



# Agenda

Meeting: **Planning and Licensing Committee**  
Date: **16 December 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](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
[www.folkestone-hythe.gov.uk](http://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 may 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 - 8)**

To consider and approve, as a correct record, the minutes of the meeting held on 11 November 2025.

4. **25/1531/FH - 69 Sycamore Close, Lydd, Romney Marsh, TN29 9LE (Pages 9 - 26)**

Demolition of existing garage, creation of new driveway and dropped curb, erection of single storey dwelling (class C3) with associated gardens and planting, perimeter fencing and hardstanding for parking.

5. **25/1530/FH - 12 Sandgate Road, Folkestone, CT20 1DP (Pages 27 - 42)**

Part change of use to rear of existing ground floor retail unit (Class E) to residential use (C3) to create 1 x 1-bed apartment, including alterations to the remaining retail unit to create 2 x smaller retail units.

6. **25/1818/FH - Spencer Exchange, Mountfield Industrial Estate, New Romney (Pages 43 - 66)**

Erection of a small commercial building to house a local internet exchange & battery storage system, an overhanging car port from the building to provide shelter for a double dual EV rapid public charging station, renewable Solar PV system to the roof of the building / carport & the installation of a new 37m telecommunications mast for local broadband.

7. **25/2140/FH/CON - Bus station, Bouverie Square, Folkestone, CT20 1BA (Pages 67 - 74)**

Approval of informative (biodiversity gain plan) of planning permission 24/1650/FH.

## **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, 11 November 2025
Present	Councillors Mike Blakemore, Polly Blakemore, Tony Cooper, Gary Fuller, Clive Goddard, Mrs Jennifer Hollingsbee, Anita Jones, Nicola Keen (Vice- Chair), Adrian Lockwood, Jackie Meade (Chair), Rebecca Shoob and Paul Thomas
Apologies for Absence	None.
Officers Present:	Robert Allan (Principal Planning Officer), Rob Bailey (Development and Enforcement Manager), Alex Baker (Committee Services Officer), Ellen Joyce (Democratic Services & Elections Officer) and Ross McCardle (Principal Planning Officer)

### 55. **Declarations of Interest**

There were no declarations of interest.

### 56. **Minutes**

The minutes of the meeting held on 9 September 2025 were approved as a correct record.

### 57. **22/1816/FH - Rose and Crown, High Street, Elham, Canterbury CT4 6TD**

This was a retrospective application for the works to form a new decked area at the rear of the public house.

**John Stubbs, local resident, spoke against the application.**

Proposed by Councillor Mrs Jennifer 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: 12 For, 0 Against, 0 Abstentions)

**58. 22/1846/FH - Rose and Crown, High Street, Elham, Canterbury CT4 6TD**

This application sought listed building consent for the retrospective application for the works to form a new decked area at the rear of the public house.

Proposed by Councillor Mrs Jennifer Hollingsbee  
Seconded by Councillor Goddard; and,

**Resolved:**

**That listed building consent 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: 12 For, 0 Against, 0 Abstentions)

**59. 25/1183/FH - Land adjoining Brookland Cottage, Stone Hill, Sellindge**

This application sought the retrospective change of use of land from agricultural to equine use with stable block and associated hardstanding, retention of existing storage container, and proposed erection of new hay barn.

The Principal Planning Officer advised the Committee that an additional letter had been received from neighbouring residents, noting that horses had been kept in the field for over 50 years and requesting a condition to prevent change of use of the barn, but otherwise raising issues that are already considered in the report. The officer advised that use of the proposed buildings as a dwelling would amount to a change of use requiring planning permission in its own right, and as such a condition preventing this would not be required. Officers recommended amending condition 10 to require details of the siting of any manure trailer to be submitted and approved before being stationed on site.

Proposed by Councillor Goddard  
Seconded by Councillor Jones; 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 Abstentions)

60. **25/1410/FH - 62-68 Sandgate High Street, Sandgate, Folkestone CT20 3AR - WITHDRAWN**

This application was withdrawn from the agenda because the District Councillor who called it to Committee withdrew their request.

61. **25/1648/FH - Plots D & E Phoenix Court, Howey Road, Mountfield Ind.Estate, New Romney, TN28 8GT**

This application sought the erection of 9 general industrial units with associated parking and access road.

The Principal Planning Officer advised the Committee that applicant's agent has recently been in contact to advise that the requested amended drawings, to address KCC Highways ecology and flooding comments, would be submitted shortly.

Proposed by Councillor Thomas  
Seconded by Councillor Mrs Jennifer Hollingsbee; and,

**Resolved:**

**That planning permission be granted subject to receipt of additional information to address KCC LLFA, Highways, and Ecology comments, 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: 12 For, 0 Against, 0 Abstentions)

62. **25/1759/FH - Plot G, Pearl Court, Howey Road, Mountfield Ind. Estate, New Romney, TN28 8GS**

This application sought the erection of 1 general light industrial unit with associated parking & landscaping.

The Principal Planning Officer advised the Committee that amended drawings have been received in response to comments from KCC Highways, who now do not now raise objection, subject to conditions. KCC Ecology have also responded advising they have no objections subject to conditions.

The officer advised that, as at paragraph 3.7 of the report, an occupant has now been identified for the unit and the application description and condition 17 therefore need to be amended to refer to a 'sui generis' use class, which better reflects the intended use by the applicant as a coach and minibus depot, and then an 'hours of use' condition is also required to minimise potential for noise and disturbance.

Proposed by Councillor Cooper  
Seconded by Councillor Polly Blakemore; and,

**Resolved:**

**That planning permission be granted subject to amending the application description, receipt of comments from FHDC contamination and environmental health, the amendment of condition 17 in the report, the addition of an hours of use condition and conditions as requested by KCC Highways and Ecology, and 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: 12 For, 0 Against, 0 Abstentions)

<b>Application Number</b>	25/1531/FH
<b>Location</b>	69 Sycamore Close, Lydd, Romney Marsh TN29 9LE
<b>Application Description</b>	Demolition of existing garage, creation of new driveway and dropped curb, erection of single storey dwelling (class C3) with associated gardens and planting, perimeter fencing and hardstanding for parking.
<b>Applicant</b>	Lesley Larman
<b>Agent</b>	Paul Simms
<b>Officer Contact:</b>	Macey Douglas

## 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 Committee due to an objection by Lydd Town Council.

### 2. Site and Surroundings

- 2.1. The application site comprises of a detached bungalow situated at the junction of Sycamore Close and Poplar Lane within the settlement boundary of Lydd. The surrounding area largely features residential dwellings, with both a substation and vets opposite the site. The site of the proposed dwelling would be in the rear garden of the host property, where an existing garage and parking area is currently located.
- 2.2. The proposed plot for the dwelling would be of a width similar to those on the southern side of Poplar Lane.
- 2.3. The front elevation of the application bungalow fronts onto Sycamore Close, however the proposed dwelling would be accessed from Poplar Lane, utilising the existing access to the garage.
- 2.4. The dwellings along Sycamore Close and Poplar Lane do not have a distinctive character in terms of appearance or materials, however they are generally pitched roofed bungalows of similar sizes. The properties generally

front onto the public highway, with many set back to allow for off street parking to the front.

- 2.5. The existing property is of a similar scale and design to the surrounding dwellings within Sycamore Close but also benefits from an L-shaped amenity area.



Figure 1: Site Photo from Poplar Lane



Figure 2: Site Photo Opposite the Site



*Figure 3: Site Photo looking towards the garage which is to be replaced and relationship with neighbouring property*



*Figure 4: Site Photo showing the character of the street scene*

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

- 2.6. Planning permission is sought for the erection of a detached bungalow in place of the existing garage, shed and rear amenity space of 69 Sycamore Close.
- 2.7. The width of the plot would be similar to those on the southern side of Poplar Lane opposite the site.
- 2.8. The bungalow would have three bedrooms, serving four occupants with an internal area of approximately 74 square metres. To the front of the proposed dwelling would be an area of hardstanding for the off-street parking of two vehicles.
- 2.9. The bungalow would have white rendered walls, a pitched roof, timber clad front and rear gables. It would have grey uPVC doors and windows, and a clay tiled roof.
- 2.10. There would be a separation distance of approximately 1 metre to the northern side boundary shared with no. 1 Megan Close and 0.45 metres to the new southern side boundary with no. 69 Sycamore Close.
- 2.11. A private garden is proposed to the rear with a depth of approximately 10 metres and a width matching that of the proposed dwelling.
- 2.12. The private garden to the existing dwelling would be of an L shape with a maximum depth of 10.4 metres and maximum width of 10.9 metres. The property would also benefit from an additional amenity area to the southeast and southwest of the dwelling.
- 2.13. The proposal also seeks the introduction of an area of hardstanding for two parking spaces, to serve the existing dwelling, which would be accessed off Sycamore Close.
- 2.14. The proposed elevations and floor plan are provided in the figures below.

