



Agenda

Planning Committee

6 February 2024
at 7pm

The Guildhall, St Peter's Place, Canterbury

A. The Committee may only resolve its decisions when exercising its express delegated powers as set out under the name of the Committee in the scheme of delegation approved by the Council.

B. The public (which includes the press) will be excluded from the meeting during any item of business which falls within the exempt provisions of Schedule 12A of the Local Government Act 1972 or the Freedom of Information Act 2000, or both.

Quorum - 7 Councillors

Membership of the Planning Committee

Councillors

Pat Edwards (Chair)

Dan Smith (Vice Chair)

Keith Bothwell

Dane Buckman

Elizabeth Carr-Ellis

Roben Franklin

Robert Jones

Harry McKenzie

Tom Mellish

Peter Old

Paul Prentice

Ian Stockley

David Thomas

Ward

Barton;

Blean Forest;

Swalecliffe;

Wincheap;

St Stephen's;

Wincheap;

Herne and Broomfield;

Sturry;

Heron;

Chestfield;

Barton;

Beltinge;

Heron;

Members of the public may at meetings of the Committee speak for no more than three minutes upon any item which appears on the agenda for the meeting PROVIDED THAT notice has been given to Democratic Services (e-mail democracy@canterbury.gov.uk, telephone 01227 862 009) not later than 12.30pm on the working day before the meeting.

Everyone is welcome to record meetings of the Council and its Committees using whatever non-disruptive methods you think are suitable. If you are intending to do this please mention it to the Democratic Services Officer and do not use flash photograph unless you have previously asked whether you may do so. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office).

Please note that the Chair of the meeting has the discretion to withdraw permission and halt any recording if in the Chair's opinion continuing to do so would prejudice proceedings at the meeting. Reasons may include disruption caused by the filming or recording or the nature of the business being conducted.

Anyone filming a meeting is asked to only focus on those actively participating but please also be aware that you may be filmed or recorded whilst attending a council meeting and that attendance at the meeting signifies your agreement to this if it occurs. You are also reminded that the laws of defamation apply and all participants whether speaking, filming or recording are reminded that respect should be shown to all those included in the democratic process.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

Agenda

- 1 Apologies for absence**
- 2 Substitute councillors**
- 3 Declaration of any interests by councillors or officers**

(Councillors and officers are encouraged to give their declarations in advance to Democratic Services where possible.)

TO RECEIVE any declarations of the following in so far as they relate to the business for the meeting:

- a. Disclosable Pecuniary Interests
- b. Other Significant Interests (what were previously thought of as non-pecuniary Prejudicial Interests)
- c. Voluntary Announcements of Other Interests not required to be disclosed as DPIs or OSIs, i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Councillor knows a person involved, but does not have a close association with that person, or
- Where an item would affect the wellbeing of a Councillor, relative, close associate, employer, etc but not their financial Position.

[Note: an effect on the financial position of a Councillor, relative, close associate, employer, etc; OR an application made by a Councillor, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

4 Public participation

If any member of the public wishes to speak on any item / planning application for the meeting they must give notice to Democratic Services by 12.30pm on Monday 5th February 2024. They can do this online here or by calling 01227 862009 or emailing democracy@canterbury.gov.uk.

It is the usual practice of the Committee to allow any public speakers to be heard immediately before the consideration of the relevant application / item.

Further information about public participation and the procedure at the meeting is included in this agenda or on the Council's website here.

5 Application No. CA/23/01248/FUL 48 St Dunstons Street. Canterbury

Two and a half-storey building with retail use at ground floor and 2 apartments at first floor and within roof space

Recommendation: Grant, subject to safeguarding conditions

Planning Officer: Christian De Grussa

6 Application No. CA/20/00399/VAR Disused Railway Embankment From All Saints Close To Northwood Road, Whitstable

Variation of condition 09 (lighting) of planning permission CA//19/01145/VAR for shared use walking and cycling path; to allow change of illumination switch off time

Recommendation: Grant, subject to safeguarding conditions

Planning Officer: Kelly Tonkin

7 Application No. CA/23/02091/FUL Calcott Bungalow, Calcott Hill, Sturry

Change of use from residential dwelling to mixed use comprising first floor flat and a dental and aesthetics clinic and associated external alterations together with extension to car park and creation of new vehicular

Recommendation: Refuse

Planning Officer: Ashley Kynes

8 Application No. CA/23/02067/LDC Birch Lodge, Kingston

Application for lawful development certificate for proposed replacement of the ground floor rear UPVC window with UPVC french doors

Recommendation: Would be lawful

Planning Officer: Elizabeth Donnachie

9 Planning Appeals - Decisions

There are no planning appeals decisions to report.

10 Any other urgent business to be dealt with in public

11 Any other urgent business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both

It will be necessary to pass a resolution to exclude the press and public for any urgent confidential business under this item.

Criteria for public speakers

It is the usual practice of the Committee to allow any public speakers to be heard immediately before the consideration of the relevant application /item.

The number of speakers for each planning application is limited to 3 in favour, 3 against the proposal;

a representative of the Parish Council, Canterbury Heritage and Design Forum (previously known as the Canterbury Conservation Advisory Committee), Whitstable Society, or Herne Bay & District Residents Association in whose area the proposed development is situated, and that representative gives notice that he/ she would attend the Committee to support the representation;

a representative of an advisory / amenity group or resident association speaking for a proposal, and one against a proposal whose terms of reference have a direct interest in the proposal;

the Applicant or Agent but not both who shall also be afforded the opportunity to speak last.

No more than one person per household shall be entitled to speak, including persons wishing to speak on behalf of someone else, unless offering opposing views.

In circumstances where more than 3 persons wish to speak, those not selected, shall be provided with the names of ward councillors and the nominated speakers in order that they can seek to have their points raised.

All persons speaking shall be strictly limited to 3 minutes each.

There will be no speakers heard on any application where they are supporting the officer recommendation and no councillor wishes to speak against it.

All persons shall have a maximum of two opportunities to speak i.e. at two meetings of the Committee or at one Committee and one Member site visit.

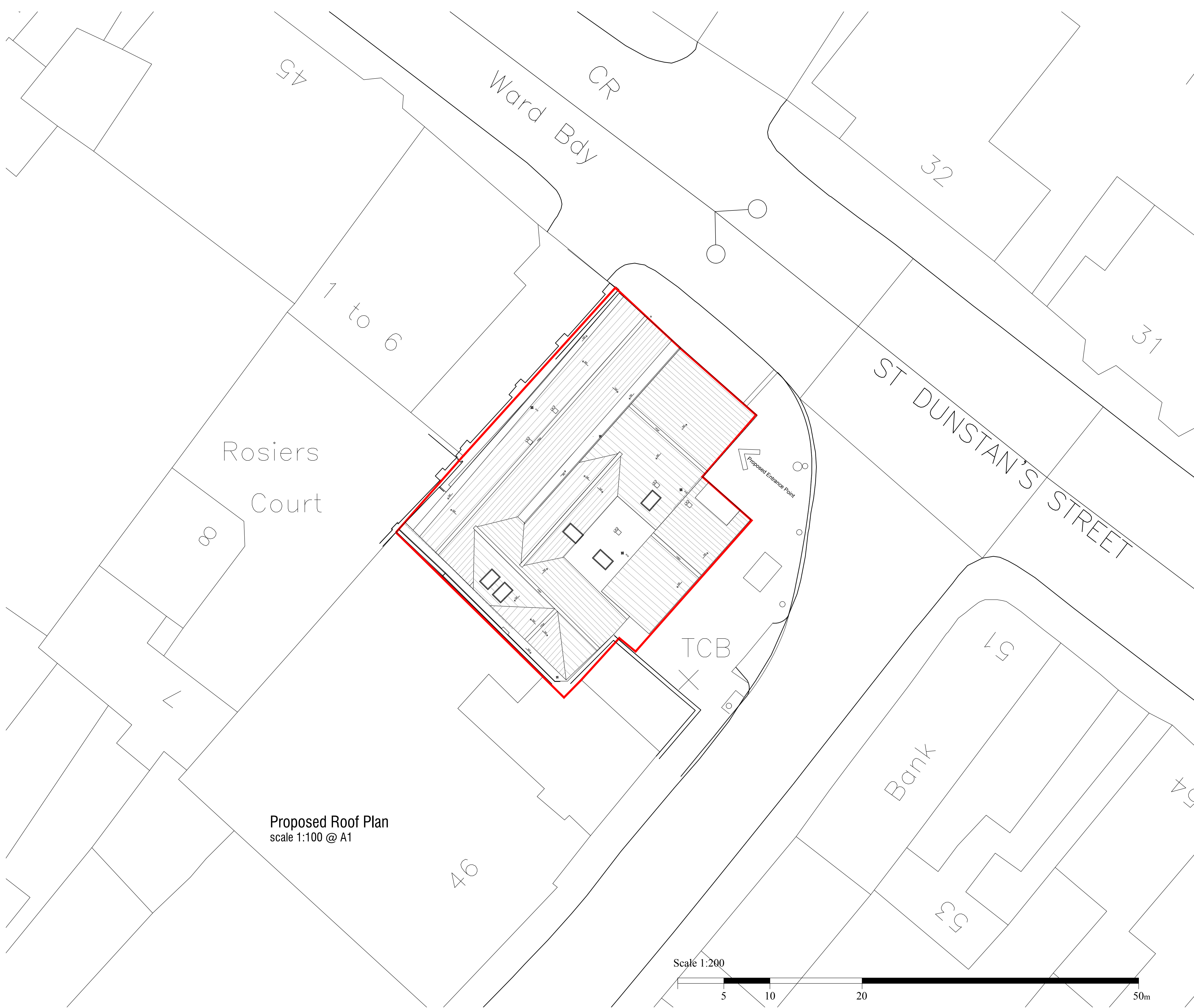
If you wish you may circulate photographs to illustrate a point but written information or circulation of reports or letters will not be allowed.

All persons wishing to speak shall notify Democratic Services **no later than 12.30pm on the working day before the day of the meeting** (by email to democracy@canterbury.gov.uk or by telephone 01227 862 009).

Procedure at committee

All speakers shall be directed to a cordoned off area in the public gallery prior to the start of the meeting, and shall then be directed to the 'public speaking chair' at the appropriate time.

The chairman shall explain procedures and order of applications at the start of the meeting. All site visits shall be determined at the start of the meeting - with the exception of those which might be subsequently agreed during the meeting. Items recommended and agreed for deferral shall also be considered at this stage.



