

# DCL/21/06

**Application No:** 21/0581

**Location of Site:** Hawkinge Cemetery (former horticultural nursery), Aerodrome Road, Hawkinge, CT18 7AG

**Development:** Erection of a steel frame machinery store and partial demolition of existing stores

**Applicant:** Folkestone & Hythe District Council

**Agent:** None

**Officer Contact:** Ross McCardle

## SUMMARY

This application seeks planning permission for partial demolition of an existing storage building and erection of a steel-framed, corrugated steel sheeting barn for storage of machinery and equipment used in association with maintenance of the cemetery. The proposed building is unobjectionable in itself, and would not give rise to any significant harm to visual or local amenity. The proposal is therefore recommended for approval.

## RECOMMENDATION:

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

## 1. INTRODUCTION

1.1. The application is reported to Committee because it relates to a development by the Council and on Council-owned land.

## 2. SITE AND SURROUNDINGS

2.1. The application site forms part of a site compound in the northernmost corner of Hawkinge cemetery. It comprises a hard-surfaced area enclosed by a palisade fence, with boundary planting to on three sides (the western end being open to an area of open storage), an agricultural style barn workshop situated roughly centrally on the site, and a smaller storage building to the north. Space around the buildings is used for open storage of materials and equipment.

2.2. To the north and east of the site is open land, to the south and immediately to the west is the cemetery.

2.3. The site (and the cemetery) lie outside of the defined built up area boundary, within the AONB, and in an area of archaeological potential. It is not within a flood risk zone, or close to any conservation areas of listed buildings.

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



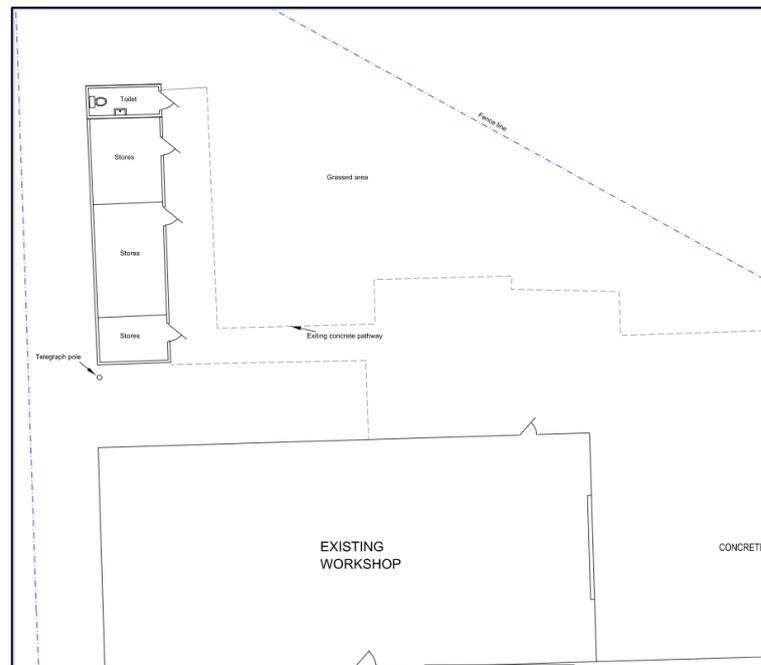
Fig. 1 – Existing workshop building



Fig. 2 – View from within cemetery



Fig. 3 – View from Pay Street



**Fig. 4 – Existing site layout**

### **3. PROPOSAL**

- 3.1 Full planning permission is sought for the demolition of the existing storage building (small toilet cubicle to be left in-situ) and for the erection of a new steel-framed machinery store.
- 3.2 It is proposed to erect a second, agricultural style barn over the footprint of the existing store building, which is to be partly demolished. The proposed building would be an approximate copy of the existing barn, and have a pitched roof, roller shutter doors on the eastern elevation, personnel doors on each flank, and be constructed using a steel frame with corrugated steel sheeting attached. The proposed building would measure approximately 16m x 9m x 4.6m tall.
- 3.3 An existing toilet cubicle – part of the existing structure – would be retained as a separate building.
- 3.4 The new building would form part of the depot for maintenance of the cemetery, and the application has been submitted by the Council's engineering team. It would be used to house two large tractors, two small tractors, trailers, tractor attachments, a pick-up truck, ride-on mower, and assorted tools. These are all currently stored out in the open within the compound; the existing building is used for storage of other equipment and is not able to house further equipment.

