

**Application No:** Y19/0490/FH

**Location of Site:** Manor Court, 38 Manor Road, Folkestone, Kent, CT20 2SE

**Parish/Town Council:** Folkestone Town Council

**Ward:** Folkestone Central Ward

**Development:** Erection of a four storey and roof terrace mixed use development comprising 7 self-contained apartments and flexible A1/A2/A3/A4/B1/D1 commercial space.

**Applicant:** Mr John Owens

**Agent:** Ansham Associates Ltd

**Officer Contact:** David Campbell [david.campbell@folkestone-hythe.gov.uk](mailto:david.campbell@folkestone-hythe.gov.uk)

**Site Area (ha):** 0.1135

## SUMMARY

Full planning permission is sought for the erection of a mixed use development comprising 7 self-contained apartments and flexible A1/A2/A3/A4/B1/D1 commercial space comprised of two separate but linked buildings with associated landscaping, car parking and pedestrian access.

## 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 there are objections from Folkestone Town Council and it is a distinctive development in a prominent position which the Chief Planning Officer considers should be considered by the Planning and Licensing Committee.
- 1.2 **Ward Member:** there are three ward members for the application site, Cllr. Davison, Cllr Monk and Cllr Brook. Cllr Brook is also a member of the Planning and Licensing Committee.

## 2. SITE AND SURROUNDINGS

- 2.1. The application site is a narrow triangular shaped plot situated at the convergence of Manor Road and Cheriton Gardens (A2034) where they join Shorncliffe Road on the outskirts of Folkestone town centre. It comprises an existing block of apartments known as 'Manor Court' at the southern base of the site and car parking for Manor Court and a grassed space in the north of the site. Manor Court is outside of the red line area of the application site but is within the ownership of the applicant. Manor Court would remain as it currently is, with an adjustment to the existing parking arrangements and access from Manor Road. The proposed development would be sited on the northern part of the site currently shown as car parking and grass in Figure 1 below.
- 2.2. The site is located within a predominantly residential area but with a number of commercial uses and offices close by. It is also within the Folkestone settlement boundary and within close walking distance of the town centre and Folkestone Central Railway Station. Opposite the site is the café 'Brew' which is on the ground floor of a building with apartments/offices above. Both Manor Road and Cheriton Gardens are one way for vehicular traffic in a south-east to north-west direction as they pass the site.



*Figure 1 Aerial Photograph of site and surrounds*

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

### **3. PROPOSAL**

3.1 Full planning permission is sought for the erection of a mixed use development comprising seven self-contained apartments on the upper floors and flexible A1/A2/A3/A4/B1/D1 commercial space on the ground floors, comprised of two separate but linked buildings. The northern building would be five storeys plus a roof terrace. It would comprise a single flexible use

commercial unit on the ground floor (A1, A2, A3, A4, B1, D1 uses) and C3 residential use on the upper floors, comprising four apartments. The southern building would comprise four main storeys with a further two additional storeys above to provide circulation and access to the upper floors of the northern building. There would be three small commercial units on the ground floor (A1, A2, A3, A4, B1, D1 uses) with three apartments in the upper storeys.



Figure 2 Proposed Site Plan

### 3.2 The northern building would accommodate the following:

#### Ground Floor

Unit A – Commercial unit providing 44.1m<sup>2</sup> of floorspace

First Floor

1 bedroom apartment, shower room, lounge/kitchen/diner and balcony (50.4m<sup>3</sup>).

Second Floor

1 bedroom apartment, shower room, lounge/kitchen/diner and balcony (50.4m<sup>3</sup>).

Third Floor

1 bedroom apartment, shower room, lounge/kitchen/diner and balcony (50.4m<sup>3</sup>).

Fourth Floor

1 bedroom apartment, shower room, lounge/kitchen/diner and balcony (50.4m<sup>3</sup>).

Fifth Floor

Roof terrace

3.3 The southern building would accommodate the following:

Ground Floor

Unit B – Commercial unit providing 17.8m<sup>2</sup> of floorspace

Unit C – Commercial unit providing 17.7m<sup>2</sup> of floorspace

Unit D – Commercial unit providing 7.4m<sup>2</sup> of floorspace

Cycle and bin store

Lift access and stair core

First Floor

3 bedroom apartment (master ensuite), bathroom, lounge/diner and kitchen (86.2m<sup>3</sup>).