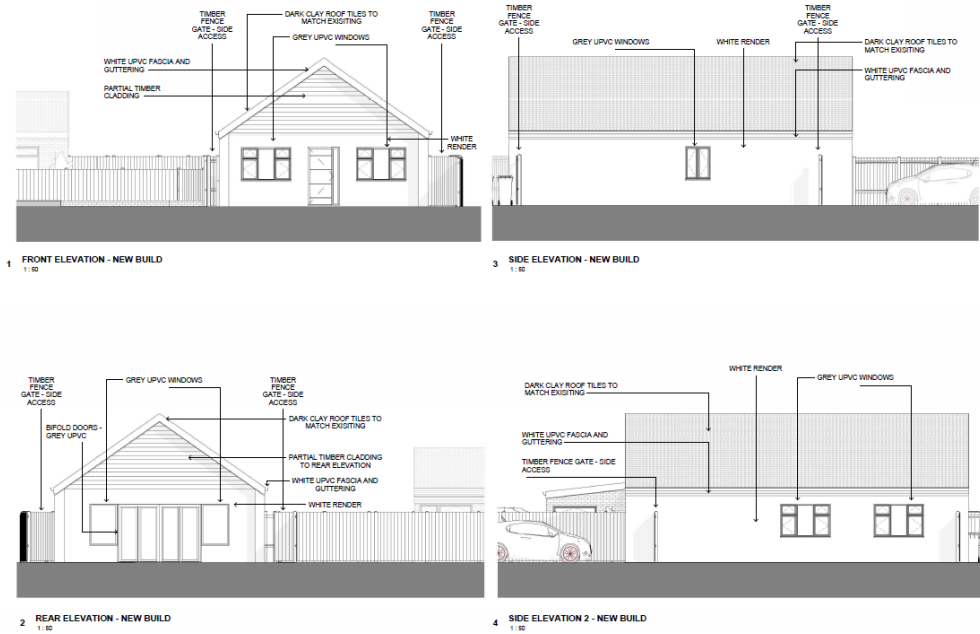


Figure 5: Proposed Elevations

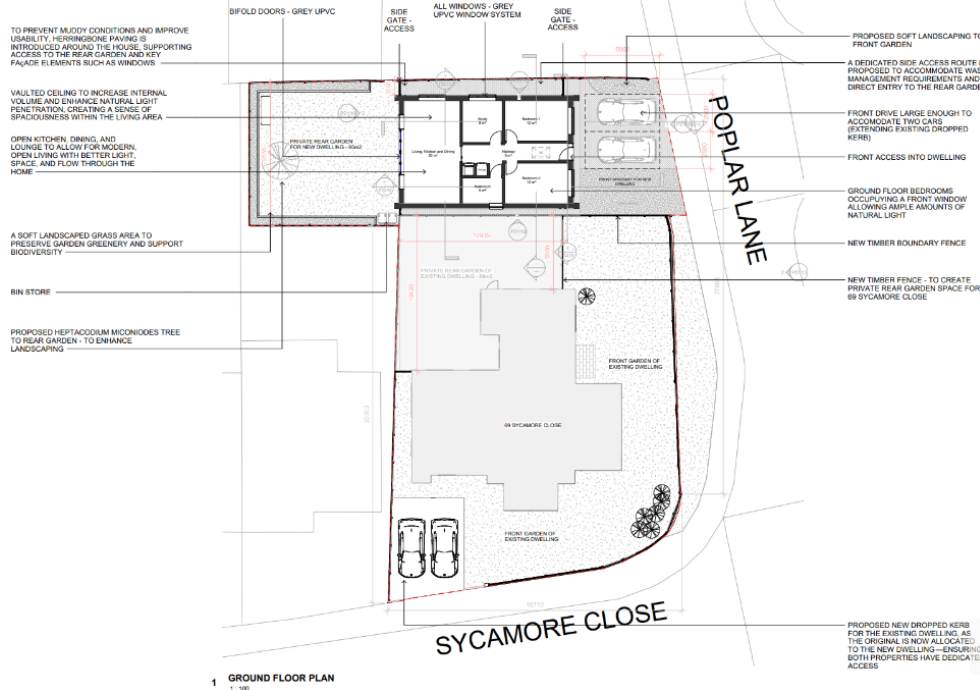


Figure 6: Proposed Floor Plan

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

Design and access statement

2.16. The design and access statement submitted provides the justification for the proposed development including the design rationale and amendments which have been made over the course of the application. The document considers

that the development is visually acceptable within its context.

### **3. Relevant Planning History**

3.1 There is no recent or relevant history associated with the site.

### **4. Consultation**

4.1 The consultation responses are summarised below.

#### **Consultees**

**Lydd Town Council:** Objection received relating to loss of light, over intensification of the plot, highway safety harm arising from proximity to junction, drainage concern.

**KCC Highways and Transportation:** No comments to make.

**KCC Archaeology:** No objection.

**Southern Water:** No objection subject to drainage condition.

**Affinity Water:** No comments received.

**Environmental Protection Officer:** No objection subject to contamination condition.

**KCC Ecology:** No further information required. No objection.

**Natural England:** No objection.

#### **Public/Neighbour Consultation**

4.2 14 neighbours directly consulted. 1 letter of objection, and 1 letter neither supporting nor objecting to the application have been received.

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

#### **Objections**

- Loss of light
- Loss of privacy
- Impact on drainage

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

[Planning Register](#)

## 5. Planning Policy

5.1 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).

5.2 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
- HB10 - Development of Residential Gardens
- T2 - Residential Parking
- T3 - Residential Garages
- T5 - Cycle Parking

### Core Strategy Local Plan (2022)

- SS1 - District Spatial Strategy
- SS2 - Housing and the Economy Growth Strategy
- SS3 - Place-Shaping and Sustainable Settlements Strategy
- CSD1 - Balanced Neighbourhoods

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

## 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:-

The NPPF has at its heart a presumption in favour of sustainable development. Paragraph 11 sets out a set of core land-use planning principles that should underpin decision-taking. These include the need to always seek a high-quality design and a good standard of amenity for all

existing and future occupiers of land and buildings. In addition, the following Sections are considered to be particularly relevant:

- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well designed places

## **6. Appraisal**

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

- a) Whether the principle of development is acceptable?
- b) Whether the design of the dwelling is visually acceptable?
- c) Whether the proposal would harm neighbour amenity?
- d) Does the proposal meet residential space standards?
- e) Would the proposal preserve highway safety?
- f) Does the development include acceptable locations for refuse and cycle parking?
- g) Would the proposal be acceptable in regard to drainage?
- h) Other Matters

### **a) Whether the principle of development is acceptable?**

6.2 The application site is located within the settlement boundary of Lydd, which is considered to be one of the district's sustainable locations. The principle of a new dwelling in this location is therefore acceptable.

### **b) Whether the design of the dwelling is visually acceptable?**

6.3 The proposed dwelling would be of a size, scale and height that would be comparable with the dwellings in the street scene. The proposed plot width would be of a comparable size to those in the vicinity of the site in Poplar Lane and the layout would maintain suitable separation distances to the dwellings either side to ensure that the development would not appear cramped.

6.4 The street scene features a variety of materials including white/cream render, timber cladding, and tiled roofs. The intended use of these materials on the proposed dwelling would therefore be reflective of those in the area and as such, they are considered to be acceptable.

6.5 The proposed soft landscaping to the front of the dwelling, either side of the proposed parking spaces would also assist in softening the proposal's impact from the street scene and would ensure that the amount of hardstanding as viewed from the public domain would be acceptable. It would contribute to the

enhancement of the character and appearance of the proposal as well as biodiversity in the area.

- 6.6 The proposed development is therefore considered to be acceptable in regard to its design and is considered to comply with policies HB1 and HB10 of the PPLP.

**c) Whether the proposal would harm neighbouring amenity?**

- 6.7 The proposed side openings to both the northeastern and southwestern elevations would face a 1.8-metre-high close boarded fence and therefore, would not lead to a loss of privacy by way of overlooking to no. 69 Sycamore Close or 1 Megan Close.

- 6.8 There would be a separation distance of 6.5 metres between the application site and the rear elevation of no. 1 Megan close. The proposed dwelling would not contravene the 25-degree angle when a measurement is taken from the centre point of the conservatory windows of this neighbouring dwelling. It is therefore not considered to give rise to loss of light or appear overbearing to the occupiers of this dwelling.

- 6.9 Turning to the impact on no. 69 Sycamore Close, there would be a separation distance of approximately 5.3 metres between this dwelling and the proposed dwelling. When a measurement is taken from the nearest windows of no. 69, the proposal would not contravene the 25-degree angle. It is not considered that the proposal would appear overbearing or lead to loss of light that would be harmful to these occupants either.

- 6.10 Any increase in comings and goings to the site would be relatively minor and are not considered to result in an increase in noise and disturbance to an unacceptable level.

- 6.11 The proposed development is therefore acceptable in this regard and would meet the criteria of policy HB1.

**d) Does the proposal meet residential space standards**

- 6.12 Policy HB3 of the PPLP states that a two bedroom four-person dwelling should have an internal floor area of 70 sq. metres. The proposed dwelling would have an internal floor area of approximately 74 sq. metres meeting the criteria.

- 6.13 The garden amenity space provided for the proposed dwelling would also meet the criteria of policy HB3, measuring a total of 10 metres in depth while extending beyond the width of the dwelling.

- 6.14 The proposed garden for the existing dwelling would not meet the minimum requirement of a 10m deep garden when measured from the rearmost

projection of the property. However, it provides a usable, private garden which wraps around the property to the side, offsetting the lack of space to the rear. This would not result in harm to the residential amenity of the occupiers of this dwelling and is accordingly considered to be acceptable.

- 6.15 I am therefore satisfied that the proposal would accord with the Council's space standards in policy HB3 of the PPLP.

**e) Would the proposal preserve highway safety?**

- 6.16 With regards to highway safety, the proposed dwelling would utilise the existing access off Poplar Lane and is considered to be acceptable in terms of visibility splays and distance to the junction. The proposal would not result in harm to highway safety or worsen the existing situation in this respect.

- 6.17 The proposed parking area to front of the existing dwelling would also not result in harm to highway safety and would provide adequate sight lines to the junction. It is noted that it is common for dwellings to have parking to the front, including the dwelling directly opposite on Sycamore Close. There are no objections on these grounds

- 6.18 Policy T2 requires two-bedroom properties in this location to have a minimum of one-off street parking space.

- 6.19 The area of hardstanding for off-street parking to the front of the proposed dwelling is large enough to accommodate two vehicles and is therefore considered to exceed the requirements of policy T2 of the PPLP. It would also utilise an existing access point from the public highway which is also acceptable.

- 6.20 The proposed two off street parking spaces and dropped kerb are considered to be acceptable. Although it is acknowledged that this would remove one on street parking space, the area is not within a Controlled Parking Zone (CPZ) and has sufficient capacity for this not to cause an issue with regards to on street parking.

- 6.21 I am therefore satisfied that the proposal would result in an acceptable level of off-street parking in accordance with policy T2 of the PPLP.

**f) Does the development include acceptable locations for refuse and cycle parking**

- 6.22 The proposed location of the refuse/ recycling containers to the rear of the proposed dwelling is considered to be acceptable as there would be a side access which would allow for them to be moved to the front of the site on collection day.

- 6.23 The proposal has not included details of cycle parking and storage; however, these could be secured by condition in accordance with policy T5 of the Places and Policies Local Plan. There are no objections on these grounds.

**g) Would the development be acceptable in regard to drainage?**

- 6.24 It is acknowledged that objections have been received during public consultation regarding the impact of the proposal on drainage. Both Southern Water and Affinity Water have been consulted and in the event of an approval, have requested a condition be imposed requiring details of both foul and surface water drainage. This is considered to be acceptable and therefore subject to this condition; there are no objections on these grounds.

**h) Other Matters**

- 6.25 The proposed replacement dwelling would be self-build and therefore falls outside of the requirements for BNG. There are no objections from KCC with regards to any other impact on ecology or protected species.
- 6.26 In seeking to preserve the character and appearance of the street scene and to protect the residential amenity of the surrounding neighbouring dwellings, it is considered reasonable to restrict permitted development rights associated with the property (Part 1 of Schedule 2 of the GPDO). This would enable the Local Planning Authority to consider the impact of any extensions to the dwelling, on the character and appearance of the site as well as the residential amenity of the neighbouring properties.
- 6.27 It is considered that extensions under Class A (enlargement, improvement or other alteration of a dwellinghouse) and B (additions to the roof of a dwellinghouse) could impact both the visual impact of the property and the residential amenity of occupiers of adjacent dwellings. Rooflights under Class C (other alterations to the roof of a dwellinghouse) could also give rise to harm to residential amenity. It is therefore recommended that a condition is imposed removing these permitted development rights, meaning that any such development would need to be the subject of a future application for planning permission.

**Environmental Impact Assessment**

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

**Local Finance Considerations**

- 6.29 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area.

The CIL levy in the application area is charged at £0.00 per square metre for new residential floor space.

### **Human Rights**

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

### **Public Sector Equality Duty**

- 6.31 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

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

- 6.33 In determining this application regard has been had to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 in particular with regard 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 characteristics 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.

### **Working with the applicant**

- 6.34 In accordance with paragraphs 39 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.

## 7. CONCLUSION

- 7.1. The application site would fall within the defined settlement boundary of Lydd and is considered that the proposal would not result in harm to the character and appearance of the area, nor would it cause harm to the residential amenity of neighbouring occupants. The proposed development would also preserve highway safety and convenience and would provide an acceptable level of accommodation to future occupiers.

