon the designated landscape over time, as the vegetation matures.
- 7.15 The advice of the local planning authority to the applicant regarding material palette, landscaping and architectural form is considered to address the duty to seek to further the purpose of conserving and enhancing the natural beauty of the designated landscape.

7.16 Overall, subject to conditions securing final detail of planting, landscape management, and the materials proposed to be used, the proposed development would be considered acceptable with regard to the visual character of the street scene, the countryside and the designated landscape.

c) Would the proposal harm residential amenity?

7.17 Policy HB1 states that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.

7.18 The use of the application site as land for residential purposes would be unlikely to introduce an unacceptable level of additional noise as a consequence of normal domestic use from comings and goings and the use of the site for domestic purposes.

7.19 The proposed layout and location of the proposed development in relation to the properties to the east is reflective of that immediately to the north of the site, (Treetops, York House, Chestnut Lodge, Whisper Cottage) with separation distances ranging from approximately 17 metres up to 20 metres when measured from the closest point of each existing and proposed dwelling, with front gardens facing each other across the existing highway.

7.20 In this regard, the fronts of the existing dwellings on the eastern side of Rectory Lane are readily viewable from the public highway of Rectory Lane by users of this highway, so already are not considered to be private.

7.21 This separation distances as shown on image 4 are sufficient to maintain an acceptable standard of amenity for neighbouring properties as regards privacy, and overbearing or overshadowing presence, in accordance with Places and Policies Local Plan policy HB1.

d) Would the proposal meet residential space standards?

7.22 Places and Policies Local Plan policy HB3 adopts the standards in 'Technical housing standards - nationally described space standard' to ensure new developments provide adequate space for residents to undertake everyday activities comfortably.

7.23 New build residential development and conversions should meet the nationally described technical housing space standard, and as set out in table 1 of section 3 above, the proposed units would all exceed the internal space standards for proposed dwellings, based upon predicted occupancy. All dwellings shown would have windows providing natural light to the interior of the dwellings, with no evidence to indicate that this would not be adequate, with an acceptable outlook for all units, also.

7.24 For external amenity space, all units would have rear garden areas which would comply with adopted policy.

7.25 Overall, the proposal would provide an acceptable standard of accommodation for future occupiers in accordance with Places and Policies Local Plan policies HB1 and HB3.

e) Would the proposal have an acceptable impact upon ecology?

7.26 Members will note that KCC Ecology do not object to the proposed development.

The site is not designated as a protected habitat but is within the Zone of Influence (2km) of Great Shuttlesfield Down (SSSI), Folkstone to Etchinghill Escarpment (SAC, SSSI), Seabrook Stream (SSSI), Folkstone Warren (SSSI, LWS). The submitted preliminary ecological appraisal concludes that, due to the relatively small-scale of the proposed development, the recreational impact to these designated sites and area is unlikely to be of significance.

7.27 The submitted preliminary ecological appraisal (PEA) identified the need for further surveys in relation to reptiles and bats. The reptile survey found a low (one) population of grass snake on site, with KCC content that the translocation and clearance methods suggested in the reptile survey are suitable to ensure protection for reptiles prior to and during construction. These can be secured via condition.

7.28 The bat surveys observed bats using parts of the application site for foraging and commuting and identified that there may be a risk that any lighting may have a negative impact on bats foraging/commuting within the site. To mitigate against potential adverse effects, details of a sensitive lighting design plan in accordance with the Bat Conservation Trust's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' can be secured by condition.

7.29 The site has suitable terrestrial habitat for great crested newts (GCN), plus it is within 250m of a pond and stream that may be suitable for GCN, so it is possible that GCN may be using the site, and that clearance of the site may result in impacts to them. The applicant has submitted a countersigned Impact Assessment and Conservation Payment Certificate confirming that the proposal has been accepted on the District Level Licencing (DLL) scheme and therefore it is accepted that no surveys or a detailed mitigation strategy is required as part of this application, but a condition requiring evidence that the full conservation payment has been made should be imposed if planning permission is granted.

