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2016

Folkestone

Hythe & Romney Marsh
Shepway District Council



Report Number **C/16/98**

To: Cabinet
Date: 13 April 2016
Status: Key Decision
Head of service: Andy Jarrett – Head of Strategic Development Projects
Cabinet Member: Councillor David Monk – Leader of the Council

SUBJECT: Hythe Swimming Pool and Princes Parade Site

SUMMARY:

The report provides an update on recent decisions related to the replacement of Hythe Swimming Pool and considers options for the uses and the extent of uses to be incorporated into an application for planning permission for land at Princes Parade, Hythe, within the ownership of Shepway District Council.

REASONS FOR RECOMMENDATION:

To allow the use and extent of uses for a planning application for the Princes Parade site to be agreed in accordance with the resolution of Cabinet on 4th November 2015.

RECOMMENDATIONS:

1. To receive and note report C/16/98.
2. That the uses and extent of uses, as set out in Section 3 of the report, be used as the as the basis for the preparation of an application for planning permission for the Princes Parade site.
3. That a further report, setting out the detail and nature of the planning application be presented to Cabinet prior to the submission of the application.
4. To note that officers are continuing investigations to establish facts and acquire knowledge to enable conclusions to be drawn and decisions to be made and that the Council intends to publish all relevant documentation by the end of November 2016 at the latest.

1. Background and Context

1.1 At its meeting on 4th November 2015 Cabinet considered report C/15/38 that set out the options for the delivery of a new Recreation Centre. The report concluded that the most suitable location for the Recreation Centre was The Green, Hythe but if it was not possible to deliver that option then the Princes Parade site, in the ownership of Shepway District Council, would be the preferred choice, recognising that much needs to be done to mitigate the heritage concerns associated with the development.

1.2 The report also addressed the need to seek final confirmation, from Kent County Council, as to whether they wished the relocation of Seabrook Primary School to form part of a comprehensive scheme for the redevelopment of the Princes Parade site. The following resolutions were agreed by Cabinet.

- *To invite Hythe Town Council to formally resolve, by the 31st January 2016, to make land available at the Green, Hythe for the purpose of constructing a public Recreation Centre. The land to be made available for £1 on a freehold or alternatively, a leasehold basis for a minimum of 125 years.*
- *Subject to Hythe Town Council's agreement to 2. Above, to prepare a planning application for a new recreation centre on Hythe Town Council owned land at the Green. Hythe.*
- *To invite Kent County Council to formally resolve, by the 31st January 2016, to construct a new primary school on Shepway District Council owned land at Princes Parade, Hythe. Shepway Council to make land available at Princes Parade, Hythe on a long lease. All construction and land remediation costs of the school site to be met by Kent County Council.*
- *Taking account of the decisions of Hythe Town Council and Kent County Council the District Council to prepare a planning application for the comprehensive mixed use redevelopment of land at Princes Parade, Hythe. The uses and extent of the uses to be determined at a future meeting of Cabinet.*

2. Update on the Outcome of the Cabinet Decisions

2.1 Following the resolutions of Cabinet made on 4th November 2015, Hythe Town Council were invited to consider making land available land at The Green for the construction of a public Recreation Centre on the terms set out above. In addition an application for planning permission was submitted by Shepway District Council on 9th November 2015 (ref Y15/1136/SH), the description of which is set out below :-

Outline application for the erection of a Leisure Centre with associated parking and access, reserving matters of appearance and landscaping for future consideration.

- 2.2 Hythe Town Council considered the request on 18th January 2016 and the following was resolved.

