



# Agenda

Meeting: **Planning and Licensing Committee**  
Date: **3 April 2018**  
Time: **7.00 pm**  
Place: **Council Chamber - Civic Centre, Folkestone**

To: **All members of the Planning and Licensing Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

1. **Apologies for Absence**
2. **Declarations of Interest**

Members of the committee should declare any interests which fall under the following categories\*:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Application Number: Y16/1122/SH Land Rear Rhodes House Main Road Sellindge Kent (Page 3)**

Report DCL/17/43 - Outline planning application for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping.

**Queries about the agenda? Need a different format?**

Contact Kate Clark – Tel: 01303 853267  
Email: [committee@shepway.gov.uk](mailto:committee@shepway.gov.uk) or download from our website  
[www.shepway.gov.uk](http://www.shepway.gov.uk)

4. **Application Number: Y17/1099/SH Former Rotunda Amusement Park Marine Parade Folkestone (Page 47)**

Report DCL/17/43 - Section 73 application for removal of conditions 41 (Provision of Sea Sports Centre) and 42 (Provision of Beach Sports Centre) and for the variation of conditions 4 (Reserved Matters), 6 (Phasing), 7 (Reserved Matters Details), 15 (Public Realm), 16 (Play Space/ Amenity Facilities), 18 (Public Toilets), 21 (Wind Flow Mitigation), 23 (Heritage Assets), 25 (Bus Stop) and 37 (Wave Wall) of planning permission Y12/0897/SH (Outline planning application with all matters (access, scale, layout, appearance, landscaping) reserved for the redevelopment of the harbour and seafront to provide a comprehensive mixed use development comprising up to 1000 dwellings (C3), up to 10,000 square metres of commercial floorspace including A1, A3, A4, A5, B1, D1 and D2 uses as well as seaports and beach sports facilities. Improvements to the beaches, pedestrian and cycle routes and accessibility into, within and out of the seafront and harbour, together with associated parking, accompanied by an Environmental Statement) to enable changes to the plot shapes, footprints, maximum height, changes to parameter plans, levels, parking arrangements, and alterations to the Environmental Statement.

\*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

**DCL/17/43**

**Application No:** Y16/1122/SH

**Location of Site:** Land Rear Rhodes House Main Road Sellindge Kent

**Development:** Outline planning application for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping.

**Applicant:** Quinn Estates and The Bucknell Trust  
C/o Agent

**Agent:** Mr Ben Harvey  
Iceni Projects Ltd  
Flitcroft House  
114 - 116 Charing Cross Road  
London  
WC2H 0JR

**Date Valid:** 13.10.16

**Expiry Date:** 30.03.18

**PEA Date:** 30.03.18

**Date of Committee:** 03.04.18

**Officer Contact:** Miss Louise Daniels

## **SUMMARY**

This report considers whether outline planning permission should be granted for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping. The report recommends that planning permission be granted as it is considered that the site is within a sustainable location, adjacent to the settlement boundary of Sellindge with good transport links and within an identified area for planned growth in the future Regulation 18 consultation draft of the Core Strategy Review. The application proposes additional housing in a sustainable location which delivers infrastructure needs and accords with the adopted settlement hierarchy, over and above the Councils 5 year housing supply, is supported by the NPPF and as such, it is considered that on balance the addition of housing together with expanded and improved infrastructure for the village of Sellindge would deem this proposal to be, on balance an acceptable departure from the development plan.

**RECOMMENDATION:** That the Head of Planning be authorised under delegated authority to grant planning permission, subject to the completion of a section 106 legal agreement with the applicant that secures the infrastructure and financial contributions detailed within this report and subject to conditions outlined within the report and any additional conditions which he considers to be necessary.

## **1.0 THE PROPOSAL**

1.1 This is an outline application for the provision of 162 houses and up to 929 square metres of Class B1 Business floorspace for consideration of access only, together with a landscaping and land use parameter plan. All other matters (design, layout, landscaping and scale) reserved for future consideration.

This application is supported by the following documents:

- Landscape parameter plan;
- Land use parameter plan;
- Land use and landscape parameter plan;
- Planning statement;
- Design and access statement;
- Sustainability Assessment;
- Concept master plan;
- Access parameter plan;
- Five year housing land supply assessment;
- Analysis of housing supply;
- Flood risk assessment and preliminary surface water drainage strategy;
- Preliminary services appraisal;
- Ecological appraisal;
- Landscape and visual impact assessment;
- Arboricultural Impact Assessment (including addendum);
- Economic benefits statement;
- Archaeological Desk-Based Assessment;
- Air quality assessment;
- Noise assessment;
- Contamination assessment;
- Groundsure Enviroinsight report;
- Statement of community involvement;
- Transport assessment;
- Agricultural land classification and soil resources report;
- Road safety audit – stage 1;
- Plans relating to proposed site access and off-site improvement works;
- Heritage assessment

1.2 The proposed houses would comprise an allocation of affordable housing, self-build and retirement housing, alongside general market housing. The layout takes a new access from the A20 South of Rhodes House with a fully engineered junction, which will involve the removal of part of the small woodland alongside the road at this point.

- 1.3 The indicative layout shows a circuit road around the centre of the site with new houses mostly within the road but with an additional area of housing within a secondary loop at the north end of the site.
- 1.4 An indicative separate access road leads from just within the entrance, east alongside the embankment of the M20, to serve the business units with an area for parking, located between this road and the line of overhead pylons. An area of landscaped ground under the pylon line would separate the business development from the housing to the north. Allotment plots are also proposed in this location. The east of the site is shown on the Landscape Parameter Plan as the location for a nature reserve. An indicative footpath line is intended to encircle the site, with other links across the site.
- 1.5 Additional planting is proposed along the line of the pylons, along the north-east boundary with the farmland, at the junction with the existing village development and along the perimeters outside of the garden plots of Rhodes House and Little Rhodes.
- 1.6 As part of the proposal, an area of land to the north of Sellindge Primary School (as shown on submitted plan number 14.138.02 Rev C) has been sourced to enable the future expansion of the school to up to 2 forms of entry.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:
  - The application site boundary is located just outside the defined settlement boundary of Sellindge.
  - There are two Grade II listed buildings in the immediate vicinity of the site, Little Rhodes and Rhodes House.
  - TPO No.16 of 2016.

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The site is approximately 10 kilometres to the south east of Ashford (connected by the A20) and 15.5 kilometres to the west of Folkestone.
- 3.2 Sellindge is a rural settlement dating back to Norman times, which developed as a linear settlement through the 18<sup>th</sup> and 19<sup>th</sup> centuries as a stopping point between Folkestone, Hythe and London. The village underwent significant suburban expansion in the mid twentieth century alongside growth in private car ownership, with a number of new estates built either side of Swan Lane. The construction of the M20 in the 1980s had a significant impact on the role of the village, with the majority of traffic using the motorway to travel to and from the coast and the settlement no longer being located on the Strategic Road Network. Despite this the A20, with a 40mph speed limit, forms a significant divide within the village, separating the residential core to its north from many of its services to the south.
- 3.3 The application site consists of six arable fields located on the south east edge of Sellindge, north of the M20. The site area is of an irregular shape,

measuring approximately 480m north-south and 680m east-west. The A20 Ashford Road is located to the western boundary with a site road frontage of about 80m, from where site is currently accessed, comprising a thick belt of trees along this frontage. The west boundary of the site skirts around the rear of the landscaped grounds of the Grade II listed Little Rhodes and Rhodes House buildings and the rear of modern housing development on the east side of Swan Lane (Whitehall Way, Leafield, Forge Close and Lourdes Manor Road).

- 3.4 Swan Lane is located at the northernmost point of the site where it abuts Homelands Close, a short cul-de-sac of modern houses, before returning south and east. This north-east boundary of the site adjoins other undeveloped farmland and the boundary is marked by hedgerows with occasional hedgerow trees extending approximately 500m towards the south east.
- 3.5 In this area the site diminishes to a point at the eastern end of the site and the boundary then returns towards the south-west forming the south-east boundary with more farmland to the east. This boundary is marked by a stream and dense woodland alongside it.
- 3.6 At the southern end, another more minor stream or ditch joins the stream not far from where the boundary returns westward, forming the southern boundary of the site, against the M20 motorway which at this point is elevated on an embankment close to the boundary. This south boundary follows the motorway along to where it crosses the A20 on an overbridge.
- 3.7 The site has a complex landform with the highest part up against the North boundary where it abuts the rear of houses in Whitehall Way forming a low hill at this point with the farmland gently falling away to both the south and east.
- 3.8 On the east side a secondary stream rises close to the north-east boundary and forms a small wooded valley as it crosses the site southwards. This joins another water course that flows across the south-east boundary, entering from the east and crossing under the M20 embankment before continuing to flow away to the west on the far side of the motorway.
- 3.9 The main part of the site to the west of the secondary stream forms a gentle hillside falling towards the stream to the east and to the south towards the motorway. This hillside is divided into four main fields with the largest at the top, north, end of the site and incorporating the brow of the promontory. Two further long fields about 40m x 350m are arranged east-west on the hillside and below these, the last field is the remains of a third field truncated by the construction of the M20 motorway in the 1980s. The boundaries of all these fields are marked with scrappy hedgerows with occasional hedgerow trees.
- 3.10 On the far side (east) of the north-south watercourse valley, a further large triangular field about 330m x 300m occupies the land between the north-east and south-east boundaries. Again this is defined with hedgerows and trees but there is more substantial woodland alongside the stream which runs

alongside the south-east boundary. Within this field the land falls away forming a very gentle ridge towards the central valley and the stream on its south side.

- 3.11 A high voltage overhead line crosses the bottom of the site near the south boundary and there are two high voltage pylons located within the site.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 A Screening Opinion was carried out by the LPA (reference Y16/0001/SCR) for land rear Rhodes House under Regulation 5(1) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 for a neighbourhood extension for the creation of up to 175 houses including affordable and self-build housing, up to 929sqm B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping. The Screening Opinion concluded that the proposal, with mitigation measures in place, is unlikely to have significant effects on the environment due to its nature, size and location and that an EIA was not required. It was issued 05.09.16 and Screening Opinions are valid for 2 years, therefore, there is no requirement for this development to be screened again.

4.2 A Hybrid application (reference Y14/0873/SH) for the redevelopment of land between the A20 and M20 (land adjacent to The Surgery) in Sellindge, was approved with conditions on 22.01.16. The application was for:

- outline permission (with all matters reserved except access) comprising of 200 dwellings, local mixed use centre containing parish offices (sui generis up to 100m<sup>2</sup>), and associated storage (sui generis up to 100m<sup>2</sup>, 40m<sup>2</sup> as closed storage and 60m<sup>2</sup> as secure outdoor storage) commercial floorspace (a1/a3/a5 uses up to 200m<sup>2</sup>) together with access from the A20, associated roads, parking, earthworks, open space including attenuation features and landscaping.
- full application comprising 50 dwellings, village green and play equipment, access from the A20, associated roads, community car parking, earthworks, open space including attenuation features and landscaping.

#### **5.0 CONSULTATION RESPONSES**

5.1 Consultation responses are available in full on the planning file on the Council's website:

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

Responses are summarised below.

5.2 Sellindge Parish Council

Object on the following grounds:

- Outside the settlement boundary for Sellindge and within the countryside.

- The site was put forward as a submission site in the call for sites for the Places and Policies Local Plan (SHLAA ref 328, where it was rejected).
- This would be a large greenfield expansion into the countryside, with a site boundary vulnerable to further growth in the future to the North East of the site.
- The entrance/exit to the site will be 80m from the main entrance to the already approved Taylor Wimpy site, phase 1 for 50 dwellings, and the amount of traffic at peak times would worsen the air pollution and odour pollution already experienced.
- Health and safety concerns regarding the high voltage overhead power lines that cross the site.
- Surface water migrates to the East Stour River which is to the south of the M20. Concerns the culvert would not be able to cope with the extra surface water runoff generated by this development, raising the frequency of major flooding events locally.
- No contamination details submitted however the Parish Council knows of an incident adjacent to the site at Homelands Close, caused by oil and fuel.
- Loss of agricultural land.
- There are records reported in the KCC comment of hedgehogs and badgers in the area, further work required.
- The applicant has not provided a conclusion as to why the development is really needed.
- One entrance/exit could result in gridlock should there be an accident.
- Primary school provision and doctors' surgery.

### 5.3 KCC Archaeology

The site is located in a landscape that is generally rich in archaeological remains and there is good potential for the site to contain remains of archaeological interest, potentially including significant archaeology that may warrant preservation in situ. This could be addressed through the use of a planning condition.

The retention of the historic hedges as shown on the revised Landscape Parameter Plan is an improvement.

### 5.4 KCC Ecology

No objection subject to conditions requesting the submission of additional information with regard to:

- Hedgerow and tree protection during construction.
- Construction Environmental Management Plan (CEMP) to be submitted to include provisions for bats, reptiles, water voles, common toads, breeding birds and badgers, and shall be based on the guidance outlined the submitted Ecological Appraisal.
- Lighting Design Strategy for biodiversity, including details of dark corridors to ensure there is no detrimental impact to bats.
- Mitigation Strategy.
- Details of a scheme for the enhancement of biodiversity, to include the timing/phasing of the respective elements forming the scheme, and those measures set out within the submitted Ecological Appraisal.



- A Landscape and Ecological Management plan (LEMP) to ensure the dedicated nature reserve and ecological corridors are managed appropriately for maximum ecological benefits.

5.5 Environmental Health

No objection subject to conditions.

5.6 Contamination (Idom Merebrook consultants)

No objection subject to contamination condition. Following the submission of a revised report (Phase 1 Land Contamination Assessment for Land at Sellindge, Ashford by Ecologia (ref: EES 14 .249.1v2) for Quinn Estates Ltd dated 6 January 2017) which now takes account of a historic pollution incident and the report now fulfils the requirements of the first part (desk study & conceptual site model) of Shepway's standard land contamination planning condition.

5.7 Highways England

No objection following the submission of additional information and satisfied that the proposed development will not affect the operation of the Strategic Road Network.

5.8 KCC Highways and Transportation

No objection subject to conditions requiring the changes to the A20 to be carried forward by this proposal if the other site has not already carried out their obligation.

Kent County Council Highways and Transportation will be seeking the developer to deliver the Newingreen junction scheme. The developer contributions already accepted by KCC and SDC to this end will be available should this application be granted permission.

5.9 Housing Strategy

No objection. From the 162 properties on site proposed we would expect the development to deliver 30% affordable housing units which would equate to 49 units with the following to be achieved from this site:

The affordable housing units: 49 units mixed tenure for affordable housing – 60% affordable rent and 40% shared ownership:

- 10 units for retirement
- 23 units for affordable rent general need
- 16 units for shared ownership
- Some of the 49 affordable units could be delivered for self-build, potentially as a community housing initiative. The homes could be for rent or shared ownership.

A local lettings plan should be factored in so that local people to Sellindge would be given priority for a proportion of the affordable housing rental units and the properties delivered by an affordable housing provider to be approved by the Council. The location of the units on the site to be in agreement with the Council.

#### 5.10 Kent Wildlife

No objection subject to the recommendations regarding enhancing the boundary features with a comprehensive long-term management plan including penetrable boundary fencing and the creation of characteristic habitats of acid grassland and heath, wet woodland and wood pasture conditioned.

#### 5.11 Natural England

No objection to revised and additional viewpoints and addendum to the submitted Landscape Visual Impact Assessment. Natural England consider that the additional viewpoints submitted provide a better representation of views of the proposed development from the AONB from which it is clear that the development would be visible in part from few locations within the AONB. It would be most visible from south of Farthing Common car park. Natural England conclude, therefore, that the proposals are not likely to have a significant visual impact on the setting of the AONB.

#### 5.12 Southern Water

No objection subject to conditions. The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework, The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. If approved a condition for a drainage strategy shall be conditioned together with a foul and surface water sewerage disposal.

#### 5.13 KCC Lead Local Flood Authority

No objection subject to conditions requiring a surface water drainage scheme, a timetable for its implementation, and a management and maintenance plan for the lifetime of the development.

#### 5.14 KCC Education & Economic Development

No objection. Sellindge Primary School occupies a site which is insufficiently large to accommodate a 1 Form Entry school, prohibiting its expansion. This has been recognised and accepted by application Y14/0873/SH and Shepway District Council. Therefore, should application Y14/0873/SH be developed, the County Council will receive land to facilitate the expansion of the school to 1FE from the current 0.5FE and further land would be required to further expand this school in response to this application, increasing the school to at least 1.5FE or ultimately to 2FE.

The following contributions are required:

Primary School	37 additional Primary School places (excluding the 30 retirement units) amounting to £528,000
Secondary School	Currently no requirement
Community Learning	£21.08 per dwelling (x 162) = £3414.40
Youth Service	Currently no requirement
Libraries	£108.32 per dwelling (x162) = £17,547.92

Social Care	£73.87 per dwelling (x 162) = £11,966.94, plus 2 wheelchair adaptable home delivered as part of the on-site affordable delivery
-------------	---

The County's planning obligation requirements for a construction contribution and additional land for Sellindge Primary School are essential to mitigate the education demand from this development. Without this obligation the developer would fail to mitigate the service demand being created and consequently his development would not be acceptable.

A condition be included for the provision of Superfast Fibre Optic Broadband.

5.15 Arboricultural Manager

No objection to revised landscape masterplan.

5.16 Rural Planning Ltd (agricultural advice)

Table 2: Agricultural Land Classification:

Grade Description	Area (ha)	% of agricultural land
1 Excellent quality	7.0	38
2 Very good quality	7.4	40
3a Good quality	2.2	12
3b Moderate quality	2.0	10
Total Agricultural	18.6	100

5.17 Environment Agency

No objections subject to conditions requiring a remediation strategy, a site investigation scheme, verification plan and details regarding the infiltration of surface water/drainage systems.

5.18 Landscape and Urban Design Officer

No objection.

5.19 Kent Downs AONB Unit

No objection. Although the site is not within the boundary of the Kent Downs AONB, the boundary lies approximately 1.25 km north/north-east of the application site and therefore this site forms part of the setting of the AONB, by virtue of the scale of the development, proximity to the AONB boundary and the fact that the proposed development will potentially be visible in views from the AONB. The AONB Unit is satisfied that the amended LVIA now provides a satisfactorily assessment of the impact of the proposal on the Kent Downs AONB.