Second Floor

3 bedroom apartment (master ensuite), bathroom, lounge/diner and kitchen (80.9m<sup>3</sup>).

Third Floor

2 bedroom apartment (master ensuite), bathroom, lounge/diner/kitchen (68.7m<sup>3</sup>).

Fourth Floor  
Lift access and stair core

Fifth Floor  
Lift access and stair core

- 3.4 The two buildings would be connected by open glazed link bridges from the first floor upwards, to provide stairway and lift access from the southern building to the northern building. There would be an open air pedestrian access at ground floor under the link bridges. The building itself would have the following dimensions
- The elevational length of the north block on Manor Road would be 10m.
  - The elevational length of the south block on Manor Road would be 19.8m.
  - The elevational length on Cheriton Gardens of the north block would be 13.9m.
  - The elevational length on Cheriton Gardens of the south block would be 15.5m.
  - The buildings would have a maximum height of 15.82m
- 3.5 The northern building is triangular in shape and the southern building is an asymmetrical rectangular shape stepped on the Manor Road façade. The buildings on Manor Road are generally set back with small front gardens hence the stepped approach on this elevation to maintain the existing character. The irregular triangular shape of the plot has led to the two buildings being staggered so that when viewed from either the north or south the building line appears as one despite the fact that they are two separate, albeit linked, buildings.
- 3.6 The apartments in the northern building would have balconies within the apex of the building overlooking Manor Road and Cheriton Gardens.
- 3.7 The rear façade of the southern building, closest to the existing Manor Court, would be a green wall.
- 3.8 Revised car parking and landscaping arrangements would be provided between the southern building and the existing Manor Court flats. The vehicular access to the car park would remain on Manor Road but will move further to the south closer to Manor Court, as shown on Figure 2. The car park would remain for the exclusive use of Manor Court residents.

3.9 Part of the area for the proposed development is currently used as amenity space for the residents of Manor Court which would be lost as a result as would the existing brick wall that surrounds the site. However, these residents would be compensated by virtue of access to the new roof terrace.

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

Design and Access Statement

3.11 The Design and Access Statement sets out the design principles behind the proposal and outlines matters including the use, amount, layout, scale, landscaping, appearance and access of the development.



*Figure 3 Visual representation from corner of Cheriton Gardens*





*Figure 4 Visual representation from corner of Shorncliffe Road*

#### **4. RELEVANT PLANNING HISTORY**

4.1 There is no recent planning history.

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are available in full on the planning file and are summarised below.

**Folkestone Town Council:** Raises objection on the grounds of unsafe parking provision, modern and unsympathetic design. The Town Council also considers that there is no need for more commercial space when Sandgate Road is vacant and considers that ground floor flats for the elderly would be better.

**KCC Highways and Transportation:** Raises no objection subject to the inclusion of the following conditions:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
  - (a) Parking and turning areas for construction and delivery vehicles and site personnel
  - (b) Timing of deliveries
  - (c) Provision of wheel washing facilities
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and maintenance of the visibility splays shown on the submitted plans DWG 2D with no obstructions over 1.05metres above carriageway level within the splays, prior to the use of the site commencing.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans DWG 2D prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans DWG 3C prior to the use of the site commencing.
- Closure of the existing access and reinstatement of full height kerbing prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local

**Environmental Health:** Raises no objection subject to the inclusion of the following conditions:

Noise

The ceiling and floor separating the residential and commercial unit shall resist the transmission of airborne sound (Dnt, W + Ctr) which shall not be less than 53 decibels according to BS EN ISO 10140; 2011

This will require an Acoustic consultant's report, detailing the method, showing charts and certifying that it meets the standard. We would also advise not to permit the commercial units to be allowed to operate 24hrs. Standard hours: Monday – Saturday 8.00am – 18:00hrs.  
Closed Sundays and Bank holidays.

Reasons: Protect the amenities of future occupiers.