## 8. BACKGROUND DOCUMENTS

- 8.1. 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](http://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 25/1531/FH)

## 9. 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:  
P0600 Rev 5 Proposed Location and Site Plan – received 03/12/2025  
P2013 Rev 1 Elevation and Perspective Proposed – received 17/11/2025  
P2110 Rev 3 Elevations Proposed – received 17/11/2025  
P2210 Rev 3 Section Proposed – received 17/11/2025  
P2711 Rev 5 External Views Proposed – received 03/12/2025  
P2211 Rev 3 Private Rear Garden Area Calcs Proposed – received 03/12/2035  
P2010 Rev 6 Ground Floor Plan Proposed – received 04/12/2025  
P2011 Rev 6 Attic Plan Proposed – received 04/12/2025

P2012 Rev 5 Roof plan Proposed – received 03/12/2025  
Design and Access Statement Amended Part 1 & Part 2 – received  
17/11/2025

**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. 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.

5. In the event that at any time while the development is being carried out contamination is found it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

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

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

**Reason:** In order to prevent pollution of water supplies.

7. The parking area shown on the submitted plan P0600 - Rev 4 (Proposed Location and Site Plan) for both the proposed dwelling and existing shall be provided and made available prior to the first occupation of the proposed 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(s) hereby permitted.

**Reason:** In the interests of highway safety and convenience

8. Prior to the first occupation of the dwelling hereby approved, details of the on-site provision for secure cycle storage shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the submitted details. The approved details shall be retained as such thereafter.

**Reason:** In the interest of residential amenity and policy T5.

9. No further development permitted by Classes A, B, or C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) shall be carried out.

**Reason:** In the interests of visual and residential amenity.

10. Prior to the first occupation of the proposed dwelling hereby permitted, one electric vehicle charging point shall be provided for the future occupiers of this dwelling, 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.

11. Prior to works above slab level, detailed plans showing how the development would enhance and maintain biodiversity, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be implemented and retained thereafter.

**Reason:** In the interest of protecting ecology and biodiversity.

12. 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.

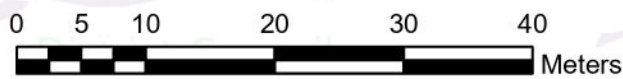
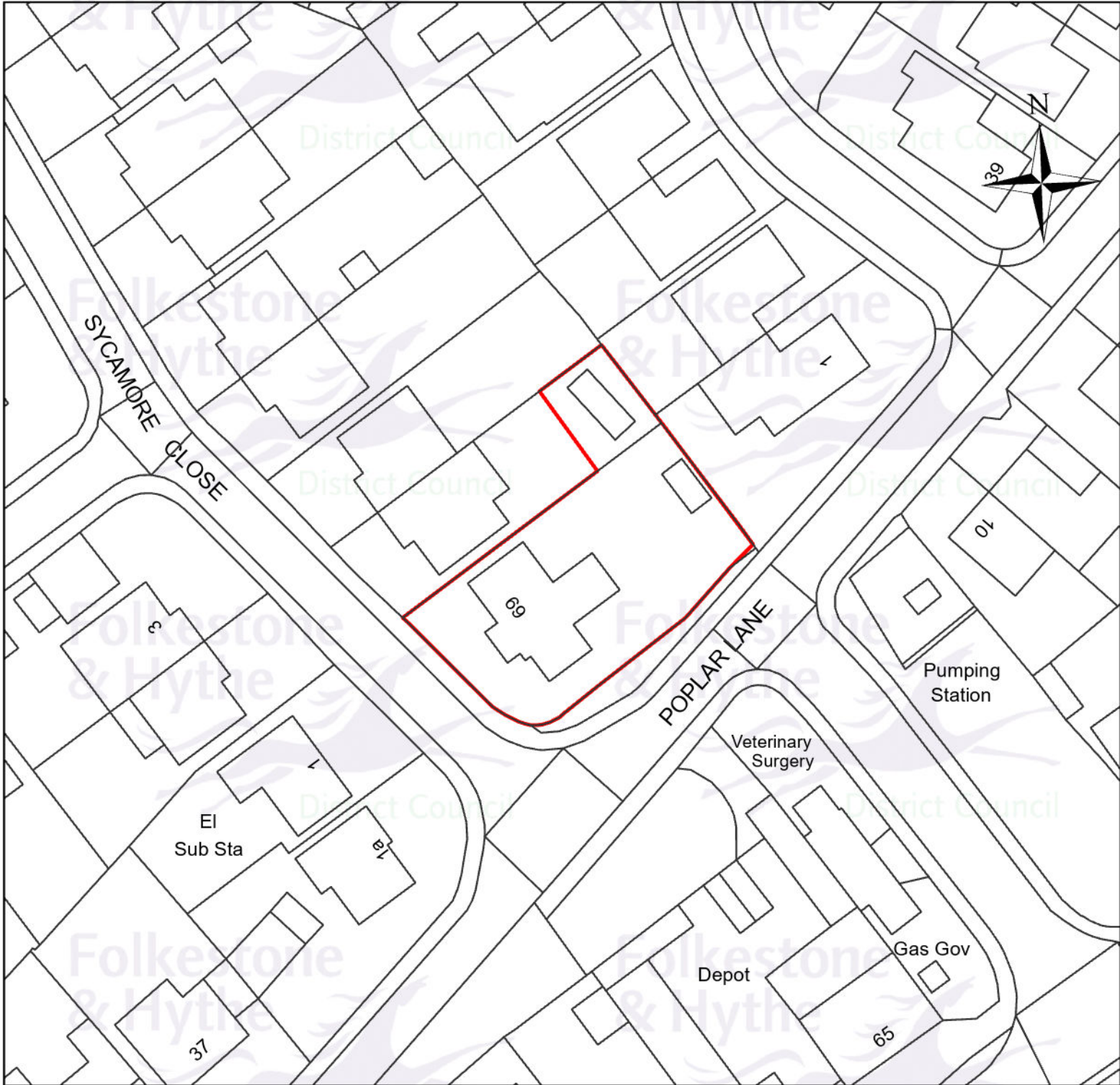
13. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

14. 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.

Plan referred to in Section 192  
69 Sycamore Close, Lydd, Romney Marsh, Kent, TN29 9LE



Scale: 1:586

Drawn date:  
**01 Dec 2025**

Drawn by:  
**David Lucas**

Drawing ref:  
**0421/LDC/LS**

Llywelyn Lloyd  
Chief Planning Officer

Planning Application:  
**25/1531/FH**

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<b>Application Number</b>	25/1530/FH
<b>Location</b>	12 Sandgate Road, Folkestone, CT20 1DP
<b>Application Description</b>	Part change of use to rear of existing ground floor retail unit (Class E) to residential use (C3) to create 1 x 1-bed apartment, including alterations to the remaining retail unit to create 2 x smaller retail units
<b>Applicant</b>	Mr W Brown
<b>Agent</b>	Jason Drew
<b>Officer Contact</b>	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 Folkestone Town Council.

### 2. Site and Surroundings

- 2.1 The application site is part of a substantial, four-storey property located within the defined town centre of Folkestone, and that falls within the primary shopping frontage.
- 2.2 The ground floor has a modern shopfront serving a retail space, with a Regency-styled red brick and stone detailed first and second floors, and imposing gabled dormer windows serving the roof space, with eight flats within the first, second, third floors, and extending into the loft space.
- 2.3 The ground floor (which also has a basement area) is retail to the front and with a permitted flat to the rear, giving a total of nine flats. There is no rear service access to the property, but there is an open side access to the southwestern boundary with 14 Sandgate Road, which has a glazed access door to Sandgate Road.
- 2.4 A site location plan is attached to this report as **Appendix 1**.

### 3. Proposal

- 3.1. This application seeks planning permission for change of use of part of the ground floor retail unit to form one, one-bedroom flat, with the retention of the retail frontage, but splitting this into two, smaller units.
- 3.2. During the course of the application, the internal layout has been amended to remove the internal partition and propose instead an open, studio-style layout, with a roof lantern in the flat roof above, together with the submission of an internal daylight and sunlight assessment to support this amendment.
- 3.3. The flat would have a gross internal area (GIA) of 49.85sqm and would be accessed from the existing side alleyway. It would utilise part of the private courtyard that was permitted for the use of the one-bedroom flat permitted under reference 22/0265/FH. New windows and doors to serve the living space and bedroom would be introduced at ground floor to the new courtyard.

Unit	GIA	Stated Occupancy	Policy Req.
Unit 1	49.85sqm	1 bed, 1 person	37sqm

- 3.4. The proposed retail units would have GIA of 14.12sqm (Unit 1) and 14.15sqm (Unit 2). The existing entrance door would be removed, with the creation of a secure storage area and a doorway to each side, for access to each of the proposed units.
- 3.5. Bin storage would rely upon the refuse store to the side of the property, which was secured via 21/1306/FH. A proposed layout is shown below, in image 1.

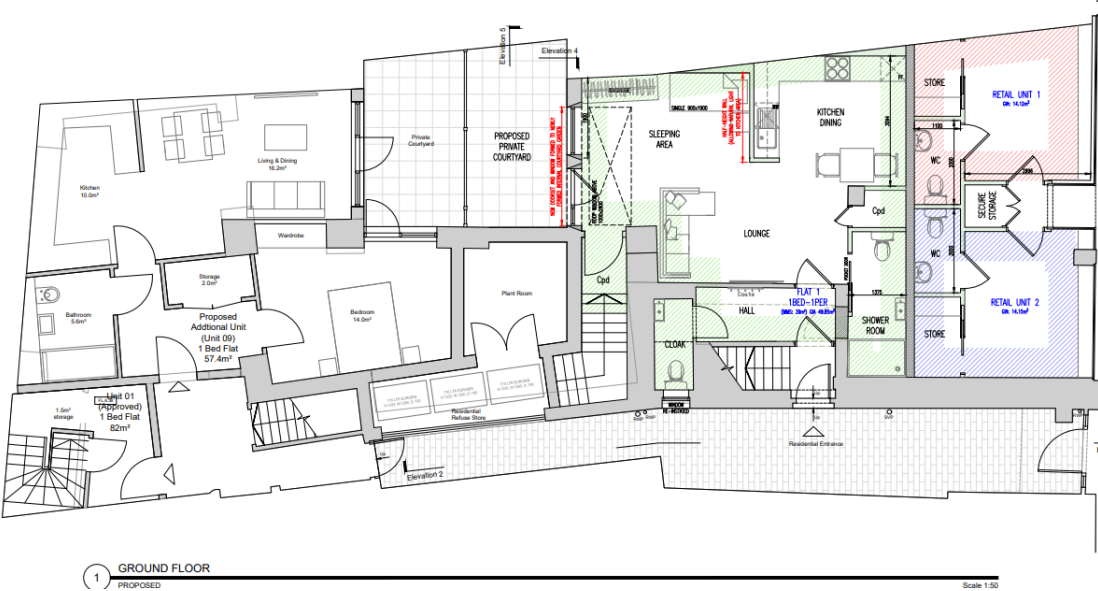


Image 1: Proposed layout plan

- 3.6. The following reports have been submitted by the applicant in support of the proposal:

### Design & Access Statement

- 3.7. This document describes the application property, the wider site and its designations, and sets out the recent planning history. It describes the proposed development, setting out that the proposal would result in an additional self-contained flat and two, small retail units.
- 3.8. The document asserts that the smaller retail units would be more viable for future rent, would provide opportunities for 'start-up' enterprises, and would be more attractive to businesses due to lower business rates. It states that the existing business would be moved into one of the proposed units to become more economically viable.
- 3.9. The document states that there would be no external alterations to the property that would be visible from outside the site and concludes there would be no visual impact.
- 3.10. It further asserts that the division of the amenity space for the flat approved under reference 22/0265/FH in order to serve both this flat and the proposed unit would be acceptable given the location of the site near to public open spaces, the previous acceptance of flats without external amenity space in this property, and as some of the private amenity space would remain within the external courtyard to serve each property.
- 3.11. The document states that the proposal would be a car-free development in a sustainable town centre location in line with adopted standards, and that there would be no cycle storage provided due to space constraints, in line with previous approvals. Refuse provision would be handled through the existing integral residential bin store within the ground floor. It is the aim for insulation to meet, and where possible, exceed the current Building Regulations, with all internal lighting proposed to be energy efficient fittings.
- 3.12. The document concludes that the proposed new residential unit will create an additional, much-needed residential unit within a town centre location, and bring further foot traffic into the town, directly benefitting all local amenities and small businesses.