Development must conserve and enhance the setting of the AONB and secure local distinctiveness through careful design, appropriate materials and layout as well as mitigation measures including landscaping and avoidance of external lighting.

The incorporation of the nature reserve and woodland and landscape buffer along the northern edge of the site is welcomed, as is the linear area of public open space running east west between the recreation ground and nature

reserve. As the application is made in outline, in order to ensure these features are maintained as part of any future reserved matters application, the Kent Downs AONB Unit considers it imperative to ensure that the principles set out in Landscape Parameter Plan are carried through to any subsequent proposals.

#### 5.20 Listed Building Consultant

No objection.

Listed buildings: There will be no adverse impact on the setting of the Grade II listed houses Rhodes House and Little Rhodes.

Visual impact: The access junction will cause the removal of much of the woodland along the frontage of the site alongside Ashford Road and the character will be markedly changed as a result. Junction improvements are also proposed for the Newingreen junction about 3.5km to the South along Ashford Road but these traffic management measures are confined to the highway and should not impact significantly of the character of the area of that junction.

Effect on the Landscape Setting: The development will be visible in many local views of the site and in more distant views, particularly from Farthing Corner. The proposed layout of the site, with large areas of green open space at the East end (the nature reserve) and at the North West side, where the higher open ground is being retained, will help alleviate this impact.

Comments on the Indicative Design: There are aspects of the indicative design which would benefit from adjustment and improvement so as to, in particular, help the road and development layout integrate more successfully with the ground forms and layout.

#### 5.21 Kent County Council PROW

No objection subject to conditions.

#### 5.22 NHS Property Services Ltd - Kent & Medway

A need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development is expected to result in a need to invest in the local surgery, Sellindge Surgery, which is within 1 mile of the development. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates:

- 1 bed unit at 1.4 persons

- 2 bed unit at 2 persons
- 3 bed unit at 2.8 persons
- 4 bed unit at 3.5 persons
- 5 bed unit at 4.8 persons

The contribution has been calculated as such:

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
Unknown	162	380	£136,800.00

Ashford CCG seeks a contribution of £136,800.00 plus support for legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

## 6.0 REPRESENTATIONS

6.1 Representation responses are available in full on the planning file on the Council's website:

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

Responses are summarised below:

- 6.2 Ten letters/emails have been received objecting on the following grounds:
- What provision has been made for long trucks of up to 60 metres long at the Royal Oak, Stone Street junction? If traffic lights and other street furniture are placed at the junction, lorries will not be able to negotiate it.
  - Completely out of keeping with local and neighbourhood plans.
  - No communication from developers.
  - Cheap and nasty development.
  - Over development of Sellindge - cumulative impact with other approved and forthcoming developments.
  - Ruin the uniqueness of the area and lead to loss of identity for Sellindge.
  - Lack of infrastructure to support the development such as schools, doctors, hospital places and roads.
  - Will increase traffic onto the A20 with more accidents and further tailbacks.
  - Occupants will need to travel to Hythe, Folkestone, Ashford for work congesting roads.
  - Increased air pollution from traffic detrimental to health.
  - Development next to a lorry park will be affected by diesel air pollution.
  - Development would be affected by high voltage cables and pylons running through site, detrimental to resident's health.
  - Drainage and sewage facilities in the area not suitable to accommodate development – area suffers from surface water flooding.
  - Within the countryside on good agricultural ground.
  - No need for any more houses in the area.

- 6.3 Eleven letters of support have been received and are summarised as follows:
- The development will provide much needed affordable housing to help local families get on the property ladder.
  - The electricity pylons and cables and lorry park would be a long way from the houses and would not be an issue.
  - Would provide immense benefits to the area which would transform the village.
  - Self build units are good idea.
  - Well designed and considered to bring much needed green links to the area.
  - Built on low grade land and not good agricultural land.
  - Better to have housing than an extended lorry park.

## **7.0 RELEVANT POLICY GUIDANCE**

- 7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 7.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO1, LR8, LR9, LR10, BE1, BE5, BE16, U2, U4, U13, U14, U15, TR2, TR5, TR11, TR12, TR13, CO11 and CO13.
- 7.3 The following policies of the Shepway Core Strategy Local Plan apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD4, CSD5 and CSD9.
- 7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application: 14, 17, 47, 49, 58, 100, 109, 131, 143, 186-187.

## **8.0 APPRAISAL**

### **Community Involvement & Pre-application Discussions**

- 8.1 The planning application is supported by a Statement of Community Involvement (SCI) which provides a summary of public consultation carried out by the applicant prior to the submission of the planning application.
- 8.2 The applicants have undertaken pre-application consultation with the local community including two public exhibitions and meetings with Sellindge Parish Council. Consultation has also included discussions with local councillors, local residents, businesses, and interested organisations. In addition, a pre-

application meeting was held in August 2016 with officers from Shepway District Council to discuss the main policy issues and site constraints and opportunities.

- 8.3 A request for a screening opinion was made by the applicants on 12<sup>th</sup> August 2016 and a response was issued on 5<sup>th</sup> September 2016 confirming that it was the Council's opinion, based on consultation responses from relevant internal departments and external bodies, that an Environmental Impact Assessment was not required as it was considered that the proposed development is unlikely to have any significant impacts on the environment and any harm arising from the development could be addressed sufficiently through mitigation.

### **Relevant Material Planning Considerations**

- 8.4 The main considerations in the determination of this application are the acceptability of the principle of development in this location, whether the proposed development would promote sustainable patterns of growth having regard to its scale and size and access to local services and facilities especially whether there is sufficient capacity within Sellindge Primary School and local NHS surgeries to accommodate the development or whether the development can mitigate such impacts.
- 8.5 In addition, the visual impact of the development upon the landscape and the open countryside, amenities of local residents, ecology, trees, flood risk, highways and transportation matters, heritage and archaeology are also considerations and whether adequate mitigation is proposed to address any adverse impacts.

### **Background**

- 8.6 Following consultation within Sellindge on 'Preferred Options' in the summer of 2009 community feedback identified a number of improvements to the village that could be delivered alongside housing development on alternative land within the village.
- 8.7 In early 2010 Shepway District Council successfully bid to the Homes and Communities Agency (HCA, now Homes England) for Rural Masterplan funding for Sellindge, with Urban Initiatives commissioned to complete this study. The study aimed to provide a clear spatial vision for Sellindge to ensure growth in the village is sustainable and provides tangible benefits to existing and new residents, assessing development within a number of locations.
- 8.8 The report, 'Sellindge's Future' was produced in March 2011 and set out a vision for the growth of the village as well as opportunities for new development to support new and existing facilities within the area. The document details a thorough investigation and analysis of growth options for the village, formulated in conjunction with local residents, the Sellindge and District Residents Association and Parish Council before outlining a preferred masterplan for growth within the village.

8.9 The main principles of this development include:

- To create a new residential spine, running through the development parallel to the A20 to provide a continuous route through the new development and access to residential properties.
- To create a new village green public open space around the existing social activity of the village hall, primary school and GP practice.
- To create a pattern of streets and lanes with a rural quality which respects and responds to existing hedgerows, mature trees and water courses.
- To create perimeter blocks where the front of properties overlook the public realm and back gardens adjoin other back gardens.

8.10 The findings of the Sellindge's Future project and report were used to inform policy CSD9 of the Core Strategy, which underwent Examination in Public (EiP) before the Planning Inspectorate in May 2012 with a further hearing on modifications in May 2013 (which did not relate to the Sellindge proposals).

8.11 Following the publication of the Inspector's Report in June 2013 Shepway District Council adopted the Core Strategy Local Plan in September 2013. The Inspector concluded (para. 95) that "The location of the core development area responds to both the settlement's existing built form and the clear local wish to create a new village green/open space area in a central position. On balance, these elements of policy CSD9 are adequately justified".

8.12 Policy CSD9 of the Core Strategy identifies Sellindge as a broad location for development to deliver a central village green/common, a more pedestrian/cycle-friendly Ashford Road, and other community facilities, financially enabled by limited residential development.

8.13 Planning permission Y14/0873/SH was granted on 22<sup>nd</sup> January 2016 for the provision of 250 dwellings on land between the A20 and M20 at Sellindge for outline permission. In addition, the applicants Taylor Wimpey secured a site to enable the extension of Sellindge Primary School from ½ to 1 form of entry. This is Belvedere Cottage and its curtilage which lies immediately to the west of the existing school. Taylor Wimpey secured the option to purchase Belvedere Cottage and were prepared to make this available to KCC for the purposes of extending the school without requiring any land payment. This was secured by a section 106 which was also to prevent the commencement of development until a binding offer to transfer Belvedere Cottage to KCC has been made. The full detailed part of this permission (Phase 1) has not been implemented and the Council has not as yet received submission of the reserved matters applications pursuant to the outline approval of this development. Taylor Wimpey has confirmed to the Council that they have now taken title of Belvedere Cottage and will shortly be writing to KCC, as required by the s106 agreement as the first stage of the transfer of site.

## **Housing Need**



- 8.14 The adopted Core Strategy Local Plan (2013) sets out the housing delivery requirement of 7,000 dwellings for the district until 2026, which equates to a minimum of 350 dwellings a year, with a target of 8,000 (400 per year). Since the Core Strategy Local Plan was adopted, Shepway District Council has undertaken work to update the Strategic Housing Market Assessment (SHMA) in 2016/2017 to inform a review of Shepway District Council's planning policies through the Core Strategy Review, to ensure they are up-to-date and in conformity with the NPPF  
(Strategic Housing Market Assessment Part 1 – Objectively Assessed Need):  
[https://www.shepway.gov.uk/media/4474/Strategic-Housing-Market-Assessment-2017/pdf/2017\\_08\\_08\\_Final\\_SHMA\\_Pt1.pdf](https://www.shepway.gov.uk/media/4474/Strategic-Housing-Market-Assessment-2017/pdf/2017_08_08_Final_SHMA_Pt1.pdf)
- 8.15 The Core Strategy Local Plan, adopted post-NPPF and following the revocation of the Regional Spatial Strategies (RSS), considered the RSS set target of 290 dwellings per annum over the period to 2026 and states that:
- “this is lower than the rate of delivery achieved in Shepway, which has been in the order of 300 to 500 dwellings in a year for most years between 1990 and 2006. Local evidence in the SHMA and SHLAA also suggested that future housing needs, and potentially, land availability were greater than identified in the South East Plan”.*
- 8.16 Although the Core Strategy Local Plan was adopted following the publication of the NPPF, the housing target was derived from an old-style SHMA which was carried out prior to the publication of the Planning Practice Guidance (PPG) and does not follow the required method within the NPPF. However, the PPG is clear that this does not necessarily render the housing targets out of date. With regard to housing requirements, the PPG states that:
- “Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs”.*
- 8.17 Regarding progress towards meeting the 2013 Core Strategy target, over the period 2006/07 to 2016/17 the total plan requirement is for a net additional 3,850 dwellings (11 years at 350 dwellings a year). Over this period the total number of homes delivered was 3,208, an undersupply of 642 homes. However, this largely reflects a reduction in housing completions following the recession. Work currently being undertaken for the emerging Places and Policies Local Plan indicates that completions from the current monitoring year (ending 31 March 2018) are likely to substantially reduce this deficit. The Council's housing land supply equates to 7.1 years against the adopted plan requirement of 350 homes per year.
- 8.18 Nevertheless, it is considered that significant new evidence has come to light since the adoption of the Council's adopted Core Strategy Local Plan in 2013. Specifically, the updated SHMA (2017) assessed the Objectively Assessed

Need (OAN) for housing in Shepway at 633 dwellings per year over the period to 2036/37 (14,560 dwellings) which reflects current housing need, although this has not yet been through the examination process. This number is significantly greater than that in the adopted Core Strategy Local Plan and also includes a market signals adjustment based on the most up-to-date evidence and statistical data. A review of the Core Strategy is taking place to ensure the district meets its housing need. The review will help ensure that the uplift in housing numbers can be accommodated within Shepway and that the jobs and infrastructure that the new homes will need can also be successfully delivered.

8.19 Further evidence base work to support the review of the Core Strategy has been undertaken by the Council through the commissioning of an independent Strategic Growth Options Study by consultants AECOM to review possible options for future growth, so as to establish a robust high-level spatial strategy that can be carried forward in the development of planning policies as the central element in the partial review of the Core Strategy to meet the growth identified in the updated SHMA.

8.20 The Strategic Growth Options Study that has been undertaken comprises three elements: a High Level Options Report, a Phase Two Report and a High Level Landscape Appraisal that informs both the High Level Options Report and the Phase Two Report. The Phase Two report builds on the evidence presented within the High Level Options report to set out the final conclusions of the Strategic Growth Options Study. The Phase Two report identifies land in the district which is suitable for strategic-scale development and includes the application site, named Area A in the report. The report concludes:

*“it is considered that there is one parcel of land within Area A suitable for strategic-scale development. It seems suitable on the transport, landscape, infrastructure, heritage, economic development potential and spatial opportunities and constraints criteria. This parcel of land is located to the east of Sellindge and would comprise an expansion of the existing settlement. However, it is of a small enough scale to maintain the identity and character of Sellindge as a free-standing village, through avoiding, for example, coalescence with other settlements”.*

8.21 It is concluded that the up-to-date evidence base, comprising the Council's updated SHMA and the objectively assessed need figure of 633 dwellings per annum, which specifies the housing need of the District to 2036/37; coupled with the independently-prepared Strategic Growth Options Study that defines where, in spatial terms, land considered suitable for strategic-scale development is to be located has been used to inform the policy formation for a partial review of the adopted Core Strategy Local Plan and are material considerations in decision taking. The District Council is to go out to Regulation 18 consultation on the Core Strategy Review in Spring 2018. Therefore, whilst the emerging Core Strategy Review is based on an extensive evidence base reflecting updated development requirements for new homes in the district it is a material consideration of limited weight in decision taking.

## Five Year Housing Supply

- 8.22 The NPPF is a key consideration, particularly with regard to the national planning priority to boost significantly the supply of housing to meet identified needs in paragraph 47 which states that local planning authorities should “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.
- 8.23 Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, stating that for decision-taking this means where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. An appeal in Wychavon (ref: APP/H1840/W/15/3005494) saw the Inspector reach the following conclusion: *“It is agreed between the parties that the Council can demonstrate a 5 year supply of deliverable housing sites as required by paragraph 47 of the Framework. Under these circumstances, the decision-taking criteria contained in paragraph 14 of the Framework are not engaged. Whilst this is so, the Framework seeks to boost significantly the supply of housing and the ability to demonstrate a 5 year housing land supply should not be seen as a maximum supply.”* The development was allowed.
- 8.24 In recent appeal decisions, Inspectors have increasingly been concluding that housing need carries enough weight for a development to be permitted even where a local authority can demonstrate a five-year supply of housing land, as required by paragraph 49 of the NPPF. The Secretary of State called-in an appeal in Cherwell (ref: APP/C3105/A/14/2226552) and allowed permission for 54 homes where the application had been refused on the grounds that Cherwell could demonstrate a 5 year housing supply and their neighbourhood plan resisted developments larger than 20 homes. However, the Secretary of State responded stating the following: *“The proposal would be sustainable development and paragraph 187 of the Framework states that decision takers should seek to approve applications for sustainable development where possible.”*
- 8.25 A further appeal in Shropshire (ref: APP/L3245/W/15/3001117) saw 215 homes allowed outside the settlement boundary on the grounds that the proposal constituted sustainable development and generally accorded with the development plan. The Inspector identified that they could demonstrate a healthy 5 year housing land supply but also conceded that: *“the existence of a 5YHLS is no impediment to the grant of permission for the development in view of the foregoing conclusions in its favour.”*
- 8.26 There are examples where national housing need rather than that of the local housing market area has been cited as a reason for approval. For example,

in February 2016, the Secretary of State upheld the conclusions of an Inspector who allowed 605 homes at Ashby-de-la-Zouch in Leicestershire (ref: APP/G2435/A/14/2228806). North West Leicestershire was able to demonstrate a five-year supply of housing land, but the Secretary of State noted that his decision was supported by the fact that *'local planning authorities must also plan for housing supply beyond the five year period, [and] that there is also a current national imperative to boost the supply of housing'*.

- 8.27 These appeals are evidence that the existence of a 5 year housing land supply, to which Shepway District Council can demonstrate against the adopted Core Strategy requirements, does not preclude new sustainable development as the NPPF seeks to significantly boost the supply of housing and approve applications for sustainable development where possible. As such, consideration must be given to the suitability of the development against the overarching requirements of the development plan and NPPF and a balance made between this and the conflict with policy CSD9 of the Core Strategy Local Plan that identifies Sellindge as suitable for up to 250 dwellings within the broad location policy allocation.

### **Principle of Development**

- 8.28 Policy SS3 in the Core Strategy (2013) identifies Sellindge as a Rural Centre in the Settlement Hierarchy. Rural Centres are able to develop consistent with enhancing the natural and historic environment in a manner that supports its role as an integrated tourist and local centre providing shops and services for a significant number of residents, visitors, and also for other villages in the North Downs. Paragraph 4.67 of the Core Strategy states that Rural Centres 'are larger or better-served rural settlements within their character area, and as a group of locations there may be potential, subject to further examination of environmental impact, for modest expansion from their current built limits to meet rural development needs.'
- 8.29 More specific to the North Downs Area, paragraph 5.142 states that 'in accordance with the strategic aims of the Core Strategy development, should enhance the identity and profile of settlements and environments in this rural area through expanded local public open space and village services, additional employment, and contributing to the identified housing growth need of Shepway.' The subsequent paragraph 5.143 focuses down on to the Sellindge area and states 'The southwest of the North Downs, outside of the AONB, may now require the greatest intervention to ensure sustainable development of the district. Sellindge, Lympe and Stanford are located in close proximity to highway and rail infrastructure but may benefit from additional local facilities, especially those that help foster the coherence of individual communities.'
- 8.30 The Shepway Core Strategy (2013) policy CSD9 (Sellindge Strategy) establishes the principal of major residential-led development at Sellindge within a broad location. Figure 5.8 within the Core Strategy, although indicative, shows the proposed application site as an alternative for possible supporting residential development to the 'core area'. In line with Policy CSD9,

criteria a) the proposal has been comprehensively master planned following public engagement and the full area has been included within the application. The application follows the outline approval of application Y14/0873/SH which addresses the 'core development area' and is expected to commence on site imminently. As such it is considered that the application site will be developed in parallel and therefore will not impede the delivery of the core area as specified by criteria b). The application proposes 30% affordable housing will be provided, as required by criteria c). The provision of a village green referred to in criteria d) is location specific and is being delivered as part of core development area. In addition, the Policy states at criteria f) that proposals must include satisfactory arrangements for the timely delivery of necessary local community facilities including a primary school extension and provision of allotments. It is understood that the applicant has secured the land required to facilitate an expansion to the local school and is prepared to gift this in addition to making a financial contribution to its construction. The timing is to be set out in an accompanying S.106 legal agreement. Allotments have been identified as part of the core development area; however these are not included as part of the hybrid application Y14/0873/SH. It is therefore considered that this proposal would help to meet the mix of necessary local facilities for Sellindge identified by policy CSD9 alongside the development to the south of the A20 and core development area.