NOTES:
 Do Not Scale.
 Report all discrepancies, errors and omissions.
 Verify all dimensions on site before commencing any work on site or preparing shop drawings.
 All materials, components and workmanship are to comply with the relevant British Standards, Codes of Practice, and appropriate manufacturers recommendations that from time to time shall apply.
 For all specialist work, see relevant drawings.
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Rev	Date	Description
		P03: Alterations to proposed floor plans including entrance configuration and side elevation along with changes to roof layout Feb 2023

Project Title
**Proposed Extension & Alterations to:
 Londis
 48 St Dunstans Street
 Canterbury
 Kent
 CT2 8BY**

Drawing Description
Proposed Site Plan

Scale 1:100 @ A1	Drawn by KF
Date February 2018	Checked by KE

CLAGUE ARCHITECTS

62 Burgate, Canterbury Kent CT1 2BH	01227 762060
1 Kinsbourne Court, Luton Road, Harpden, Hertfordshire AL5 3BL	01582 765102
8, Disney Street London SE1 1JF	0203 597 6112

CANTERBURY	LONDON	HARPENDEN
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Drawing Number 23548A/10	Revision P3
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Proposed Extension & Alterations to Londis St Dunstans Street

PLANNING COMMITTEE

APPLICATION NUMBER:	CA/23/01248
SITE LOCATION:	48 St Dunstans Street, Canterbury, CT2 8BY
PROPOSAL:	Two and a half-storey building with retail use at ground floor and 2 apartments at first floor and within roof space
APPLICATION TYPE:	Full planning application
DATE REGISTERED:	3rd July 2023
TARGET DATE:	18th August 2023
LISTED BUILDING:	No
CONSERVATION AREA:	Canterbury City
WARD:	Westgate
APPLICANT:	Mr Karl Elliot
AGENT:	Mr N Patel
CASE OFFICER:	Christian De Grussa
RECOMMENDATION:	Grant, subject to safeguarding conditions

SITE LOCATION AND DESCRIPTION

1. The application site is located on the corner of St Dunstans Street and Orchard Street, within the Canterbury City Conservation Area. Until recently, a locally listed building previously stood on the site. It was two-storey in scale with accommodation within the roofslope and comprised a retail shop at ground floor level with two flats above. With the loss of the locally listed building, the site currently forms a prominent gap in built development within this part of the conservation area. The site also falls within an Area of Archaeological Importance (AAI).

RELEVANT PLANNING HISTORY

2. **CA/18/01809** - full planning permission granted for a two-storey side and rear extension together with alterations to shopfront following demolition of existing store.
 - This permission was implemented and during the construction of the rear extension, the locally listed building was lost.

3. **CA//19/01246** - full planning application refused for a three-storey building with retail use at ground floor and 5 no. dwellings at first and second floor following demolition of existing building on the following grounds:
 - unjustified loss of a locally listed building;
 - overbearing impact for neighbours;
 - insufficient cycle and refuse storage; and,
 - Insufficient mitigation for archaeological remains buried within the application site.

4. **CA/22/01860** - full planning application refused for two and a half-storey building with retail use at ground floor and 2 apartments at first and within the roof space following demolition of existing building on the grounds of unjustified loss of a locally listed building.

PROPOSED DEVELOPMENT

5. Full planning permission is sought for the erection of a two and a half-storey building. To the ground floor would be a retail shop with two flats on the first floor and within the roof space above.

CONSULTATIONS

CCC Heritage - comment as follows:

Until recently on the site stood a locally listed property which was thought to date back to the 17th Century. This building is no longer on site and has been subject to a separate enforcement case. This application being considered relates to the acceptability of the replacement building within the context of the conservation area and setting of listed buildings.

Understanding Significance:

- a) The site is also within the Canterbury City Conservation Area. Canterbury City Conservation Area covers the mediaeval city which is dominated by the Cathedral and surrounded by densely built mediaeval and post-medieval houses. The conservation area is of importance as an example of a well-preserved mediaeval cathedral city, which has been augmented by a degree of high-quality rebuilding and suburban expansion in the early-modern period. Particularly varied is St Dunstan's Street where there is little uniformity, each building or small group of buildings has different frontage width, height and roof form. This is the result of centuries of evolution and the diversity brings great visual interest to the street scene.

- b) There are several listed buildings within the immediate setting of the application site. Although the site has no functional relationship with these, there is a visual one.

Impact of proposed development upon significance

- c) A locally listed building, a non-designated heritage asset, previously stood on the site. It was timber framed and is thought to have dated to the 17th or 18th century of two storeys which had many extensions and projections over varying quality and age. The south side has been refaced in modern red brick (stretcher bond). Other areas of brick work date to the 19th century. The flat roofed extension on the left hand side replaced a 17th Century cottage that appears to have been demolished in the 1960's. 48 St Dunstan's Street was included within the Council's Local List due to its contribution in building and reinforcing a sense of local character and distinctiveness within the historic environment. It was as such a non-designated heritage asset (NDHA) under the NPPF. The special significance of the property derived from its age, scale, architectural composition, detailing and materials, and its historical association with the evolution of the settlement.
- d) It is noted that there have been some calls for the building to be accurately reconstructed rather than a replacement to a similar external design. Before reaching a decision on whether or not to reconstruct a heritage asset Historic England recommends considering a series of questions set out in the *Appendix 1* below for reference. It recommends that if the answer to any of these questions is "no", then reconstruction may not be in the best interests of the heritage asset and the values which it embodies.
- e) Good conservation practice asserts that the reconstruction of a heritage asset needs to be based on a thorough understanding of the heritage values of the site or place, and the impact of the proposal on these values. Even when a lot of information is available, reconstruction will not always be appropriate.
- f) In this circumstance it is considered that there is insufficient knowledge of, and evidence for, the history of the asset for a credible or accurate reconstruction of the locally listed property and would instead be a speculative re-creation. Additionally the local listed building due to its status and unsympathetic incremental alterations over time is of limited significance (thus not meeting the criteria of a place of high significance to warrant reconstruction). As such it is not considered appropriate to attempt to reconstruct the building.
- g) The NPPF notes that great weight should be given to the preservation of heritage assets as they are an irreplaceable resource. Even without taking the discussion above into account any reconstruction would not be of historic interest and would lack the integrity of the lost building. The weight that therefore now should be afforded to the preservation of heritage assets lies with the character and appearance of the conservation area and the setting of the listed buildings.
- h) Turning attention to the impact on the conservation area and setting of listed buildings. The proposal being considered is for the erection of a two and a half-storey building with retail use at ground floor and 2 apartments at first and within the roof space. The design of the building has been influenced by the previous locally listed building and recent permissions on the site for its extension, all of which were considered to have an acceptable impact upon the surrounding designated heritage assets.

- i) During the course of the application revisions have been made to the shopfronts to ensure that they meet the criteria set out in policy HE10 and the Shopfront Design SPD 2020. The shopfronts proposed are of a traditional design with stall risers, mullions and fascia in timber.

In conclusion, while the loss of the non-designated heritage asset is regrettable it is not considered appropriate to reconstruct it with a timber frame or to the exact appearance as the lost building for the reasons given above. The scheme proposed for the new property reflects that of previous permissions on the site which were considered to preserve the character and appearance of the conservation area and setting of listed buildings.

CCC Environmental Health - no objection, subject to a construction environmental management plan (CEMP).

KCC Highways and Transportation - no objection, subject to a construction environmental management plan (CEMP) and retention of cycle parking

KCC Archaeology - no objection, subject to a programme of archaeological field evaluation works, safeguarding measures and a post-excavation assessment report

REPRESENTATIONS

6. A site notice was placed in the vicinity of the area, a notification was published in the local newspaper and neighbours adjoining the site were notified in writing. 47 representations were received, 28 supporting the application on the following grounds:

- Community benefit derived from a new store
- Local employment opportunities and a boost to the local economy
- Represents a visual improvement to the conservation area
- Impact to highways would be no greater than existing arrangement
- Development is similar to what has previously been approved

and 19 objecting to the application on the following grounds:

- Submitted plans are unclear
- Heritage asset has been retrospectively demolished and did not collapse
- Detrimental to highways safety and parking
- Harm the character and appearance of the conservation area
- Overshadowing, overlooking, and overbearing impact
- There is little demand for a larger shop
- Harm to the setting of listed buildings nearby
- Potential loss of archaeology
- Impact to Stodmarsh nature reserve
- No provision for bicycle or refuse storage

7. **Canterbury Heritage and Design Forum** - object to the application on the following grounds:

- The locally listed building was demolished retrospectively
- An archaeological evaluation of the site should be undertaken
- Design does not replicate what was approved under CA//18/01809

DEVELOPMENT PLAN POLICIES

Canterbury District Local Plan 2017

- SP1** - Sustainable Development
- SP4** - Strategic Approach to Location of Development
- DBE3** - Expectation of high quality design
- DBE4** - Internal space standards
- DBE6** - Alterations and extensions
- HE1** - Conservation of heritage assets
- HE4** - Development affecting setting of listed buildings
- HE6** - Conservation Areas
- HE10** - Shopfronts
- HE11** - Archaeology
- HE12** - Archaeological Potential

Draft Canterbury District Local Plan to 2045

- SS1** - Environmental Strategy for the District
- SS2** - Sustainable Design Strategy for the District
- SS3** - Development Strategy for the District
- C4** - Canterbury urban area
- DS6** - Sustainable design
- DS13** - Movement hierarchy
- DS14** - Active and Sustainable transport
- DS15** - Highways and Parking
- DS17** - Habitats of International Importance
- DS18** - Habitats and landscapes of national importance
- DS21** - Supporting biodiversity recovery
- DS26** - Historic Environment and archaeology
- DM5** - Parking design
- DM11** - Residential design
- DM15** - Sustainable drainage design

Supplementary Planning Documents/Guidance:

- Canterbury Conservation Area Appraisal, 2010
- Shopfront Design Guidance, 2020
- Heritage, Archaeology & Conservation 2007

ASSESSMENT

8. The application is brought to the Planning Committee for determination at the request of Councillors Dixey, Cornell, Hazelton and Brady for Members to consider the impact on the conservation area, setting of listed buildings and parking. The main considerations in the assessment of this application are:
- Character and appearance
 - Living conditions
 - Parking and highway safety
 - Archaeology

Character and appearance

9. When considering development in conservation areas, there is a legal requirement on Local Planning Authorities to have particular regard to the objective that the character and appearance of conservation areas should be preserved or enhanced by new development. This is endorsed by the Local Plan. Proposals should also seek to preserve the setting of listed buildings nearby.
10. This part of the conservation area is particularly varied, with each building or small group of buildings having different frontage widths, heights and roof forms. These buildings also front directly onto the pavement.
11. The traditional design and scale of the proposed building has been influenced by the locally listed building that previously stood on the site and recent permissions granted for its extension. The proposed building would continue the pattern of development fronting directly onto the pavement and whilst it would be of a larger footprint and height, it would still sit comfortably within the plot and not appear out of character with other buildings within the area.
12. Materials used on other buildings within the vicinity are red, yellow, and painted brickwork, render and timber weatherboarding. Sample materials have been submitted with the application, including light red brick, kent peg roof tiles and white render, and are similar materials to those used in the construction of the nearby buildings within the vicinity of the site, as well as the locally listed building that previously stood on the site. Joinery details have also provided upfront for the proposed timber windows and doors and these are also considered to be acceptable. The proposed shopfront is also of a traditional design with stall risers, mullions and fascia in timber.
13. In light of the above, the proposed building is considered to preserve the character and significance of the conservation area and the setting of listed buildings, in accordance with policies DBE3, HE1, HE4, HE6, HE9, and HE10 of the Canterbury District Local Plan 2017 and the NPPF.