7.30 In relation to badgers and other mammals, the site has suitable habitat for foraging and commuting badgers and hedgehogs, with precautionary mitigation for badgers provided in the PEA, which will also protect hedgehogs and other

large mammals using the site. These measures can be secured by a condition and incorporated into a Construction Management Plan (CMP).

- 7.31 Under section 40 of the NERC Act 2006 and the NPPF 2024, biodiversity should be maintained and enhanced through the planning system. Consequently, it is reasonable that ecological enhancement features must also be incorporated into the site, which could be secured via condition.
- 7.32 The proposal was submitted prior to 02 April 2024, which was the date that statutory Biodiversity Net Gain came into force for developers of small sites, so does not apply to this application.
- 7.33 Overall, the proposal would have no detrimental impact upon biodiversity at the site, in accordance with Places and Policies Local Plan policy NE2.

f) Would the development safeguard highway safety?

- 7.34 Two independently accessible car parking spaces are proposed within the site to serve each dwelling, which would meet the requirements of adopted policy T2. A further 0.2 of a space per unit is required for visitor parking, resulting in a demand of 0.6 (rounded to 1) for the development.
- 7.35 Whilst a separate visitor space would not be provided for the development as a whole, space is shown to the front of the parking areas serving the proposed dwellings (see Image 1), which could accommodate a vehicle and still allow passage of traffic along the lane.
- 7.36 Members will note the objections raised on the basis of highway safety and amenity. Such conflict is already possible with existing users. The additional number of vehicle movements would not give rise to significant harm to highway safety, noting that the increase in movements would be small in scale, and that the allocated parking spaces, which would be secured by condition, as well as the availability of a passing bay and a turning head, are considered likely to mitigate any harm to an acceptable degree.
- 7.37 The guidance within the National Planning Policy Framework at paragraph 115 is noted where “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In this case, there are no significant demonstrable highway safety issues, and the proposal is considered acceptable in this regard.
- 7.38 The proposal sets out that cycle storage will be incorporated within the integral garage structures of plots 01 and 02, whilst those for plot 03 could be accommodated within a garden shed. Secure, covered cycle storage at a ratio of one space per bedroom can be secured via condition, in accordance with policy T5.

- 7.39 Bin collection is currently carried out for all properties along Rectory Lane and the proposed development would be able to benefit from this arrangement as it currently operates. Further, areas for bin storage would be provided in garden areas or to the side of the proposed dwellings, which would allow bins to be accessed readily by future occupants, without being stored on the property frontage, with no detrimental impact upon highway safety or amenity.
- 7.40 Overall, the proposal would have no unacceptable impact upon highway safety or amenity and would be in accordance with the aims of Places and Policies Local Plan policies T2 and T5.

g) Would the development safeguard heritage assets?

- 7.41 The site lies within an area of archaeological potential and has been accompanied by a report on excavations carried out at the site in 2010 by the University of Reading. The site lies within an area of exceptionally high archaeological potential and whilst the majority of the parcel has no archaeological potential following the University of Reading work, the unexcavated perimeter may, with development likely to impact on any surviving remains in these areas. Consequently, KCC Heritage and Conservation have requested mitigation in the form of detailed archaeological excavation and subsequent assessment, analysis, reporting, archiving and interpretation, to be secured via condition, if permission is granted.

h) Other matters

- 7.42 The submitted tree survey identifies a mix of native and non-native specimens around the application site that are mostly early mature to mature specimens and considered recent landscape additions. A Hawthorn is proposed to be removed to facilitate the proposed access, which has been assessed to fall in Category C, having a low value and that does not make a significant contribution to local landscape character or visual amenity, and which would be able to be mitigated with suitable replacement planting as part of the wider soft landscaping scheme.
- 7.43 Excavation would be required within the Root protection Areas (RPA) of a number of trees to facilitate the proposed access, but the impact is stated to be able to be mitigated via the observance of the submitted method statement, whilst other trees, as detailed in section 3.12, could be adequately protected during the build phase using temporary barriers in accordance with BS 5837. Overall, the proposal would have a low impact upon tree visual amenity value and in securing the method statements and tree protection via condition, the proposal could be constructed with reduced disturbance to the trees.
- 7.44 Overall, there are no perceived arboricultural constraints to the proposed development.