Contamination

Due to no green open spaces and ground level recreation area, we would state; should any contamination be found, work must cease, a full investigation undertaken and a remediation strategy to be produced and agreed by the LPA. Upon agreement to remedial works shall be carried out in full, and certification provided to the LPA, before any further works on the site continue.

Reason: Protect the welfare of future ground operators on site.

**Environment Agency:** No comments.

**Kent Police:** Raise no objection subject to a condition that requires the submission of details to demonstrate the development complies with 'Secured by Design'.

**Contamination Consultant:** Raises no objection subject to the imposition of the standard land contamination condition.

**Southern Water:** Raises no objection subject to securing the recommended conditions.

## 6. REPRESENTATIONS

6.1 60 neighbours directly consulted. 13 letters of objection and 1 letter of support were received. A letter of objection from the New Folkestone Society was also received.

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

Objections

- Loss of light
- Residents of the Manor Court have a lease over the land to be development for over 900 years, there is no right to build on this land
- Overshadowing
- Overlooking/loss of privacy
- Insufficient/loss of parking
- Loss of green space
- Concern over the maintenance of the green wall
- Potential for crime in the area between the two buildings
- Car parking closer to existing apartments/increase in fumes
- The building would be too large

### Support

- The regeneration of this area will help to increase the look of this main thoroughfare into and from the town

### General Comments

- Why were no planning site notices put up to advertise the development?

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

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

## 7. RELEVANT PLANNING POLICY

7.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)

7.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded some weight, according to the criteria in NPPF paragraph 48.

7.3 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 between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.

7.4 The relevant development plan policies are as follows:-

### Shepway District Local Plan Review (2013)

SD1 – Sustainable Development

BE1 – Layout, design, materials of new development

BE16 – Requirement for comprehensive landscaping schemes

HO1 - Housing Land Supply

U2 - Connections to mains drainage

U15 – Criteria to control outdoor light pollution

TR5 – Cycling facility provision for new developments

TR6 – Provision for pedestrians in new developments

TR11 – Access onto highway network

TR12 – Vehicle parking standards

Shepway Local Plan Core Strategy (2013)

- DSD – Delivering Sustainable Development
- SS1 – District Spatial Strategy
- SS2 - Housing and the Economy Growth Strategy
- SS3 - Place-Shaping and Sustainable Settlements Strategy
- SS5 - District Infrastructure Planning
- CSD1 - Balanced Neighbourhoods for Shepway
- CSD2 - District Residential Needs

Places and Policies Local Plan Submission Draft (2019)

- HB1 – Quality Places through Design
- HB2 – Cohesive Design
- HB3 – Internal and External Space Standards
- C1 – Creating a Sense of Place
- T1 – Street Hierarchy and Site Layout
- T2 – Parking Standards
- T4 – Cycle Parking
- NE7 – Contaminated Land

Core Strategy Review Submission draft (2019)

- SS1 – District Spatial Strategy
- SS3 – Place-Shaping and Sustainable Settlements Strategy
- CSD4 – Green Infrastructure

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

**Government Advice**

National Planning Policy Framework (NPPF ) 2019

7.6 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.

Paragraphs 91 to 95 - Promoting healthy and safe communities. NPPG

Paragraphs 102 to 107 - Promoting sustainable transport.

Paragraphs 117 to 121 - Making effective use of land.

Paragraphs 124 to 132 - Achieving well-designed places.

Paragraphs 178 to 183 - Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

National Design Guide October 2019

C1 – Understand and relate well to the site, its local and wider context

I2 – Well-designed, high quality and attractive

Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'.*

**8. APPRAISAL**

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

- a) The principle of the development.
- b) Design and visual impact
- c) Neighbouring amenity
- d) Highways, parking and cycle parking provision
- e) Landscaping
- f) Other issues

**a) Principle of development**

8.2 Saved policy HO1 supports residential development on previously developed sites or infill plots within existing urban areas. The application site meets both of these criteria and the proposal for residential development is therefore supported in principle by saved policy HO1.

8.3 Core Strategy policy SS1 states additional development should be focused on the most sustainable towns and villages as set out in policy SS3 (which identifies a settlement hierarchy) in which Folkestone is identified as a Sub-Regional Town with an aim to accommodate substantial residential development. Subject to other material planning conditions, the proposed residential development of this site is therefore considered acceptable in terms of policies SS1 and SS3.