Living conditions

14. The Local Plan aims to secure a good standard of amenity for all existing and future occupants of land and buildings and all new housing proposals should have an

acceptable standard of accommodation in terms of its internal layout, room sizes and amenity space.

Existing residents

15. The proposed building would extend deeper into the site than the previous building. To the ground floor of the adjoining building at Rosiers Court is an access through to the parking court at the rear, with rear windows at first and second floor level serving a kitchen and living area. Given the eaves level and the roof pitching away from this neighbour, it is considered that the proposed development would not be overbearing or result in an unacceptable loss of light to these windows. There is a second floor side window facing towards the application site that serves a bedroom, however this room is also served by another window to the front and so it is considered that this room would still gain a sufficient level of light. In terms of overlooking, no side windows are proposed to the side elevation facing Rosiers Court and those to the other side elevation would look onto Orchard Street. The proposed development is therefore considered to not have a harmful impact on the living conditions of neighbouring property occupiers, in accordance with policy DBE3 of the Canterbury District Local Plan 2017 and the NPPF.

Future occupiers

16. The level of accommodation within the proposed flats would meet the minimum standards set out in the Department for Communities and Local Government's Technical housing standards - the nationally described space standard. The proposal would also include secure cycle storage. The proposal does not include private amenity space but given the proximity of the site to the city centre and public open spaces, this is considered to be acceptable. This was also the case with the previous building that occupied the site until recently.
17. In light of the above, it is considered that the proposal would offer future occupiers an acceptable standard of accommodation, in accordance with policies DBE3 and DBE4 of the Canterbury District Local Plan 2017 and the NPPF.

Parking and highway safety

18. The Local Plan states that development should have regard for the safe movement of pedestrians and other vehicles.
19. Given the proximity of the application site to the city centre of Canterbury and public transport links together and on-street parking, the lack of on-site parking is considered to be acceptable and KCC Highways and Transportation raise no objection. This was also the case with the previous building that occupied the site until recently.
20. Given the above, the proposal is considered to not result in harm to highway safety, in accordance with policy T9 of the Canterbury District Local Plan 2017 and the NPPF.

Archaeology

21. The Local Plan seeks to protect archaeological heritage assets. The application site falls within an area of archaeological importance.
22. The area of St Dunstons has been recognised as a focus for Roman period activity and is reflected by the number of periodic sites recorded locally; notably the junction of two Roman Roads between St Dunstons Street and London Road approximately 120m towards the northwest. An Archaeological Desk Based assessment by SWAT Archaeology was submitted with the application, which also identifies the presence of Late Iron Age and Anglo Saxon remains within 50m of the site. KCC Archaeology have reviewed this and confirmed the archaeological potential of the site to be high.
23. Foundations have previously been constructed towards the rear of the site in connection with the planning permission granted under application CA//18/01809. To ensure features of archaeological importance are properly examined and recorded, KCC Archaeology recommends that a programme of archaeological field evaluation works, safeguarding measures and a post-excavation assessment report pertaining only to those areas of existing foundations be secured through condition.
24. Subject to the above, the proposed development is considered to be in accordance with policies HE11 and HE12 of the Canterbury District Local Plan 2017 and NPPF.

Other matters

25. Concerns have been raised that the proposed building is not an exact replica of the previous, locally listed structure. Advice from Historic England is that the reconstruction of a heritage asset needs to be based upon a thorough understanding of the heritage values of the application site or place, together with the impact of the proposal on these values. Even when a lot of information is available, reconstruction may not always be appropriate. In this instance, there is insufficient knowledge of, and evidence for, the history of the asset for a credible or accurate reconstruction of the locally listed property and to do would instead result in a speculative re-creation of the building. In addition, the local listed building, due to its status and the number of unsympathetic alterations over time, is of limited significance and so would fail to meet the criteria from Historic England to warrant reconstruction. As such, it is not considered appropriate to attempt to reconstruct the locally listed building.
26. The proposal would not result in an increase in the number of residential units that previously existed on the site and as such, there would not be a likely significant effect on the Stodmarsh European-designated site.

RECOMMENDATION

27. For the reasons set out above, it is recommended that the application be approved subject to safeguarding conditions.

28. The draft Local Plan to 2045, which is out to public consultation, is a material consideration in the assessment of this application. Having regard to the relevant policies in the draft Local Plan and the weight of the draft Local Plan, it does not indicate that a decision should be made other than to approve the application on the basis of the assessment above.

DRAFT CONDITIONS FOR DECISION NOTICE

Application No: **CA/23/01248**

Proposal: **Two and a half-storey building with retail use at ground floor and 2 apartments at first floor and within roof space**

Location: **48 St Dunstons Street, Canterbury, CT2 8BY**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the submitted drawings/documents received on 03/07/2023:

- 23548A/10-P - Proposed Site Plan
- 23548A_12-P2 - Proposed Elevations PLANNING (Received 10/10/23)
- Proposed External Finished - Costcutter - St Dunstons
- 23548A_11-P5 - Proposed Ground and First Floor Plan PLANNING (Received 10/10/23)
- 23548A/120-P2 - Proposed Shop Front Details (Received 10/10/23)
- 23548A/121-C - Window Type A
- 23548/122-C - Window Type B
- 23548A/123-C - Window Type C
- 23548A/124-C - Window Type D
- 23548A/125-C - Window Type E
- 23548A/01-P - Existing Site Plan
- 2976-02-001-3 - Foundation Plan (Received 25/01/24)

REASON: To secure the proper development of the area.

3. The rooflights hereby approved shall be 'conservation style' rooflights, set flush with the roof plane and thereafter retained.

REASON: To safeguard the special character and appearance of the area as a Conservation Area in accordance with policies HE1 and HE6 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

4. Prior to the first use of the development, the external doors and windows shall be constructed in accordance with the joinery details that were submitted to and approved by the Local Planning Authority on 3rd July 2023 under Drawing No. 23548A/121-C, 23548/122-C, 23548A/123-C, 23548A/124-C, and 23548A/125-C.

REASON: To safeguard the special character and appearance of the area as a Conservation Area in accordance with policies HE1 and HE6 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

5. Prior to the first use of the development, the building shall be constructed in accordance with material samples that were submitted to and approved by the Local Planning Authority on 3rd July 2023 under Drawing No. 18/01809 - Condition Three.

REASON: To safeguard the special character and appearance of the area as a Conservation Area in accordance with policies HE1 and HE6 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

6. No development shall take place until a Construction Environmental Management Plan, which shall include the following details:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interests of highway safety and in accordance with policy T9 of the Canterbury District Local Plan 2017.

7. Prior to the first occupation or use of the development, the area shown on the Drawing No. 23548A_11-P3 (received 14th August 2023) for cycle storage shall be provided and thereafter retained.

REASON: In the interests of highway safety and in accordance with policy T9 of the Canterbury District Local Plan 2017.

8. No further ground excavations shall take place in the area marked 'A' on Drawing No. 2976-02-001-3 unless agreed in writing with the local planning authority. To assess and mitigate the impacts of development on significant archaeological remains within the area marked 'B' on Drawing No. 2976-02-001-3.

Prior to any development works within the area marked 'B' specified under Drawing No. 2976-02-001-3, the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, including a detailed impact assessment, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

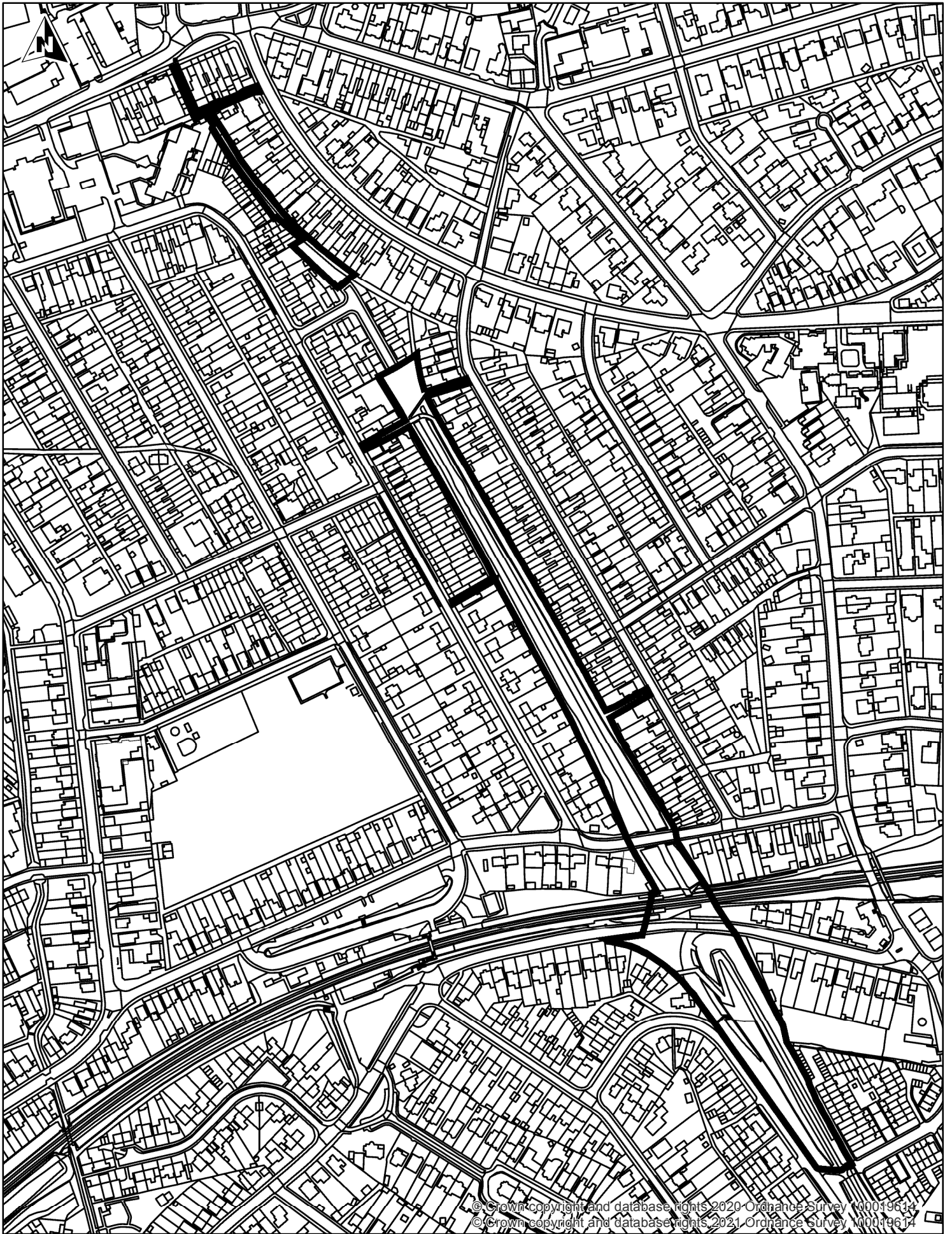
The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

Within 6 months of the completion of archaeological works, a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a) a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b) an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c) a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

REASON: To ensure that features of archaeological interest are properly examined and recorded in accordance with policies in the Local Plan and the National Planning Policy Framework.