Environmental Impact Assessment

- 7.45 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

- 7.46 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.
- 7.47 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy is applicable to this proposal at a rate of £173.31 per square metre.

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

Working with the applicant

- 7.51 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 proposal is for the development of a well-located site in a sustainable location that would form a natural extension of the existing settlement boundary, supporting the existing services within the settlement of Lyminge. The use of sympathetic materials, the design of the dwellings and the retention, management and enhancement of the vegetated boundaries, would be considered to mitigate the impact of the additional built form to give a neutral impact upon the visual character of the designated landscape over time. Impacts upon residential amenity for both existing and future occupiers are acceptable, with no identified detrimental impacts upon ecology or highway safety from the proposed development..
- 8.2. Overall, it is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 24/1356/FH.

10. RECOMMENDATION

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

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

LD-0046-02D - Proposed Block Plan
LD-0046-03D - Proposed Site Plan and Ground Floor Level
LD-0046-04 Rev A - Proposed Site Section
LD-0046-05 - Plot 01 Proposed Ground and First Floor Plans
LD-0046-06 - Plot 01 Proposed Roof Plan and 3D Perspective
LD-0046-07 - Plot 01 Proposed Elevations
LD-0046-10 - Plot 02 Proposed Ground and First Floor Plans
LD-0046-11 - Plot 02 Proposed Roof Plan and 3D Perspective
LD-0046-12 - Plot 02 Proposed Elevations
LD-0046-20 Rev A - Plot 03 Proposed Floor Plans
LD-0046-21 Rev A - Plot 03 Proposed Roof Plan and 3D Perspective
LD-0046-22 Rev A - Plot 03 Proposed Elevations
LD-0046-30 Rev A - Proposed Site Sections A-A - D-D
LD-0046-31A – Proposed Boundary Treatment Plan
KB-9361-10 - Landscape Proposals Plan
Tree Planning Solutions Arboricultural Impact Assessment and Method Statements, Issue No. 1

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

4. Prior to first occupation of any unit or units hereby permitted, secure, covered cycle storage at a ratio of one space per bedroom shall have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained.

Reason: In the interests of encouraging sustainable modes of transport other than private motor vehicle.

5. Prior to first occupation of any unit or units hereby permitted, the car parking spaces shown on the approved plans shall have been provided and shall thereafter be retained.

Reason: In the interests of highway safety and amenity.

6. Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per dwelling shall be provided, in accordance with specifications and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

7. Prior to first occupation, details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day shall have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

8. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include any existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure (including boundary treatment), hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

10. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

11. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing showing how the development will enhance and maintain biodiversity, including an establishment and management plan for native planting. This will include details of native and wildlife-friendly planting, integrated bat and bird bricks and/or durable boxes, log piles, hibernacula, and hedgehog homes and holes in close board fencing. The approved details will be implemented and thereafter retained.

Reason: In the interests of safeguarding biodiversity.

12. 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.

13. The development hereby permitted shall be carried out in such a manner as to avoid damage to existing trees that are identified for retention in the approved drawings including their root systems, and other planting to be retained, by observing the recommendations for mitigation and protection as set out in Tree Planning Solutions Arboricultural Impact Assessment and Method Statements report Issue no. 1 dated 07 December 2023 .

Reason: In order to protect and enhance the appearance and character of the site and locality.

14. Prior to commencement of development, the translocation of reptiles shall be undertaken in strict accordance with the details in the Reptile Survey Report (Fellgrove, 6 June 2024). On completion of the reptile mitigation a verification report shall be submitted to and approved in writing by the Local Planning Authority confirming that the reptile mitigation has been completed.

Reason: In the interests of safeguarding wildlife and biodiversity.

15. Prior to commencement of development, evidence that the full Great Crested Newt District Level Licence conservation payment has been made to Natural England and the licence issued, shall have been submitted to, and approved in writing by, the local planning authority.

Reason: In the interests of safeguarding wildlife and biodiversity.