8.4 There are good existing public transportation links. Further the site benefits from existing pedestrian and cycle routes. The proposal is considered to be situated in a sustainable location.



- 8.5 Four commercial units are proposed for the ground floors of the two buildings, no specific details have been submitted for these units. The largest unit is to be sited in the northern building would likely be a café/restaurant with an outside seating area, similar to the Brew café sited on the opposite side of Cheriton Gardens. The Brew café building is also mixed use with apartments and offices in the upper floors.
- 8.6 The proposed mixed use nature of the development is considered compatible with the existing uses in the area and with the principles of the NPPF with particular reference to paragraph 8a. There are also no objections to a range of potential uses being considered in the commercial elements of the building as this should ensure that tenants are secured for these unit and the use classes proposed are compatible with residential use subject to appropriate conditions relating to noise levels internally and hours of operation.
- 8.7 Paragraph 8 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets a presumption in favour of sustainable development with three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- a) Economic objectives – to help build a strong, responsive and competitive economy to support growth, innovation and improved productivity;
  - b) Social objectives – to support strong, vibrant and healthy communities by fostering a well-designed and safe built environment with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;
  - c) Environmental objectives – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land.
- 8.8 Therefore, subject to all other material planning considerations as set out below, the proposed development of the site for residential and commercial purposes is acceptable in principle with regard to national and local planning policy.

**b) Design and visual impact**

- 8.9 The design of the buildings has been carefully considered and incorporates arches in the design as a reference to the existing vernacular architecture within Folkestone, i.e. the viaduct, and as used on buildings further north on Cheriton Road. The current use of the site does not make the best use of it and the site under developed and in a somewhat shabby condition. However it is sited in a prominent location on the main pedestrian route to the town centre from Folkestone Central Railway Station, and as such it can carry the proposed design which would result in a 'striking' and 'landmark' development for the site.
- 8.10 In order to address the triangular nature and the narrow northern tip of the site, the design approach was to conceal this face of the building when viewed from the north and north-east by creating an 'impossibly thin' appearance. The building would then widen along with the site when heading south along Manor Road and Cheriton Gardens, which allows the building line to mirror the existing development. This approach enables the development to not look out of context with the character of the existing area but at the same time creating a prominent and distinctive set of buildings on a fairly restricted and, in places, narrow site.