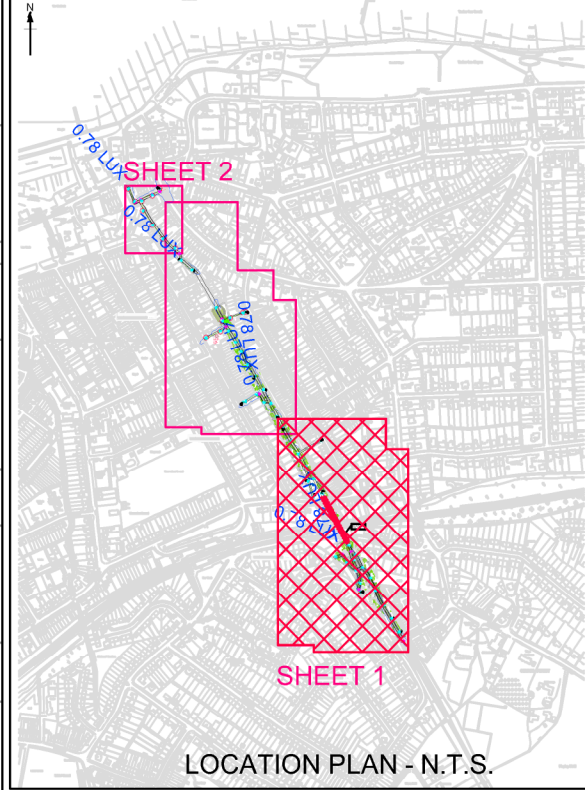
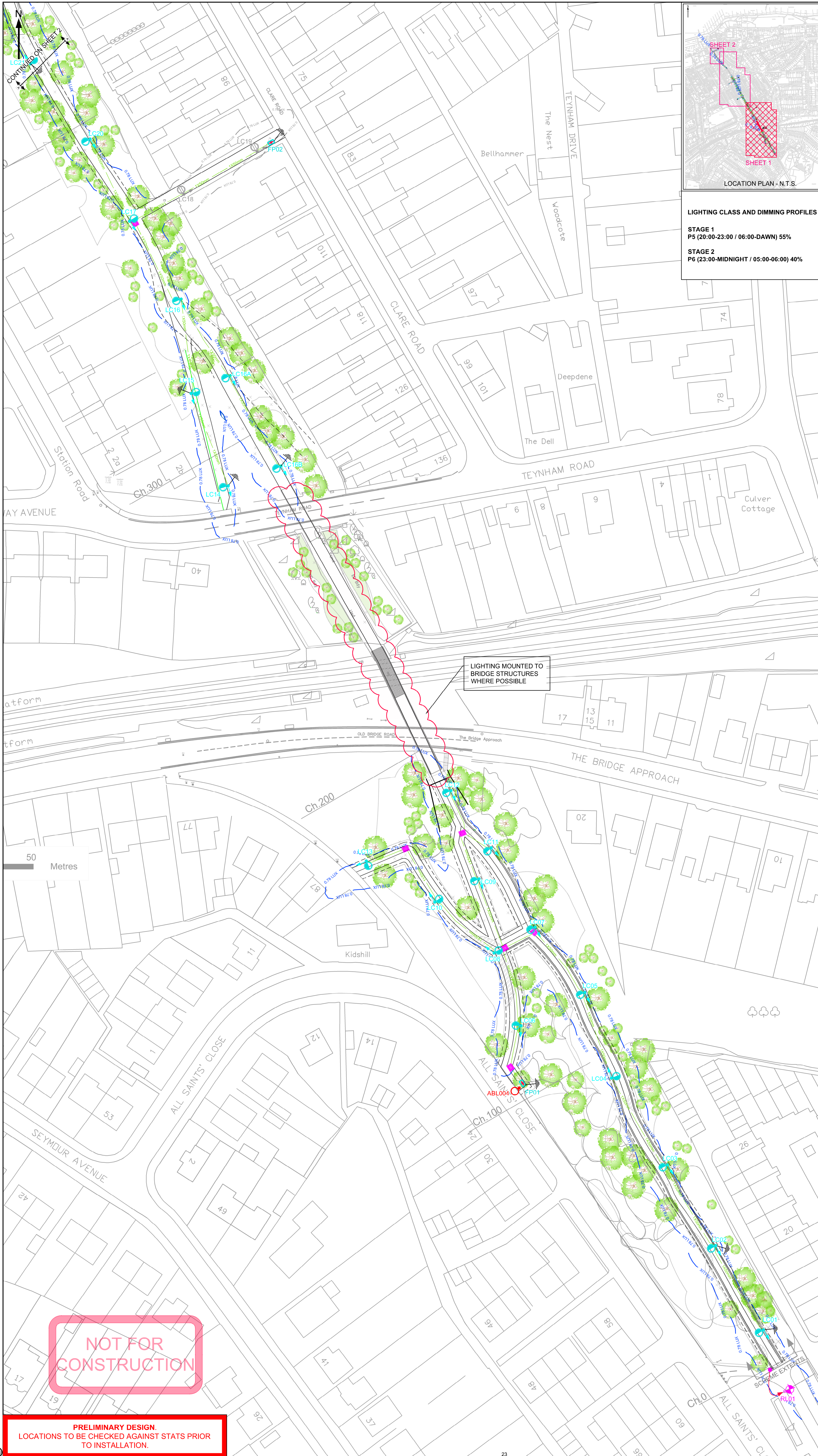


Case Ref: CA/20/00399

Author: Planning Services

Scale 1:3,500

Map Dated: 10/08/2023



LIGHTING CLASS AND DIMMING PROFILES

STAGE 1
P5 (20:00-23:00 / 06:00-DAWN) 55%

STAGE 2
P6 (23:00-MIDNIGHT / 05:00-06:00) 40%

- Notes**
- THIS IS AN AUTOCAD DRAWING AND SHOULD NOT BE AMENDED BY HAND.
 - THE EXISTING LOCATIONS ARE APPROXIMATE AND THEIR ACCURACY CANNOT BE GUARANTEED.
 - ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.
 - THIS DRAWING MUST NOT BE SCALED.
 - DRAWING TO BE READ IN CONJUNCTION WITH OTHER CONTRACT DOCUMENTS.
 - COLUMNS ARE TO BE POSITIONED 0.3M BEHIND BACK OF FOOTWAY.
 - COLUMN LOCATIONS TO BE CHECKED AGAINST UTILITY DRAWINGS FOR CONFLICTS BY A COMPETENT ENGINEER.
 - CONTRACTOR SHOULD SATISFY THEMSELVES THAT ANY UTILITY DRAWINGS AFFECTING THE SCHEME ARE ACCURATE AND UP TO DATE PRIOR TO COMMENCEMENT.
 - NO COLUMNS IN SHARED SPACES.
 - EARTH ELECTRODES ARE TO BE INSTALLED IN ACCORDANCE WITH BS7671, AND BS7430 AT EACH FEEDER PILLAR AND AT THE FINAL TERMINATION OF EACH INDIVIDUAL CIRCUIT AS INDICATED.
 - ALL NEW PRIVATE CABLING TO BE CONTAINED IN TWIN WALLED 50 mm DIAMETER SMOOTH INTERNAL PROFILE ORANGE DUCT MARKED "STREET LIGHTING", INSTALLED TO A MINIMUM DEPTH OF 450mm FOOTWAYS, AND 750mm ROAD CROSSINGS, TO THE TOP SURFACE OF THE DUCT IN ACCORDANCE WITH NJUG RECOMMENDATIONS. ALL DUCTS TO BE LEFT WITH A ROT PROOF SPARE DRAW CORD IN PLACE.
 - ALL EXCAVATIONS SHOULD BE IN ACCORDANCE WITH NJUG GUIDELINES FOR THE PLANNING, INSTALLATION AND MAINTENANCE OF UTILITY APPARATUS IN CLOSE PROXIMITY TO TREES.
 - TREE PRUNING / CUTTING WILL BE NOTED WHERE REQUIRED ON THE DRAWINGS, HOWEVER, ADDITIONAL PRUNING MAY BE REQUIRED ONCE COLUMNS HAVE BEEN INSTALLED ON SITE DEPENDING ON GROWTH OF TREES SINCE DESIGN. ANY NEW TREES PLANTED IN THE VICINITY OF PROPOSED COLUMNS IS TO BE DONE SUCH THAT ONCE THE TREES ARE FULLY MATURE THE ROOTS WILL NOT IMPACT ON THE COLUMN FOUNDATION AND THE CANOPY WILL NOT IMPEDE THE LIGHT FROM THE LUMINARIES.
 - ALL EQUIPMENT THAT IS TO BE REUSED IS TO BE CHECKED BY A SUITABLY COMPETENT PERSON TO ENSURE THAT IT IS IN A SATISFACTORY CONDITION TO BE REUSED.