16. Prior to first occupation of any unit or units hereby permitted, a lighting plan which has been designed to minimise impacts on biodiversity shall have been submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed and provide commentary regarding how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting at Night' has been considered in the lighting design. It will be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter, with no additional external lighting installed, other than that approved in connection with this condition.

Reason: In the interests of safeguarding wildlife and biodiversity.

17. Prior to commencement of development, the precautionary mitigation for badgers and other mammals, and breeding birds, as set out in sections 6.1 and 6.3 of the Fellgrove Preliminary Ecological Assessment Version 1.0, shall be carried out in full.

Reason: In the interests of safeguarding wildlife and biodiversity.

18. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a detailed programme of archaeological works (including archaeological investigation) in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority, with such details as approved, implemented in accordance with the approved details. Within 6 months of the completion of archaeological works, a Post-Excavation Assessment Report, containing a description and assessment of the results of all archaeological investigations undertaken at the site, shall be submitted to the Local Planning Authority, for approval in writing..

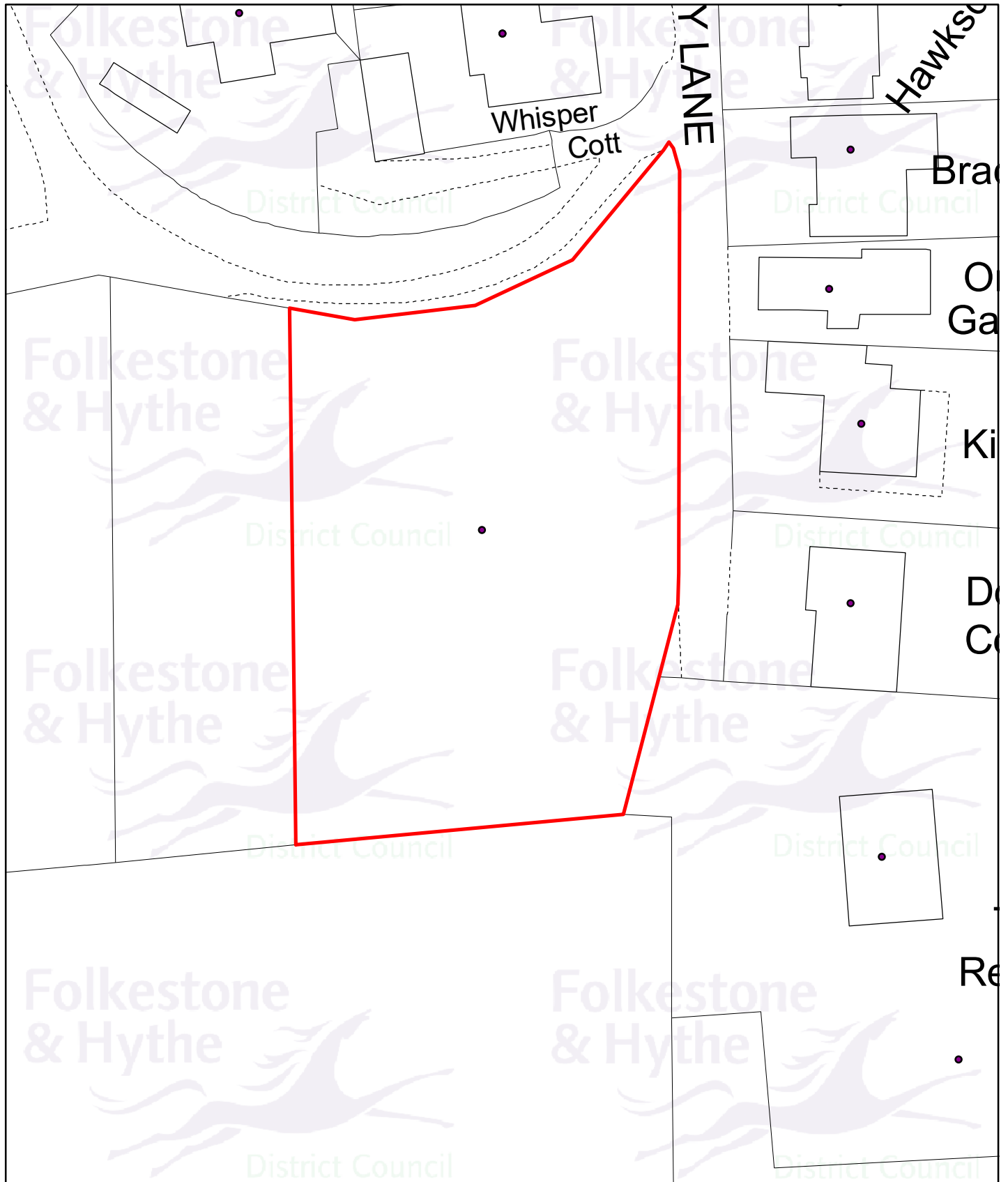
Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with local and national planning policy.