### Internal Daylight & Sunlight Report

- 3.13. This document sets out that the National Planning Policy Framework encourages flexible application of daylight/sunlight standards to optimize land use and housing delivery, if the resulting scheme would provide acceptable living standards (para. 130), whilst locally adopted policy (HB1) requires proposals to avoid adverse impacts on amenity and ensure adequate light.
- 3.14. It goes on to state that the internal areas of the proposed flat would achieve a median illuminance of 97.5 lux in its main living space, which would be higher than a previously approved flat at the same site.

3.15. Recommended British Research Establishment (BRE) guidelines are:

- Bedrooms: 100 lux
- Living rooms: 150 lux
- Kitchens: 200 lux

So, the proposal would fall below BRE guidelines but would be significantly better than the previously approved scheme.

3.16. The document sets out that whilst there would be no direct sunlight due to the orientation of the courtyard, the proposed rooflight and studio layout would maximise daylight penetration and would be considered appropriate for a town centre location.

3.17. It concludes that although below the BRE targets, the proposed flat would offer acceptable living standards and good daylight provision relative to its urban context, whilst improving on the previously approved scheme to the rear.

Motis Estates Letter

3.18. This letter sets out that the premises are considered to be in a prime pedestrian shopping area near major national retailers, which would ensure strong footfall. The unit, at approximately 14 sq m, is recommended to be marketed at £500 per month, with an expectation of securing tenants within two months. Given its low annual rent (under £6,000) and minimal running costs, the property is considered ideal for SMEs (small to Medium Enterprises) or start-up businesses.

#### 4. Relevant Planning History

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

22/0265/FH	Change of use to the rear part of the existing ground floor from retail use (class e) to residential use (class c3) to create 1 x 1 bedroom flat plus alterations to existing first floor roof to create a ground floor courtyard, including associated refuse storage at ground floor.	Approved with conditions
21/1306/FH	Conversion of first, second, third floors and loft space from ancillary storage to 8 No. residential studio apartments including a single storey extension at second floor and associated refuse storage at ground floor.	Approved with conditions

20/0394/FH	Conversion of first, second and third floors from ancillary storage to 8 no. residential studio apartments.	Approved with conditions
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## 5. Consultation

Ward Member: The ward members for Folkestone Central are Councillor Abena Akuffo-Kelly, Councillor Laura Davison, and Councillor Liz McShane.

5.1 The key consultation responses are summarised below.

### Consultees

**Folkestone Town Council:** Object. No natural light to principal living spaces; unacceptable level of amenity for future occupiers.

**KCC Highways & Transportation:** Outside of consultation protocol.

**Environmental Health:** No objection.

**Southern Water:** No objection. Details of foul & surface water to be provided prior to commencement of development

### Public Consultation

5.2 Twelve neighbours directly consulted. One representation received neither objecting nor supporting the application.

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

- Welcome division of larger shops
- Units may be too small for high street frontage
- More traditional look to frontage would be preferable

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 & External Space Standards
- HB8 - Alterations and Extensions to Buildings
- T2 - Parking Standards
- T5 - Cycle Parking
- RL2 - Folkestone Main Town Centre
- CC2 - Sustainable Design & Construction

Core Strategy Review (2022)

- SS1 - District Spatial Strategy
- SS3 - Place-Shaping and Sustainable Settlements Strategy

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

**Government Advice**

Planning Practice Guidance

Effective Use of Land Paragraph: 007 Reference ID: 66-007-20190722

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
- 85 - Building a strong, competitive economy
- 109 - Promoting sustainable transport

- 125 & - Making effective use of land & Achieving appropriate
- 130 densities
- 135 - Achieving well-designed places

## 7. Appraisal

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

- a) Is the proposed development acceptable in principle?
- b) What impact would the proposal have on Folkestone Main Town Centre?
- c) Would the proposal safeguard the amenities of future occupiers?
- d) Would the proposal harm the residential amenity of neighbours?
- e) Is the proposal acceptable in terms of its design and appearance?
- f) Would the development safeguard highway safety?

### a) Is the proposal acceptable in principle?

7.2 The site is within the defined settlement boundary of Folkestone and in a sustainable location within walking distance of shops and services. This accords with the principles of Core Strategy Review policies SS1 and SS3, which direct development toward existing sustainable settlements with opportunity for increased densities.

7.3 In terms of residential development, this is one of the most sustainable locations in the district, and the scheme therefore accords with the thrust of local and national policy in this regard. Conversion of the floorspace behind the retail frontage would both retain part of the ground floor in economic use, and an active frontage in the primary shopping area, while seeking to make a viable use of the rest of the building.

7.4 The broad principle of the proposed development is therefore acceptable subject to all other material planning considerations, as considered below.

### b) What impact would the proposal have on Folkestone Main Town Centre?

7.5 Policy RL2 of the Places and Policies local Plan supports development that provides for a range of town centre uses that add to the vitality and viability of the town centre. Residential development will also be permitted on upper floors where it would enhance the vitality and viability of the centre and not lead to the loss of town centre uses or active frontages at street level.

7.6 In this regard, the application would maintain an active retail frontage to the commercial area of the Sandgate Road, but reduces the commercial area available, within what are large premises. The supporting statement asserts that the micro units would better suit the location, which with correspondingly lower rents and rates, "*would be expected to thrive more easily and relate better*

*to the changing state of the high street.*” The applicant draws attention to an existing shop unit at number 6 that they claim has been vacant for over two years.

- 7.7 Concern has been raised regarding the viability of small units such as are proposed. Adopted policy is silent in this regard and does not restrict the size of units, and it is noted that an active frontage would be maintained.
- 7.8 A marketing report was submitted in support of the previous scheme, reference 22/0265/FH, which states that smaller units are easier to let in the current economic climate, although Officers would highlight that this report was prepared in connection with the larger, existing retail unit.
- 7.9 In support of this application and subsequent to the initial submission, the applicant has submitted a letter from Motis Estates, summarised at paragraph 3.18 above, which suggests that the units would be suitable for a small to medium enterprise (SME) or a startup business, with affordable rent and being in an area with good footfall.
- 7.10 The applicant has also drawn attention to the recently approved scheme at 20-22 Rendezvous Street (reference 24/0027/FH) where a single unit was converted into six smaller retail units, as well as the recent use of the former Wilkinson’s store at 9-17 Sandgate Road as ‘Petticoat Lane Emporium’, an indoor market which rents individual stalls of approximately 6 feet square to independent retailers, highlighting the successful letting of these smaller units.
- 7.11 However, it must be noted that no change of use took place in either case, with just the physical works to the exterior of the structure at Rendezvous Street that were considered under the submitted application. The units there are between 28.3 and 49.8 square metres in size, internally, inclusive of toilet / washing facilities.
- 7.12 It is acknowledged that there is no defined minimum size for retail units, and a judgement must be taken over whether a particular size may not be useable for retail purposes and the impact this might have on vitality and viability. Considering the apparent demand for smaller units in the areas highlighted, and with the support within the letter from Motis Estates, it is considered reasonable to accept that the units, at 14.1 square metres, may be viable and could be successfully let to independent retailers.
- 7.13 Overall, the proposed development would not conflict with the town centre policy and would, through the introduction of an additional residential use, provide a very modest support for existing services and facilities, improving vitality and viability in accordance with Places and Policies local Plan policy RL2.

**c) Would the proposal safeguard the amenities of future occupants?**

- 7.14 The proposed unit would exceed the 37sqm gross internal area required for a one-bedroom, one-person property, with sufficient area available to provide at least 1.0sqm built in storage for the future occupants, in accordance with policy.
- 7.15 During the application, and following the receipt of the comments from Folkestone Town Council, the applicant amended the internal layout of the property to have a studio-style layout, as well as showing a rooflight incorporated into the design. They have also submitted an internal daylight and sunlight report, a precis of which has been provided in paragraphs 3.12 to 3.16 above, to justify the proposed residential unit in amenity terms.
- 7.16 The report concludes that, whilst the daylight and sunlight levels within the proposed development fall below the levels recommended within the BRE Guidelines, the proposed flat will benefit from good daylight provision to its main living areas, particularly considering its town centre location.
- 7.17 The property would receive light from the proposed courtyard area, which is currently intended to serve the single flat approved under 22/0265/FH. The view from the full-height openings into this area would be limited because of the surrounding built form and would provide the only natural light and ventilation to the flat, which would be single aspect.
- 7.18 The applicant asserts that similar layouts are not uncommon in residential flats within tight-knit built-up areas, such as town centre locations, and that the courtyard area would provide a small area for outdoor recreation, with the proposed unit within what may be considered an acceptable walking distance to the Leas, Payers Park, the Harbour and the Coastal Park, all of which are public open spaces.
- 7.19 The concern regarding the degree of daylight available to future occupants is noted. BRE guidelines are non-statutory and accept that a degree of flexibility is necessary, with specific reference to built-up areas. Paragraphs 125 and 130 of the NPPF and the Planning Practice Guidance reflect this also, guiding decision makers toward a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, with support for the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.
- 7.20 Across this, though, acceptable living standards should be maintained by ensuring reasonable daylight and sunlight levels, assessed in relation to site context and design. In dense or historic areas, full compliance with guidance such as BRE standards may be impractical; however, design consideration such as room layout and additional openings can optimise natural light and optimise natural light to ensure reasonable amenity.
- 7.21 In this regard, it is noted that the conversion of other parts of the building to residential has been accepted without external amenity areas being provided,

which the application proposal would provide, and although the levels of light are beneath BRE guidelines, they are considered acceptable in the context of the site and when exercising the flexibility afforded such considerations in the National Planning Policy Framework.

- 7.22 Overall, there would be no significant detrimental impact upon the living conditions of the future occupiers.

**d) Would the proposal harm the residential amenity of neighbours?**

- 7.23 The development immediately adjacent to the application site is residential and commercial, with no alterations proposed that would cause any detrimental impact from overbearing or enclosing presence, overshadowing, or overlooking / loss of privacy. The additional residential use would not be likely to have any detrimental impact from noise and disturbance, given the nature of the surrounding uses (residential and commercial) or the location within a town centre.

- 7.24 The proposal would sub-divide the external area available to the flat approved under reference 22/0265/FH, although the resultant area would still be acceptable in the context of the external amenity area that may be provided for flats under policy HB3.

- 7.25 Overall, there would be no significant detrimental impact upon the living conditions of the neighbouring occupiers.

**e) Is the proposal acceptable in terms of its design and appearance?**

- 7.26 The proposed external alterations are limited to changes to the openings leading into the rear courtyard and minor alterations to the doorway to the shopfront to allow separate entrance to each proposed unit. These minor modifications would not harm the character of the host building or street scene and, in respect of those to the rear, due to their discreet location, would not be visible from the public realm or wider street scene. As such, they are considered acceptable.

- 7.27 The location of the bins within an existing storage area under the control of the applicant is considered acceptable.