- KEY PROPOSED**
- | QTY. | SYMBOL | DESCRIPTION |
|------|--------|--|
| 48 | | PROPOSED 5m MID HINGED RAISE AND LOWER TUBULAR STEEL COLUMN WITH POST TOP MOUNTED CU PHOSCO LED LANTERN AT 5 DEGREES. PECU 70/35 WITH PRESET DIMMING AS DETAILED ABOVE. P852-6-R38-WW C0400-9W |
| | LC# | PROPOSED COLUMN ID NUMBERS. |
| | | DIRECTION OF FALL FOR RAISE AND LOWER COLUMN. TO BE CONFIRMED ON SITE. |
| 2 | | PROPOSED R&L 5m COLUMNS LC18 & LC19 (P852-6-R38-WW C0400-9W) contours shown MAY BE INSTALLED AS PART OF A FUTURE DEVELOPMENT UPGRADE - THEY DO NOT FORM PART OF THIS SCHEME |
| 1 | | EXISTING COLUMN TO BE TAKEN UP OR DOWN AND REMOVED TO TIP OFF SITE AND NOT REPLACED |
| 1 | | COLUMN AND LANTERN RELOCATED AS INDICATED BY ARROW |
| 2 | | ADJACENT LIGHTING TO REMAIN IN SITU - DOES NOT FORM PART OF THIS SCHEME |
| | | ROUTE OF PROPOSED 1 x 50mm ORANGE DUCT MARKED "STREET LIGHTING" (SEE NOTE 11) |
| 14 | | DUCT CHAMBER |
| 16 | | EARTH ELECTRODE OR MAT (SEE NOTE 10) |
| 5 | | PROPOSED FEEDER PILLAR |
| | | 0.78 LUX ISO-CONTOUR START OF LIFE CONTOUR SHOWN |
| | | UNDERGROUND HIGH VOLTAGE CABLES IN THE VICINITY |
| | | PROPOSED TREES BY OTHERS - SEE DW&CO DRAWING - (LANDSCAPE PLANTING PLAN 0058/18/B/40) |

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING SIGNIFICANT RESIDUAL RISKS (REFERENCE SHALL ALSO BE MADE TO THE DESIGN RISK ASSESSMENT).

CONSTRUCTION:
UNDERGROUND HIGH VOLTAGE ELECTRICITY CABLES (HV) IN THE VICINITY, ELECTRICAL SUB STATION IN THE VICINITY, SEWAGE PUMPING STATION IN THE VICINITY.
MAINTENANCE/CLEANING:
AS ABOVE
USE:
AS ABOVE
DECOMMISSIONING/DEMOLITION:
AS PER CONSTRUCTION
THE CONTRACTOR IS TO SATISFY HIMSELF OF ALL UNDERGROUND NETWORKS PRIOR TO ANY DIGGING. THE CONTRACTOR IS TO MAINTAIN CABLE NETWORKS OF ALL EQUIPMENT THAT IS NOT PART OF THE WORKS BUT MAY BE FED FROM EQUIPMENT ASSOCIATED WITH THE WORKS.

SW	RC	AS	Luminaire Spec, Key & Contours revised	B	22.08.19
SW	AL	AS	First Issue- Option 2	A	14.03.19
cad	chkd	appvd	Description	rev	date

DFL Designs for Lighting Ltd
17 City Business Centre
Winchester
Hampshire
SO23 7TA
Tel: 01962 855080
Email: info@designsforlighting.co.uk

CANTERBURY CITY COUNCIL

CRAB AND WINKLE CYCLE PATH-OPTION 2

LIGHTING, FEEDER PILLAR AND DUCT LAYOUT

DESIGNED	AL	CAD	SW	CHECKED	RC	APPROVED	AS	
DRAWING NUMBER:	0703-DFL-1300-003			SHEET:	1 of 2		REVISION:	B
JOB NUMBER:	0703			SCALE:	1:500		SHEET SIZE:	A1

NOT FOR CONSTRUCTION

PRELIMINARY DESIGN.
LOCATIONS TO BE CHECKED AGAINST STATS PRIOR TO INSTALLATION.

PLANNING COMMITTEE

APPLICATION NUMBER:	CA/20/00399
SITE LOCATION:	Disused Railway Embankment From All Saints Close To Northwood Road, Whitstable
PROPOSAL:	Variation of condition 09 (lighting) of planning permission CA//19/01145/VAR for shared use walking and cycling path; to allow change of illumination switch off time
APPLICATION TYPE:	Variation of condition
DATE REGISTERED:	13th February 2020
TARGET DATE:	14th May 2020
LISTED BUILDING:	No
CONSERVATION AREA:	Whitstable - Canterbury Railway
WARD:	Gorrell
APPLICANT:	Ruth Goudie
AGENT:	Ruth Goudie
CASE OFFICER:	Kelly Tonkin
RECOMMENDATION:	Grant, subject to safeguarding conditions

SITE LOCATION AND DESCRIPTION

1. The application site forms part of the historic Crab and Winkle railway line that ran from Canterbury West Station to Whitstable Harbour. A large section of the former railway line has previously been converted to a cycle route. This currently terminates at Ivy House Road in Whitstable, where cyclists are required to continue their journey towards the seafront via the highways of the surrounding residential area.
2. The application site therefore follows the final section of the historic Crab and Winkle line into Whitstable, running parallel with All Saints Close and subsequently to the rear of Station Road and Clare Road.
3. The application site can be accessed via a variety of existing passageways and accesses between residential properties and other buildings that surround the application site. In general, the adjacent areas are characterised by residential development with mainly two-storey terraced and semi-detached dwellings abutting the site. There are a small number of other premises/uses in the locality. A

substantial length of the site lies within the Whitstable-Canterbury Railway Conservation Area and is covered by a blanket TPO.

RELEVANT PLANNING HISTORY

4. **CA/07/01442** - full planning permission granted for formation of cycle path along historic Crab and Winkle railway line (including bridges spanning Teynham Rd and Old Bridge Rd). Approved with conditions February 2010.
5. **CA/14/02419** - full planning permission granted for extension of planning permission CA/07/01442 for formation of cycle path along historic Crab and Winkle railway line.
6. **CA/15/01614** - variation of condition application approved, to remove condition 3 of planning permission CA/14/02419 and the requirement for bridges to be installed prior to removal of vegetation and construction of cycle path .
7. **CA//19/01145** - variation of condition application approved to vary conditions 2 (drawings) and 8 (layout and access) of planning permission CA/15/01614/VAR.
8. **CA/21/02317** - non material amendment to planning permission CA//19/01145/VAR approved, to allow condition 5 to be reworded such that bat surveys can be undertaken prior to the commencement of each stage of the works as illustrated on updated site plan.

PROPOSED DEVELOPMENT

9. The application seeks to vary condition 9 of planning permission CA//19/01145/VAR, to allow lighting along the cycle path to be switched off at a later time (midnight). The lighting would be gradually dimmed before complete switch-off, first at 8pm and then again at 11pm. The extended time for lighting is required for the cycle path to ensure the safe passage of cyclists and pedestrians using the route during the hours of darkness. The lighting design has also been amended to reduce light spill to neighbouring properties.
10. Condition 9 currently reads as follows:

Prior to the route coming into use, the Monaro Urban Contemporary form of lighting herein permitted consisting of a maximum average luminance of 10 Lux and minimum of 3 Lux and LED Lamps mounted on lighting columns not exceeding 4 metres in height spaced not less than 17.5 metres apart, shall be installed at locations to be submitted, and agreed in writing, by the Local Planning Authority. The lighting shall be installed in accordance with the details above and in those locations as agreed by the Local Planning Authority, unless subsequently otherwise agreed in writing by the Local Planning Authority. The route shall only be illuminated in winter months during the hours of darkness, however illumination shall be switched off at 20:00 (8pm) on any given day during the winter period with no re-illumination of the lighting taking place until dusk the following day.

REASON: *To prevent disturbance to feeding and commuting bats to coincide with the bat hibernation period and to prevent harmful light spillage that may negatively impact on the amenities of neighbouring occupiers.*

CONSULTATION

CCC Environmental Health - raise no objection

KCC Ecology - raise no objection

REPRESENTATIONS

11. Letters were sent to neighbouring occupiers and a site notice placed in the vicinity of the application site. Seven representations were received, objecting to the application on the following grounds:

- Impact upon wildlife
- Light pollution - impact upon neighbours, health and safety
- Energy consumption
- Insufficient reasoning to amend timings of lighting along the path
- Anti-social behaviour and security

and one comment was received in support commenting on safety for cyclists, pedestrians and commuters.

PLANNING POLICY BACKGROUND

Canterbury District Local Plan 2017

SP1 - Sustainable Development

T2 - Pedestrian and Cycle Routes

DBE3 - Principles of Design

HE1 - Historic Environment and Heritage Assets

HE6 - Conservation Areas

CC4 - Flood Risk

OS9 - Protection of Existing Open Space

LB9 - Biodiversity

LB10 - Trees, Hedgerows and Woodland

Draft Canterbury District Local Plan to 2045

SS1 - Environmental Strategy for the district

DS6 - Sustainable Design

DS13 - Movement Hierarchy

DS14 - Active and sustainable travel

DS20 - Flood Risk and Sustainable Drainage

DS21 - Supporting Biodiversity Recovery

DS26 - Historic Environment and Archaeology

DM14 - Flood Risk

ASSESSMENT

12. The application is brought before the Planning Committee to determine as it relates to a Council development. The main considerations in the assessment of this application are:

- Ecology
- Other matters

Ecology

13. The Local Plan states that all development should avoid a net loss of biodiversity and should actively pursue opportunities to achieve a net gain.

14. The original permission required the lighting along the cycle path to be switched off at 8pm along with other measures, including the type of lighting and height of and spacing between columns. This was to minimise the potential impact of the lighting on bats that commute and forage within the area.

15. Bats are primarily active between April and October and during that period, sunset varies approximately between 7.00pm and 9.30pm. Bat surveys and monitoring were carried out in 2022 with the lights on until 8pm as per the original permission and midnight as proposed, to help assess the potential impact on bats from increasing the hours of lighting along the cycle path. The surveys found that the number of bats in the area remained consistent when the lights along the cycle path were switched off at 8pm or midnight. Given this, the survey concluded that the proposal is unlikely to have a significant impact on overall bat activity within the area. KCC Ecology agree with the conclusions of the surveys that there is unlikely to be a significant impact on the bat populations and confirm that a European protected species mitigation (EPSM) licence would not be required.

16. In light of the above, it is considered that the proposal would not result in any unacceptable impact upon protected species (notably bats) and as such, is in accordance with policy LB9 of the Canterbury District Local Plan 2017 and the NPPF.

Other matters

17. Given the nature of the proposed changes, it is considered that this would not have a harmful impact on the character and appearance of conservation areas, in accordance with policies DBE3, HE1 and HE6 of the Canterbury District Local Plan 2017 and the NPPF.

18. The proposed lighting design has been amended to reduce light spill to neighbouring properties and so it is considered that this would not have a harmful impact on the living conditions of neighbouring property occupiers, in accordance with policy DBE3 of the Canterbury District Local Plan 2017 and the NPPF.

19. The proposed changes are also considered to be acceptable in terms of highway safety and flood risk, in accordance with policies T2 and CC4 of the Canterbury District Local Plan 2017 and the NPPF.
20. Concerns regarding light pollution and energy consumption were raised during the consultation. The principle of lighting along the cycle path was accepted under the original permission and the proposed extended time for lighting is to ensure the safe passage of cyclists and pedestrians using the cycle path during the hours of darkness. Any issues around security and anti-social behaviour would need to be reported to the Police.

RECOMMENDATION

21. For the reasons set out above, it is recommended that planning permission be granted, subject to safeguarding conditions.
22. The draft Local Plan to 2045 is a material consideration in the assessment of this application. Having regard to the relevant policies in the draft Local Plan and the weight of the draft Local Plan, it does not indicate that a decision should be made other than to approve the application on the basis of the assessment above.