Informative:

It is recommended that the Post-Excavation Assessment Report should include:

- 1. an Updated Project Design outlining measures to analyse and publish and communicate the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;*
- 2. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion;*
- 3. a scheme for interpretation of the archaeology and history of the site to be coordinated with the wider programme of heritage interpretation within Lyminge.*

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Planning Application:
23/2061/FH

Drawn date:
29 Jan 2025

Drawn by:
Carrie Stacey

Drawing ref:
1640/COP/EC

Llywelyn Lloyd
Chief Planning Officer

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Application Number	24/2016/FH/PA
Location	Land adjoining 1 The Coppice, New Road, Saltwood
Application Description	Determination as to whether the prior approval of the Local Planning Authority is required under Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use and conversion of a agricultural building and associated land (as identified) into one (Class C3) dwelling
Applicant	Mr Jarvis
Agent	APX Architecture
Officer Contact:	Ross McCardle

Recommendation

That the Council's prior approval be granted subject to the condition(s) set out at the end of the report.

1. Reason for consideration by the Committee

- 1.1. The application is reported to Committee because of an objection from Saltwood Parish Council.

2. Site and Surroundings

- 2.1 The application site comprises a single-storey barn situated to the west of New Road, Saltwood, accessed via a private track known as The Coppice, which also functions as a public right of way (PRoW). The building in question lies close to the PRoW. It measures approximately 7.2m by 13.9m, with a shallow asymmetrical roof, a roller shutter door at the southern end, and a personnel door at the northern end.
- 2.2 The wider site consists predominantly of grassed agricultural land with two single storey buildings on the site, together with a chicken coop.
- 2.3 There are large, detached houses to the east, along the northern side of The Coppice and planning permission has recently been granted for 2 dwellings on the southern side of The Coppice, in the garden of The Pleasance, Sandling Road. That site is within the settlement boundary.
- 2.4 The site is located within a Special Landscape Area (SLA), outside of the settlement boundary and surrounded by open countryside to the immediate

north and west of the site, with the Kent Downs National Landscape (KDNL) to the northeast but not directly abutting the site boundary. The built confines of Saltwood are to the south and east of the site, and there are several mature trees along the site boundaries.

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



Figure 1: Application property



Figure 2: View from entrance/public right of way



Figure 3: Site entrance



Figure 4: Access road past existing dwellings

3. Proposal

- 3.1. This application seeks to determine whether the Council's prior approval is required for the conversion of an agricultural building to a residential dwelling under Class Q of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO).
- 3.2. Members should note that this is not an application for planning permission, but for a determination as to whether or not the proposed works comply with the relevant legislation or give rise to harm within tightly defined parameters, as set out below. The use itself has already been granted deemed planning permission by the GPDO.
- 3.3. The proposed external alterations to the building include:
- External walls to be clad with natural timber and corrugated profile sheeting, with blue/grey engineering brick for the lower section/plinth.
 - Existing roof to be replaced with corrugated profile sheeting.
 - New aluminium doors and windows to be inserted.
- 3.4. Internally the building would be converted to provide three bedrooms and an open-plan lounge/kitchen/diner. Internal floorspace would total approximately 100sqm.
- 3.5. Two parking spaces would be provided on the southern side of the building, with a curtilage extending to approximately 90sqm.