- 8.31 In addition to policy CSD9, at either end of the broad location the Sellindge Strategy identifies (in Figure 5.8) areas of integration to the countryside, one of which is on the eastern extent, which forms this application site. It is considered that the application addresses this requirement through the inclusion of a nature reserve and landscape buffers. The AONB unit and Kent Wildlife Trust have also given their support to these measures. Furthermore Figure 5.8 identifies an arc to the southeast of the broad location for employment uses, part of which falls within the application site.
- 8.32 The 2017 Employment Land Review (ELR) highlights the spatial distribution of the Districts employment land as being heavily concentrated around Folkestone with some smaller clusters in key settlements at Hythe and New Romney; only 3% of all B Class Uses is located in the North Downs Character Area. This is due to the effect of the AONB limiting economic development in this part of the District. It is considered that the provision of circa 900 sqm B1 Class uses presents an opportunity to further support the creation of a sustainable settlement at Sellindge, providing much needed new modern B class employment space, supporting the rural economy; and making best use of land close to the motorway, positioned within the corridor created between it and the high voltage pylons and thus sterilised for residential purposes.
- 8.33 The emerging Core Strategy Review seeks to allocate the application site under an expansion of the broad location in accordance with policy CSD9. The draft policy change to CSD9 introduces a Phase 2 of housing for Sellindge, over and above the Phase 1 housing, which comprises a broad location for development in the adopted Core Strategy (2013). The application site forms one of two development areas that jointly comprise Phase 2. The draft CSD9 policy wording contains a set of key development criteria for Phase 2 and a set of key development criteria that apply to all identified development

in Phases 1 and 2. It is considered that this site accords with the Council's future vision and development strategy for Sellindge. In addition, through the land and financial contribution to Sellindge Primary School the application scheme is meeting a key development requirement for Sellindge. Whilst this policy represents the emerging vision of the Council and its approach to meeting identified housing need, it has not been subject to public consultation nor examination and therefore has limited weight as a material consideration in decision taking.

8.34 The Council's updated SHMA identifies that the housing needs of the district are significantly greater than the requirements of the adopted Core Strategy Local Plan 2013, and therefore the Core Strategy Review and the proposed sites within it set out the spatial strategy the district is seeking to deliver to meet this need. This site would positively contribute to housing supply which, when seen in the broader context at the national level the NPPF seeks to "significantly boost" the supply of housing, and paragraphs 186-187 endorse the approval of schemes judged to represent sustainable development, and the approval of such schemes can proceed even where a Local Planning Authority can demonstrate a 5 year housing land supply.

8.35 It is acknowledged that the emerging Local Plan process is within its early stages however the site is in line with emerging policy requirements and the evidence base behind this allocation, identifies this site as being within a sustainable location adjacent to the existing Sellindge village and where future growth could be directed, maintaining Sellindge as a Rural Centre within the settlement hierarchy. It is therefore considered that the evidence provided, the broad compliance with wider development plan policies and the requirements of the NPPF offers suitable justification as a material consideration for the development of the application site in order to ensure identified housing need is met within the district.

### **Agricultural Land Classification**

8.36 The NPPF requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) to be taken into account alongside other sustainability considerations. The framework expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5).

8.37 The adopted Core Strategy (2013) states in policy SS2: Housing and the Economy Growth Strategy that, to promote sustainable development and prioritise urban regeneration, a target is set for at least 65% of new dwellings to be provided on previously developed ('brownfield') land by the end of 2030/31. The emerging Places and Policies Local Plan allocates a range of brownfield sites in the Urban, Romney Marsh and North Downs Areas, having assessed potential development sites through the Strategic Housing Land Availability Assessment (SHLAA) process whilst the adopted Core Strategy includes strategic allocations on previously developed land at Folkestone Seafront, Shorncliffe Garrison and the former Romney Marsh Potato Company site.

- 8.38 The emerging Core Strategy Review takes account of committed development provided through planning permissions and existing allocations and identifies proposed strategic site allocations to meet remaining development needs. A comprehensive assessment has been undertaken to identify sites and this is set out in the Shepway District Growth Options Study (AECOM, High Level Options Report, 2016 and Phase Two Report, 2017). Through this assessment, and site assessments undertaken for the 2013 Core Strategy and emerging Places and Policies Local Plan, brownfield opportunities have been investigated and, where available and deliverable, brownfield sites have always been prioritised for development. In addition, adopted and emerging development plan documents include an allowance for 'windfall development' (small brownfield sites that continue to come forward for development outside the development plan process), which has been deducted from the District's development targets. Nevertheless, taking account of these sites and the windfall allowance, there is still an unmet housing requirement to meet the needs of the recent SHMA that must be met through the allocation of greenfield sites in the Council's emerging plans.
- 8.39 The Council's High Level Landscape Appraisal (HLLA) states that although most of the application site comprises Grade 2 agricultural land much of the Grade 3 land that does exist, (which is a preferable location for development) is already occupied by the village of Stanford or lies very close to the southern boundary of the AONB, meaning that it is in any case less suitable in terms of the spatial opportunities and constraints of those sites and the landscape impact respectively. As such, the pattern of agricultural land grading within the application site does not provide a strong guide in terms of which locations would be relatively more suitable for development. The HLLA goes on to state that the limited suitability of the application site, to the east of Sellindge, on the grounds of agricultural quality is considered to be outweighed by its suitability on a range of other criteria. As such, the loss of agricultural land is considered to be outweighed by the requirement to deliver sustainable development.

### **Landscape Visual Impact**

- 8.40 Policy BE16 requires development proposals to retain important existing landscape features and make appropriate provision for new planting using locally native species of plants wherever possible. Policy C05 states that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas unless the need to secure economic and social well-being outweighs the need to protect the areas local landscape importance. Policy CSD4 of the Shepway Core Strategy recognises the importance of the AONB and its setting stating the need for conservation and enhancement of natural beauty in the AONB. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 8.41 The Kent Downs AONB Management Plan 2014 to 2019 advises that the weight to be afforded to setting issues will depend on the significance of the

impact with matters such as the size of the development, distance and incompatibility with their surroundings likely to affect the impact.

- 8.42 The designated area of the Kent Downs AONB lies approximately 1.25km north/north east of the application site, thus the site forms part of the setting of the AONB by virtue of the scale of the development, proximity to the AONB boundary and would be potentially visible in views from the AONB.
- 8.43 The south of the site covers the area of collapsed cliff forming the Lympe Escarpment (to the North of the Romney Marsh). To the north and east, the Postling Vale and Sellindge Plateau Farmlands, an area of mixed agriculture, hedges and remnant woodlands, extends right up to the scarp of the Downs (Elham East Kent Downs), from which there are magnificent views south towards Romney Marsh and to the west. Farthing Common, located where Stone Street drops down from the Downs, provides the best public viewpoint and is about 2 ½ km North of the proposed site.
- 8.44 Natural England's Countryside Character Map identifies the Site within the Wealden Greensand Area. At the county level the Kent County Council Landscape Character Assessment notes that the overall condition of the landscape is poor, with the landscape described as fragmented with many detractors associated with road and rail transport corridors, linear development and agricultural buildings and poor tree cover. The Sensitivity is considered to be moderate given the high visibility.
- 8.45 The Landscape Parameter Plan, which can be controlled by condition, has been revised in response to comments from the Council's Arboricultural and Landscape and Design officers, the Kent AONB unit and Natural England, to retain existing landscape features including mature trees, hedgerows, ditches and ponds and required additional information on additional viewpoints within the AONB and further viewpoints via a Zone of Theoretical Visibility. In addition, an addendum to the submitted Landscape Visual Impact Assessment has been submitted to provide further justification to the conclusions reached in the LVIA with regard to the impact of the development on the AONB particularly with regard to the north end of the site at its highest point.
- 8.46 The area of farmland to the east of Sellindge possesses an attractive landform and the arrangement of fields and field boundaries remains unchanged from the c19th (except where cut by the railway and M20 motorway). The form and arrangement of the fields on the hillside within the site would suggest a far more ancient arrangement of Manorial Fields dating back to the Middle Ages. The development will be visible from many local views of the site and in more distant views, particularly from Farthing Common. The proposed layout of the site, with large areas of green open space at the east end (the nature reserve) and at the north west side, where the higher open ground is being retained, will help alleviate this impact. The proposed engineered access junction will remove some of the woodland along the frontage of the site however, replacement planting either side of the proposed entrance could be controlled by condition.



- 8.47 The conclusions of the applicants LVIA and addendum are that through the effects of distance and an undulating topography and intervening vegetation structure, the development will not be readily perceived from within the AONB and will not result in significant harm to the visual environment of the AONB. Therefore, the proposed development can be integrated in this location and would not significantly alter the character of the area.
- 8.48 The Kent Downs AONB unit have been consulted and consider that the submitted addendum to the LVIA provides a satisfactory assessment of the impact of the development on the AONB and recognise that whilst the application is submitted in outline, care must be taken over orientation and layout with a maximum height of 2 storeys, provide significant tree planting to mitigate the impact of views from the AONB, use non-reflective materials and colours, careful use of street lighting and external lighting to avoid light pollution and the need for high quality, and quantity, of green infrastructure throughout the development. The incorporation of the nature reserve and woodland buffer along the northern edge of the site is welcomed as is the linear area of public open space running east west between the recreation ground and nature reserve. It considers it imperative that the revised indicative landscape parameter plan is carried through to any future reserved matters application.
- 8.49 Natural England have been consulted and consider that the additional viewpoints submitted provide a better representation of views of the proposed development from the AONB from which it is clear that the development would be visible in part from few locations within the AONB. It would be most visible from south of Farthing Common car park within a substantial, wide landscape vista. Natural England conclude, therefore, that the proposals are not likely to have a significant visual impact on the setting of the AONB.
- 8.50 As such, it is concluded that although the wider setting of the countryside and AONB will be altered, it is likely that the proposed development would have a less than substantial impact on the natural and local environment and the intrinsic character and beauty of the AONB and open countryside and therefore complies with development plan policy and the NPPF in this regard.

### **Design and Layout**

- 8.51 Policy BE1 of the Shepway District Local Plan Review states that a high standard of layout, design and choice of materials will be expected for all new development, sympathetic to the local vernacular and in keeping with the existing building form, mass and height.
- 8.52 Core Strategy Policy SS3 (Part C) states that proposals should be designed to contribute to local place-shaping and sustainable development by conserving and enhancing all heritage assets. Part D of this policy states that a design-led and sustainable access approach should be taken to density and layout, ensuring development is suited to the locality and its needs and transport infrastructure.

- 8.53 Paragraph 17 of the NPPF states that Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 56 attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people. Paragraph 58 states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 8.54 The Kent Design Guide (2005) (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. Development should reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context.
- 8.55 As the application is outline with all matters reserved for future consideration except for access, the submitted revised masterplan layout is indicative of what could possibly be achieved on the site. The proposed layout uses the existing landscape features and constraints to dictate the general layout and is shown to protect and retain the existing landscape resources including the most important trees of quality subject to TPO's and historic hedgerows within the site incorporated within the housing layouts as 'green fingers' through the built up areas.
- 8.56 The site would be served by a main access from Ashford Road, incorporating a fully engineered junction, with a main access road which branches off approximately 100m into the site to the east providing an access to the commercial development to the south of the site where 929m<sup>2</sup> of B1 business space units would be located with an area for parking, located between the access road and the line of overhead pylons. An area of landscaped ground under the line of pylons would separate the business development from the housing to the north where a rectangular area of allotment plots would be situated.
- 8.57 The main access road runs up the western side of the site serving the residential portion of the site which apart from market housing would include bungalows, retirement housing, self-build sites and affordable housing. The main access route is shown to diverge away from the rear of the plots of Rhodes House and Little Rhodes and leaving a large area of the highest ground nearest the ridge as a recreation ground which would act as a buffer to the existing residential development providing a green focal hub and pleasing views from the main access road, overlooked by houses from the eastern edge. The road continues a circuit around the centre of the site with new houses mostly within the road but with an additional area of land laid out a second loop up at the North end of the site. A footpath line is intended which

would encircle the whole site. It is disappointing that there are no pedestrian connections to Swan Lane proposed, particularly at Homelands Close and whilst this isn't considered to be a reason for refusal, an informative would be applied to request that every effort should be made to deliver improved pedestrian connectivity via this route ahead of the submission of future Reserved Matters applications to allow better connectivity to and from the development to the village and in particular facilities at the Sellindge Sports and Social Club.

- 8.58 The line of the north-south water course crossing the site in a shallow valley would be retained and this contains the development area to the west of it. To the east, the triangular field at the eastern end of the development is retained as a nature reserve together with the woodland strip alongside the stream, which runs along the South East boundary.
- 8.59 Indicative additional planting is included along the line of the pylons, along the length of the north-south stream, along the north-east boundary with the farmland at the junction with the existing village development and along the perimeters outside of the garden plots of Rhodes House and Little Rhodes, boundaries which are already sheltered by extensive planting within the garden plots, already visually separating them from the site beyond.
- 8.60 The indicative masterplan identifies a coherent and well developed movement network, layout and landscape structure. Future Reserved Matters application/s would need to provide full details of layout, scale, appearance and landscaping however it is considered the indicative masterplan demonstrates that the site can accommodate a layout that could be suitable in design terms.

## **Highways**

- 8.61 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.
- 8.62 Criteria (e) of policy CSD9 of the Shepway Core Strategy states that development should deliver a more pedestrian/cycle-friendly A20 through (as a minimum) informal traffic calming features at key locations, and perceived narrowing of the carriageway outside Sellindge primary school and associated highways improvement.
- 8.63 The application site is located approximately 4.1km from the nearest railway station at Westernhanger to the east which serves Kent and provides services to London Charing Cross and changes at Ashford to London St Pancras via Ebbsfleet and Stratford. The village is served more directly by the existing frequent half hourly 10/10a (Folkestone-Hythe-Sellindge-Ashford) Monday to Saturday service and the less frequent 18a (Hythe-Canterbury) service.
- 8.64 The application has been supported by a detailed Transport Assessment and additional Transport Technical Note, which consider the traffic and

transportation implications and present capacity testing of highway junction models in close vicinity of the site and whether they have sufficient capacity with the additional development traffic flows. Highway mitigation measures are subsequently recommended to address the increase in traffic associated with the application site and other relevant committed development sites. The committed Taylor Wimpey development within the centre of the village Y14/0873/SH would deliver street improvements to achieve a better balance between pedestrians/cyclists and motor vehicle traffic, which dominate the public realm to the detriment of the amenity of its village and occupants. The works comprise of:

- Introducing a reduction from 40mph to 30mph speed limit within the defined area (A20 improvement scheme is as shown on drawing 2013/1673/009 Rev B dated November 2014 prepared by RGP with the consented scheme at 'Land Adjacent The Surgery Main Road Sellindge' under reference Y14/0873/SH. The scheme extends from a point south of 'Meadow Grove', eastern extent, to a point immediately east of the access that serves 'Grove House', western extent).
- Provision of gateway treatments at the western and eastern ends of the scheme.
- Narrowing of the carriageway to 6.1 metres from between 7.3 metres – 9 metres.
- Introduction of 3 metre wide shared footway/cycleway on north side of the A20.
- Introduction of 2 metre wide footway on south side of the A20.
- On street parking laybys.
- Zebra crossing outside of primary school.
- Zebra crossing outside local centre.
- 3 T-Junctions to access the proposed residential land to the south of the A20.
- Improved bus stop provision.

8.65 The Transport Assessment sets out how the proposed development would build on these measures and recommends additional measures that would be necessary to accommodate additional traffic and pedestrian flows. The proposed main access junction to the site would be designed as a priority junction with a right turn bay on the A20 with relocated bus stop location (from that to be delivered by the Taylor Wimpey development) and separate emergency access. The junction visibility is based on a 30mph speed on the basis that the traffic calming scheme is implemented within the village through the Taylor Wimpey development. As such, the general thrust of the submitted Transport Assessment would indicate that the proposed development, if granted permission, could only be implemented after the Taylor Wimpey development is built out and highway mitigation measures completed. The Taylor Wimpey development seeks to gain Vacant Possession of the land adjacent to Sellindge Primary School imminently and once this takes place Taylor Wimpey hope to start works on the highway improvements in December 2018.

8.66 With regard to trip generation and traffic flow, the Assessment takes the following committed development into consideration:

- Y14/0873/SH – Taylor Wimpey development to the south of the A20 within Sellindge village to provide 250 dwellings, village green, and mixed use centre.
- Y06/0552/SH – 52,000sqm of employment floor space on Otterpool Lane, Lympne.
- Y06/1079/SH – Ward Homes site at Nickolls Quarry Hythe for 15,000sqm employment floor space, 1050 dwellings and a local centre.
- Consideration has been given to Operation Stack site at Stanford, however, its impact is considered to be negligible on the basis that access would be provided via a new slip road from the M20.

8.67 Junction capacity testing has been undertaken to assess the impact of the additional traffic flows on the function of the following junctions:

- Site access/A20 Main Road
- Swan Road/A20
- A20/A261 Hythe Road/Stone Street
- Otterpool Lane/A20
- M20 junction 11

8.68 The modelling shows that the Swan Road/A20 junction would operate within sufficient capacity. The A20 Stone Street junction would operate within capacity on all arms in both peak periods. The site access junction with the A20 would have sufficient capacity to accommodate the traffic from the proposed development. The Otterpool Lane/A20 junction would also operate within sufficient capacity to accommodate future growth and the proposed development. The A20/Stone Street/M20 junction 11 would also have sufficient capacity to accommodate future growth and the proposed development. However, the A20/A261 Newingreen junction would not have sufficient capacity to accommodate future growth with or without the proposed development and mitigation is required.