Subject to agreement and confirmation from Shepway District Council and sight of plans by Hythe Town Council:

- 1.1 *A lease be granted to Shepway District Council for the provision of a leisure centre for a period of seventy years, for a peppercorn rent. The land will revert to Hythe Town Council or its successors at the completion of the lease. The terms will exclude Part II (Security of Tenure for Business, Professional and other Tenants) of The Landlord and Tenant Act 1954 or equivalent as amended.*
 - 1.2 *That Shepway District Council indemnifies Hythe Town Council for legal costs relating to the preparation of the lease and any possible litigation costs in relation to the lease.*
 - 1.3 *That a new covenant be entered into for the Green to be used for community purposes and leisure purposes only. The leisure facilities are to include a swimming pool, training pool and fitness centre.*
 - 1.4 *Shepway District Council to agree that there will be free parking for leisure centre users.*
 - 1.5 *That Shepway District Council works with Hythe Town Council to create a revised agreement to protect the remaining Green open space from further development.*
 - 1.6 *That planning application Y15/1136/SH be deferred pending presentation of fuller plans than is presently contained in the outline application, in particular: location, building materials, design, roadways etc.*
- 2.3 On 24th February 2016 (ref C/15/80) Cabinet considered a confidential report C/15/80, that assessed the offer from Hythe Town Council following the undertaking of further due diligence work. Cabinet unanimously decided that it could not accept the offer owing to the Restricted Covenants on the land title to not accept the offer from Hythe Town Council and to therefore pursue the development of the Recreation Centre on the Princes Parade site.
- 2.4 In addition, by the deadline of 31st January 2016, no notification had been received from Kent County Council stating that they wished to pursue the development of a replacement for Seabrook Primary School on the Princes Parade site.

3. The Uses and Extent of Uses for Proposed Planning Application

3.1 In accordance with the decision of 4th November 2015 this report will now consider the uses and extent of uses to be included within the planning application for the Princes Parade site. Tibbalds Planning and Urban Design were appointed to consider options based on the following uses :-

- Residential
- Leisure Centre (based on the Affordable Recreation Centre)
- Yacht club
- Open Space

3.2 The Land Use Options report as prepared by Tibbalds is attached as Appendix A. It is recommended that the core uses identified in Option 1 be used as the basis for preparing an application for planning permission, including the preparation of further detailed studies and stakeholder discussions, and that a further report, presenting a detailed masterplan for the site , be presented to Cabinet once those studies and stakeholder discussions have concluded.

3.3 Option 1 is recommended as the preferred choice as it provides the best opportunity to create a vibrant mix of uses on the site (and on the adjoining area of beach/sea) and has the potential to help a well supported and longstanding local organisation meet their future needs and aspirations. In addition to the core uses included in Option 1 it is also recommended that the development of the masterplan considers the inclusion other uses, that will increase the level of vibrancy on the site and the surrounding area, such as bars, cafes', a seafood restaurant, ice cream kiosks etc. The inclusion of residential uses enables the high infrastructure costs to be met and also scope to provide high quality design of both landscape and townscape. The residential uses will help meet local need and will aim to include provision for the elderly and also affordable homes (including starter homes).

3.4 The uses identified above will also be complimented by the presence of the Seapoint Canoe Centre, who currently operate at the eastern of the site, and who have recently obtained planning permission for a new permanent facility. The club has indicated that it will benefit greatly from being in close proximity to the Recreation Centre, as well being able to access both the sea and the Royal Military Canal.

4. RISK MANAGEMENT ISSUES

4.1 A summary of the perceived risks is as follows:

Perceived risk	Seriousness	Likelihood	Preventative action
Further technical work indicates that the preferred option cannot be pursued	High	Medium	Reassess the preferred option and report to Cabinet
Stakeholder discussions indicate that the preferred option cannot be pursued	High	Medium	Reassess the preferred option and report to Cabinet

Legal Officer's Comments (DK)

There are no legal implications arising directly out of the report. However Cabinet should take into account when considering the relevant options that when implementing the chosen option there will be planning implications and negotiations with relevant stakeholders needing to be addressed together with the need for competitive procurement of contractors for construction of the chosen development.

Finance Officer's Comments (LW)

Although there are no financial implications directly arising from this report there is an approved budget of £500K for preparation costs for the redevelopment proposals for the Princes Parade site at Hythe.

Communications

Comments have been incorporated into the Report.

Diversities and Equalities Implications (DS)

There are no diversity and equality implications directly arising from this report.

5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officers prior to the meeting

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The following background documents have been relied upon in the preparation of

this report:

Appendices:

1. Land Use Options – Princes Parade, Folkestone, Tibbalds