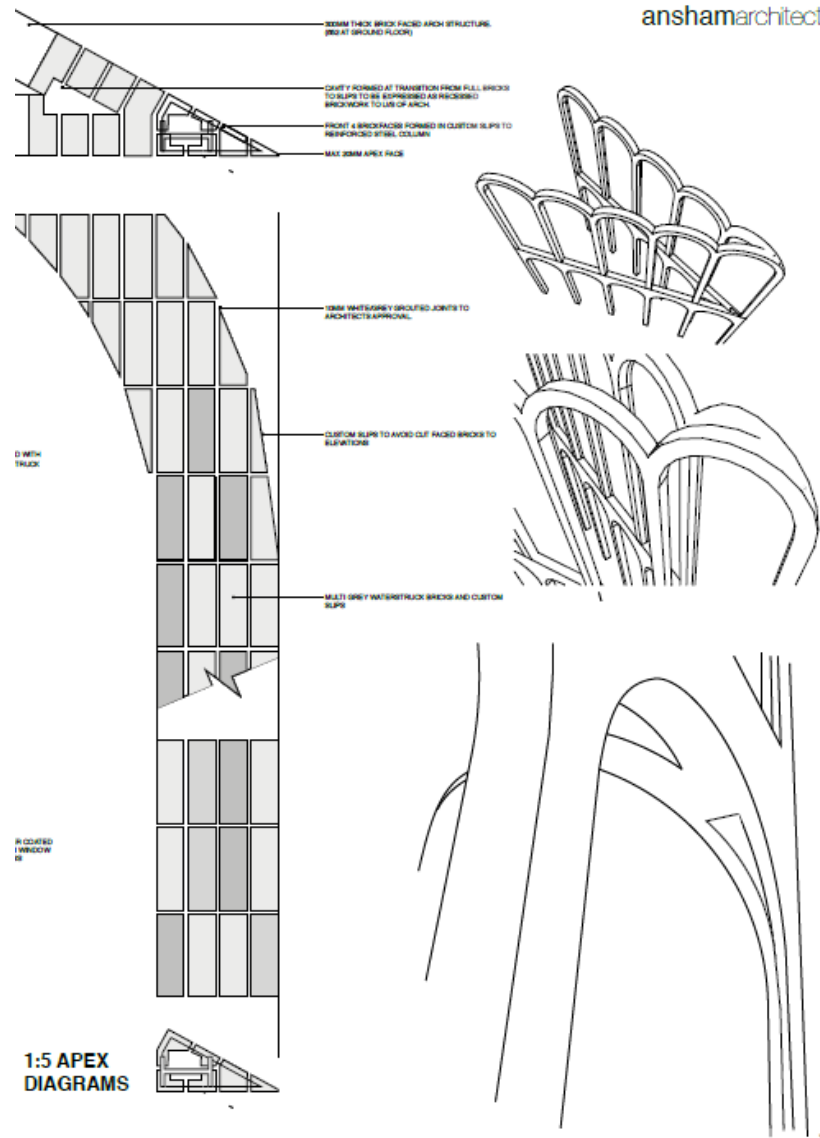


Figure 5 Apex detail

## DCL/19/21

- 8.11 Whilst the northern block would be five stories plus a roof terrace it should be noted that the development would be constructed at a lower level than the existing Manor Court so would in effect not appear to be significantly taller than the neighbouring building. The southern block, which would be closest to Manor Court would only be at the same height of the northern block for a small element of the building in order to contain the stairways and lift, the remainder of the building would be lower. The buildings on Manor Road are generally set back with small front gardens hence the stepped approach on this line to maintain the existing building character line.
- 8.12 The materials for the northern building follow a contemporary design approach with the use of grey handmade waterstruck bricks and custom slips, across both buildings with brick archways forming the roof line of the northern building. Arches would also be incorporated into the second storey of the northern block. The other main material would be glazing, and the thin apex areas for each other upper floor would be balconies.
- 8.13 The southern building would utilise the same brick type, incorporating extruded brickwork panels and raked joints into the larger areas of brick surrounding the lift and stair core sections. The southern elevation would be a green wall, this would be the elevation that would be closest to the existing Manor Court, ranging from 12.8m to 19.10m in distance. It would not be appropriate for this elevation to be broken up by windows and it is considered that the proposed construction method of a green wall over an expanse of brickwork is a more appropriate treatment for this facade. Whilst concern has been raised about the longevity of green walls, it is considered that this can be addressed by a suitably worded planning condition relating to its installation and ongoing maintenance.
- 8.14 It is considered that the contemporary design with its asymmetric form would integrate well within the street scene and the use of architectural features from the wider Folkestone area is a positive approach that contributes to this proposal being a high quality development that would form a landmark pair of buildings on this gateway route into the town centre, that respect the predominantly residential and domestic character of the area and are in keeping with the character of surrounding properties.
- 8.15 Although it is acknowledged that the footprint of the proposal would be larger than the existing building on site, it would not be significantly taller (around 1.5m) and it should be noted that the ridge height of 38 Manor Road, the neighbouring property to Manor Court has a higher ridge height than the proposed development. Therefore, tall buildings are not uncommon in the area.
- 8.16 It is also acknowledged that the design approach which starts very narrow at the northern end of the site and widens through the buildings to the rear, would have a mass which extends throughout the length of the site. However, the five storey and

roof terrace element of the building is set in the north of the site and the buildings reduce in height to the south of the site resulting in the closest part of the new building to Manor Court only being three storeys in height. By widening the buildings from the north to south and using the increasing site width it reduces the dominance of the buildings when viewed from an angle to the north or south and has the effect of continuing the existing building line.