8.69 The mitigation originally proposed was to provide a priority layout for Hythe Road/A20 to a traffic signalised junction and includes the priority junction of Stone Street/A20 and the interaction between them both. This would provide sufficient capacity for identified future growth and committed development in the area plus the proposed development. However, a representation has been made from a local steel manufacturing business which confirms that they use 50m to 60m long trucks which travel through the A20/A261 Newingreen Junction from their depot at the Lympne Industrial Estate and would not be able to negotiate the signalised mitigated junction. In response to this issue, the applicants have submitted a Technical Note to consider localised mitigation of the A261 Hythe Road/A20 Ashford Road Newingreen junction using a nil detriment approach by comparing the future base case model with the development flows included. Adjustments to the flare length on the exiting arm of the junction are now proposed incorporating alterations to the southern kerb of the A261 Hythe Road with available road space for large cars to queue two abreast for a queue length 23m. The proposed changes to the existing kerb would be within the extent of the adopted highway. The junction capacity analysis concludes that the junction would operate within capacity for the “with

development” scenario in the PM peak for the existing layout and for the amended mitigated layout.

8.70 KCC Highways have been consulted and raise no objection to the proposed mitigation solution, proposed site access layout and highway alterations to the A20 in the vicinity of the site and have all been supported by revised plans and necessary safety audit information. However, the revised layout of the A20, materials palette and acceptance of visibility splays for a 30mph speed limit are all dependant on the Taylor Wimpey site carrying out their conditioned highway alterations to the A20. The supporting information states that if the Taylor Wimpey site has not carried out their obligation in regards to the A20 highway improvements, then these items will be taken forward by this proposal. These highway improvements would be secured by condition by referencing the drawings of the A20 improvement (prepared as part of the Taylor Wimpey scheme) within a worded condition to be agreed by KCC Highways. A second condition that deals specifically with the formation of the site access arrangement for this application which explicitly states that the site access cannot be formed until such time that the A20 improvement scheme has been implemented to the satisfaction of the local highway authority would also be applied. If the Taylor Wimpey development came forward and implement the A20 highway improvements before this development, as expected then these conditions would act as a failsafe to ensure suitable access can be provided to the site.

8.71 Turning to public transport, the Transport Assessment does capture the point that the pair of bus stops that are currently to the frontage of the Co-op store are to be moved further south, thereby benefitting future occupiers of the application site whilst the approved permission for Y14/0873/SH includes the funding of further bus services.

8.72 On a minor technical issue raised by KCC Highways in relation to traffic generation figures from the application site regarding concerns that the TRICS data used are different in scale from the proposals and thus are not appropriate comparisons to draw from. This matter has not been addressed by the applicants. However, KCC Highways have advised that a more appropriately sized selection of sites could well reduce the trip rate associated with the proposed development rather than increase it, thus is not a significant matter of concern.

### **Neighbouring Amenity**

8.73 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents.

8.74 Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 8.75 The residential properties most affected by the proposed development would be those to the east side of Swan Lane, Whitehall Way, Lourdes Manor Close and Homelands Close.
- 8.76 The impact upon surrounding residential amenity will be very limited due to the separation distance of the built up area of the site from the nearest residential properties and the presence of mature trees and vegetation surrounding the site. Whilst a number of objections have been received with regards to the impact upon residential properties within Otham and Langley, due to the distance between this site and the village, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.
- 8.77 The applicants have undertaken an Air Quality Assessment to assess both constructional and operational impacts of the proposed development. In terms of the construction phase, the Assessment concludes that prior to the implementation of appropriate, mitigation measures such as dust suppression set out within a Dust Management Plan and that the risk of impacts from the construction phase has been assessed as 'negligible'.
- 8.78 With regard to the effects of the proposed development from traffic associated with the development, ADMS Roads dispersion modelling has been carried out to assess the suitability of the site for residential development considering local air quality and levels of nitrogen dioxide concentrations and particulate matter, mainly as a direct result of the impact of additional vehicle movements primarily on the A20 and M20 roads. The assessment concludes that the significance of nitrogen dioxide exposure and particulate matter exposure would be well below the relevant objectives across the site. Future occupants of the site would not be exposed to pollutant concentrations above the relevant objective limits, therefore the impact of the proposed development with regard to new exposure to air quality is considered to be negligible.
- 8.79 Traffic generated by the operational development would result in a negligible impact on both NO<sub>2</sub> and PM<sub>10</sub> levels with concentrations remaining at less than 75% of the objective limits at all selected receptors.
- 8.80 The impact of the development could be further mitigated by planning conditions/s106 to reduce the reliance on car use, promote alternative modes of transport and provision of pedestrian paths into surrounding sites and routes. As such a Travel Plan should be secured via s106 for the development.
- 8.81 With regards the noise impact, the proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of an appropriate glazing and ventilation strategy as set out in the submitted noise assessment.

8.82 Environmental Health have been consulted and raise no objection to the conclusions of the assessments. As such, subject to conditions, it is considered that the proposed development is not likely to result in an unacceptable impact on existing or future residents in respect of additional noise, or air quality.

### **Ecology & Arboriculture**

8.83 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising the impacts on biodiversity where possible and Policy C011 of the Shepway District Local Plan Review states that planning permission will not be granted for development if it is likely to endanger protected species or cause the loss of, or damage to, habitats and landscape features of importance for nature conservation, unless;

- i. there is a need for development which outweighs these nature conservation considerations and
- ii. measures will be taken to minimise impacts and fully compensate for remaining adverse affects.

8.84 The habitat on site is predominantly arable farm land which provides limited ecological benefits, however there are features of ecological interest, especially around the periphery of the site. The submitted ecological report outlines that a single species rich hedgerow (H1) and a block of woodland (W2) will be lost through the development, and therefore, compensatory planting will be provided. The revised masterplan shows that hedgerow (H1) will now be retained and the majority of habitats of interest will be retained through the development and protected during construction.

8.85 Bat activity surveys have been carried out with low levels of bat activity recorded. The report states that the development will not negatively impact any foraging or commuting areas for the on-site bats. Survey work has been undertaken on the trees present on site with bat potential and these trees have been subjected to detailed inspection work and downgraded to low bat potential appropriately. One tree has been subjected to a bat emergence survey, with no bats found. Mitigation measures are proposed to include updated surveys if more than 12 months pass since after first inspection, soft felling of trees and ecological watching briefs. With regard the impact of lighting on foraging and commuting, the submitted ecological report outlines the retention of dark corridors within the site, and if implemented, will provide exceptional ecological benefits.

8.86 The KCC Ecology officer considers that these measures should be secured via conditions along with the recommended measures for subsequent species and a lighting strategy adhering to the Bat Conservation Trust's Bats and Lighting in the UK.

8.87 Reptile surveys have been undertaken with low levels of common lizards and slow worms being recorded. As these populations are small and restricted to mainly retained habitats around the periphery of the site, precautionary



mitigation measures have been provided to include a habitat manipulation exercise involving a staged clearance of vegetation within areas of potential reptile habitat during suitable weather conditions under ecological supervision followed by a supervised destructive search to remove remaining area of habitat. Any reptiles encountered during these works would be moved to suitable areas of reptile habitat within the surrounds of watercourse WC1 and the methodology set out within a detailed method statement produced prior to works commencing and secured by condition. KCC Ecology consider that the recommended mitigation measures are appropriate to ensure that there will be no detrimental impact to these species.

- 8.88 The applicants have submitted a badger survey report which has found that the site accommodates 4 badger setts within and bounding the site. Sett S1, located within the far east of the site, was recorded to consist of 9 entrances in total during the April 2015 survey, of which 6 were considered to be active and considered to be of high importance and unaffected by the development. Sett S2, located to the south-west of sett S1 along the southern boundary of the site, was recorded to support 5 entrances during the April 2015 survey and considered to be of low importance and unaffected by the development. Sett S3, located along hedgerow H2 (section E), was recorded to support a single entrance of a size and shape typical of use by Badger during the April 2015 but not during the July 2016 survey where this section of hedgerow was covered in dense nettle growth and is considered to be of low importance and affected by the development. Sett S4, located mid-way along hedgerow H4, was not recorded to be present during the initial survey work in April 2015, but was identified during site work in June 2016. This sett was recorded to support 4 entrances, all of which were recorded to be clear of debris and supporting fresh spoil heaps and considered to be medium to high importance and affected by the development.
- 8.89 The submission of a revised masterplan includes retention of hedges H2 and H4 where setts S3 and S4 are situated. However, the applicants ecologists have responded to confirm that the impact of the proposed development on these setts will not change and thus the following proposed mitigation is unchanged:
- 8.90 Sett 3: Works within the vicinity of sett S3 are carried out under a disturbance licence from Natural England, with implementation of safeguarding measures as detailed below. Should works be required within the 20m buffer zone, consideration will be given to the need for closure of the sett prior to the commencement of works. A full accompanying mitigation strategy, method statement and survey report to accompany a licence application to include the clear marking out and protection of a 20m 'Badger Exclusion Zone' around the sett, with works within the near surrounds to be carried out under an ecological watching brief.
- 8.91 Sett 4: Require full closure prior to the start of works to permanently exclude Badgers from the sett through obtaining a licence from Natural England. As with the disturbance of sett S3 above, a full accompanying mitigation strategy, method statement and survey report to involve the installation of ground proofing / fencing and one-way gates on the sett entrances, and monitoring

for a minimum period of 21 days to ensure Badgers have been excluded from the sett followed by digging out or infilling the tunnels.

- 8.92 KCC Ecological Advice Service has been consulted on the strategy and has responded to confirm that measures to retain Sett 3 and provide a 20m exclusion zone is acceptable. However, it is not clear if the mitigation strategy for the removal of Sett 4 involves any compensatory measures to provide an artificial sett and if this is achievable. If it is a main sett then compensatory measures would be required. As such, it is considered that it is not possible to fully assess the impact the proposed development would have on badgers.
- 8.93 The application involves the removal of a number of trees and hedge line to facilitate the main access entrance junction to the site, and removal of trees within the site to facilitate development. The application would be conditioned to ensure that trees and planting were replaced on either side of the entrance into the site. The revised landscape masterplan shows that the historic hedgelines within the centre of the site would be retained together with many of the trees which spread along their lengths.
- 8.94 A Tree Preservation Order (no.5 1989) designation exists on an off-site group of trees within influence of the north western boundary. A recent TPO designation (no.16, 2016) is to protect trees to the area site entrance and six other groups to the north and west of the site. Thus the revised layout would predominantly retain most of that set out within the TPO except for the removal of several trees to facilitate the main site entrance from the A20 and a small group of trees to the north of the site. Compensatory measures are proposed with the provision of significant tree and native species planting throughout the site and the creation of green fingers within the proposed built up areas. The Council's arboricultural officer has been consulted on the revised layout and raises no objection to the proposed development subject to conditions.

### **Enhancements**

- 8.95 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The development includes the creation of a dedicated wildlife nature reserve which has the potential to provide exceptional benefits for biodiversity. This nature reserve includes the creation of large amounts of woodland, grassland and species specific enhancements.
- 8.96 Other enhancements include the creation of green corridors and other open space shown on the landscape strategy plans are proposed creating habitat linkage within and around the site, management of the watercourse vegetation to maximise its ecological potential, new hedgerow, tree and shrub planting with native species, enhancement of attenuation basins providing opportunities for a range of wildlife, amphibians and aquatic invertebrates allowing the development of a complex invertebrate community to form a food source for birds and bats, the retention of dead wood on-site for hibernating reptiles would be supplemented by the creation of log piles made up of logs

and bat roosting features and bird nesting boxes would be incorporated into the proposed development.

- 8.97 It is considered that there is a need to ensure that these enhancement measures will be managed appropriately to benefit biodiversity and the creation of any SUDS scheme has potential to provide ecological benefits as well as drainage benefits and their design should have full consultation with an appropriately qualified ecologist, secured as a condition requiring the submission of a Landscape and Ecological Management Plan.
- 8.98 In conclusion, KCC Ecology considers that the submitted ecological information to support this outline application is sufficient subject to conditions and no further information is required in order to determine the application.

### **Flooding/Drainage/Contamination**

- 8.99 Policy SS3 of the Shepway Core Strategy Local Plan states development located within zones identified by the Environment Agency as being at risk from flooding, or at risk of wave over-topping in immediate proximity to the coastline, site-specific evidence will be required in the form of a detailed flood risk assessment to demonstrate that the proposal is safe and meets with the sequential approach within the character area of Shepway and (if required) exception tests set out in national policy. It will utilise the Shepway Strategic Flood Risk Assessment (SFRA) and provide further information.
- 8.100 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
- 8.101 The application site is located within Flood Zone 1 and thus is therefore at little to no risk of fluvial flooding and there are no historic records of flooding within the watercourses to the east of the site according to the EA flood mapping. There is no requirement therefore for sequential and exception tests.
- 8.102 With regard to surface water flooding, this mainly occurs along the water courses to the south eastern corner of the site but where no housing is proposed. The risk of surface water flooding at the site is, therefore, assessed as low. The surface water strategy (SUDS) for the outline proposals is set out within the Flood Risk Assessment and can be controlled via condition. This includes the use of porous paving, open attenuation and wetland areas and deep soakaways to recharge the secondary aquifer.

- 8.103 The site is located outside of a groundwater protection zone but is underlain by a secondary aquifer within the bedrock deposits. With regard to groundwater vulnerability, the site is underlain by 2 aquifers (major and minor) where the soil has high leaching potential. Groundwater was encountered in the form of small seepages in 5 of the 7 trial pits and is not therefore considered to be a problem. No historical groundwater flooding incidents have been recorded at the site, thus it is considered that the risk of groundwater flooding is not significant.
- 8.104 The foul drainage strategy is to connect to the existing local public sewers with improvement works if required to be funded by the applicant or Southern Water. Provision is made within the viability report for upgrade works to the sewerage network.
- 8.105 The Environment Agency have been consulted and raise no objection to the outline proposal subject to conditions. In addition KCC Lead Local Flood Authority raise no objection subject to conditions but raise advisory informatives in relation to submission of a detailed SUDS strategy at reserved matters stage.
- 8.106 The Council's contamination consultants have been consulted on the revised phase 1 land contamination assessment and consider the report addresses concerns relating to an historic pollution incident included in the revised site conceptual model and is highlighted for further assessment and the findings of the report are accepted and would fulfil the requirements of the first part (desk study & conceptual site model) of Shepway's standard land contamination planning condition.
- 8.107 It is considered that subject to appropriate conditions as requested by the Environment Agency and Southern Water, the proposed development meets with Policies SS3 of the Shepway Core Strategy Local Plan and the NPPF with regards to flood risk, surface and foul water drainage and contamination.

### **Archaeology/Heritage**

- 8.108 Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 8.109 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

8.110 Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

8.111 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

8.112 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Planning Practice Guidance (PPG) states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of development on such assets.

8.113 Policy BE5 of the Shepway District Local Plan Review states that applications will be refused for development which would adversely affect the setting or character of a listed building. The applicants have submitted a Heritage Statement to support the application and its potential impact on surrounding heritage assets.

8.114 There are no Conservation Areas within or close to Sellindge. Sellindge and the site is located just to the West of the Postling Vale which surrounds the area to the North and the Lymgne Escarpment is to the South of the motorway

and so the area of Sellindge is not covered by either the AONB or the Landscape Character Areas identified by 'Kent Downs'. Nevertheless, the area of the farmland to the East of Sellindge possesses an attractive landform and the arrangement of fields and field boundaries remains unchanged from the c19th (except where cut by the railway and M20 motorway). The form and arrangement of the fields on the hillside within the site would suggest a far more ancient arrangement of Manorial Fields dating back to the Middle Ages. This is not addressed in either the submitted Heritage or Archaeological Statements provided.

8.115 Although the Grade I church is ancient and there are a number of listed buildings scattered about the village, most of the surrounding development is modern post-war houses and bungalows. There are only a few listed buildings in the vicinity of the site. The closest of these is Little Rhodes (Grade II) and Rhodes House with their gardens immediately joining the site on the west side and with their buildings only about 50-70m from the site boundary. The Council's listed building consultant has been consulted and considers that the indicative layout is generally well thought out and includes significant areas of open space at the highest ground to the west behind the existing village development and on the east side where the nature reserve is proposed. As the layout is indicative, it is considered that this basic plan layout is protected and which will help limit its impact on the surroundings.

8.116 With regard to archaeology, the submitted Heritage Statement fails to address the archaeological significance of the site and the historic landscape. The KCC Archaeological Officer has been consulted and considers that the historic landscape features are not utilised to inform the original submitted masterplan and does not provide any consideration of the extent to which its present appearance is a reflection of the past. The title map for Sellindge dating to 1842 shows the site and the field boundaries within it which form a clear and distinctive pattern with boundaries which correspond to the present day field boundaries. It was recommended therefore that further specialist assessment of the significance of the hedgerows be sought.

8.117 A revised indicative masterplan has been submitted showing the historic hedgerows and many trees subject now to a designated TPO to be retained and integrated into the proposed layout which serve to improve the proposed indicative layout and address the historic significance of the landscape. On balance, it is considered that the revised masterplan layout addresses the historic landscape features within the site where the Council's Conservation Consultant and the Council's Arboricultural Officer raise no objection to the proposed development.

8.118 As such, on balance it is considered that there are insufficient heritage grounds to justify refusal of this application on these grounds and the revised proposal would have no significant impact on the significance of surrounding Heritage assets and their setting and would thus amount to less than substantial harm.

8.119 Concerning potential buried archaeological remains, an Archaeological Desk Based Assessment has been submitted which considers the sites potential to

be mainly low to moderate. KCC Archaeology consider that the potential is significantly greater than that in particular to Prehistoric and Romano-British periods and that the site is potentially rich in archaeological remains including archaeology that may warrant preservation in situ. As such, it is recommended that if permission were to be granted for the proposed development, a condition would be necessary requiring completion of trial trenching prior to submission of detailed reserved matters in order that results can inform the detailed layout brought forward.

### **Open and Play Space**

8.120 The development proposes open space and play space on site and therefore addresses the requirements of policy LR9 and LR10 of the Local Plan. The management and maintenance of the open spaces and play spaces can be controlled and delivered by a S.106 agreement.