**f) Would the development safeguard highway safety?**

- 7.28 The site is within the town centre, with a maximum parking requirement of 1 car parking space per unit, so a zero-provision scheme can be supported. Town centre shops and amenities are in the immediate vicinity, as is the main bus station, Folkestone Central train station is a short walk away, and public car parks are available. There is no detrimental impact likely from the lack of on or

off-street parking and it would not constitute a reasonable ground for refusal in respect of policy T2 of the Places and Policies Local Plan.

- 7.29 The submitted plans show no cycle storage space proposed due to the limited internal and external space. This has been accepted on previous schemes in this location having had regard to the development plan requirement. The town centre location with goods, services and facilities all within walking distance is considered a reasonable alternative that would mitigate the failure to meet policy requirements to prioritise sustainable transport modes.

### **Environmental Impact Assessment**

- 7.30 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**

- 7.31 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.
- 7.32 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, however the application site is located in an area where the CIL Levy is calculated at £0 per sqm.

### **Human Rights**

- 7.33 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**

7.34 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.

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

### **Working with the applicant**

7.36 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 proposed development is considered acceptable, providing a modest contribution to housing supply while retaining two small retail units. These units would be subdivided to address an identified demand for smaller, more easily lettable premises within a town centre location. The new residential accommodation would comply with internal space standards, include appropriate bin storage facilities, and would not adversely affect the visual character of the building or the surrounding area. Whilst modelled internal light levels are predicted to be low, they are not considered likely to be detrimental to the residential amenity of future occupiers. The application is therefore considered to be in accordance with the policies set out in the Development Plan.

## **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](http://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 25/1530/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:

Proposed Elevations & Plans 05470\_MH02 Revision B  
Proposed Floor Plan 05470\_MN03 Revision B

**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. 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.

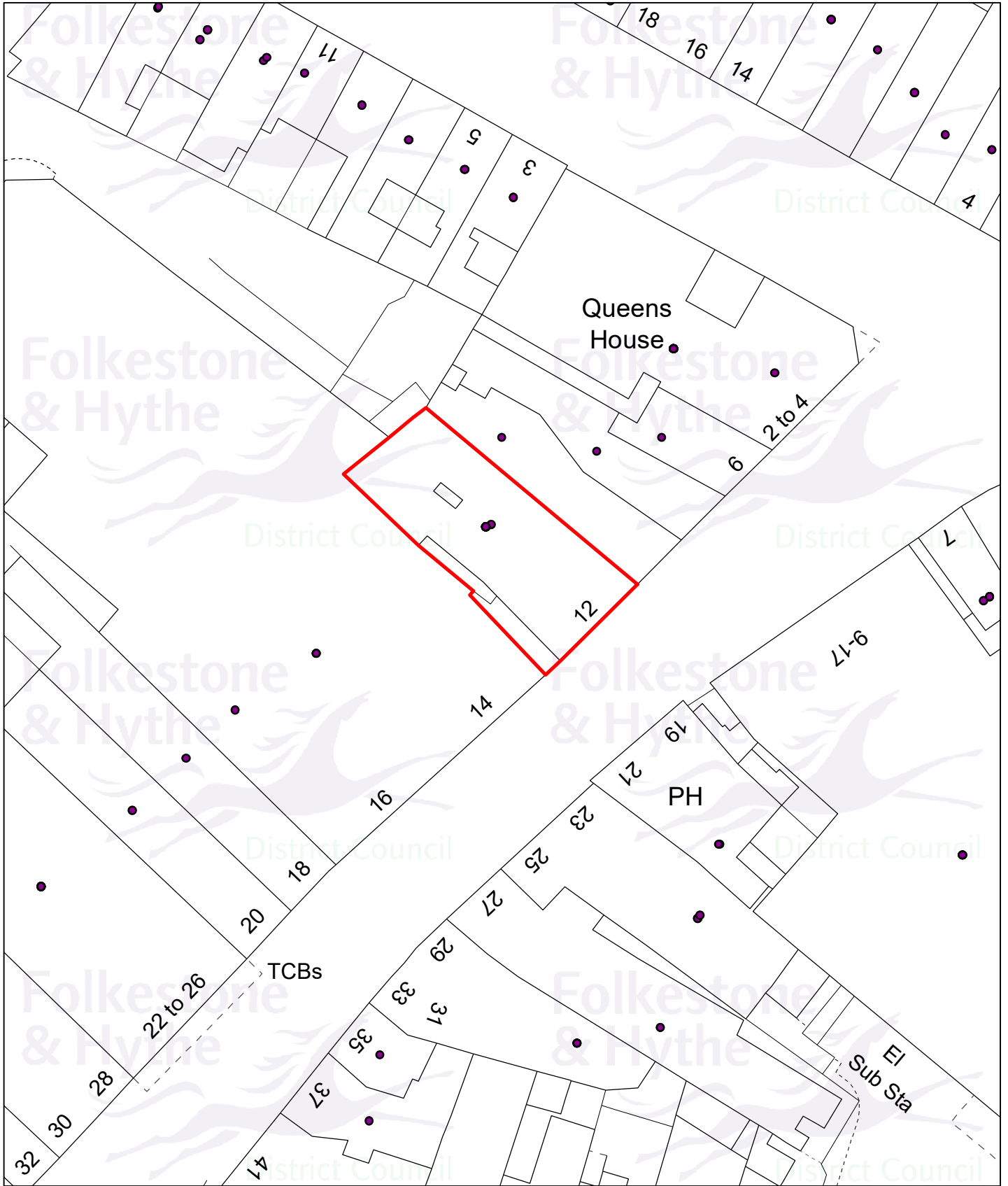
**Reason:** In the interest of sustainable development and minimising water consumption.

4. Prior to first occupation, confirmation of the installation of the permitted openings and roof light shall have been submitted to and approved in writing by the Local Planning Authority, with all features thereafter retained.

**Reason:** In the interests of the residential amenity of future occupiers.

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25/1530/FH - 12 Sandgate Road, Folkestone, CT20 1DP



Planning Application:  
25/1530/FH

Drawn date:  
02 Dec 2025

Drawn by:  
Carrie Stacey

Drawing ref:  
2235/COP/LS

Llywelyn Lloyd  
Chief Planning Officer

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**Application Number** 25/1818/FH  
**Location** Spencer Exchange, Mountfield Industrial Estate, New Romney, TN28 8LH

**Application Description** Erection of a small commercial building to house a local internet exchange & battery storage system, an overhanging car port from the building to provide shelter for a double dual EV rapid public charging station, renewable Solar PV system to the roof of the building / carport & the installation of a new 37m telecommunications mast for local broadband.

**Applicant** EAV Group Limited

**Agent Officer Contact:** Mr S. Spencer, EAV Group Limited  
Ross McCardle

### **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 because the application site is owned by the Council.

#### **2. Site and Surroundings**

2.1 The application site comprises a small parcel of land on the junction of Mountfield Road and Howey Road within the Mountfield industrial estate expansion. It extends to approximately 240sqm, is flat and level, and currently occupied by low, self-seeded scrub vegetation. The red line site boundary excludes an electricity substation sited centrally on the land and two substations immediately to the west.

2.2 The wider area is industrial in character, with light industrial/commercial units to the north and east, new light industrial/commercial units currently under construction on the expansion area to the west beyond a drainage swale, and the household recycling centre to the south. The eastern and southern site boundaries are marked with palisade fencing while the northern and western boundaries are open.

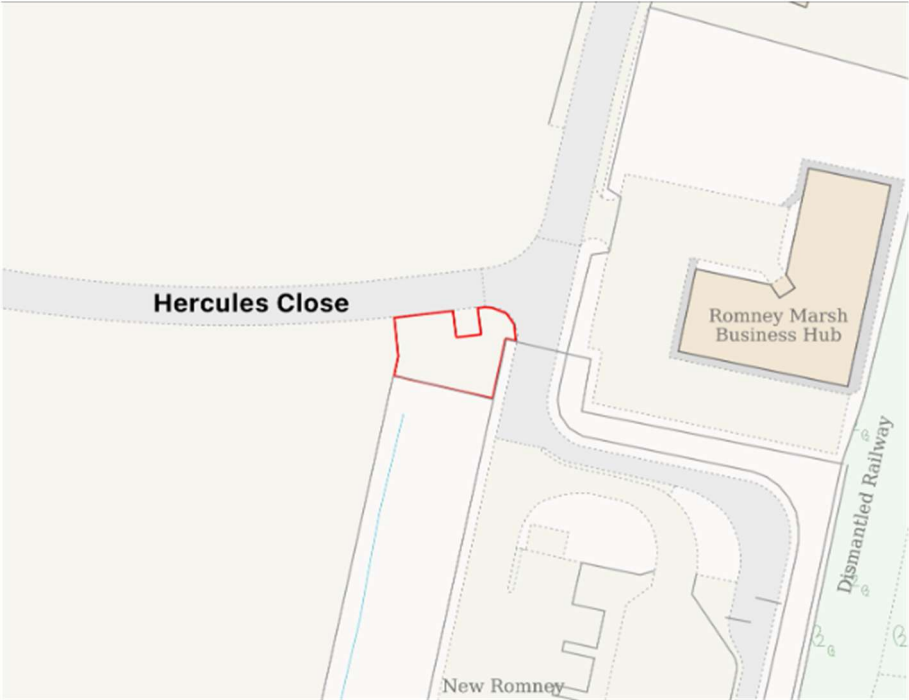


Figure 1: Site location

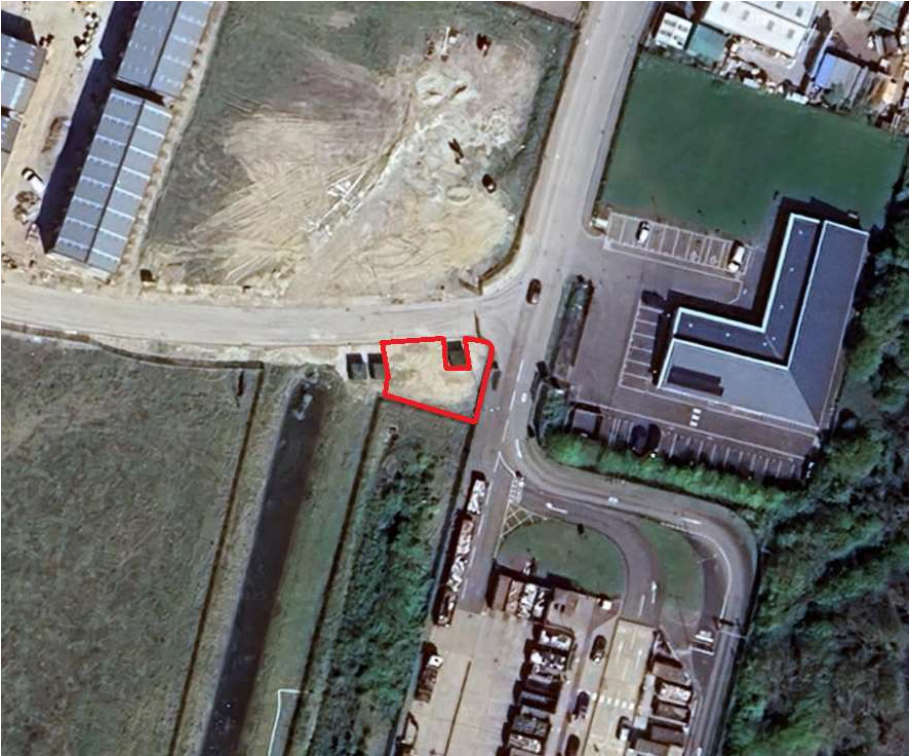


Figure 2: Aerial view



*Photo 1: View from Mountfield Road to the north*



*Photo 2: View east from Mountfield Road (site to left)*



*Photo 3: Site interior, facing east*



*Photo 4: Site, facing south*



Photo 5: Site, facing east (substations not within red line)

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

### 3. **Proposal**

- 3.1. Full planning permission is sought for:
- The erection of a building to provide a local internet exchange (telecoms substation) and battery storage system;
  - An overhanging car port to provide a sheltered area for a public electric vehicle charging station;
  - Solar photovoltaic (PV) panels on the roof of the building and car port; and
  - A 37m tall broadband telecommunications mast.
- 3.2. The proposed building would have a roughly L-shaped floor plan and measure a maximum of approximately 7m deep x 12.75m wide x 3.75 high. It would be constructed of concrete panels and overclad in brick/stone, with insulated corrugated metal roofing. Internally it would provide space for the stationing of a broadband interchange unit and battery storage.
- 3.3. The overhanging car port would infill the crook of the L-shaped floor plan and provide 4 bays for charging electric vehicles. Two rapid charging stations would be positioned adjacent the building frontage, to the rear of the bays.
- 3.4. Solar PV panels would be installed across the roof of the building and the car port. These will connect to the battery storage inside the building to help power the mast and EV chargers.