DRAFT CONDITIONS FOR DECISION NOTICE

Application No: **CA/20/00399**

Proposal: **Variation of condition 09 (lighting) of planning permission CA//19/01145/VAR for shared use walking and cycling path; to allow change of illumination switch off time**

Location: **Disused Railway Embankment From All Saints Close To Northwood Road, Whitstable**

1. The development hereby approved shall be carried out in accordance with the submitted drawings:

- Site Location Plan (Received 13th February 2020)

REASON: To secure the proper development of the area.

2. The development hereby permitted shall be carried out in accordance with the details of the landscaping submitted under CA//19/01194 and approved in writing by the Local Planning Authority on 17.01.2020.

REASON: To ensure the proper management of trees and vegetation on site and to ensure that the site is adequately landscaped in the interests of the appearance of the locality and for the protection of hedgehogs as required by section 41 (England) of the Natural Environment and Rural Communities Act 2008.

3. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the construction of the path or the completion of the development, whichever is the sooner; and any trees or plants which are removed, die or become seriously damaged or diseased within five years of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted.

REASON: To ensure that the site is adequately landscaped in the interests of the appearance of the locality.

4. Any works to the trees and shrubs on site shall be timed so as to avoid the bird-nesting season (early March – August). If this is not possible then a full bird nesting survey shall be undertaken by a suitably qualified ecologist to determine the presence of nesting birds immediately prior to the start of works. If any active nests are discovered, no work that would disturb them shall take place until the young have fully fledged.

REASON: Birds are protected under The Wildlife & Countryside Act 1981 (as amended) and as such injuring or killing any wild bird is illegal. This Act also protects their nests from being damaged or destroyed whilst it is being built or in use and the eggs are also protected from being damaged or destroyed.

5. The development hereby permitted shall be carried out in accordance with the details of the reptile survey information submitted under CA//19/01194 and approved in writing by the Local Planning Authority on 17.01.2020.

REASON: Reptiles are protected from being killed, injured, taken or sold by the Wildlife & Countryside Act 1981 (as amended).

6. The development hereby permitted shall be carried out in accordance with the details of the signage submitted under CA//19/01194 and approved in writing by the Local Planning Authority on 17.01.2020.

REASON: To ensure the legibility of the route and to apply appropriate measures to ensure highway safety is afforded to all future users of the route.

7. Prior to the route coming into use, the Monaro Urban Contemporary form of lighting herein permitted consisting of a maximum average luminance of 10 Lux and minimum of 3 Lux and LED Lamps mounted on lighting columns not exceeding 4 metres in height spaced not less than 17.5 metres apart, shall be installed at locations to be submitted, and agreed in writing, by the Local Planning Authority. The lighting shall be installed in accordance with the details above and in those locations as agreed by the Local Planning Authority, unless subsequently otherwise agreed in writing by the Local Planning Authority. The route shall be illuminated, dimmed at 8pm and 11pm then switched off at 00:00 (12am) with no re-illumination of the lighting taking place until dusk the following day.

REASON: To prevent disturbance to feeding and commuting bats to coincide with the bat hibernation period and to prevent harmful light spillage that may negatively impact on the amenities of neighbouring occupiers.

8. Prior to the commencement of the use of the route hereby permitted, details of the precise siting, orientation and size of the hurdle screen panels/fencing at those parts of the route elevated above ground level where views may be gained into adjacent properties, shall be submitted to, and agreed in writing and on site with the Local Planning Authority. The hurdle screen panels/fencing shall be as illustrated within Jacobs Engineering UK Ltd Landscape and Urban Design Team Additional Planning Details dated 08th December 2009. Such screen panels/fencing shall be installed in accordance with the details above and in those locations as agreed by the Local Planning Authority, unless subsequently otherwise agreed in writing by the Local Planning Authority. The agreed panels/fencing shall remain in place, or shall be reinstated if failed, until such times as vegetation has been established sufficiently enough to prevent views from the route into private properties either side of the route. The screening shall be erected and thereafter maintained to the satisfaction of the Local Planning Authority.

REASON: To prevent harmful overlooking and loss of privacy that may negatively impact on the amenities of neighbouring occupiers.

9. Prior to the commencement of use of the route herein permitted, the ditch and its means of discharge to the rear of All Saints Close shall be cleared and restored to working order. Any other ditches or land drainage systems along the route shall also be restored to full working order prior to the route coming into use and all such ditches or watercourse shall thereafter be maintained in good, workable condition.

REASON: To ensure drainage is maintained to this existing drainage outlet and to prevent blockage causing inconvenience to the amenities of the general public.

10. The development hereby permitted shall be carried out in accordance with the details of the HSI ecological survey submitted under CA//19/01194 and approved in writing by the Local Planning Authority on 17.01.2020.

REASON: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015, the local planning authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that, if not imposed, it would have been necessary to refuse permission for the development. This is because, at the time of granting permission, full details of a mitigation strategy were not yet available but this information is necessary to ensure the development complies with Canterbury District Local Plan 2006 Policy NE1, Draft Canterbury District Local Plan 2014 Policy LB9, the Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended) and otherwise to protect the environment of the site and its locality.