### **Contributions**

8.121 Any request for contributions needs to be scrutinised, in accordance with Regulation 123 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

### **Affordable Housing**

8.122 Policy CSD1 of the Shepway Core Strategy Local Plan states that development proposing 15 dwellings or more should provide 30% affordable dwellings on-site, subject to viability. As such, from the 162 dwellings proposed, the affordable housing units would equate to 49 units and the applicant has confirmed that the application will be policy compliant and deliver 30% affordable housing on site, meeting the requirements as set out by the Housing Strategy Manager and significantly contributing to meeting affordable housing need within the district.

### **Sport Provision**

8.123 The District Council's Infrastructure Officer has worked alongside the consultants that are preparing the Playing Pitch and Sports Facilities Strategy for the District to calculate the playing pitch demand associated with the growth in local population that will specifically arise from the development. The calculation, which is based on a standardised methodology applied by Sport England, generates a developer contribution of £34,536 (capital cost) and £5,175 annual lifecycle costs. The emerging Playing Pitch Strategy has included extensive site visits to rate the standard of current pitches and associated facilities. The pitches at Sellindge Sports and Social Club are rated as 'poor' quality and have no current spare capacity to accommodate

additional demand. On that basis the intention is for the S.106 contribution to be used to upgrade the pitch quality at the Sellindge Sports and Social Club ensuring the impact of the development is mitigated and local pitch quality is improved.

### **Education**

8.124 Kent County Council confirmed that the proposed development would generate an additional 37 primary school places amounting to a contribution of £528,000.00 for expansion of Sellindge Primary School and provision of additional land to extend the school.

8.125 Sellindge Primary School has 105 places and is currently operating at 110% capacity due to local demand and is the only primary school in the area serving the children across a predominantly rural area. Since the submission of this application, the applicants have addressed the impact of the proposed development on the school's capacity and have secured a separate piece of land to enable the school to be expanded either in the absence of the Taylor Wimpey development (Y14/0873/SH) being built out, or in addition to that site being developed. The applicants have secured a field to the north of Sellindge Primary School to ensure they could deliver the expansion of the primary school by up to 1 form of entry as required by KCC, who will require the transfer of serviced land to them in accordance with their standard requirements via the S.106 agreement. The field would allow for the playground and outdoor facilities to be moved northwards to allow for expansion of the school on the existing playground.

8.126 The expansion of Sellindge Primary School would be in accordance with Policy CSD9 of the Shepway District Council's Core Strategy which specifies that any major residential led development in Sellindge must include satisfactory arrangements for the timely delivery of necessary local community facilities including a primary school extension. Due to the complexities relating to phasing of the expansion of the school from planning permission Y14/0873/SH (which delivers land and funds to increase from 0.5FE to 1FE) there will need to be a clause within the s106 that ensures this development delivers the further expansion, beyond that identified. This can be achieved by clauses within the s106 agreement, whilst officers have been in regular dialogue with Taylor Wimpey over the phasing of the transfer of the school land (Belvedere Cottage) and the timing of the commencement of development that will ensure the school expansion already secured is delivered.

### **NHS Requirements**

8.127 NHS England have been consulted and have responded to confirm that the Sellindge NHS surgery, located within 1 mile of the application site, would require extension, refurbishment and/or upgrade in order to provide the required capacity.

8.128 The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an



assumed occupancy of 2.34 persons will be used which would result in a contribution of £136,800.00 plus support for legal costs in connection with securing the contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services. This cost specifically relates to the development and therefore should be delivered via s106, rather than CIL and will sit alongside funding for expansion that also has been collected via the s106 for Y14/0873/SH.

## **Environmental Impact Assessment Regulations 2017**

8.129 In accordance with the EIA Regulations the site falls within a sensitive area and within Schedule 2 10(b) urban development projects. A screening opinion has been carried out and it has been concluded that the development is not EIA development and as such an Environmental Statement is not required. A copy of the screening opinion is available on the planning file.

## **9.0 SUMMARY**

9.1 Having regard to all of the sections set out in detail above, it is considered that the proposed development constitutes a sustainable development, as defined by the NPPF and that on balance is acceptable and is recommended for approval.

9.2 Although the site is classed as being within the countryside and is therefore a departure from development plan policy, it is located directly adjacent to the settlement boundary of Sellindge adjacent to the M20 within a sustainable location with good transport links, within an identified area for planned growth in the future in Regulation 18 consultation draft of the Core Strategy Review. Additional housing in a sustainable location that delivers infrastructure needs and accords with the adopted settlement hierarchy, over and above the Council's 5 year housing supply is supported by the NPPF and as such, it is considered that on balance the addition of housing together with expanded and improved infrastructure for the village of Sellindge would deem this proposal to be acceptable.

9.3 With regard to infrastructure, Sellindge Primary School occupies a site which is insufficiently large to accommodate a 1FE school, thus prohibiting its expansion without an additional site being provided. Planning permission Y14/0873/SH secures land and funding to the County Council to facilitate the expansion of the school to 1FE, meeting the needs of allocated development. The applicant has addressed the impact of the proposed development on the school's future capacity and have acquired the additional land required to enable the school to be expanded further, so that together with the approved Taylor Wimpey development that is shortly to commence there is sufficient land and funding to accommodate the growth of the school to meet the needs of the development, to 1FE and beyond to 1.5FE as required. Without this obligation, the demand created by the proposed development could not be mitigated against. Therefore, it is considered that the proposed development would be in accordance with policies CSD9, SS3 and SS5 of the Shepway District Core Strategy and paragraph 17 of the NPPF in that the proposal would support a sustainable pattern of growth.

- 9.4 In terms of the Highway impact, the thrust of the submitted Transport Assessment indicates that the proposed development could only be implemented after the Taylor Wimpey development (Y14/0873/SH) highway works are built out. However, it is stated that the applicant is prepared to carry out the A20 highway improvement measures if required and a legal agreement will be sought together with details of phasing as to how this would be facilitated so as to ensure the development cannot be occupied until works to reduce the speed limit of the A20 through Sellindge to 30mph are in place. Ultimately the site access is reliant on a 30mph speed limit being in place to be safe and therefore without the changes to the highway that are to be delivered, and which are also required for the Taylor Wimpey development opposite, the site could not provide acceptable access.
- 9.5 The proposed development would have no significant impact on ecology where significant enhancements would be provided in the form of a nature reserve, native tree and hedge planting and a mitigation strategy for protected species. A Mitigation Strategy will be conditioned to ensure compensatory measures are put in place. As such, the proposal is considered to be in accordance with The Conservation of Habitat and Species Regulations 2010, Policy C011 of the Shepway District Local Plan Review and paragraph 109 of the National Planning Policy Framework.
- 9.6 In terms of the potential visual impact of the development on the landscape, it is considered that the proposed development would alter the wider setting of the countryside and AONB but would have a less than substantial impact on the natural and local environment and the intrinsic character and beauty of the AONB and open countryside and would not be readily perceived from within the AONB. Natural England and the Kent AONB unit have been consulted and raise no objection to the proposal subject to conditions and restrictions on height, scale, design and materials.
- 9.7 The conclusion on the heritage/archaeology impact is that although the wider historic setting will be altered, this may well have a less than substantial impact on the locality and certainly, due to the character of the garden plots to the two listed Buildings (Rhodes House and Little Rhodes), the impact on the listed buildings will also be less than substantial. The archaeological impact can be addressed via conditions.
- 9.8 With regard to drainage the proposed development would connect to the existing local public sewers with improvement works if required to be funded by the applicant or Southern Water. The Environment Agency have been consulted and raise no objection to the outline proposal subject to conditions and KCC Lead Local Flood Authority raise no objection on flood risk grounds subject to conditions but raise advisory informatives in relation to submission of a detailed SUDS strategy at reserved matters stage.

### **Local Finance Considerations**

- 9.5 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.

- 9.6 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first six years through the New Homes Bonus. The Government has consulted councils earlier in the year seeking to reform the New Homes Bonus to be paid over 4 years instead of 6 years, with a possible transition to 5 years. As such only a 4 year value for the New Homes Bonus would be calculated. New Homes Bonus payments are not considered to be a material consideration in the determination of this application.
- 9.7 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. The site is located in charging zone D and the CIL levy in the application area is charged at £136.75 per square metre for new dwellings. Thus, based on a gross internal floorspace calculation of approximately 11,000 sqm of residential floorspace taking affordable housing provision into consideration, this development would be liable for a CIL charge of £1,504,250.00, alongside direct mitigation to be delivered via s106.

## **Human Rights**

- 9.8 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.
- 9.9 This application is reported to Committee due to it being a departure from the development plan.

## **10.0 BACKGROUND DOCUMENTS**

- 10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

---

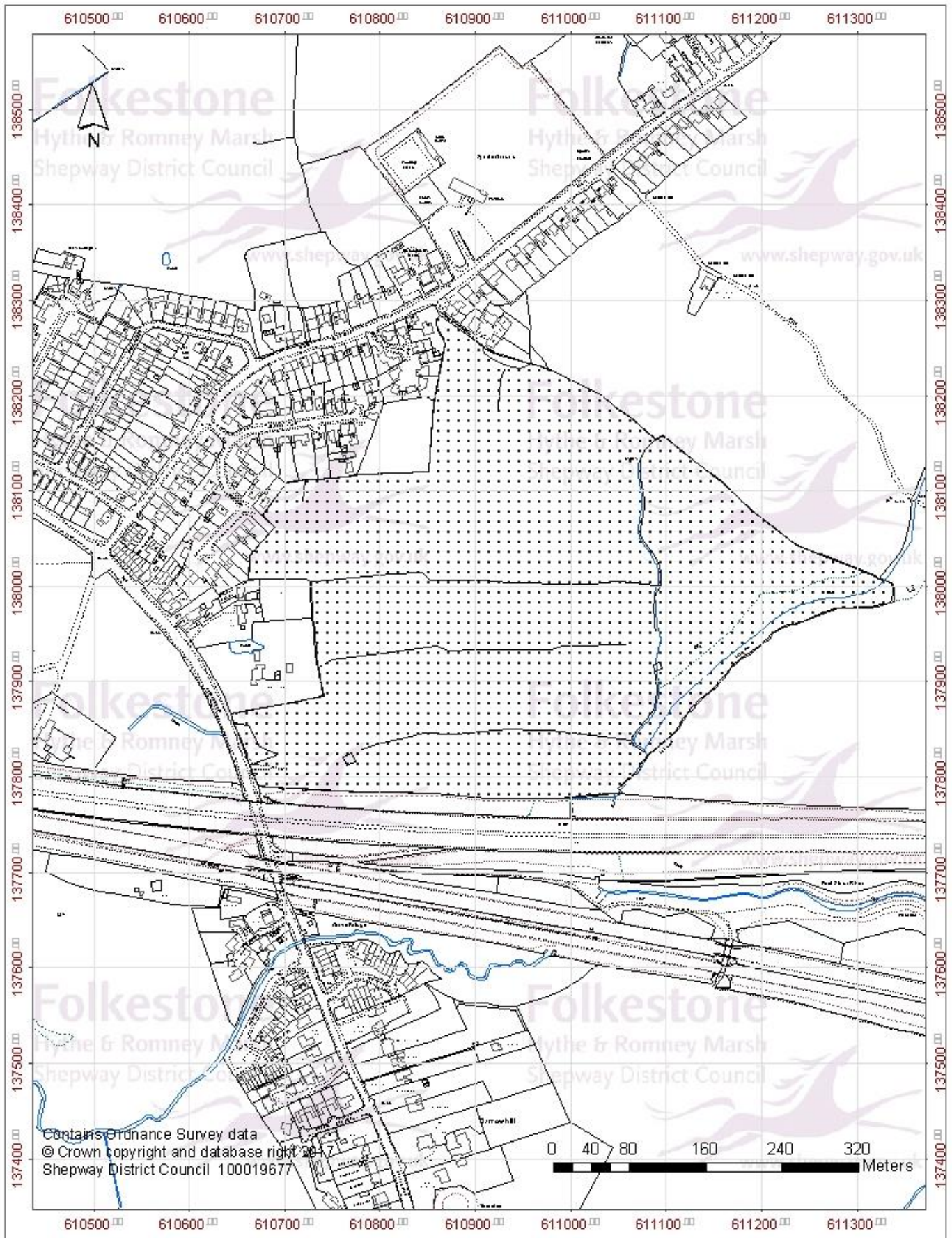
**RECOMMENDATION** – That the Head of Planning Services be authorised under delegated authority to grant outline planning permission, subject to:

- Completion of a section 106 legal agreement with the applicant that secures the infrastructure and financial contributions detailed within this report and which the Head of Planning Services considers to be acceptable;
- The conditions discussed in this report and any amendments and additional conditions the Head of Planning Services considers to be necessary following detailed discussions with the applicant.

---

Decision of Committee

Y16/1122/SH  
Land rear Rhodes House  
Main Road  
Sellindge



This page is intentionally left blank

## DCL/17/43

**Application No:** Y17/1099/SH

**Location of Site:** Former Rotunda Amusement Park, Marine Parade, Folkestone

**Development:** Section 73 application for removal of conditions 41 (Provision of Sea Sports Centre) and 42 (Provision of Beach Sports Centre) and for the variation of conditions 4 (Reserved Matters), 6 (Phasing), 7 (Reserved Matters Details), 15 (Public Realm), 16 (Play Space/ Amenity Facilities), 18 (Public Toilets), 21 (Wind Flow Mitigation), 23 (Heritage Assets), 25 (Bus Stop) and 37 (Wave Wall) of planning permission Y12/0897/SH (Outline planning application with all matters (access, scale, layout, appearance, landscaping) reserved for the redevelopment of the harbour and seafront to provide a comprehensive mixed use development comprising up to 1000 dwellings (C3), up to 10,000 square metres of commercial floorspace including A1, A3, A4, A5, B1, D1 and D2 uses as well as seasports and beach sports facilities. Improvements to the beaches, pedestrian and cycle routes and accessibility into, within and out of the seafront and harbour, together with associated parking, accompanied by an Environmental Statement) to enable changes to the plot shapes, footprints, maximum height, changes to parameter plans, levels, parking arrangements, and alterations to the Environmental Statement.

**Applicant:** Folkestone Harbour Limited Partnership

**Agent:** Mr Edward George Savills  
33 Margaret Street  
London  
W1G 0JD

**Date Valid:** 06.10.17

**Expiry Date:** 22.12.17

**PEA Date:**

**Date of Committee:** 3<sup>rd</sup> April 2018

**Officer Contact:** David Campbell

### **SUMMARY**

This report considers whether the amendments to the parameter plans, design and landscape guidelines, changes to conditions and other alterations set out in the description of the Section 73 application should be approved.

The application site is a strategic allocation within the Core Strategy as stated in policy SS6 and is needed by the Council to meet its 5 year supply of housing as required by the NPPF and as such would positively contribute to meeting the housing needs of the District. The proposal would provide new open spaces, improved parking facilities and connectivity, over and above the previous approval and includes highway mitigation for the increased traffic. The changes to the parameters including the alterations to the scale, form of the plots and heights have been considered and their impact on heritage assets such as the setting of the conservation area and listed buildings and the demolition of Harbour House, a non-designated heritage asset. The scheme has been assessed as having less than substantial harm as defined by paragraph 134 of the NPPF and as such the public benefits of the scheme such those mentioned above and the £3.5m contribution towards community projects such as the refurbishment of the Leas Lift, are considered to mitigate and outweigh the less than substantial harm caused.

This Section 73 application is considered an appropriate way of dealing with the changes, however much of the detail will be provided at reserved matters stage. Where officers have concerns with the current illustrative material this has been highlighted in the report, however as a set of parameters, it is considered that they provide a framework on which development on site could be carried out and deliver a high quality scheme on an important brownfield site in Folkestone.

No impacts have been identified at this stage that suggests that the scheme would have a significantly more harmful impact than the approved scheme based on the issues identified in this report such as flooding, drainage, ecology, contamination, neighbouring living conditions, highway, the England Coastal Path and through the completion of a legal agreement will provide sufficient mitigation to offset any other impacts of the development. An addendum to the Environmental Statement has been produced and external consultants have confirmed that this is acceptable for the purposes of the EIA 2017 regulations. It is therefore considered that the proposal complies with the polices of the NPPF and the development plan and therefore should be granted subject to the completion of a legal agreement and suitable conditions.

<p><b>RECOMMENDATION: That the section 73 application should be granted subject to delegation being given to the Head of Planning for the detailed wording and finalisation of suitable conditions and a deed of variation to the section 106 agreement to deliver the requirements set out in the report.</b></p>
--

## **1.0 THE PROPOSAL**

1.1 This application is a Section 73 Planning Application to Planning Permission Y12/0897/SH which was granted planning permission in 2015. The existing permitted outline permission included for site enabling works / demolition on site and the delivery of the following development:

‘Outline Planning Application with all matters (access, scale, layout, appearance, landscaping) reserved for the redevelopment of the harbour



and seafront to provide a comprehensive mixed use development comprising up to 1,000 dwellings (C3), up to 10,000m2 of commercial floorspace including A1, A3, A4, A5, B1, D1 and D2 uses as well as seaports and beach sports facilities. Improvements to beaches, pedestrian and cycle routes and accessibility into, within and out of the seafront and harbour, together with associated parking.'

- 1.2 A copy of the original officers report and minutes of the meeting can be seen here - <http://www.shepway.gov.uk/moderngov/ieListDocuments.aspx?CId=122&MIId=2678>

It should be noted that this report provides a description and consideration of the changes made, and the original report should be referred back to for all matters not under consideration as part of this section 73 application.