- 3.5. The proposed telecoms mast would be installed in the northeastern corner of the site. It would stand approximately 37m tall and be of a standard triangular base design with lattice framework; antennae would be mounted to the upper section.
- 3.6. The applicant has confirmed that the proposed broadband antennae function at lower frequencies than mobile phone / telecoms transmitters and therefore do not fall under ICNIRP regulation.
- 3.7. The submitted site layout plan shows tree planting around the base of the mast.

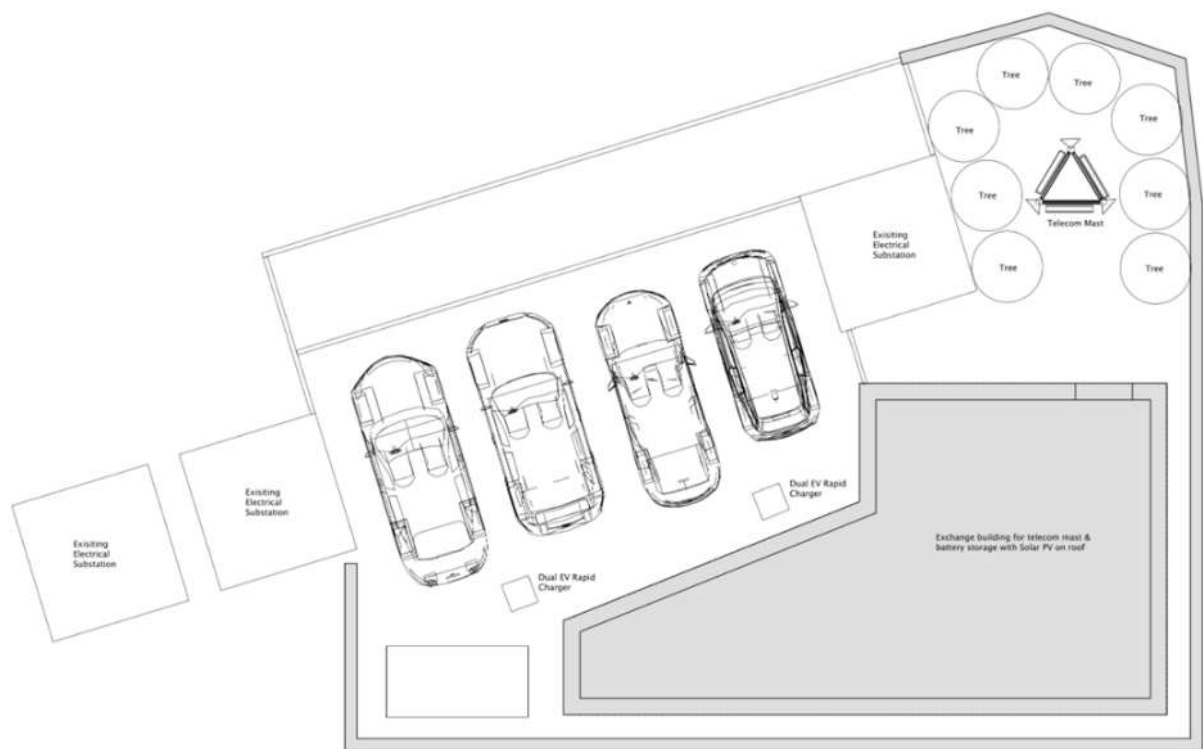


Figure 3: Proposed site plan

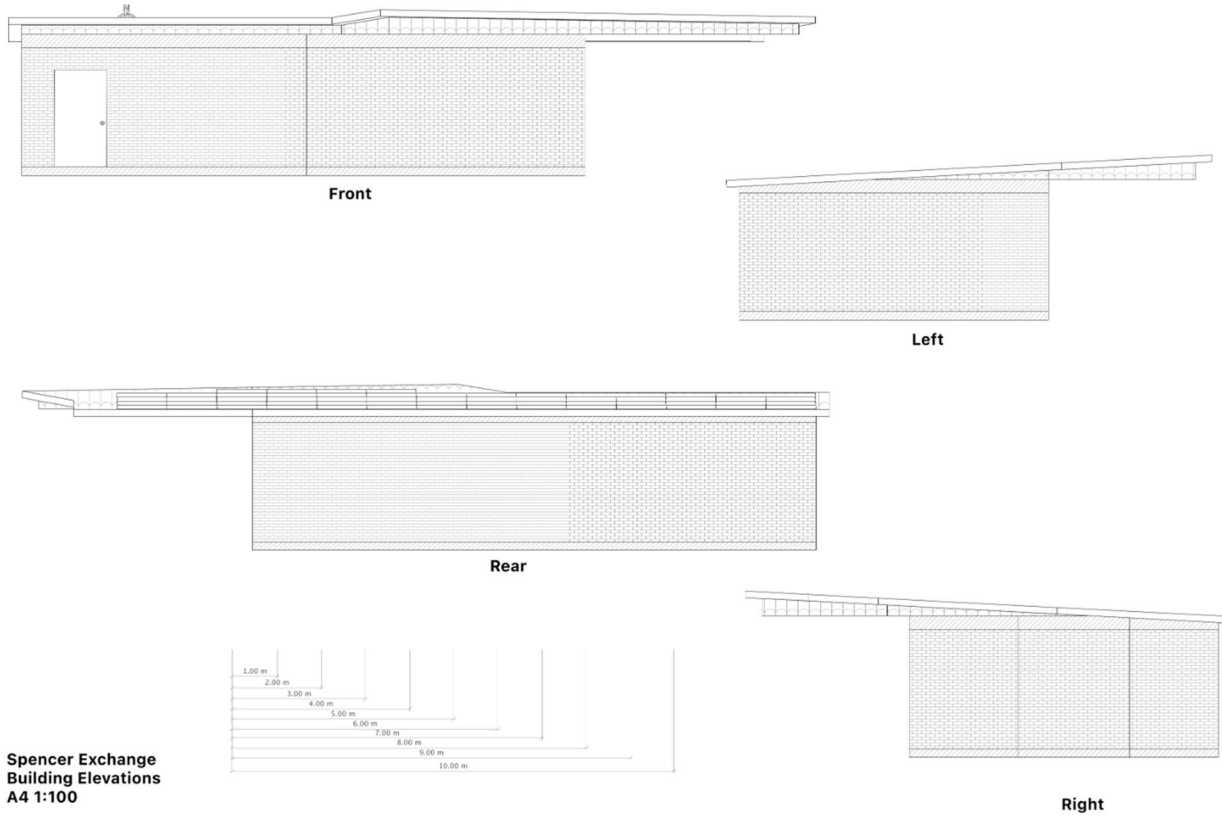


Figure 4: Proposed elevations

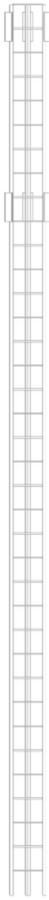


Figure 5: proposed mast elevation



Figure 6: Render of proposed development

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

Coverage map

3.9. This shows that the mast and interchange would provide strong broadband coverage for a substantial part of the marsh, including New Romney, Littlestone, Greatstone, and Lydd on Sea, St Mary's Bay, and Old Romney. Moderate coverage would be provided across the rest of the marsh, extending as far as Hythe, Warehorne, Fairfield, and Camber:

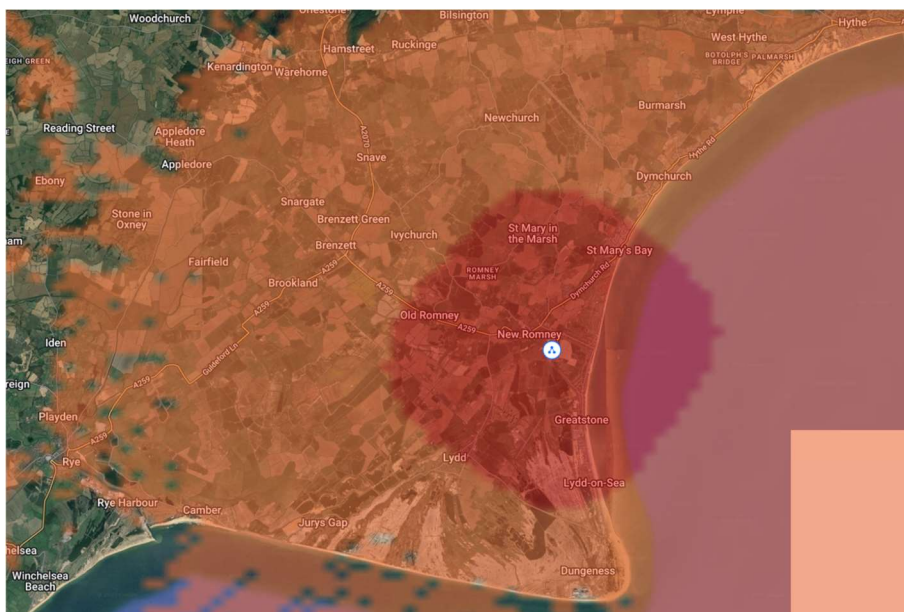


Figure 7: Coverage map

### BNG calculations

- 3.10. These demonstrate that the site has limited ecological value in its current condition, and a ~16% increase in BNG can be achieved on site through the planting of trees around the base of the proposed mast, as shown on the submitted layout plan.

### Additional information

- 3.11. The applicant has provided additional information, setting out that the proposed mast would replace an existing mast on Collins Road (approx. 200m to the northwest), and will be used to supply wireless broadband to businesses and residents within New Romney and surrounding areas. It also sets out that other local operators, such as HM Coastguard or local radio may be able to make use of the mast if required.
- 3.12. The additional information explains that the battery storage would be a backup power system to ensure continuous operation of the mast, and the solar PV will be used to charge the batteries and provide surplus energy to the grid when the batteries are full.
- 3.13. Finally, the email sets out that EV charging element is a supplementary feature of the development, making use of the available space to provide a service that is currently lacking in the area.