Figure 5: Site location plan



Figure 6: Proposed site layout



Figure 7: Proposed plans and elevations

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

Planning Statement

- 3.7. This document provides a brief description of the proposal and the application site, then sets out the relevant legislation (the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) and considers the application under each of the relevant criteria. The document concludes that the development complies with the requirements of the GPDO and therefore that the application should be approved.

Summary Schedule of Building Operations

- 3.8. This provides an overview of the condition of the building and concludes that it is sound and capable of conversion without intervention to the main structure or foundations. It sets out that external materials can be safely attached to the existing block walls and roof frame, and that electric is provided but water and telecom supply will need to be taken from New Road. It also notes that sewage will be disposed of by private treatment plant on site.

4. Relevant Planning History

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

24/1185/PIP	Erection of a single detached dwelling with associated parking and landscaping.	Refused
23/1366/PIP	Erection of up to four dwellings.	Refused and dismissed

- 4.2 24/1185/PIP refused permission in principle for the erection of a single detached dwelling for the following reason:

The application site, by reason of its location outside of any defined settlement boundary, is considered unsuitable for residential development. The erection of a residential dwelling in this location would amount to visually harmful and unnecessary development in the countryside, extending built residential form into undeveloped countryside in a manner harmful to the character, appearance, and intrinsic amenity value of the countryside, the Special Landscape Area, and the nearby Kent Downs National Landscape. The proposal would therefore represent unsustainable development in a manner contrary to policies HB1 and NE3 of the Places and Policies Local Plan; policies SS1, CSD3, and paragraph 4.68 and table 4.4 (settlement hierarchy) of the Core Strategy; and the advice of the National Planning Policy Framework.

- 4.3 Application ref. ref. 23/1366/PIP refused permission in principle for the erection of “up to four dwellings” for the following reason:

The application site, by reason of its location in the countryside beyond the existing settlement boundary and built up area of Saltwood, is considered unsuitable for residential development. The erection of up to four dwellings in this location would amount to visually prominent and unnecessary development in the countryside, extending the built up area into undeveloped countryside and harmful to the character, appearance, and amenity value of the Special Landscape Area, nearby Area of Outstanding Natural Beauty and the wider countryside. The proposal would therefore be unsustainable development and contrary to policies HB1 and NE3 of the Places and Policies Local Plan; policies SS1, SS3, and the table at para. 4.61 (settlement hierarchy) of the adopted Core Strategy; policies SS1, CSD3, and paragraph 4.68 (settlement hierarchy) of the Core Strategy Review; and the advice of paragraphs 80, 119, 174, and 176 of the National Planning Policy Framework.

- 4.4 The subsequent appeal (Planning Inspectorate ref. 3334818) was dismissed, with the Inspector noting that the site lies outside of the defined settlement boundary and that there was limited evidence for non-agricultural use of the structures on site, and concluding that *“the site is not suitable for the proposed development, having regard to its location, the proposed land use and the amount of development.”*
- 4.5 It should be noted that planning permission has been granted for the erection of two dwellings to the rear of The Pleasance, Sandling Road reference: 21/2258/FH.

5. Consultation

- 5.1 The consultation responses are summarised below.

Consultees

Saltwood Parish Council: consider that planning permission is required for the development, and object to the application for the following summarised reasons:

- Outside of the defined settlement boundary.
- Agricultural land.
- Visual impact and harm to the KDNL and SLA.
- Loss of openness.
- Highway safety and amenity.
- The site does not constitute previously developed land.
- Precedent for further development.

KCC Highways and Transportation: proposal does not meet protocol response threshold.

FHDC Environmental health: No objection.

Contamination Consultant: No objection, commenting that “former agricultural uses may have introduced contaminants to the surface in quantities that may pose a risk to the sensitive proposed residential use.” They therefore recommend that the Council’s standard contamination condition is used to investigate the site and remediate any contamination that may be present.

Public/Neighbour Consultation

5.2 10 neighbours directly consulted. 6 letters of objection received in response.