- 1.3 The previous approval also included the following in terms of infrastructure and Section 106 contributions (the triggers were all included in the legal agreement):

<b>Infrastructure</b>	<b>Amount or Provision</b>	<b>Phasing</b>
Sea sports centre (incl public toilets)	Provision	1
Beach Sports Centre	Provision	1
KCC developer contributions	Contribution of £3,253.27 per dwelling	TBC, at various trigger points – every 50 units for example
Cliff path provision and improvement	Minimum of £30k/direct provision	1 and 2
Natural England & Open Space	Contribution of £200 per unit	TBC
Play Space	Both -	Strategy TBC, delivery at each phase
Highway improvements – Tontine St	S106 contribution	TBC with KCC Highways
Highway improvements – J5	S106 contribution	TBC by KCC Highways
Bus infrastructure	On site provision	TBC
GP Premises & Nursery building (500m2)	On site provision	Phase 6/plot PH01
Harbour Arm open space & restoration of lighthouse	On site provision	TBC – prior to final phase
Inner Harbour Bridge green link	On site provision	TBC – prior to final phase
Heritage asset retention	On site provision	TBC – prior to final phase
Flood defences	On site provision throughout development	TBC – phasing schedule to be agreed
Lifetime homes	On site provision	20% of each phase or in accordance with phasing plan to be agreed by LPA
Improvements to Marine Parade	On site provision	TBC, likely phase by phase approach
Affordable Housing	On site provision	In accordance with phasing schedule

- 1.4 This application is a Section 73 application (Minor Material Amendment) for the removal of conditions 41 (Provision of Sea Sports Centre) and 42 (Provision of Beach Sports Centre) as these facilities will no longer be provided.
- 1.5 The remaining conditions which are the subject of this application are to be varied to accommodate changes to the design and phasing of the development. Condition 4 is proposed to be varied to refer to amended parameter plans / Masterplan Design Guidelines and Landscape Guidelines, condition 6 varied to refer to amended phasing plan and Landscape Guidelines and condition 7 varied to refer to amended Landscape Guidelines. Conditions 15, 16 and 21 are to be varied to refer to the amended phasing plan and new plot names, condition 18 is to be varied to amend plot names in relation to amended parameter plans and condition 23 is to be varied to refer to the amended parameter plan and phasing plan. Conditions 25 and 37 are to be varied to refer to appropriate phase and conditions 41 and 42 are to be removed as the sea and beach sports facilities are no longer proposed to be delivered by the development.
- 1.6 As with the approved planning permission the application seeks approval for parameter plans, masterplan design guidelines and landscape guidelines, with the two guideline documents providing guidance on the proposed development design, setting out the structure and vision and how this should be translated in to design within future reserved matters. These provide guidance at the plot by plot basis, as well as for character areas within the proposed development.
- 1.7 The most significant proposed changes to the parameter plans are in relation to the plot shapes and heights, with the changes to the plot shapes and names set out in Parameter Plan 1a. The parameter plans establish how big each individual plot is in terms of horizontal and vertical deviation, with parameter plans 7a and 8a providing details of minimum and maximum development. As with the approved development, the building deviations are given as a range so the precise height of each individual building will not be known until reserved matters stage, when applications will be made in accordance with the parameter plans and guideline documents.
- 1.8 The main difference between the consented parameter plans and the proposed parameter plans is the shape and height of the plots, with the current scheme seeking to achieve sea views for as many properties as possible to the south of Marine Parade and to achieve greater connectivity from North to South when moving through the site by providing for a number of crescent shaped plots along Marine Parade (plots B-E), whilst plot A incorporates an alternative car park use to the plot previously identified for sea sports and plot F-1 and F-2 provide for a greater amount of public realm due to the removal of beach sport facilities. The applicant has confirmed the most western plot L has been removed from the application plans. Plot H, fronting on to the inner harbour proposes a taller building, with a smaller footprint.

- 1.9 The parameter plans also include details for setting out the development (plot key and setting out, parameter plan 3a, existing and proposed site levels and areas of public realm (parameter plans 5a and 6a) and access (parameter plan 4a) which is identical to that approved.
- 1.10 As per the existing permission the application still seeks to provide up to 1000 dwellings and up to 10,000 sqm of commercial floorspace including A1, A3, A4, A5, B1, D1 and D2 uses. The applicants have stated in their supporting statement that the proposed changes to the plot shapes also allow for a greater open space to be created at the base of the Leas Lift to the west of the site, and a retained opening opposite Marine Crescent. They also explain that the proposed plot shapes also allow for greater areas of open space between the plots, using shingle areas within the development area to integrate the landscape of the established public beach with the proposed development, allowing for greater north to south connectivity within car free/low use, beachscape public realm.
- 1.11 The application also proposes replacing the sea and beach sports with a contribution of £3.5m to additional community benefits directly linked to the scheme and to be mutually agreed. This community benefits fund has been agreed as an amendment to the section 106 Agreement. Examples of such community benefits include funding towards the restoration of the Leas Lift, further enhancements to the Lower Leas Coastal Park, increased or improved provision at the sea sports centre on the Stade and enhanced play and exercise equipment in public spaces to be funded from this contribution. Opportunity is also available to fund improvements to cycle, walking and parking provision within or adjoining the site, whilst the NHS South Kent Coastal CCG have requested an off-site contribution towards Primary Health to mitigate the impact of the development, rather than an on-site space.
- 1.12 The table below sets out the height changes proposed to the plots – it should be noted that within each plot (as before) there is height variation from north to south and east to west and this is explored in more detail within the description of each plot.

Consented Plot No.	Consent Height (m) ASD	Proposed Plot No.	Proposed height (m) ASD
LL01	16-20.5 & 25-29.5	A	25-29.5
MP01	16-20.5	B (West)	25-28.5
MP01	12-16.5	B (East)	16.5-25
MP02/ MP03	12-16.5	C-1 (East & West)	16-20.5
PH03	12-16.5	F	16-20.5
PH02	16-20.5	H	31-35.5

- 1.13 The consented outline scheme, approved parameter plan 2 Rev B (Buildings Retained / Demolished) showed the retention of the Harbour Master's House to the east of the site adjacent to the station and included the demolition of the former historic station itself. The current application proposes to include the demolition of the Harbour Master's House, however now seeks to retain the Harbour Station as a core component of the public realm of the development, connecting through to the harbour arm and swing

bridge and viaduct to provide for a continuous north to south linear route providing for public realm, open space and commercial activity within designated and undesignated heritage assets.. Other buildings previously on site have been demolished following the outline planning consent have been removed from the amended parameter plan 2a.

1.14 The table below gives the maximum number of storey of each plot of the development as set out in the revised design guidelines and illustrative masterplan and how this compares to the approved scheme.

<b>Previous Plot Number</b>	<b>Maximum mandatory storeys</b>	<b>Current Plot Number</b>	<b>Maximum mandatory storeys</b>
LL01 & LL03	7 reducing to 5 & 2 reducing to 1	A	9 (including basement) and 2
MP01	6 reducing to 2 storeys	B	7 reducing to 3
MP02 & MP03	6 reducing to 2 storeys	C1	6 reducing to 3
DW02	2 storeys	C2	2 storeys
MP04	6 reducing to 2 storeys	D1	6 reducing to 3
DW03	2 storeys	D2	2 storeys
MP05	6 reducing to 2 storeys	E1	6 reducing to 3
DW04	2 storeys	E2	2 storeys
PH03, PH04 & PH09	6 reducing to 2 storeys	F1	6 reducing to 3
DW05	2 storeys	F2	2 storeys
PH01	12 storeys	G1	12 storeys
PH05	3 storeys	G2	4 storeys
PH02	6 storeys	H	8 storeys
PH06	3 storeys	I	4 storeys
PH07	Lift	J	Lift
PH08	2 storeys	K	2 storeys
LL02	2 storeys	L	Removed

1.15 The application is seeking approval for the following documents:

*Parameter Plans*

- Parameter Plan 1 – Rev: A Planning Application Boundary
- Parameter Plan 2 – Rev: A Buildings Retained/ Demolished
- Parameter Plan 3 – Rev: A Plot Key and Setting Out
- Parameter Plan 4 – Rev: A Site Access
- Parameter Plan 5 – Rev: A Public Realm
- Parameter Plan 6 – Rev: A Existing and Proposed Site Levels
- Parameter Plan 7 – Rev: A Minimum/ Maximum Development
- Parameter Plan 8 – Rev: A Ground Floor Horizontal Deviations

1.16 Parameter Plan 1 Rev A – Planning Application Boundary.

- 1.17 Parameter Plan 2 Rev A – Buildings Retained/Demolished. Parameter plan 2(b) identifies those structures to be retained and those to be demolished, as well as listed buildings within and adjoining the application site. Within the site the following buildings are stated as being retained: Harbour Master’s House, Signal Box, Customs House, Harbour Arm, partial retention of Platform Canopies and Screens, Lighthouse, Swing Bridge and viaduct (Harbour as a whole).
- 1.18 Parameter Plan 3 – Rev A – Plot key and Setting Out. Provides a plot key, setting out the numbering and extent of each building plot and its exact position (eastings and northing) using GPS.
- 1.19 Parameter Plan 4 Rev A – Site Access. This plan outlines the vehicle and pedestrian access for the planning application site. The routes are differentiated as existing and proposed.
- 1.20 Parameter Plan 5 Rev A – Public Realm. This plan identifies all areas of public realm, both within the applicant’s and other ownership.
- 1.21 Parameter Plan 6 Rev A – Existing and Proposed Site Levels. This plan identifies where levels in the site are to be altered, as recommended in the engineer’s flood risk assessment.
- 1.22 Parameter Plan 7 Rev A – Minimum/Maximum Development Plot Level. This plan defines the maximum and minimum deviation of each plot above Ordnance Datum Level. Each building or group of buildings shall be as tall as the minimum vertical deviation and no taller than the maximum vertical deviation indicated on these plans.
- 1.23 Parameter Plan 8 – Rev A – Ground Floor Horizontal Deviation. This plan defines the permitted maximum and minimum horizontal deviation for each development plot. Facades must be located on or within the space between the minimum and maximum horizontal deviations.

#### *Illustrative Plans*

- 1.24 The following plans have been submitted and are illustrative:
  - Illustrative Plan A – Rev: A Names and Places
  - Illustrative Plan B – Rev: A Transport
  - Illustrative Plan C – Rev: A Use Classes
  - Illustrative Plan D – Rev: A Land Ownership
  - Illustrative Plan E – Rev: A Indicative Phasing Plan
- 1.25 Illustrative Plan A – Rev: A Names and Places – Provides possible future names for the development plots.
- 1.26 Illustrative Plan B – Rev: A Transport – Provides details on the existing access routes and the proposed bus routes.

- 1.27 Illustrative Plan C – Rev: A Use Classes – Provides an indication of the proposed use classes for each block.
- 1.28 Illustrative Plan D – Rev: A Land Ownership – Provides details of land ownership across the site.
- 1.29 Illustrative Plan E – Rev A – Indicative Phasing Plan – Following discussions with the applicant it is agreed that the phasing plan should form a document seeking approval.

*Other Documents/ Supporting Information*

- 1.30 The Environmental Statement Addendum and Transport Statement Addendum have also been submitted with the application.
- 1.31 Other documents include the Masterplan Design Guidelines Rev: A, Parameter Plans and Illustrative Scheme Comparison, Folkestone Seafront Landscape Guidelines Rev: 2, Folkestone Seafront FS3 Supplementary Information and Planning Statement

*Masterplan Design Guidelines/ Landscape Design Guidelines*

- 1.32 The development masterplan, produced by ACME provides a an indicative example of what the applicant currently considers the most viable and appropriate interpretation of the requirements of the Parameter Plans and Design and Public Realm documents following consultation with the public, local authorities and other statutory agencies. Approval is not sought for the masterplan, nor illustrative elements set out within the design guideline documents, with the mandatory elements clearly defined. Whilst illustrative, much of the level of detail set out within the Design Guidelines and Public Realm Design guide for approval identifies how the extent of public realm, streetscape and the dwelling typologies and locations are agreed within the outline application, and therefore the illustrative masterplan provides an accurate representation of how the development could appear in its completed form, should Reserved Matters applications follow this approach. The Illustrative masterplan proposes a total of 784 units, as set out below. This amount of development is considered to be the most viable and appropriate to the site in current market conditions, a similar quantum to that shown in the previous illustrative masterplan produced for the site.
- 1.33 The Landscape Design Guidelines have also been updated to reflect the alterations to the parameter plans. It includes details of the open space, connectivity and landscape principles. There are also indicative proposals for planting and materials that should inform Reserved Matters applications.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:

- Inside settlement boundary
- Folkestone Leas and Bayle Conservation Area
- Town Centre and Seafront Redevelopment Site
- Area of open space value or potential
- Area of archaeological potential
- Area at risk of fluvial/ tidal flooding

### **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The application site boundary, as set out in the parameter plans comprises the area known as Folkestone Seafront, the former Rotunda and Folkestone Harbour an area of 23 Hectares, located at the southernmost point of the town centre, largely below the West Cliff and Leas and to the east of the Coastal Park. The site extends on to the beach to the south and includes the inner and outer harbours and the harbour arm.
- 3.2 The Folkestone Leas and Bayle Conservation Area surrounds the site to the north, east and west, with small areas of the site – to the south of Marine Terrace and surrounding the northern edge of the Harbour and Stade located within the Conservation Area. The Conservation Area Appraisal recognises that the Conservation Area includes different character areas. Within close proximity to the site the Conservation Area includes The Leas and grade II listed ‘zig zag’ path and pulhamite caves. Fronting the site to the northern side of Marine Parade are the listed properties of Marine Crescent and 4-7, 8-9 and 10-15 Marine Parade, all 4 storey stuccoed properties with basements and attics dating from the 1870’s. The Grade II\* listed Leas Water Lift, brake and weighting rooms, providing vertical transport between the site and the Leas above are located to the north of the application site towards its western extent and date from 1885. Whilst not within the Conservation Area the Harbour forms a considerable part of its setting, forming a close relationship with the mediaeval ‘old town’ core of the Bayle and Old High Street.
- 3.3 Sitting below the Leas Cliff, the site is generally flat in appearance, with levels ranging from 5.7 metres above sea level (Above Ordnance Datum (Newlyn) -AOD) along the southern extent of the existing concrete apron to 6.5 metres AOD along Marine Parade and surrounding the harbour. There are also a number of ‘spot levels’ higher than the surrounding area, including in front of the Leas Lift (8.5m AOD) and adjacent to the former Harbour Pilot Station (7.6m AOD), whilst the beach drops away to the south.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 The full planning history of the site is given in the committee report of the original outline application Y12/0897/SH. Given this application is an amendment to the outline, the planning history is not repeated here.

- 4.2 Application Y18/0232/SH for the demolition of a single storey building adjacent to Harbour Master's House was deemed to require prior approval for demolition. This was because it was deemed to be not urgently necessary in the interests of safety or health.

## 5.0 CONSULTATION RESPONSES

- 5.1 Consultation responses are available in full on the planning file on the Council's website:

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

Responses are summarised below.

### 5.2 Folkestone Town Council

Folkestone Town Council commented as follows and voting was carried out on individual issues as stated below. For reference the letters used below indicate the following: F – for the motion, Ag – against the motion and Ab – abstentions.

- 1) The Committee supported the original Folkestone Seafront scheme although with some worries which it thought would be resolved over time and wishes to see proposals provide an exciting replacement for the derelict ferry sheds, nightclub and fun-fair. (F:6, Ag:0, Ab:0).
- 2) The Committee are concerned with various technical matters, whilst deferring to the views of the experts involved. There are concerns with the impact on future sea levels and particular the low level parking and on road access. The Committee consider that the alterations to Tram Road as successful but not the alterations to Tontine Street. If the section 73 application leads to more bedrooms on the development, this may cause more traffic and parking issues. The Committee is also concerned about the provision of schools and surgery facilities for the new Harbour area. (F:6, Ag:0, Ab:0).
- 3) The Committee objects to the increase in the height of the blocks of flats as these seem to take the development too close to The Leas and The Bayle. There are concerns that the roofs of these flats will be ugly and contain unscreened equipment with the potential for throwing stones and rubbish from The Leas to the roofs.
- 4) The Committee likes the alteration from blocks to seafront crescents and the greater space around the Leas Lift and Marine Crescent area. It can appreciate that some of this is a trade off with greater height elsewhere, but is still opposed to the excessive height very near The Leas and next to the fountains. (F:6, Ag:0, Ab:0).
- 5) The Committee is disappointed about the 8% affordable housing and the lack of real social housing. The majority feels that the Harbour Arm is not pure planning gain to be offset. (F:5, Ag:1, Ab:0).
- 6) The Committee is very disappointed about the Section 73 proposals to demolish the 1850's Harbour Master's House but will defer to Historic England's judgement. (F:6, Ag:0, Ab:0).
- 7) The Committee considers that the proposals are significant enough to justify a general public meeting to answer any criticisms and clarify the



difference between the two schemes. Consideration should be given for a separate video room for public use. (F:6, Ag:0, Ab:0).

- 8) The Committee is concerned about the impact of the building works and the plans to minimise disturbance to the public. (F:6, Ag:0, Ab:0).

### 5.3 The National Planning Casework Unit

Have no comments to make on the Environmental Statement.

### 5.4 Environment Agency (EA)

The EA raised concerns with the original submission on the grounds that the proposed basement car parking would be below the maximum predicted flood level for the site. The EA have subsequently withdrawn their objection on the basis of the new information provided in January 2018. They have noted section 4 of the Environmental Statement Addendum states that the previously submitted Flood Risk Assessment and Drainage Strategy has been amended to remove reference to the previously recommended self-activating flood-barriers. They have also commented that the revised statement recommends that the threshold to the parking area is retained at 6.5maODN unless subsequently agreed in writing. They explain that a lower threshold should be avoided and that they would only consider an alternative if it can be adequately demonstrated that this could not be achieved.

### 5.5 Southern Water

Comments provided for the 2012 application remain unchanged.

### 5.6 Historic England

Historic England has previously engaged in proposals to redevelop Folkestone Harbour and Seafront in response to planning application ref: Y12/0897/SH. The biggest change to the approved scheme is a move away from the formality of the previous layout, towards a more informal sinuous arrangement of blocks along the seafront. They note that this approach contrasts the more formal character of the Old Town in Folkestone which is characterised by a network of streets laid out in a grid pattern. However, they have no objections given the proposed character references the crescents of some historic seafront development such as Marine and Clifton Crescents.

Historic England think there are areas of the new scheme which would be more harmful to the significance of designated heritage assets including the grade II listed Marine Crescent, a terrace of c1870 designed to capitalise on sea views. While it is acknowledged those views were reduced by the approved scheme, they would not wish to see them reduced further by this proposal. They note that the latest scheme includes some development in the centre of block C1, whereas the previous scheme proposed a complete gap between blocks MP02 and MP03. While they note the additional development here will be no more than 4m, i.e. a single storey structure, this nevertheless has the potential to impede views out from the crescent to a greater extent than the permitted scheme and we maintain some concerns for this reason. (Since Historic England issued their comments, the applicants have confirmed that the 4m single storey sloped structure will now be no higher than 2.5m.