## **4. Relevant Planning History**

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

Y19/0302/FH	Formation of new vehicular access to serve the future employment site at Mountfield Road, New Romney, on land located to the west of Mountfield Road, south of Collins Road and the north of Church Lane - Mountfield Road Phase 4.	Approved
Y10/0696/SH	Development for 4,500m <sup>2</sup> business (Class B1) general industrial (Class B2) and storage/distribution (Class B8) including associated access and parking.	Approved

## **5. Consultation**

Ward Member: Councillors Paul Thomas and David Wimble.

- 5.1 The consultation responses are summarised below.

### **Consultees**

**New Romney Town Council:** no objection.

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

**KCC Ecology:** no objection.

**Natural England:** comments awaited.

**Environmental Protection Officer:** no objection.

### **Public/Neighbour Consultation**

5.2 59 neighbours directly consulted and site notice posted; no responses received.

5.3 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
E1	-	New Employment Allocations
E2	-	Existing Employment Sites
T2	-	Parking Standards
T4	-	HGV Parking
T5	-	Cycle Parking
NE2	-	Biodiversity
NE5	-	Light Pollution and External Illumination
CC1	-	Reducing Carbon Emissions
CC2	-	Sustainable Design and Construction
CC3	-	SuDS

### **Core Strategy Local Plan (2013)**

SS1	-	District Spatial Strategy
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- SS2 - Housing and Economy Growth Strategy
- SS3 - Place-Shaping and Sustainable Settlement Strategy
- SS4 - Priority Centres of Activity Strategy
- SS5 - District Infrastructure Planning
- CSD8 - New Romney Strategy

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

### **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:

Paragraph 11 - presumption in favour of sustainable development.

Paragraph 48 - applications for planning permission be determined in accordance with the development plan.

Paragraphs 85 – planning decisions should help create the conditions in which businesses can invest, expand and adapt, and significant weight should be placed on the need to support economic growth and productivity.

Paragraph 109 – encourages sustainable transport measures, appropriate parking provision, and minimising the impacts of vehicle movements.

Paragraph 124 – making effective use of land.

#### National Planning Policy Guidance (NPPG)

## **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 design and visual impact of the development is acceptable?
- c) Whether the proposal would harm neighbour amenity?
- d) Would the proposals harm highway safety?
- e) Would the proposal result in any environmental concerns?
- f) Would the development protect ecology and biodiversity?
- g) Other matters

### **a) Whether the principle of development is acceptable?**

7.2 The application site lies within the defined settlement boundary, an existing light industrial estate, and within an area allocated and protected for business

uses under PPLP policy E1 which identifies the wider area for approximately 9,000sqm of B1 (now Class E(g))/B2/B8 floorspace.

- 7.3 The proposed development would not contribute directly to the strategic goals of policy E1 as no jobs would be created on site, but would represent supporting infrastructure that accords with the aims of policy SS5 through ensuring appropriate internet coverage and promotion of sustainable transport options. The proposals are therefore considered to be acceptable in principle.

**b) Whether the design and visual impact of the development is acceptable?**

- 7.4 The proposed building would be of a contemporary, light industrial / commercial appearance which would sit comfortably within the context of the wider industrial estate and adjacent units. A condition in respect of external materials is attached and will secure a high-quality finish.
- 7.5 The proposed mast would be of a standard lattice framework design. Due to its height the mast would be visible from a significant distance, but the proposed lattice design would result in a lightweight, largely see-through structure that would not be prominent in views from either adjacent to the site or from longer range. As a result it would not be harmful to wider visual amenity and would not be an incongruous form of development within the context of the wider industrial estate. The proposed tree planting around the base of the mast would also soften the appearance of this corner plot and contribute positively to the street scene.
- 7.6 While the applicant has advised that the existing mast would be removed in due course, there would be a period of overlap while existing services are duplicated on the new mast to prevent a drop in service/coverage. This means that there would be two masts within approximately 200m of one another. However, due to the very lightweight nature of the structure (as set out above) I do not consider that this situation would result in any degree of unacceptable harm to visual amenity in either near- or long-range views.
- 7.7 Securing removal of the existing mast would require a legal agreement, as it does not fall within the current application site. However, for the reasons set out above, I do not consider it necessary to compel the applicant to do so in this instance as no harm would arise in the event that two masts are in place.
- 7.8 I therefore consider the development would be acceptable in terms of visual impact and would conform to the criteria of policy HB1 of the PPLP.

**c) Whether the proposal would harm neighbour amenity?**

7.9 The site is positioned well away from any residential properties (minimum 297m) and therefore would not give rise to any concerns in regards residential amenity. An hours of construction condition (as set out below) would minimise potential for any disturbance during development. Subject to this, it is not considered that the proposal would give rise to harm and would meet the criteria of policy HB1 in this respect.

**d) Would the proposals harm highway safety?**

7.10 The site lies within an area specifically designated for commercial uses and where vehicle movements are a common feature of the various uses and activities taking place. It is also in an accessible location, with good visibility, and would not result in vehicle movements in excess of highway capacity. The provision of rapid EV chargers would also contribute to wider sustainable transport aims

7.11 While not parking bays, per se (they would be for charging, not parking), the spaces exceed the minimum parking bay sizes set out within current adopted guidance and they could be safely accessed by visitors without the need for the existing substations to be repositioned. KCC Highways have not commented on the application but there appears to be sufficient vehicle sightlines for vehicles to safely leave the site.. There is space on the highway and within the wider estate for any service vehicles to park without obstructing the flow of traffic or causing a hazard.

7.12 I therefore have no objections in regards highway safety or amenity.

**e) Would the proposal result in any environmental concerns?**

7.13 Normal operation of the site would not give rise to any unacceptable environmental impacts. Provision of EV charging facilities would also contribute towards sustainable development and green infrastructure objectives. I therefore have no objections in this regard.

**f) Would the development protect ecology and biodiversity?**

7.14 The existing site comprises intermittent low scrub that has self-seeded following clearance of the land when the estate roads were laid out, and is considered to be of low ecological / biodiversity value. The development would enhance ecology and biodiversity on site through the planting of new trees around the base of the proposed mast, thereby contributing positively to the local area. KCC Ecology do not object to the scheme, and therefore no objection are raised on these grounds.

**g) Other matters**

- 7.15 A standard condition is attached to address any contamination that may be encountered during development.

### **Environmental Impact Assessment**

- 7.16 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**

- 7.17 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**

- 7.18 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**

- 7.19 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.

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

### **Working with the applicant**

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

## **8. CONCLUSION**

- 8.1. It is considered that the proposed development would contribute towards sustainable infrastructure goals through the provision of mobile broadband coverage across a large part of Romney Marsh and EV car charging facilities. There would be no unacceptable impacts upon visual or residential amenity, highways and the proposed planting would enhance biodiversity on the site.
- 8.2. The application is therefore recommended for approval.

## **9. BACKGROUND DOCUMENTS**

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](http://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 25/1818/FH.

## **10. RECOMMENDATIONS**

**That planning permission be granted subject to receipt of outstanding comments and 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>Received</u>
Pre-development plan baseline map	30/09/2025
Post-development plan	30/09/2025
Post-development map	30/09/2025
Site plan	30/09/2025
Building floor plan	30/09/2025
Building elevations	30/09/2025
Mast elevations	30/09/2025
Roof / solar PV plans	30/09/2025

**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. 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 0800 – 1800 hours  
Saturdays 0800 – 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. The mast hereby permitted shall be removed when it permanently ceases to be used for the purposes of telecommunication, and the site restored in accordance with a timetable and a scheme of hard and soft landscaping (including an implementation and maintenance schedule) submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

Informatives:

1. IMPORTANT - Biodiversity Gain Condition

The development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Folkestone & Hythe District Council.

Further information about the BNG status of this application and how to comply with this statutory condition are set out below within the notes.

#### Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - [GOV.UK \(www.gov.uk\)](https://www.gov.uk)

#### Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

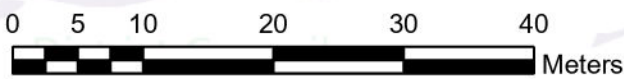
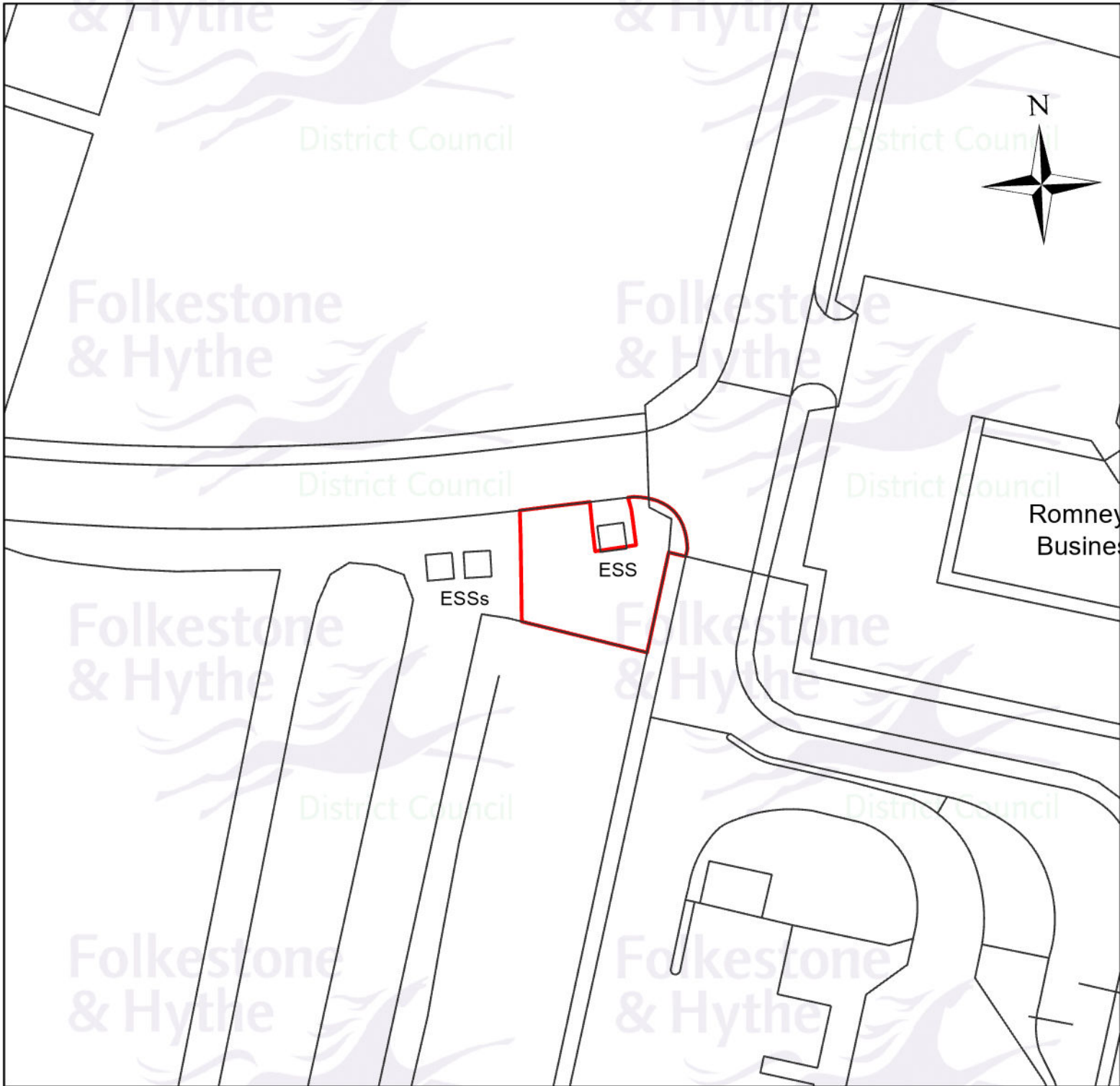
#### Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -

- (a) a biodiversity gain plan was approved in relation to the previous planning permission (“the earlier biodiversity gain plan”), and
- (b) the conditions subject to which the planning permission is granted:
  - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
  - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Plan referred to in Section 192  
Spencer Exchange, Mountfield Industrial Estate, New Romney, Kent, TN28 8LH



Scale: 1:580

Drawn date:  
**01 Dec 2025**

Drawn by:  
**David Lucas**

Drawing ref:  
**0724/LDC/LS**

  
Llywelyn Lloyd  
Chief Planning Officer

Planning Application:  
**25/1818/FH**

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<b>Application Number</b>	25/2140/FH/CON
<b>Location</b>	Bus Station, Bouverie Square, Folkestone CT20 1BA
<b>Application Description</b>	Approval of informative (biodiversity gain plan) of planning permission 24/1650/FH.
<b>Applicant</b>	Folkestone and Hythe District Council
<b>Agent</b>	Mr Andrew Cruttenden
<b>Officer Contact:</b>	Andrew Byrne

## Recommendation

**That the Biodiversity Gain Plan be approved in accordance with the details and documents provided.**

### 1. Reason for consideration by the Committee

- 1.1. This application is reported to the Planning Committee because the Council has a substantial interest in the site.