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

Objections

- Highway safety and amenity.
- Inadequate vehicle access.

5.4 The GPDO sets out a very narrow list of matters which can be considered under applications made under Class Q (set out in paragraph 7.3 below). As such, the following issues were raised by interested parties but cannot be given weight in the decision making process here:

- Impact on local services and amenities
- Impact on wildlife and ecology
- Outside settlement boundary
- Inappropriate development of agricultural land/buildings.
- Previous applications for planning permission refused.
- Lack of detail re: size of proposed building
- Lack of consultation [CPO comment: no neighbour consultation is required under Prior Approval applications].

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

[Planning Register](#)

6. Planning Policy

The National Planning Policy Framework 2024

6.1 As set out above, this is not an application for planning permission, rather a determination as to whether the Council’s prior approval is required for limited details of a development which already benefits from planning permission by virtue of the GPDO.

6.2 The GPDO sets out that Local Planning Authorities are restricted to considering the proposal only against the NPPF, in so far as it is relevant to the matters the subject of the application (as set out in paragraph 7.3 below).

6.3 The relevant paragraphs of the NPPF are therefore as follows:

- 116 Highway safety and amenity
- 135 Achieving well-designed places
- 170 Minimising flood risk
- 187 Conserving and enhancing the natural environment, and minimising risks of noise, air, water, and soil pollution.

7. Appraisal

7.1 As set out above, the GPDO grants planning permission for the conversion of agricultural buildings to dwellings. The principle of this development is therefore already acceptable.

7.2 The prior approval process requires developers to seek approval from the local planning authority relating to specified elements of the development before work can proceed.

7.3 Only matters explicitly set out within the legislation can be considered when reaching a decision on such applications, and these are much narrower than would ordinarily be taken into account during the course of an application for planning permission. They are as follows:

- (a) Transport and highways impacts of the development
- (b) Noise impacts of the development
- (c) Contamination risks on the site
- (d) Flooding risks on the site
- (e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order
- (f) The design or external appearance of the building; and
- (g) The provision of adequate natural light in all habitable rooms of the dwellinghouses

7.4 The local planning authority cannot consider any matters outside of the above, and in terms of decision making, can determine, having considered the proposal only against the above, that:

- 1) The proposal is wholly acceptable and therefore prior approval is not required; or

- 2) The proposal is acceptable subject to conditions or the submission of further information and therefore prior approval is required and granted;
or
- 3) The proposal is unacceptable in respect of the matters specified above and therefore prior approval is required and refused.

a) Transport and highways impacts of the development

- 7.5 The site benefits from an existing vehicular access (see figs. 2, 3, and 4 above), which also serves existing neighbouring dwellings (Bluebell House and Ivy House). The submitted drawings also show parking in accordance with current adopted standards. Vehicle movement associated with a single dwelling would be low, and whilst the access is also a public right of way, it is not considered that the proposed dwelling would give rise to harm to the safety of users of this public footpath or to other users of the highway. It is also notable that the site could be put to use for agriculture, which would also give rise to vehicle movements on the access track.
- 7.6 Having regard to the above, it is considered that the proposed development would not give rise to harm to highway safety and would comply with the NPPF in this respect. It is considered that prior approval of details relating to transport and access is not required.

b) Noise impacts of the development

- 7.7 The proposed use of the building as a single dwelling would not give rise to a harmful increase in noise and disturbance to local residents, nor would it harm the setting of the Kent Downs National Landscape. Equally, future occupiers of the proposed dwelling would not be exposed to any significant noise and disturbance from surrounding uses.
- 7.8 The proposed development complies with the NPPF in this respect and it is considered that prior approval is not required in this regard.

c) Contamination risks on the site

- 7.9 As set out above, the Council's contamination consultant raises no objection to the proposed development, but considers that there is potential for previous agricultural uses to have introduced contaminants (fertiliser, fuel, etc.) to the site. They have therefore advised that a condition be imposed requiring investigation and, where necessary, remediation of any contamination.
- 7.10 It is therefore considered that, subject to a condition relating to contamination, the proposal would be acceptable.