They therefore think the Council must satisfy itself that any additional harm here is justified as per the terms of the NPPF, Paragraph 132. They also note that the gap between taller blocks on either side could be marginally narrower than was consented and suggest the Council check whether this is the case. If it is so, then we think the applicant must demonstrate why a wider gap between flanking blocks cannot be retained in this instance.

They also draw the Council's attention to changes close to the grade II\* listed Leas Lift. This building, which transported visitors and locals between the seafront and the Lees, derives some significance from the way it was designed to take advantage of sea views which became in essence a pleasure activity associated with its primary functional role as a lift. Diminishing an experience of the sea in views out from the lift thus causes some harm to the significance it derives from its sea facing location.

They note this scheme proposes higher blocks flanking the lift (up to 8-9 storeys), whereas the previous scheme proposed lower blocks to the lifts immediate south. Nevertheless, they acknowledge that the greater separation between the high blocks will allow for wider views of the lift and out from it. They think this is something that we can be content with provided that the higher blocks do not rise above the top of the cliff. They suggest the Council must satisfy itself that this is the case and that any lift overrun for the higher blocks will also not be visible above the cliff top.

At the site's eastern end the major change proposed is around the railway station. They are very pleased that the station itself will be retained, refurbished and made assessable to the public and will be located between blocks F1 and G1. They think the retention of undesignated heritage assets is a welcome move which assists in delivering a development which reinforces and reveals aspect of local distinctiveness as advocated by Paragraph 131 of the NPPF.

However, that is not to say that there is no harm to non-designated heritage here and they acknowledge that the proposed demolition of the Harbourmasters House would be regrettable. Nevertheless, they understand the reasons behind this decision, in that it could open views of the basin edge from the station and they are willing to be persuaded that its loss might be outweighed by retaining the station if the latter was demonstrably made part of a positive heritage strategy which seeks to sustain, enhance and celebrate retained structures from the historic station. We advise that the loss of the Harbourmasters House should be treated in the manner of Paragraph 135 of the NPPF.

Historic England has concerns regarding the application on heritage grounds and recommends that the Council considers whether harm arising from this proposal, which may be more harmful than the consented scheme, is minimised as per the terms of the NPPF Paragraph 129 and justified in line with the requirements of Paragraph 132. It will then be for the Council to weigh any remaining harm to designated heritage assets against the public (including heritage) benefits of this proposal in the manner of Paragraph 134 of the NPPF.

## 5.7 Stagecoach

The changes to Tontine Street to facilitate two way working for buses mean that the eastern end of the Harbour Area now served in both directions with four buses per hour between the town centre and the Old High Street and six buses per hour in the other direction. This level of service adequately satisfies the current level of demand from the Harbour Area.

If the scheme is built out, there may be a case for providing additional journeys, which would terminate in a loop working via Marine Parade, Marine Terrace and Harbour Street and utilise the existing bus stop currently unserved in Marine Parade. This would require additional funding until it becomes commercially viable. They do not expect to divert existing journeys as this would disadvantage existing users for little gain. The bus stop in Marine Parade would need to be upgraded to meet current accessibility standards.

A bus service linking the western end of the proposed development and the town centre would be circuitous and unlikely to attract sufficient patronage, even with the development fully built out to be commercially sustainable. The town centre would be more easily accessible by utilising the Leas Lift and therefore they support the views expressed by KCC in this respect.

## 5.8 South Kent Coastal CCG (Healthcare Provision)

South Kent Coastal CCG have confirmed that they would be keen to progress with an off-site contribution rather than the proposed 350 sqm facility as part of the development.

CCG are looking to develop a Folkestone solution which would see fewer, larger premises in the town as opposed to numerous small surgeries which are unsustainable. A facility of 350 sqm would not even allow us to relocate an existing surgery. The development will obviously have an impact on the local delivery of primary care, however we would no longer support a small facility as the solution. These are calculated using the following formula:

### Predicted Occupancy rates

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

For this particular application the example below gives a likely maximum contribution: 1000 dwellings (occupancy unknown) would mean  $1000 \times 2.8 \times \text{£}360 = \text{£}1,008,000$ .

NHS Kent and Medway therefore propose to seek a contribution of up to  $\text{£}1,008,000$  plus support for our legal costs in connection with securing this

contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

#### 5.9 Natural England

Natural England requested additional information with regards to the impact on the England Coastal Path and were not in a position to support the application. However, Natural England have now reviewed the additional documentation. They have advised the Council that the amended plans allow for the England Coast Path (ECP) to be aligned predominantly along the boardwalk that runs on the seaward side of the development on the shingle beach. They advise that, subject to the ability to vary the ECP so that it substantively aligns with the boardwalk as detailed in the Planning Statement Addendum, Natural England is satisfied with the proposals, and has no further comment to make.

#### 5.10 KCC Highways and Transportation

KCC have made the following comments:

- 1) Vehicle tracking for an 11.4m long refuse vehicles should be submitted to show that it can enter the service route and then exit back onto Marine Parade.
- 2) The accessibility of the site to the town centre is worse than when the Leas Lift was in operation as pedestrians now need to use the non DDA compliant steps from Marine Crescent/ Lower Leas Coastal Park or the Road of Remembrance. This acts as a barrier for future residences and visitors accessing the site. Folkestone Central Railway Station is now outside a 15 minute walk to the site. Funding for the Leas Lift should be provided for five years. The previous application proposed off site footpaths improvements to improve connectivity to areas to the west and north of the site. These paths are not DDA compliant to a 1 in 20 gradient and as such the contribution to the Leas Lift is required.
- 3) Buses should be re-routed to serve the site via Folkestone Promenade, Marine Parade and then Marine Terrace.
- 4) KCC wish to see the junction 5 improvement constructed by the applicant and the Local Highway Authority do not have the resources. This should be constructed prior to the occupation of 100 dwellings on the site as set out in the correspondence for the 2012 application.
- 5) All other Section 106 requirements remain the same as previously agreed in the 2012 application.

#### 5.11 KCC Archaeology

No objection subject to watching brief condition.

#### 5.12 KCC Contributions

All contributions agreed in the 2012 application should be carried forward to this application. The sums of money however should be linked back to the original indexation agreed in the previous Section 106 agreement.

#### 5.13 KCC Ecology

No comments as the application does not change anything that relates to ecology from the approved scheme.

#### 5.14 KCC Public Rights of Way (PROW)

PROW would like to highlight the England Coast Path which passes directly through the site which a new National Trail is a walking route being developed by Natural England. The path is not recorded on the PROW Definitive Map but the trail gives the public a right of access around the English coastline. The section in Folkestone was officially opened in July 2016 and is now managed by the KCC PROW Access Service in partnership with Natural England.

With reference to the movement diagram, pedestrian movement would have a significant impact on the coast path as the new dwellings would obstruct sections of it. To address this, the applicant has proposed a new route for the England Coastal Path, which passes along the beach boardwalk and connects with the Harbour Approach Road. This is welcome but the applicants would need to engage with Natural England. KCC would want to be included in these discussions.

#### 5.15 KCC Sustainable Drainage

No comments to make as the section 73 application does not propose to vary the surface water drainage conditions. They would be happy to comment further when details for these conditions are submitted for approval.

#### 5.16 Arboricultural Manager

No objection subject however the final landscaping details will need to be formally submitted and approved at a later date following the submission of final layout plans when the specific species, size and maintenance can be discussed formally. Play provision will be dealt with in the Section 106 agreement so the proposals within the landscape document are appropriate for the areas detailed.

#### 5.17 Conservation Consultant

*(Please note the Conservation Consultant's comments are currently in draft form while officers address some factual inaccuracies. Councillors will be updated on the supplementary sheets with any changes that arise).*

The current application now shows a level of detail that demonstrates the extent of the proposals in an architectural form rather than as a series of diagrammatic parameter heights and plans and, in addition, the combination of Accurate Visual Representations and architectural visualisations demonstrates, for the first time, the possible appearance of the scheme and its impact on the setting of Folkestone, the Harbour and the existing Heritage assets along the Marine Parade, these, in particular, including:

- The Leas Lift and Lower Lift Station
- Marine Crescent
- Terraces at no's 5-15 Marine Parade

These all within the Conservation Area and Grade II Listed

As well as the buildings clustered around the southern end of the Swing Bridge and the Marine Station

- The Customs House
- Signal Box
- Harbour House
- Marine Station

These outside the Conservation Area and unlisted but to be considered as Heritage Assets.

In addition, the AVR's demonstrate the impact of the development from viewpoints up on The Leas and from The Bayle in the Old Town Conservation Area.

I have also tried to classify these impacts to the Heritage Assets by the means included in the NPPF (as Substantial or Less than Substantial) and at the most general level, the development could be considered to have a Substantial Impact on the character of the lower town (Marine Parade) element of the Conservation Area and on the harbour itself (which is not Conservation Area). The impact on views of the town from the south (from the Harbour Arm and from the sea) will also be Substantial, but perhaps the views from the Leas and from the old town, at The Bayle could be considered to be Less than Substantial (although the view from The Bayle, in particular is very significant).

The increased level of visuals helps with the appreciation of the scheme in general and certainly some of the broader changes from the approved outline scheme could be considered as distinct improvements, these including:

- The change in the general principle of the development from a more urbanised scheme to a series of curved promontory blocks separated by shingle gardens.
- The change from a share surface roadway along the beach to a fully pedestrianised Boardwalk
- The increase in the gap between blocks A and B, Leas Lift Square (but see my reservations about this below)
- The change to a symmetrical plan – Block B
- The reduction in the gap between blocks E1 and F1 and the street here becoming a beach garden
- Reduction in plan area – Block H
- Increase in size of Station Square and its connectivity to the Harbour
- The new circulation route between Blocks F1 and G1 – connecting to the Harbour Arm
- The retention of the Marine Station and its conversion to a principal pedestrian circulation route

However, the AVR's, in particular, identify a number of significant concerns. Some of these were previously identified in November 2017 but the expanded presentation throws these into sharper focus.

These include:

- The gap between blocks A and B – wider than before but still not wide at Leas Lift Square and the non-alignment with the axis of the Leas Lift itself (Substantial)
- The size, height and prominence of Block A in wider views of the town and especially as experienced as one progresses along the Lower Sandgate Road/ Marine Parade and the seafront walks, in either direction, and also the way in which it rises up in front of the wooded Leas Slopes to almost merge with the buildings atop it in the Leas (Less than Substantial)
- The increased height of the end pavilions of Block B and their impact, particularly the eastern pavilion on Marine Crescent (Substantial)
- The increase in height along the Marine Parade frontage of Block C1 and the increase in height of its end pavilions, out of scale with Marine Crescent opposite.(Substantial)
- The manner in which Block C1 separates Marine Crescent from its sea views with the proposed gap at the centre raised up to first floor level insufficient to maintain a meaningful connection with the sea here (Less than Substantial)
- The height of Block H and its possible dominating impact on the scale of the inner harbour and in wider views of the town (Less than Substantial)
- The impact of the heights of Blocks F1 and G1, in particular intruding into the views out to sea from The Bayle (Less than Substantial)
- The demolition of Harbour House (Substantial)
- A general scepticism over the density and proposed character of the Beach houses (blocks C2 – F2)

#### 5.18 Environmental Health

Agree with the Contamination consultants and have no other comments to make.

#### 5.19 Merebrook (Contamination Consultants)

The submissions do not appear to impact the land contamination aspects of the scheme and there are no proposed changes to the contamination conditions. Land Contamination has been scoped out of the recent EIA submission and therefore they have no comments to make.

## 6.0 REPRESENTATIONS

6.1 Representation responses are available in full on the planning file on the Council's website:

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

Responses are summarised below:

6.2 237 letters/emails received objecting on the following grounds:

## Principle

- No objection to the development of the site.
- Objections remain despite the submission of additional information.
- Concerns about the stability of land to support the development.
- The amendments are too significant to be considered under a Section 73 application and fundamentally changed the plan.
- The current LPA team should be ashamed of what their predecessors allowed.
- Some of the visual representations are incorrect, incomplete and poorly scanned.
- Contrary to the Core Strategy, Local Plan, the Spatial Strategy for Folkestone Seafront and the Kent Design Guide.
- Ignores Folkestone's history.

## Proposed uses/ amount of development

- Removal of leisure facilities such as sea and beach sports centres.
- Acknowledgment that there is significant public realm investment, but this is not a substitute for lack of leisure facilities. These are needed to attract people to Folkestone.
- How can the leisure facilities be deemed unsustainable if the Roger de Hann Charitable trust is already running a successful one?
- Would destroy any traditional seaside trade and price many people out of the area's proposed facilities.
- No provision of a museum.
- Overdevelopment of the site
- 25% increase in number of bedrooms will have an impact on local facilities such as GP's, schools, water, parking and on local roads.
- Use classes have changed significantly.
- It is not clear what the use of plot LL will be.
- The developer does not have to construct all the homes, the precise number is unknown
- Pile driving could make crumbling cliffs worse. The nature of the sub soil is not ideal.
- Will fisherman and recreational users lose their moorings?
- The development will be used as second homes.
- Leisure and other tourism activity beyond walking eating and drinking should be provided to ensure the seafront contributes positively to Folkestone's economy.
- The three car parks could easily be used for large structures and would not spoil views from neighbouring properties.
- There are already too many vacant shop units in Folkestone.
- There are already enough cafes.
- The uses which have been lost are not replaced by the Creative Quarter which only appeals to a minority of people.
- Nightlife is virtually non-existent in the town
- The opportunity to provide all year round family entertainment has been ignored.
- The town was previously promised a cinema and bowling alley.
- The application lacks adult's fitness equipment and children's play space.



- Should have a military museum on the scheme.
- Getting rid of the amusements killed Folkestone, something needs to be built for young people.

#### Design, mass, height and bulk of the proposed buildings

- The proposed buildings have been significantly altered, including the removal of some and the addition of others.
- The buildings are out of scale and not in keeping with their surroundings.
- The plots have changed significantly in shape and height.
- Poor design.
- Site heights have been altered.
- The reduction in height of plot B is not significant.
- Would have a detrimental visual impact and appear as a concrete jungle.
- Comparisons with the Burstin are unhelpful as many believe this should not have been built.
- The maximum heights should include the lift overruns and anything else on the roof.
- Only a few metres from the top of the Leas.
- The designs are only indicative at this stage.
- Any cantilevers on Plot I would not be feasible because of the rocks and may need piling into the seabed.
- The Burstin should not be used as a precedent or justification for the heights of the buildings as this is already intrusive.
- The improved beach gardens and crescents do not compensate for harmful design.
- There is insufficient detail with the application.
- Would harm views of and compete with the iconic white cliffs. Would also spoil view to see and France.
- The current scheme is worse than the previous one and will ruin Folkestone, the coastline and the openness of the harbour.
- Folkestone's image as a fishing harbour will be lost.
- Wasted opportunity for a high quality development, particularly as the harbour is a great asset for the town.
- The development appears like a self-sufficient village.
- Architecture in the area will be ruined.
- The single gardens are a cheap cop-out.
- There is a strong local vernacular along Marine Parade, Marine Crescent, The Leas, The Bayle and The Stade.
- Comparisons to large cities have no bearing on Folkestone.
- The beach houses have no defensible space and open spaces appear to be left-over land.
- Has regard for disabled facilities been had for future residents?
- Most people dislike the design.
- No consideration has been given to the town's architecture or integration with the beach.
- Looks like Benidorm.
- The previous scheme by Fosters was rejected for being too tall.
- Why not take inspiration from the newer flats in Hythe and Imperial Hotel?

- Public gardens have been removed from the application.
- Views of the roofscape will be harmful.
- Should be a substantial planting scheme.
- Properties in The Bayle have lost gardens due to landslips.

#### Harm to residential living conditions

- Loss of a view.
- Loss of light.
- Overshadowing of neighbouring properties.
- Could cause damage to homes at the top of the cliff.
- The Council has the power to overrule public opinion. This is undemocratic.
- Increase in anti-social behaviour and vandalism.
- 20 years to build the scheme will make living in the area miserable.

#### Heritage issues

- The Harbour Master's House should be retained as a heritage asset.
- Will have a negative impact on the listed Marine Parade and Marine Crescent listed buildings.
- There will be worse views from the Grade II\* listed Leas Lift.
- The Conservation Area Appraisal identifies the view from The Leas as a key view which will be harmed.
- The Burstin is visible from the Bayle Conservation Area and this mistake should not be repeated.
- Retention of harbour station is positive but does not justify the demolition of Harbour Master's House. This is an important part of the history of the site.
- The Council should require the west end to be re-designed to ensure heritage assets are protected. Building surrounding the inner harbour are particularly damaging.
- Archaeology and monuments should be preserved.

#### Highways/ PROW

- Deviation from the England Coastal Path.
- Lack of parking.
- Insufficient visitor parking.
- Concerns of underground parking for residents.
- The proposed undercroft parking appears to ignore the advice of the EA and could be a risk to life.
- Insufficient information on how much parking there will be.
- The boardwalk is not a suitable replacement for the England Coastal Path as it keeps needed repair work, is often covered in shingle and may need to be closed during bad weather. It could also represent a hazard for disabled people particularly those in wheelchairs and sections are not suitable for cyclists.
- The viaduct does not make for a suitable replacement for the pavement if it is intended to be built on.
- KCC Highways and Stagecoach consider that the Leas Lift should be brought back into use.
- KCC Highways have commented on the lack of pedestrian access.
- Harmful impact on traffic flows.
- Increased pollution.

- Harm to public safety, cyclists and pedestrians.
- Existing residents may need parking permits in the future.
- Increase risk of traffic accidents.
- Insufficient public car parking.
- What about cycle parking and mobility parking.
- Provision for refuse collection, lorries and buses should be considered.

#### Affordable housing and contributions

- The suggestion that the application could fund the Leas Lift is surprising as it was understood that the applicant was going to do this anyway.
- It is acknowledged that the Roger De Haan Charitable Trust has paid for surveys on the Leas Lift to be done, they are not the applicants.
- 30% affordable housing target will not be achieved.
- The affordable housing provision only offers a subsidy of around 20% of the price. The units will not be affordable to first time buyers or families.
- There is no social housing on the development.
- People are being forced to live in Dover or Ashford as they are unable to afford Folkestone.
- The developers should keep to the same legal agreement where issues have not changed.
- The scheme has already received £5 million public money to prepare the site so public interest should be paramount.
- This will not help with the housing shortfall as there is no affordable and many will be holiday lets.
- A new school at Shorncliffe will be no use to future residents of the scheme.
- We have a housing waiting list which will not be addressed.
- A new application would trigger CIL payments and bring much funding.