### 2. Site and Surroundings

- 2.1 The application site is a former bus station which benefits from planning permission (24/1640/FH) for a change of use and associated development to an outdoor park.
- 2.2 A site location plan is attached to this report as **Appendix 1**.

### 3. Proposal

- 3.1. Approval is sought for details relating to biodiversity net gain (BNG) for planning permission 24/1650/FH. The development is required to deliver BNG of 10% as is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This Schedule imposes a statutory condition on every planning permission granted and which states:

*The development may not be begun unless—*

*(a) a biodiversity gain plan has been submitted to the planning authority,  
and*

*(b) the planning authority has approved the plan.*

- 3.2. A biodiversity gain plan sets out how BNG will be achieved. As this condition is automatically imposed under the Planning Act, it is not listed as a condition on the decision notice, although the Council uses an informative to ensure that an applicant is aware of the condition – hence why the application is described as details submitted in relation to an informative.
- 3.3. The following reports and details have been submitted by the applicant in support of the proposals. These details conform with national requirements for information to be submitted with a biodiversity gain plan.

Habitat Plan

- 3.4. This plan identifies the location of baseline habitat on the site.

Biodiversity Net Gain Assessment Report (March 2025)

- 3.5. This report identifies the baseline habitat value of the site and biodiversity habitat to be created on the site. The existing baseline habitat is confined to two large planters within the site. Proposals for habitat creation include significant soft landscaping incorporating tree planting, shrub and modified grassland. The report identifies that a 3,514% increase in BNG will be achieved. The report includes a plan that identifies the location of the proposed landscaping and habitat creation.

Biodiversity Net Gain Metric (Nov 2024)

- 3.6. This is a tool used to input data to calculate BNG. It follows national requirements, calculates existing and proposed habitat values and converts these to biodiversity units. In this instance, baseline biodiversity is calculated as 0.02 area habitat biodiversity units, and post-development as 0.66 units – resulting in a 3,514% increase in BNG.

Habitat Management and Monitoring Plan (HMMP) (June 2025)

- 3.7. This sets out a long-term management and maintenance regime over a 30-year period for the habitat to be created.

Biodiversity Gain Plan (1 April 2025)

- 3.8. This follows a document template from DEFRA and shows how the development will achieve 10% BNG with reference to the above documents. It confirms that all BNG will be delivered on site.

**4. Relevant Planning History**

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

24/1650/FH	Change of use of existing Bus Station to outdoor park, including construction of new surfaces, seating areas and hard and soft landscaping	Approved with conditions.
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## 5. Consultation

5.1. The consultation responses are summarised below.

### Consultees

**KCC Ecology:** No objection. Advise that sufficient information has been provided to approve the statutory condition and that on-site BNG can be achieved through the creation of introduced shrub, modified grassland and urban trees (Although not explicitly part of this application, KCC also advise that the HMMP is sufficient to approve details under condition 8 of the planning permission).

### Public/Neighbour Consultation

5.2. Local residents and parish/town councils are not formally consulted on applications to discharge conditions pursuant to planning approvals because these types of applications relate to technical details only.

### Ward Member

5.3. No comments received from the Ward Members.

## 6. Planning Policy

6.1. This application relates to the assessment of technical details relating to the approved development at the site. It is not an application for planning permission, where regard must be had to development plan policies and other material considerations.

## 7. Appraisal

7.1. This application only seeks approval of technical details relating to the approved scheme already approved under 24/1650/FH. This is not an application for planning permission. All considerations are therefore limited to the technical details.

### a) Is the biodiversity gain plan acceptable?

7.2. The biodiversity gain plan includes all the information required under national standing advice. The plan demonstrates that significant BNG will be achieved on the site well above the mandatory 10% requirement. This is because the baseline habitat value of the site is very low and the permission to change the

site to a public park with high levels of planting and landscaping will inevitably lead to significant biodiversity enhancements. KCC Ecology provide this Council with expert technical advice on ecological matters and advise that the plan is sufficient to meet the terms of the statutory condition (and informative). Therefore, it is recommended that the biodiversity gain plan is approved.

- 7.3. Members should note that KCC Ecology advise that the Habitat Management and Monitoring Plan (HMMP) submitted is also sufficient to approve condition 8 of the planning permission. Whilst this condition does not explicitly form part of the current application, officers would seek delegated powers to approve any subsequent application made for condition 8, provided that the HMMP is the same as submitted with this application.

### **Human Rights**

- 7.4. 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**

- 7.5. 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

- 7.6. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty. It is considered that the application proposals would not conflict with objectives of the Duty.

### **Working with the applicant**

- 7.7. 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. No objections have been received from KCC Ecology in relation to the Biodiversity Gain Plan. The scheme delivers significant BNG on this site well above the mandatory 10% and as such the details relating to this statutory condition, as set out as an informative on planning permission 24/1650/FH, should be approved.

## **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](http://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 25/2140/FH/CON

## **10 RECOMMENDATION**

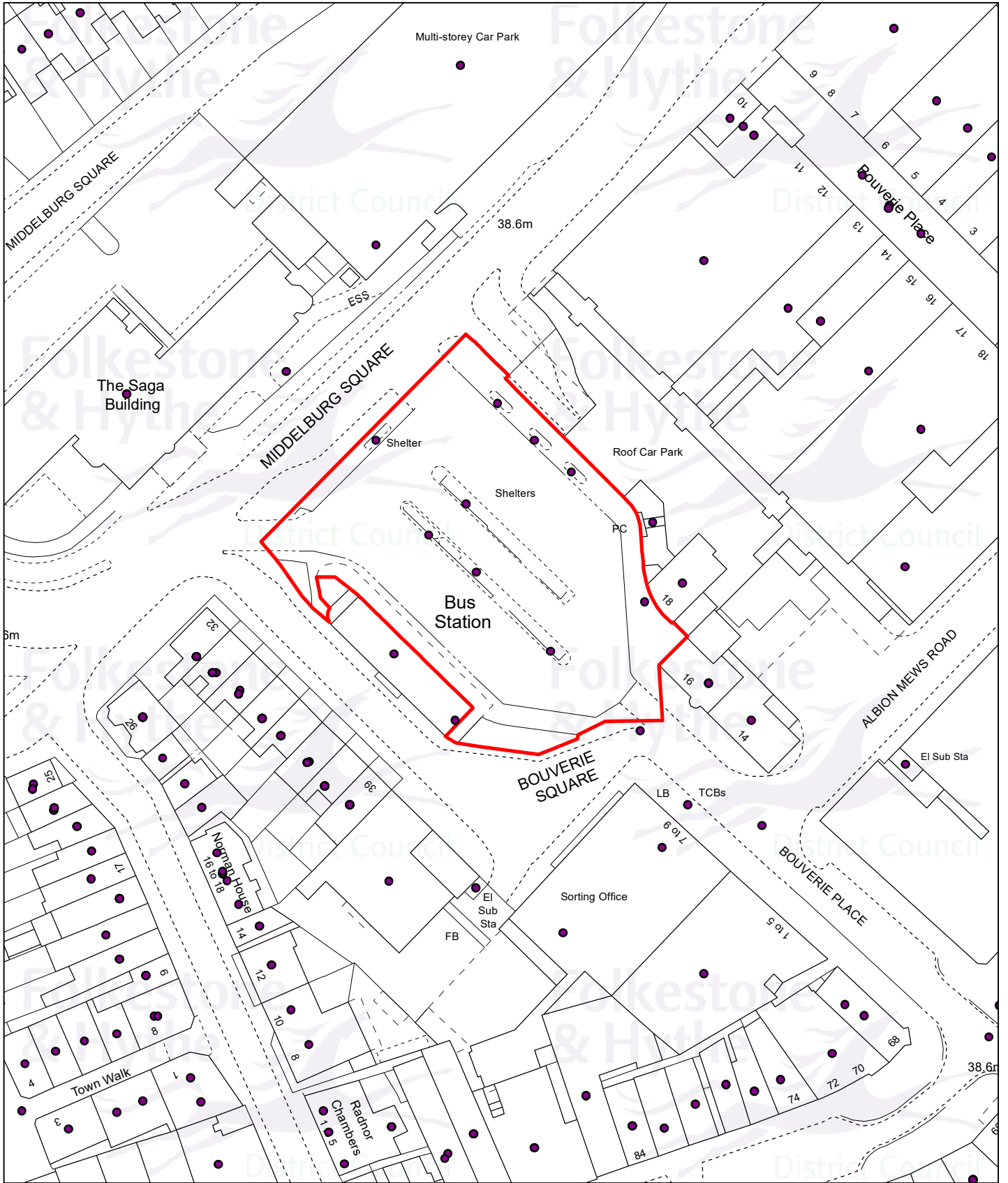
**That the statutory BNG condition as set out in the informative under 24/1650/FH be approved in accordance with the details and documents provided. That the informatives included at the end of the report be attached to the approval and authorisation given to the Chief Planning Officer to amend the wording of these/include additional informatives as he feels is appropriate. That delegated authority is given to the Chief Planning Officer to approve the HMMP under condition 8 of 24/1650/FH when such an application is submitted.**

### Informatives:

1. This approval is given on the basis of the following information:
- Biodiversity Net Gain Assessment Report (March 2025)
  - Biodiversity Net Gain Metric (Nov 2024)
  - Habitat Management and Monitoring Plan (HMMP) (June 2025)
  - Biodiversity Gain Plan (1 April 2025)
  - Habitat Plan

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24/1650/FH - BUS STATION, BOUVERIE SQUARE, FOLKESTONE, CT20 1BA



Planning Application:  
25/2140/FH/CON

Drawn date:  
02 Dec 2025

Drawn by:  
Carrie Stacey

Drawing ref:  
2235/COP/LS

Llywelyn Lloyd  
Chief Planning Officer

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**FOLKESTONE & HYTHE DISTRICT COUNCIL  
PLANNING AND LICENSING COMMITTEE – 16 December 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:

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

SIGNED: .....

**Councillor Name (in CAPS)** .....

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

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