PROPOSED FRONT ELEVATION
1 : 100



PROPOSED LEFT ELEVATION
1 : 100



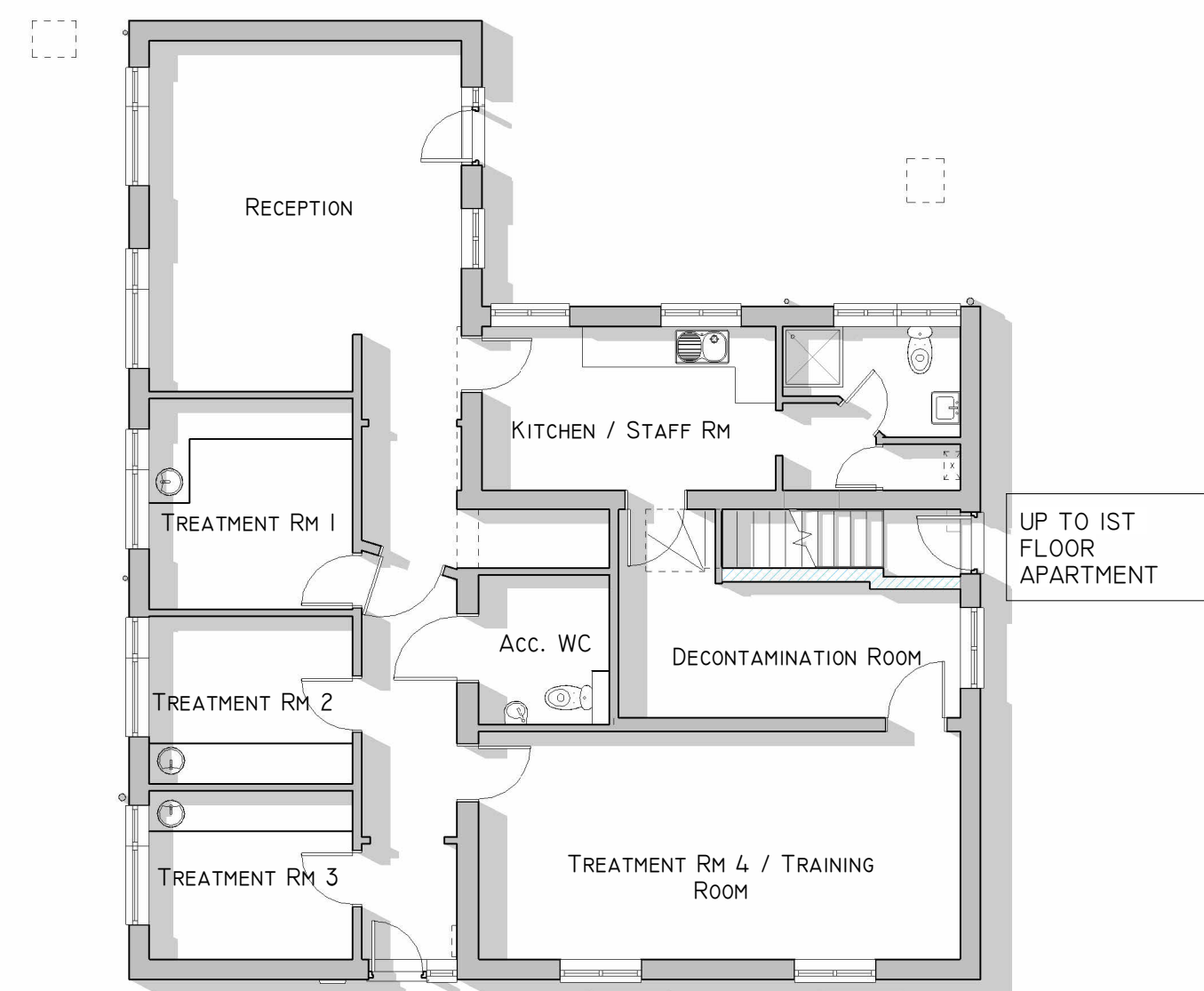
PROPOSED REAR ELEVATION
1 : 100



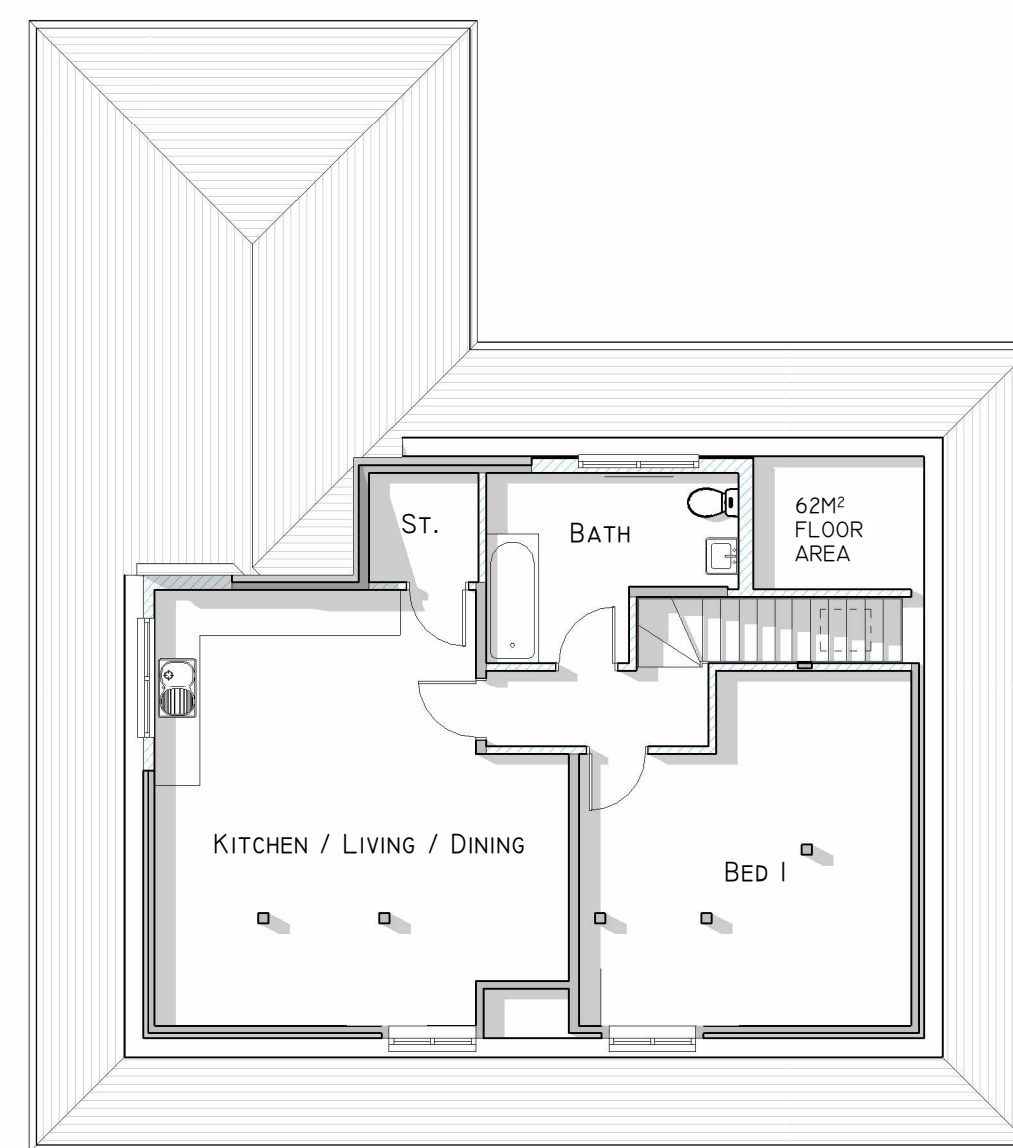
PROPOSED RIGHT ELEVATION
1 : 100



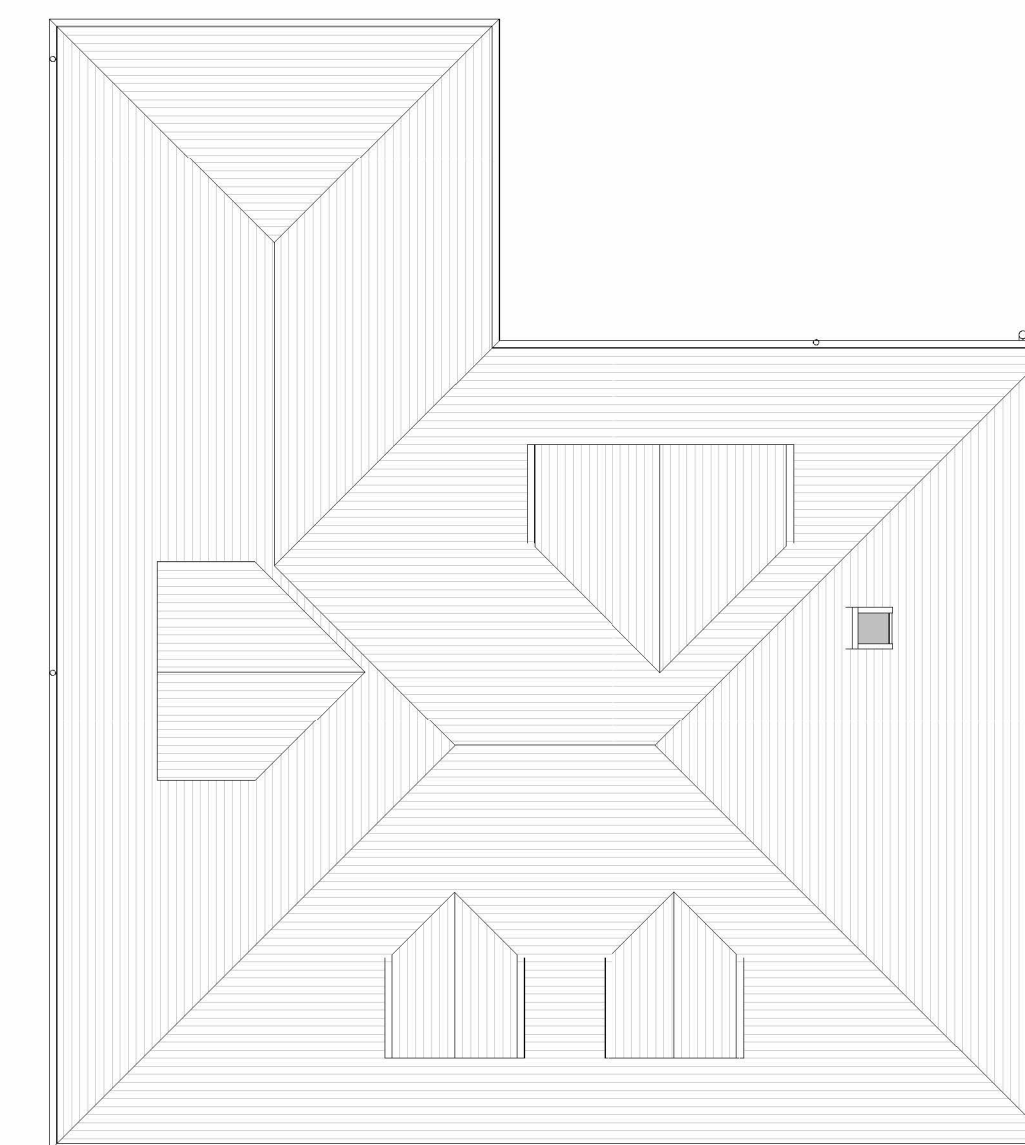
PROPOSED BLOCK PLAN
1 : 500



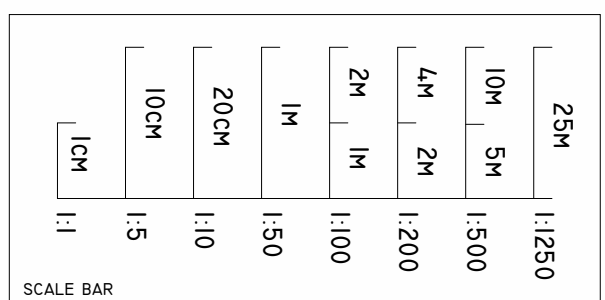
PROPOSED GROUND FLOOR PLAN
1 : 100



PROPOSED FIRST FLOOR PLAN
1 : 100



PROPOSED ROOF PLAN
1 : 100



REV	DESCRIPTION	DATE
A	SITE ENTRANCE RELOCATED	06.01.24



CLIENT DETAILS
MR & MRS GOLDIN

SITE LOCATION
CALCOTT BUNGALOW, CALCOTT HILL, STURRY, CT3 4NB

DRAWING TITLE
PROPOSED PLANS, ELEVS AND SITE PLAN

DATE	SCALE	DRAWN BY
AUGUST 2023	AS INDICATED @ AI	NR
PROJECT NO.	DRAWING NO.	REVISION
23025	P02	A

PLANNING COMMITTEE

APPLICATION NUMBER:	CA/23/02091
SITE LOCATION:	Calcott Bungalow, Calcott Hill, Sturry, CT3 4NB
PROPOSAL:	Change of use from residential dwelling to mixed use comprising first floor flat and a dental and aesthetics clinic and associated external alterations together with extension to car park and creation of new vehicular access
APPLICATION TYPE:	Full planning application
DATE REGISTERED:	13th November 2023
TARGET DATE:	1st January 2024
LISTED BUILDING:	No
CONSERVATION AREA:	No
WARD:	Sturry
APPLICANT:	Mr M Todd
AGENT:	Mr D McCarthy
CASE OFFICER:	Ashley Kynes
RECOMMENDATION:	Refuse

SITE LOCATION AND DESCRIPTION

1. The application site is a single-storey detached dwelling on Calcott Hill in Canterbury, located outside of the urban area in the countryside, approximately 1.5 miles to the south-west of Herne Bay and approximately 1.1 miles north of Sturry via the A291, which is a classified A road. The site is also located within landscape designated as the Blean Woods Area of High Landscape Value (AHLV).

RELEVANT PLANNING HISTORY

Land to south of application site

2. **CA/22/02231** - full planning application refused and dismissed on appeal for erection of 4 residential dwellings, associated highways works and landscaping on the grounds of the site not being considered a sustainable location for development.

PROPOSED DEVELOPMENT

3. Full planning permission is sought for the change of use of the ground floor from residential accommodation to a dental and aesthetics clinic, with a reception area and 4 treatment rooms. The first floor would be used as a flat independently of the proposal dental and aesthetics clinic.
4. The applicant currently operates a private dentist at Bridge and a private aesthetics clinic in Canterbury and is proposing to relocate these to the application site.
5. The application also proposes the enlargement of the existing dormer windows to the south and western elevations, the addition of a ground floor door and rooflight to the north elevation and the laying of hardstanding to extend the existing parking area.
6. The application originally proposed to retain the existing access and widen it, however the scheme has since been amended to close the existing access and create a new access to the north.

CONSULTATIONS

KCC Highways and Transportation - following the submission of amended plans showing the creation of a new access, object to the application on the following grounds:

- The new access would be opposite an existing access onto the A291 resulting in the formation of a crossroads, which is not considered acceptable on roads with a speed limit of 20mph or more (the A291 has a speed limit of 50mph);
- Off-road parking does not meet parking standards set in appendix 4 of the Local Plan; and,
- The proposal, located remote from services, employment opportunities and not being well served by public transport, is contrary to the aims of the NPPF (paragraphs 29 - 41), which seek to support reductions in greenhouse gas emissions, reduce congestion and minimise journey lengths.

KCC PROW - raise no objection.

REPRESENTATIONS

7. A site notice was placed in the vicinity of the application site and letters were sent to neighbouring properties. No representations were received.
8. **Sturry Parish Council** - object to the application on the following grounds:
 - There is insufficient visibility over land within the applicants and/or the

highways authority control to the detriment of highway safety.