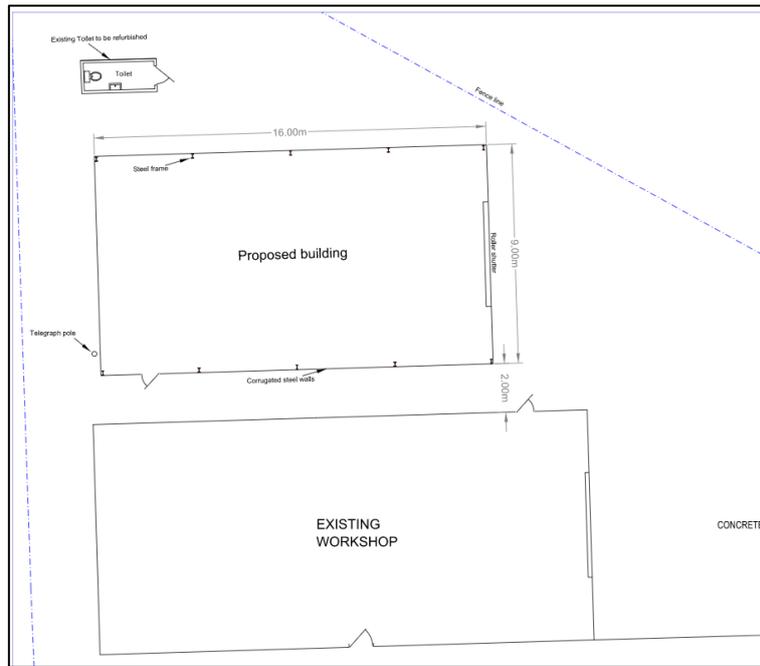


Fig. 5 – Proposed layout

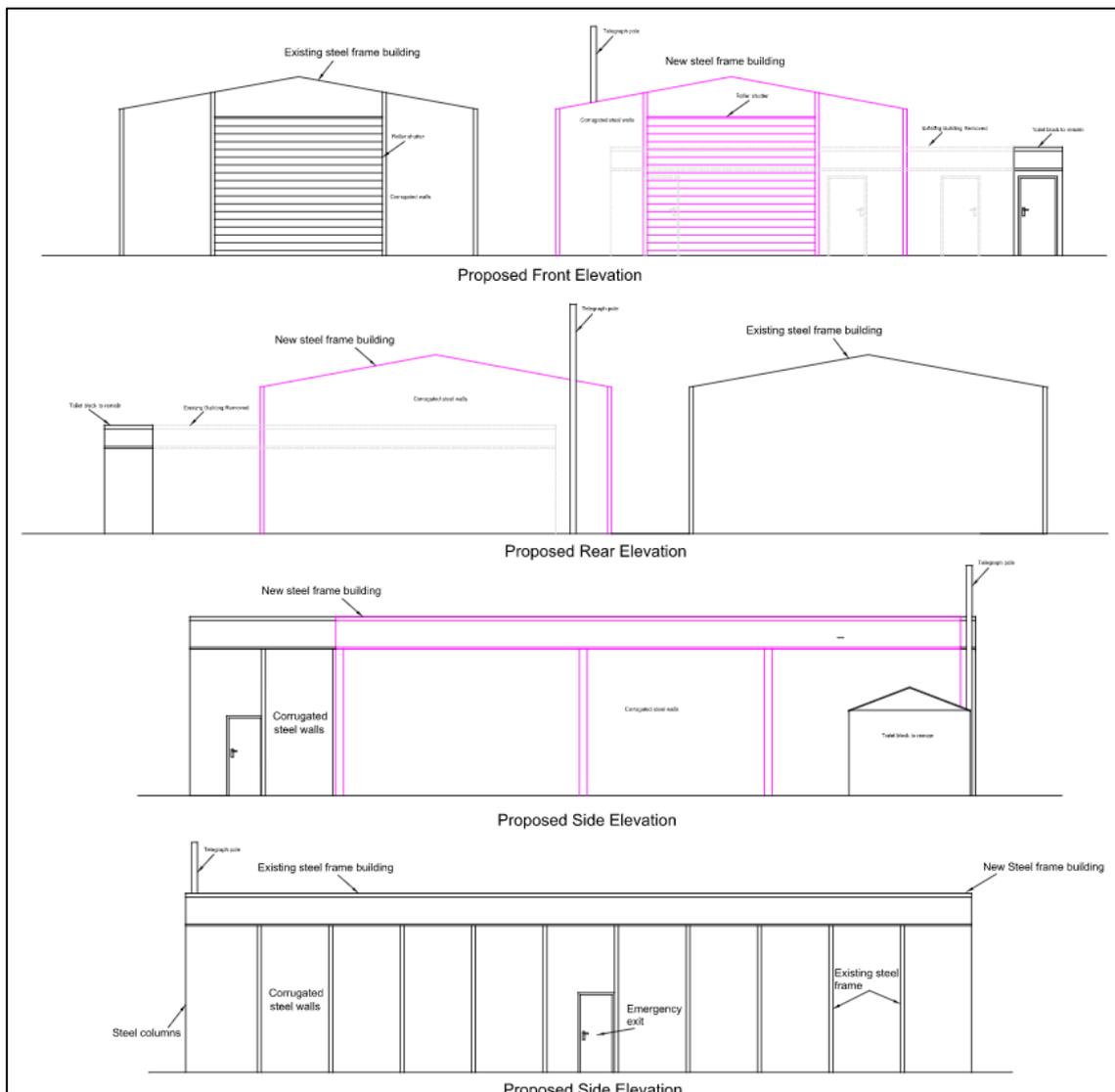


Fig. 6 – Proposed elevations

## 4. RELEVANT PLANNING HISTORY

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

Y18/0771/FH granted permission for an extension to the cemetery.

Y07/0772/SH granted permission for erection of the existing storage barn following demolition of a large horticultural glasshouse.

Y01/0048/SH granted permission for an extension to the cemetery.

97/1061/SH granted permission for an extension to the cemetery.

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**Hawkinge Town Council:** has no objection.

**KCC Archaeology:** has no objection.

**FHDC Building Control:** note that Building Regulations approval is required.

### Local Residents Comments

5.2 There are no immediately adjacent residential properties, and therefore no letters were sent to neighbours. A site notice was erected, however, in accordance with the regulations.

5.3 No representations have been received.

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

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

## 6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2013.

6.2 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation and as been subject to an Examination in Public in January 2021. As such its policies should be afforded weight where there are not significant unresolved objections.