- 7.11 In order to impose conditions, the Council must determine that its prior approval is required. It is therefore considered that prior approval is required in respect of contamination risks at the site, and that it should be granted subject to such a condition.

d) Flooding risks on the site

- 7.12 The site does not lie within a flood risk zone and is not at risk of flooding. It is therefore considered that prior approval is not required in this regard.

e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to residential use

- 7.13 The building the subject of this application is not located in an area or on a site where it would be impractical for residential use to take place.

- 7.14 The site lies in a location close to the existing settlement, the proposed dwelling would not be isolated and there would be no harm to the amenity of future residents of the site.

- 7.15 Members will note from the planning history of the site that permission has been refused and an appeal dismissed for the residential development of the site. Those applications are materially different to this proposal. Whilst the previous schemes were unacceptable as a matter of principle, as set out above, the GPDO grants planning permission for this development.

- 7.16 Having regard to the above, it is not considered that residential use of the building would be impractical or undesirable and prior approval is not required in this respect.

f) The design and external appearance of the building

- 7.17 The proposed external works to the building are comparatively minor and the use of natural timber cladding, corrugated profile cladding and aluminium doors and windows would result in an unobtrusive structure that would not have a harmful impact on the character and appearance of the area or the Special Landscape Area.

- 7.18 The site lies outside the KDNL but within its setting. It is not considered that the development would harm the setting of the KDNL, and the external materials proposed, in comparison to the utilitarian appearance of the building at present, are considered to meet the duty to further the purpose of conserving and enhancing the special quality of the KDNL.

- 7.19 The proposed design and external appearance of the building are considered acceptable and prior approval is not required.

g) The provision of adequate natural light in all habitable rooms of the dwelling

- 7.20 The interior of the property would be well-served with natural light from the proposed windows and therefore prior approval is not required.

Environmental Impact Assessment

- 7.21 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is considered that the threshold is not relevant as the application site is within a sensitive area (Kent Downs National Landscape). A screening opinion has been carried out by the Council and has concluded that the development is not EIA development and as such an Environmental Statement was not required. (Please see formal screening opinion on the planning file for further detail).

Local Finance Considerations

- 7.22 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £138.65 per square metre for new residential floor space.

Human Rights

- 7.23 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

- 7.24 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.

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

Working with the applicant

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

8. CONCLUSION

8.1. This application seeks to determine whether the Council's prior approval is required for the conversion of an agricultural building to a residential dwelling under Class Q of Part 3 of the General Permitted Development Order 2015 (as amended). It is not an application for planning permission and only the very specific items set out within the GPDO can be taken into account.

8.2. The proposed development is considered acceptable and in compliance with the NPPF, save for in respect of potential contamination, where it is considered that further details are required to ensure any potential contamination within the site is investigated and appropriately remediated. These details can be secured by way of a condition. j

8.3. Accordingly, it is recommended that the Council determine that prior approval is required and is granted subject to the condition below.

9. BACKGROUND DOCUMENTS

9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 24/2016/FH/PA).

10. RECOMMENDATIONS

That prior approval is required and granted subject to the following conditions:

Conditions:

1. (A) 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.

(B) 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:

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).

(C) If investigation and risk assessment shows that remediation is necessary, no development shall take place until 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 has been submitted to and approved in writing by the Local Planning Authority. 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.

(D) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been 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.

(E) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. 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.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

<u>Plan/Drawing Title</u>	<u>Drawing Number</u>	<u>Received</u>
Location plan	24_81_01	24.12.24
Proposed site plan	24_81_03	24.12.24
Proposed elevations	24_81_04	24.12.24

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

24/2016/FH/PA - Land Adjoining 1 The Coppice, New Road, Saltwood



Planning Application:
24/2016/FH/PA

Drawn date:
30 Jan 2025

Drawn by:
Brian Harper

Drawing ref:
2235/LDC/LS

Llywelyn Lloyd
Chief Planning Officer

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**FOLKESTONE & HYTHE DISTRICT COUNCIL
PLANNING AND LICENSING COMMITTEE – 11 February 2025**

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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