- 8.17 It is considered that the overall scale of the proposal would be in keeping with the prevailing built form of surrounding buildings, taking account of the degree of separation which exists between properties in Manor Road and Cheriton Gardens. As such, the proposed buildings are considered to be an appropriate scale for the street scene and whilst the buildings are of a contemporary design, given the links to the vernacular within the wider Folkestone town centre and the prominent location I am satisfied that this landmark development complies with policies BE1 of the Local Plan and HB1 of the PPLP and is acceptable on design grounds.

### **c) Neighbouring amenity**

- 8.18 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents. Paragraph 127 of the NPPF sets out that decisions should seek to secure a high standard of amenity for existing and future users.
- 8.19 The closest residential properties would be the apartments within Manor Court with elevations that would look out onto the southern façade of the proposed development. In terms of loss of light, due to the orientation of the site with the rear of the site facing south, together with the separation distances, it is not considered the proposed building would have a significantly detrimental impact in terms of loss of light and overshadowing significant enough to warrant refusal on this basis.
- 8.20 The closest element of the southern façade to the neighbouring building would be three floors above ground level, with the ground level being set at a lower level than the ground floor of Manor Court. This façade would be c.13.4m from the closest elevation of Manor Court. The southern building does step up another two storeys in order to allow the stair core and lift circulation areas to provide access to the upper floors of the northern building, however this increased height element of the building would be in excess of 19m from the closest façade of Manor Court. It is therefore considered that the bulk, mass and scale of the southern building would not have an unacceptable impact upon Manor Court in terms of an overbearing

impact given the separation distance and that the car parking area between the two would help to reduce the dominance of the building when viewed from the flats in Manor Court. Furthermore the use of a green wall on the southern façade significantly reduces the impact that a blank façade of brickwork would have on neighbouring residents, and providing the ongoing maintenance of the green wall is required by condition and given the separation distance, I do not consider there to be any unacceptable impacts of an overbearing nature on existing residents.

8.21 In terms of loss of privacy, there would be no windows on the southern façade of the new development and on that basis there is not considered to be any loss of privacy to the existing residents of Manor Court. It is acknowledged that the level of the car park for Manor Court would be slightly raised than at present, however, it is not considered that this would present any greater impact on privacy than the current car park. Moreover it could arguably result in less loss of privacy given the eye line of drivers would be above the ground floor window height and below the first floor windows. I am therefore satisfied that there would be no significant loss of privacy as a result of the proposed development that would warrant refusal of the application.

### Standard of Accommodation for Future Occupiers:

8.22 The accommodation proposed within the apartments is of a good size and layout. All bedrooms would have windows with an outlook and those apartments in the northern building would have balconies. Given the size of the property footprints and their layout there is no reason to conclude that dwellings with acceptable living conditions for future occupiers could not be achieved and is therefore in accordance with emerging policy HB3 of the PPLP. It is also considered that while a range of potential uses is proposed for the commercial units, it is not considered that any of them would be harmful to the amenities of future occupiers of the building.

8.23 In order to mitigate the potential for noise disturbance from the new commercial units and the resident units above, the Environmental Health Officer was consulted and has no objection providing that a condition is imposed restricting the hours of operation to Monday to Saturday 08:00 to 18:00 and closed Sundays and Bank Holidays.

8.24 The Environmental Health Officer has requested an Acoustic Consultant's report be required by planning condition, detailing the method for and certifying that it meets the required standard to demonstrate that the ceiling and floor separating the residential and commercial unit shall resist the transmission of airborne sound (Dnt, W + Ctr) at less than 53 decibels

according to BS EN ISO 10140; 2011. It is not considered that the proposed commercial units would have any detrimental impact on the surrounding locality providing the requested conditions are imposed, it should also be recognised that this is an edge of town centre location where there is always going to be attract an element of ambient noise and it is not considered that this proposal would result in any significant levels of noise that would warrant recommending refusal on noise grounds.