6.3 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1 (quality places through design)

HB2 (cohesive design)

NE3 (protected landscapes)

Shepway Local Plan Core Strategy (2013)

DSD (delivering sustainable development)

SS1 (spatial strategy)

CSD3 (rural development)

Core Strategy Review Submission draft (2019)

SS1 (spatial strategy)

CSD3 (rural development)

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

## **Government Advice**

National Planning Policy Framework (NPPF) 2019

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

The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

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

The NPPF generally seeks to protect the countryside and the AONB – paragraph 172 affording the AONB the “*highest degree of protection*” – but generally supports development where it is justified, necessary, and does not cause serious amenity harm.

## **7. APPRAISAL**

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

- a) Principle of development
- b) Design/layout/visual amenity

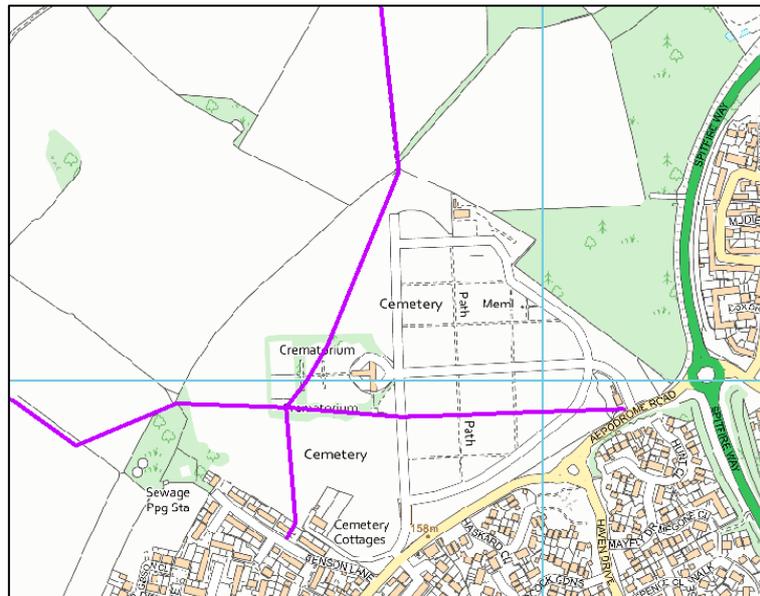
- c) Residential amenity
- d) Archaeology
- e) Highways