DEVELOPMENT PLAN POLICIES

Canterbury District Local Plan 2017

SP1- Sustainable Development
SP4 - Strategic Approach to Location of Development
DBE3 - Principles of design
DBE4 - Residential accommodation standards
LB2 - Areas of High Landscape Value
QL10 - Medical Health and Social Care Facilities
T9 - Parking Standards
QL1 - Social Infrastructure
QL2 - Village Services and Facilities
EMP14 Other Rural Businesses

Draft Canterbury District Local Plan to 2045

SS2 - Sustainable Design Strategy for the District
SS3 - Development Strategy for the District
DM6 - Alterations and extensions to existing buildings
DM11 - Residential design
DS19 - Habitats, landscapes and sites of local importance
DS15 - Highways and parking
DM5 - Parking design

ASSESSMENT

9. The application is brought before the Planning Committee at the request of Councillors Carnac and McKenzie for Members to consider the sustainability of the site and the community benefits of the proposal. The main considerations in the assessment of this application are:

- Principle
- Character and appearance
- Living conditions
- Parking and highway safety

Principle

10. The application proposes the loss of the ground floor of the building as residential accommodation and its use as a private dental and aesthetics clinic.

11. The Local Plan seeks to retain existing housing stock across the district and only permits the loss of housing accommodation in particular circumstances, including where the proposed use would meet an identified community need that would be

compatible with the character and amenity of the area. In their submission, the applicant refers to the recent closure of the Bupa Dental Practice along the High Street in Sturry and comments that this has generated a local need that the proposal would respond to.

12. The provision of social infrastructure and community facilities for the health and wellbeing of residents living in the district is supported by policies QL1 and QL2 of the Local Plan in appropriate locations. The Local Plan steers development towards the urban areas of Canterbury, Whitstable and Herne Bay, as well as the rural service centres, local centres and villages, in line with policies SP1 and SP4. This is on the basis of these being sustainable locations that are accessible to a wider catchment of residents through a range of transport modes other than the car, including public transport links, walking and cycling.
13. The application site is located in the countryside over a mile away from any settlements. There is a bus stop approximately 100m to the south of the application site in front of the Punch Tavern on the opposite side of the road, however the footpath to this is narrow, unlit and immediately adjacent to an A classified road with a 50mph speed limit. Also, there is no dedicated crossing point to allow staff and potential customers to get across the road safely. As a result, staff and potential clients are unlikely to walk or cycle but instead rely on the use of a car to access the site. The Inspector on a recent appeal decision for 4 new dwellings on land to the south of the application site opposite the Punch Tavern (application no. CA/22/02231) also concluded that the site is not a suitable location for development for these reasons.
14. In light of the above, it is considered that the application site represents an unsustainable location. There would be a benefit from the proposal following the loss of the previous dentist within Sturry, but this would be limited by the distance of the site from settlements and the lack of transport options to access the site. The proposed use in this location is considered to undermine the sustainability objectives of the Local Plan and National Planning Policy Framework and represents a harmful form of development, contrary to policies SP1 and SP4 of the Canterbury District Local Plan 2017 and the NPPF and is therefore unacceptable in principle.

Character and appearance

15. Policy DBE6 of the Local Plan states that the Council will support extensions to buildings that:
 - a) are compatible with the character of the original building in terms of design, layout, size, bulk, mass, height, choice of materials and position;
 - b) integrate different parts of the building to create coherent whole;
 - c) will not result in unacceptable loss of privacy to neighbouring properties;
 - d) will not create unacceptable overlooking or overshadowing to neighbouring properties; and,

are not detrimental to the amenity and character of the locality and streetscape.

16. The Local Plan also requires new developments to have sufficient regard for the context and character of the site and to preserve the setting of Areas of High Landscape Value (AHLV).
17. The proposal includes the enlargement of the dormer windows to the south and western roof slopes, retaining their pitched roof design and using materials to match the existing. As such, the resultant dormer windows would sit comfortably within the roof slope and be of acceptable design. The proposed ground floor door, rooflight, extended parking area and new access are also acceptable in visual terms.
18. Given the above, the proposed development would have an acceptable impact on the character and appearance of the area and AHLV, in accordance with policies DBE3, DBE6 and LB2 of the Local Plan 2017 and the National Planning Policy Framework.

Living conditions

Existing residents

19. The Local Plan states that planning decisions should aim to secure a good standard of amenity for all existing and future occupants of land and buildings.
20. Given its nature and separation distance from neighbouring properties, it is considered that the proposed development would have an acceptable impact on the living conditions of neighbouring property occupiers, in accordance with policies DBE3 and DBE6 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

Future occupiers

21. The Local Plan states that housing proposals should have an acceptable standard of accommodation in terms of its internal layout, room sizes and amenity space.
22. Whilst the proposal would result in the loss of residential accommodation, the proposed flat to the first floor would meet the minimum space standards set out in the Department for Communities and Local Government's Technical housing standards - the nationally described space standard, with sufficient external amenity space. It is therefore considered that the proposed development would offer future occupiers an acceptable standard of accommodation in accordance with policies DBE3 and DBE4 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

Parking and highway safety

23. The Local Plan seeks to ensure that applications have sufficient regard for the safe movement of pedestrians, cyclists and cars within and around proposed development.

24. The application originally proposed to retain the existing access and widen it, however KCC Highways and Transportation objected to this on the grounds that the visibility splays achieved from the existing access are inadequate and this, together with additional vehicle movements generated by the proposal, would be harmful to highway safety.
25. The scheme has since been amended and it is now proposed to close the existing access and create a new access further north. Whilst the new access would achieve the required visibility splays, it would be located opposite an existing access onto the A291 and result in the formation of a crossroads. KCC Highways and Transportation have objected to the application as crossroads are not considered acceptable on roads with a speed limit of 20mph or more and the A291 has a speed limit of 50mph. In addition, the proposed access is not wide enough to allow cars to pass each other when entering and exiting the site.
26. KCC Highways and Transportation have also objected to the application on the grounds of a lack of on-site parking provision. The parking standards at Appendix 4 of the Local Plan requires a maximum of 4 parking spaces per treatment room and 2 parking spaces per staff employed. The proposed floor plans show 4 treatment rooms and the application form states there would be 7 members of staff - the proposal would therefore require 19 parking spaces. KCC Highways and Transportation consider that the maximum standard should be applied in this instance given the countryside location of the site, the lack of transport options to access the site. The proposed plans only show 12 parking spaces to be provided on-site.
27. In light of the above, the applicant has failed to demonstrate that the proposal would allow for the safe movement of cars to and from the proposed development. The proposal would therefore result in harm to highway safety, contrary to policy DBE3 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

RECOMMENDATION

28. For the reasons set out above, it is recommended that the planning application be refused.
29. The draft Local Plan to 2045, which is out to public consultation, is a material consideration in the assessment of this application. Having regard to the relevant policies in the draft Local Plan and the weight of the draft Local Plan, it does not indicate that a decision should be made other than to refuse the application on the basis of the assessment above.

DRAFT REASONS FOR REFUSAL

Application No: **CA/23/02091**

Proposal: **Change of use from residential dwelling to mixed use comprising first floor flat and a dental and aesthetics clinic and associated external alterations together with extension to car park and creation of new vehicular access**

Location: **Calcott Bungalow, Calcott Hill, Sturry, CT3 4NB**

1. The proposed use, located in the countryside outside of the urban area or built confines of a settlement, would give rise to a harmful form of development in an unsustainable location. The applicant has failed to demonstrate that there are no other more suitably located and available sites within any of the Districts urban areas and any other settlements justified as being suitable for development. Any benefits arising from the proposed development would not outweigh the harm caused to these objectives. The proposed development would therefore be contrary to policies SP1 and SP4 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.
30. The proposed access, by virtue of its location opposite an existing access onto the A291, would create a crossroads that is unacceptable on a classified road with a speed limit in excess of 20mph. In addition, the proposal access if not wide enough to allow cars to pass each other and the proposal fails to provide sufficient off-road parking. Given this, together with the likely increase in vehicle movements to and from the site, the proposal would have an unacceptable impact on highway safety, contrary to policies DBE3 and T9 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

Location Plan

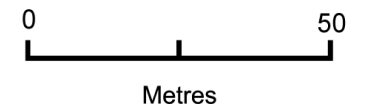
Site Address: Birch Lodge, Church Lane, Kingston, CT4 6HX

Date Produced: 01-Nov-2023

Scale: 1:1250 @A4



Planning Portal Reference: PP-12571952v1



PLANNING COMMITTEE

APPLICATION NUMBER: CA/23/02067

SITE LOCATION: Birch Lodge, Church Lane, Kingston, CT4 6HX

PROPOSAL: Application for lawful development certificate for proposed replacement of the ground floor rear UPVC window with UPVC french doors

APPLICATION TYPE: Lawful Development Certificate

DATE REGISTERED: 1st November 2023

TARGET DATE: 27th December 2023

LISTED BUILDING: No

CONSERVATION AREA: Kingston Conservation Area

WARD: Nailbourne

APPLICANT: Mr Mike Sole

AGENT: n/a

CASE OFFICER: Elizabeth Donnachie

RECOMMENDATION: **Would be lawful**

SITE LOCATION AND DESCRIPTION

1. The application site relates to the dwelling Birch Lodge on Church Lane in Kingston, located in the Kingston Conservation Area.

RELEVANT PLANNING HISTORY

2. There is no relevant planning history.

PROPOSED DEVELOPMENT

3. The application for a Lawful Development Certificate has been submitted for the proposed replacement of an existing ground floor rear UPVC window with UPVC french doors, to establish whether the development is lawful under Section 192 of the Town and Country Planning Act 1990 (as amended).

ASSESSMENT

4. The application is brought before the Planning Committee for determination as the applicant is a local councillor.
5. The proposed replacement of the ground floor rear UPVC window with UPVC french doors would be lawful and not require planning permission if the works fall within permitted development set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
6. Schedule 2 Part 1 Class A of the GPDO grants permitted development rights for the enlargement, improvement or other alteration of a dwelling house subject to meeting the criteria set out in the legislation. On the basis of the drawings submitted and the information supplied with the application, the proposed works are considered to meet the relevant criteria of Schedule 2 Part 1 Class A of the GPDO and therefore the proposed works can be carried out under permitted development rights without the need for planning permission.

RECOMMENDATION

7. For the reasons set out above, it is recommended that a Lawful Development Certificate be granted for the proposed replacement of an existing ground floor rear UPVC window with UPVC french doors.

DRAFT LAWFUL DEVELOPMENT CERTIFICATE

Application No: **CA/23/02067**

First Schedule: **Application for lawful development certificate
for proposed replacement of the ground floor rear
UPVC window with UPVC french doors**

Second Schedule: **Birch Lodge, Church Lane, Kingston, CT4 6HX**

WOULD BE LAWFUL

The Local Planning Authority hereby certify that on XXX, the use/operations/matter described in the First Schedule, in respect of the land specified in the Second Schedule and hatched on the plan attached to this certificate, **WOULD BE LAWFUL** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. The Council is satisfied that based on the drawings submitted and the information supplied with the application, the proposed replacement of a ground floor rear UPVC window with UPVC french doors would be permitted development under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and is therefore deemed to be lawful. As a result, a formal application to the Local Planning Authority for planning permission is not required.