### **d) Highways, refuse, parking and cycle parking provision**

- 8.25 Policy TR11 of the Shepway District Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access. Policy TR5 refers to the provision of cycle storage facilities and TR12 refers to car parking standards.
- 8.26 The proposal involves the continued provision of 8 (including 1 disabled space) off-street parking spaces in a new position adjacent to Manor Court accessed by a replacement access onto Manor Road where the existing grass/vegetation and boundary wall would be removed to facilitate the spaces. This parking would remain for the use of residents of Manor Court. Refuse storage and cycle parking would be provided internally within the ground floor of the southern building for the residents of the proposed development. There would also be four outdoor bicycle locking loops for the commercial units.
- 8.27 KCC Highways were consulted and raise no objection to the proposed development on highway grounds and adopted parking standards do not require there to be any parking provision for the new development given its sustainable location within close proximity of the town centre and bus and railway stations and given there is available on street parking in the vicinity.

### **e) Landscaping**

- 8.28 The proposed development would result in a significant change to a prominent location in Folkestone, and has the potential to create a real landmark development on an important approach to the town. Some landscaping proposals have been submitted with the application but prior to any development commencing on site a full landscaping scheme would be required by condition. It is considered that there is significant opportunity to improve the streetscene in this locality by the removal of the existing brick wall and the small and largely unused raised grassed area it would allow for a much superior interaction with the wider public realm. There is a significant area of paved highway land at the road junctions to the north of the site,

and whilst this area is outside of the ownership of the applicant, through careful consideration of the public facing areas to the front of the commercial units it would facilitate further improvement to the development as a whole.

8.29 The careful landscape design of the ground floor area is essential and by successfully marrying new paving areas, and appropriately used quality materials, with appropriate planting and their ongoing maintenance and management it will be possible to enhance this location considerably. Providing a full landscaping scheme is required by condition, I am satisfied that there are no reasons to refuse the application on landscaping grounds.

### **f) Other Issues**

8.30 The building would be connected to mains drainage for both foul and surface water.

8.31 All machinery relating to the lift would be contained within the height of the building and all plant would be hidden behind a parapet wall on the roof of the southern building and would not be visible.

8.32 Objections from a local resident included that site notices were not posted outside the site. The proposal is not classed as 'major development', the site is not within a conservation area, and the adjacent buildings are not listed. Therefore there is no statutory requirement for a site notice. All properties with an adjoining boundary were sent neighbour letters in accordance with the Council protocol, as such a site notice was not required to be posted.

### **Environmental Impact Assessment**

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

### **Local Finance Considerations**

8.34 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.



8.35 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £55.58 per square metre for new residential floor space.

### **Human Rights**

8.36 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.

### **Working with the applicant**

8.37 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 as explained in the note to the applicant included in the recommendation below.

### **Public Sector Equality Duty**

8.38 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.

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

## 9. Conclusion

- 9.1 National and local planning policy seeks to achieve sustainable development. This development would make more effective use of the site and provide houses and jobs in a highly accessible and sustainable location.
- 9.2 A development that in part comprises a five storey plus roof terrace building in this location would be not be out of character with surrounding development and would not be a detrimentally overbearing structure. The location and scale of development is considered to have an acceptable impact on neighbouring properties and would not result in significant or adverse overlooking or overshadowing. Moreover, the high design quality of the building represents a significant improvement to the current underutilised space and would enable this important location to have a landmark building to welcome visitors to the town on this important approach.
- 9.3 The proposal is also considered acceptable by KCC Highways subject to securing their recommended conditions.
- 9.4 It is considered that the proposal complies with the Council's development plan and it is considered acceptable subject to securing the recommended conditions including, amongst others, landscaping, management of the green wall, contamination, materials.

## 10 Background Documents

- 10.1 The consultation responses set out at Section 5.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## 11 Recommendation

- 11.1 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:**

1. Standard Implementation Period
2. Drawing numbers
3. Materials

4. Scaled drawings at 1:10 or 1:20 showing the architectural detailing for the arches, apex of the northern building, windows and brickwork
5. Vehicle and Cycle Parking
6. Construction Management Plan
7. Tree Removal, Retention and Protection Measures
8. No service equipment (full details tbc) to be installed on the roof of the buildings or any elevations.
9. Landscaping scheme
10. Management plan for the green wall
11. Refuse collection for residential and commercial operations
12. Hours of use for commercial buildings
13. Submission of an acoustic report to demonstrate that the transmission of airborne sound will not exceed 53db between the residential and commercial units.