## **a) Principle of development and sustainability**

- 7.2 The application site lies outside the defined built up area and within the AONB, which is afforded the highest degree of protection by the NPPF. It would, however, comprise works to support an existing facility (the cemetery) and it therefore makes most sense to be located on site rather than elsewhere; in that regard the development requires a rural location within the AONB.
- 7.3 The applicant has set out that the barn is required in addition to the existing in order to securely store the plant and machinery that currently has to be stored in the open within the yard. This is a reasonable request and offers proper justification for the development in my opinion.
- 7.4 I therefore consider the scheme to be acceptable in principle.

## **b) Design / layout / visual amenity**

- 7.5 The proposed barn would be similar in scale and design to both the existing barn on the site and to agricultural barns elsewhere within the county. In that regard it would not be an incongruous development within either the countryside or the AONB. The building would also be set between the existing barn and the boundary planting, and viewed in the context of the existing compound. The established boundary planting surrounding the site screens views from the north and east such that the compound is not overly prominent from public vantage points, and I therefore consider that the development would not be a significant or harmful feature within the wider landscape.
- 7.6 By consolidating the external storage into a single building which would be acceptable in terms of scale, design, and siting, I consider that the proposed development would conserve and enhance the natural beauty of the AONB.
- 7.7 A public right of way runs approximately north-south through the graveyard and continues northwards to Pay Street, but this is at such a distance that views therefore are unlikely to be seriously affected and, as above, any views would be against the context of the existing compound.



**Fig. 7 – Public Rights of Way (purple)**

- 7.8 I have recommended a condition requiring external materials to match those on the existing workshop barn so that the two buildings match, and sit comfortably together.
- 7.9 I have no concerns about retention of the existing toilet cubicle as part of the works. This would be a small and inconspicuous structure screened from view by the surrounding buildings and boundary planting.
- 7.10 I therefore have no material concerns in regards the design, layout, or visual impact of the proposed development.

### **c) Residential amenity**

- 7.11 The site is remote from any residential properties and there are unlikely to be any residential amenity impacts as a result of this development.

### **d) Archaeology**

- 7.12 The site lies within an area of archaeological potential but constitutes previously developed land; there was a large greenhouse across the site of both existing and proposed barns until approximately 2006, it is currently covered in hardstanding, and the site is shown as part of a quarry in the mid-1800s on historic maps. There is therefore little potential for the development to affect any historic features or remains, and I note KCC Archaeology has no objections.

### **e) Highways**

- 7.13 The barn will house existing machinery and equipment used to maintain the cemetery, and therefore will not impact the local highway network. I have no concerns in this regard.

## **Environmental Impact Assessment**

- 7.14 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

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category and as such does not require screening for likely significant environmental effects.

## Local Finance Considerations

- 7.15 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.
- 7.16 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge.

## Human Rights

- 7.17 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

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

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

## Working with the applicant

- 7.19 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 application seeks planning permission for the erection of a corrugated steel storage barn adjacent to an existing workshop building within the maintenance compound to the north of Hawkinge cemetery. The building would be functional in appearance but would not give rise to any significant harm to visual or residential amenity, or to highway safety and amenity.
- 8.2 No objections have been received from either statutory consultees or local residents.
- 8.3 The application is therefore recommended for approval subject to the conditions set out below.
- 8.4 The application relates to development by the Council on Council-owned land, and therefore must be publicly determined by the planning committee.

## 9. BACKGROUND DOCUMENTS

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## 10. RECOMMENDATIONS

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

### Conditions:

1. 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. No development shall take place other than in complete accordance with drawings 2, 4, and 6.

Reason: For the avoidance of doubt.

3. External materials to be used on the building hereby permitted shall match those on the existing workshop/barn in terms of type, colour, and texture unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.