#### Consultation

- Lack of public consultation/ presentation.
- Should be more dialogue with the community.
- The applicants have not responded to requests from member of the public.
- The proposal neglects the opinions of local people including those who currently enjoy the space and spoil the good work the coastal park and harbour arm have done.

#### Other issues

- Previous police concerns of increased crime.
- Regard should be had for the Folkestone Harbour Revision Order.
- The process has been flawed.
- Is the land stable enough to accommodate the development?
- Would lead to loss of tourism.
- No public toilets in the scheme.
- Similar mistakes have been allowed elsewhere around the world.
- The town centre should be redeveloped to deal with the increase in people.
- Will not help job creation.
- Increase in flooding and problems during high tide.
- Will lead to empty flats as too many units flood the market.

- The scheme is aimed at Londoners.
- Does the Council hate the town? Is the Council a puppet of the developer?
- Impact on the port has not been fully considered.
- The Marine Management Organisation should be involved.
- Storms have previously caused damage in the area.
- Only benefits profits for the developer and not the town.
- The development will have a negative impact on property prices.
- Harm to sea defences.
- The website has gone down during the consultation process.
- Expressions of support for much of the work the applicant has done in the town.
- Will lead to gentrification of the area.

6.3 6 letters of support can be summarised as follows:

- Injecting much needed revenue into the town.
- More homes are needed
- With new amenities including sea sports hopefully more people will be attracted into the town and much needed trade.
- More jobs for the economy.

#### 6.4 The Bayle Residents' Association

- Strongly object to the application and comment that the additional information has not addressed concerns.
- Do not accept that these are minor material amendments.
- The illustrative material exacerbate fears regarding the design, even if this will be determined later.
- Concerns raised over the building heights, claustrophobic and overpowering effect and reduced beachfront. Especially along Marine Parade.
- Only building heights from one part of The Bayle are shown.
- The high buildings will be visible from every direction detrimentally affecting views all around.
- Strong objections to the increase in the height of Plot H and strongly disagree that this balance the dominance of The Burstin.
- The Burstin is not a suitable reference point as it is out of scale with its surroundings. The application will make this worse.
- They do not accept that the two plots at the western end need widening or that it would sufficiently improve public space as this also involves the increase in height.
- The development is over-dense and would lead to loss of light and over-shadowing.
- Loss of openness. The previous buildings on site were much lower.
- The retention of the station and other public benefits do not outweigh the loss of the Harbour Master's house. Although it is not listed it should be retained even at the expense of open space and should not be a payoff for all the positive refurbishment that has already taken place.
- Noise and disturbance during construction works.
- Insufficient car parking

## 6.5 Go Folkestone

- Strongly supports the development of the seafront and feels the owner has the town's best interests at heart.
- The site a redundant buildings are useless in their current state.
- Could be good for Folkestone's economy, tourism and image.
- Members worry that the proposed shops will have an impact on the town centre.
- Geology and water issues could make this an expensive build and therefore has to be fairly dense.
- Outline permission has already been given.
- The changes are extensive enough to warrant public comment.
- Historic England only reluctantly accepts the loss of the Harbour Master's House which will be missed but difficult to keep. Some members believed it would make a good pub or restaurant.
- The heights of the blocks have been re-jigged and were originally much lower nearer the cliff and Marine Crescent. They will be 10m away from the cliff but 3m below. Two stories appear to have been added.
- Go Folkestone backs Historic England's concern with the heights of the building particularly Plot A near the Leas Lift.
- The sea sports centre was trialled but was not a success. An urban sports centre is already being built.
- Supports Historic England and any amendment backs provides a better relationship between the frontage and the elevations of Marine Crescent.
- A multi-storey car park may be a better solution to accommodate all the parking.
- Appears to be better than the approved scheme from the 2000's.
- No one has the right to a view and blocks of flats are inevitably going to block some views.
- The Leas is a tourist and residential showpiece so should be as well designed as possible.
- Here should be some studies which look at the impact from the developments on the Leas.
- Should be studies on the noise impact now the roofs are closer to The Leas.
- The roofscape is important and perhaps green roofs, screening artwork and reduced building heights should be considered. Air conditioning units should be hidden.
- Trees on the slopes above Lower Sandgate Road should not be felled, put-thinned out and coppiced.
- Go Folkestone support the scheme overall as an answer to the decay of several parts of Lower Sandgate Road, Marine Terrace and the Harbour district and to bolster the future of Folkestone in general.
- The ferry and the railway are history.

## 6.6 No.1 The Leas Residents Association

- Has concerns regarding the area around the Leas Lift
- They note the welcome modification to the layout of the buildings opposite the Leas Lift providing direct views of the sea when exiting the lift.
- Concerned with the increase in height on Plot A and the western end of Plot B.

- There is no visual smooth between the buildings and the Coastal Park.
- The buildings are out of scale adjacent to the site boundaries.
- The submitted documents do not appear to have considered the view from the Leas Lift.
- Visual amenity from the top of the development at roof level should be protected by conditions and any equipment restricted.
- Visual impact from the Memorial Arch should be protected.
- There have been many planning errors in the past, this should not be another
- There should be more public amenities such as the sports centres rather than increase profits for the developer.
- Will lead to a 'wind city' with so many high buildings.

#### 6.7 The New Folkestone Society

- The New Folkestone Society has long been anxious to see the benefit of the site which has long been empty and gives the area a forlorn appearance.
- Regret that they are opposed to the development.
- The proposed height and design would be completely unacceptable and would block many historic views.
- Does not compliment the Victorian character of the town.
- There must be a better way of developing the site.

### 7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

7.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO1, HO2, HO4, LR9, LR10, BE1, BE4, BE5, BE11, BE16, BE17, U4, U9, SC1, S2, TR2, TR5, TR6, TR11, TR12, TR13, TR14, CO11, FTC4, FTC5, FTC6, FTC7, FTC8, FTC9, FTC10, FTC11.

7.3 The following policies of the Shepway Local Plan Core Strategy apply: SS4, SS5, SS6, CSD1, CSD2, CSD4, CSD5, CSD6

7.4 The following Supplementary Planning Documents apply:

- National Planning Policy Framework
- Kent Design Guide & associated appendices
- Building for Life 12
- Affordable Housing SPD

- 7.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that the determination of any planning application shall be in accordance with the development plan, unless material considerations indicate otherwise.
- 7.6 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, replacing a large number of Planning Policy Statements and Planning Policy Guidance, amassed over the last 20 years. As set out in Section 38(6) (above) Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and the NPPF forms a material consideration in plan formulation and decision taking.
- 7.7 Central to the NPPF (paragraphs 14 and 17) is a presumption in favour of sustainable development, for decision taking this means: Approving development that accords with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within this framework taken as a whole, or
  - Specific policies in this Framework indicate development should be restricted.
- 7.8 Much of the NPPF is relevant to the current application, with further discussion of the application's detailed compliance within the relevant section of the report. Key sections of NPPF relevant to this application are its focus on –
- Building a strong, competitive economy
  - Ensuring the vitality of town centres
  - Promoting sustainable forms of transport
  - Delivering a wide choice of quality homes,
  - Promoting healthy communities,
  - Meeting the needs of climate change , flooding and coastal change,
  - Conserving and enhancing the historic environment, and
  - Ensuring viability and delivery
- 7.9 Paragraphs 186 and 187 make it clear that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. The relationship between decision making and plan making should be seamless, translating plans into high quality development on the ground. The NPPF stipulates that local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local Planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental considerations of the area.

- 7.10 In terms of heritage issues, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area. Considerable importance and weight should be attached to this duty. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on the District Planning Authority as regards listed buildings in exercise of its planning functions. It provides that, in considering whether to grant planning permission for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraphs 128-137 of the NPPF seek to protect heritage assets. In summary:-
- 7.11 Paragraph 129 provides that local planning authorities should identify and assess the particular significance of any heritage assets that may be affected by a proposal (including development which affects its setting) taking account of the available evidence and any necessary expertise. Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be;
- 7.12 Paragraph 133 advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that such harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or other criteria applied, which are not applicable in this case; and
- 7.13 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 7.14 As such, the NPPF acknowledges that harm to designated heritage assets may be acceptable if outweighed by public benefits. Less than substantial harm does not translate to less than substantial objection. Preservation in this context means not harming the interest, as opposed to keeping it utterly unchanged. The NPPF defines 'significance' in the context of heritage assets as 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

## **8.0 APPRAISAL**

8.1 The relevant material planning considerations are considered to be the following:



- Suitability of a Section 73 application
- Site Specific Policy
- Removal of sea sports and beach sports facilities
- Changes to parameter plans
- Indicative design/ landscaping details
- Living conditions
- Highway safety/ public rights of way
- Flooding
- Ecology
- Affordable housing/ Contributions
- Environmental Impact Assessment Regulations 2017
- Other issues
- Conclusion
- Local finance considerations

### **Suitability of a Section 73 application**

- 8.2 This application has been made under section 73 of the Town and Country Planning Act 1990, and is known as a Material Minor Amendment which can be made to vary or remove conditions associated with a planning permission. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.
- 8.3 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A section 73 application is considered to be a new application for planning permission under the 2011 Environmental Impact Assessment Regulations and is subject to the same full consultation as an application made under section 70 of the Town and Country Planning Act 1990 (as amended).
- 8.4 There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. In this instance the application is seeking to remove conditions 41 and 42 (provision of sea and beach sports facilities) and vary conditions 4, 6, 7, 15, 16, 18, 21, 23, 25 and 27 of that approved for application Y12/0897/SH, which granted permission for up to 1,000 dwellings and 10,000 square metres of commercial floorspace including A1, A3, A4, A5, B1, D1 and D2 uses. The current application seeks the same number of dwellings and the same uses as per the approved application.
- 8.5 As such, the overarching nature of the application is not considered to have significantly changed, what is under consideration are the changes made to the proposal via the variation and removal of conditions, in particularly changes to the Parameter plans and Design Guidelines and the suitability of these changes when considered against development plan policy and the removal of sea and beach sports facilities.

- 8.6 The objections from members of the public in this respect are noted, however it is the professional view of officers that this can be assessed as a material minor amendment under Section 73 of the Act. However any proposal submitted under Section 73 of the Town and Country Planning Act is seeking a new planning permission, is subject to full consultation and that the requirements of planning policy and the Environmental Impact Regulations fully apply in considering the suitability of the application.

### **Site Specific Policy**

- 8.7 The adopted Core Strategy 2013 includes policy SS6 which is the Spatial Strategy for Folkestone Seafront. It states: Folkestone Seafront is allocated for mixed-use development, providing up to 1,000 homes, in the region of 10,000 sqm of floorspace comprising small shops and retail services (A use classes), offices (class B1) and other community and leisure (C1, D1, D2 and sui generis) uses; together with beach sports and sea sport facilities and with associated and improved on- and off- site community and physical infrastructure. Planning permission will only be granted where:
- a. Proposals clearly support the delivery of planned incremental redevelopment for a distinctive, unique and high-quality seafront environment, with a mix of uses providing vitality for the whole site and Folkestone.
  - b. The proposals directly contribute to the regeneration of Folkestone by reconnecting the town centre to the Seafront, and enhancing the attractiveness of Folkestone and its appeal as a cultural and visitor destination, complementary to the Creative Quarter and existing traditional maritime activities.
  - c. Development is appropriately phased to ensure benefits can be fully realised, with infrastructure improvements delivered at appropriate stages to ensure on-and off-site facilities are available to create a sense of place and community and to manage environmental improvements in relation to infrastructure capacity.
  - d. Sufficient contributions are made to highways, public transport and parking arrangements so as to provide sustainable connectivity between the Seafront development, the town centre and central and eastern Folkestone, including improved pedestrian, cycle and bus links and according with SS5.
  - e. Appropriate financial contributions are provided to meet additional school pupil places generated by the development.
  - f. Design is of very high quality, preserving the setting of the key heritage assets and archaeological features of the site, sympathetic to the landscape and coastal character of the area including the retention of the Inner Harbour Bridge.

g. The layout is planned to achieve sufficient ground floor active/commercial uses in and around the Harbour and at the Pier Head Quarter to ensure a sense of vitality can be maintained, fully utilising the setting, and also featuring a central avenue and a range of open and enjoyable coastal environments.

h. Development delivers 300 affordable housing dwellings for central Folkestone, subject to viability (or if the total residential quantum is less than 1,000 units, a 30% contribution).

i. Residential buildings achieve a minimum water efficiency of 90litres/person/day, plus Code for Sustainable Homes level 3 or higher. All development must be designed and constructed to achieve high standards of environmental performance, and buildings should be designed to allow convenient waste recycling.

j. All development is located within the site in accordance with national policy on the degree of flood risk and compatibility of specific use and, where necessary, includes design measures to mitigate flood risk.

k. Development proposals include an appropriate recreational access strategy to ensure additional impacts to Natura 2000 site(s) are acceptably mitigated against, in accordance with policy CSD4.

Any detailed planning application submitted in relation to any of the site will only be granted if it is supported by and consistent with either:

- A masterplan for the whole site produced in line with this policy, or
- An outline/detailed planning application for the whole site that provides satisfactory masterplanning in line with this policy, including phasing proposals and necessary viability assessments.

Masterplanning for the site should accord with the core principles shown in Figure 4.5.

### **Contribution to five year housing land supply**

8.8 The district has a healthy housing supply of 7.1 years (2016/17), which consists of allocated sites in the Core Strategy (2013) and sites with planning permission. (The council is currently updating its housing land supply figures for the examination into the Places and Policies Local Plan.) The Seafront Development is important for a continued healthy housing supply for two reasons.

8.9 The first relates to the contribution larger sites make to the overall supply. There are six sites that are over one hundred dwellings but these make up almost half of the overall supply. The Seafront development is one of these sites. The remaining sites with planning permission consist of sites of between 10 and 100 dwellings. This means that there is a high turnover of developments, as sites are brought forward through the planning

process, start on sites and are completed; many being completed within two or three years. The larger sites, especially the Seafront development Nickolls Quarry and Shorncliffe Garrison with around one thousand dwellings each, ensure that there is continual sound supply for the full five years and beyond.

- 8.10 The second reason is the longer term maintenance of the five year supply. The District Council is currently in the process of producing two Local Plans, the Places and Policies Local Plan and the review of the Core Strategy Local Plan. The former, which allocates a variety of smaller and medium-sized residential sites across the district, is at a later stage in the plan making process and will be subject to an Examination in Public later in the year; although many sites allocated within the plan are coming forward for development. The Core Strategy Local Plan Review, which allocates larger strategic sites, is about to be published for the first time for public consultation. The Core Strategy Review looks to a longer period, to 2037, and contains strategic sites which are likely to take a number of years to come forward and be built out. The evidence base supporting the review of the Core Strategy identifies that the district has an housing need that is significantly above that within the current Core Strategy – 633 dwellings per year for the period 2014-2037 rather than the target of 400 homes per year and requirement of 350 homes per year up to 2031. It is therefore vital that in planning for additional growth within the Core Strategy Review existing sites allocated within earlier plans contribute significantly to meet the current and emerging need.
- 8.11 As neither Plan has been adopted, there could be a void in the short term in larger sites coming forward and contributing to the five year housing supply. The Seafront development is important for maintaining the five year supply whilst the Plans make their way through the plan making process and during early years of their adoption.

### **Removal of sea sports and beach sports facilities**

- 8.12 The changes to the design and parameter plans are assessed in the next section, which also includes the impact on heritage assets. This section considers the acceptability of the removal of the sea sports and beach sports facilities, as required by policy SS6 and then sets out what is to be delivered in its place. The applicants have stated that since the previous application was approved, a trial sea sports centre was operated for four years within the site. After this time, it was deemed that due to the steep beach and sea conditions that a permanent facility was not viable.
- 8.13 In the meantime consultation with local groups The Shepway Sports Trust was established on the Stade and caters for sailing, canoeing and paddle boarding and is operated as a charity run project. It is considered that the location of this facility is more suitable than that approved as part of the outline and is within the immediate vicinity of the site. This was not carried out as part of the outline and therefore is a stand-alone entity, however delivers the policy requirement for sea sports facilities outside of the

application site, with opportunity for further investment to be delivered at this facility via s106 agreement.

- 8.14 Similar circumstances have also been applied to the beach sports facility, with a lack of a potential operator coming forward to operate the site. The applicants have highlighted that in the local area there is now an indoor sports park planned in the area (Urban Sports Park) due to open in 2019, Lower Leas Coastal Park, improvements to the Harbour Arm, children's play fountain and Three Hills Sports Park, with opportunity for further provision to be delivered via s106 agreement.
- 8.15 The applicants contend that given the proximity of the new facilities, there is no need to have another on the site and as such the requirements of policy SS6 in this respect no longer need to be delivered on site. The applicants have instead offered the cost of such facilities as a contribution in its place for additional community benefits, which amounts to £3.5m. This would be included in a legal agreement should the Section 73 application be approved. These projects could include refurbishment of the Leas Lift, Lower Leas Coastal Park, additional cycling, walking and parking opportunities in the area, contributions to the sea sports centre on the Stade and enhanced play and exercise equipment in public spaces to be funded from this contribution.
- 8.16 It is considered that there is unlikely the need for two sea sports facilities or indeed a beach sports facility in the area given the improved recreational offering that Folkestone has since the granting of the original consent. It is also considered that when the original outline permission was granted the scheme responded to needs at the time of the decision, however circumstances have changed since then and now there are other projects which could have a greater positive impact if delivered. For example, it is considered that bringing the Leas Lift back into operation would be a huge benefit for the town and significantly improve connectivity between the site and the town, whilst opportunities exist to expand beach activities within and adjoining the site utilising funding from the development that will mitigate the loss of the beach sports centre.
- 8.17 As such it is considered that the scheme is acceptable on these grounds and the replacement of the sea sports and beach sports facilities with the equivalent financial contribution would allow the scheme to respond to needs of the area today, as opposed to when the scheme was originally granted. There are therefore no objections to this part of the application.

## **Changes to parameter plans**

### *General Comments*

- 8.18 The current changes to the parameter plans are seeking to establish the plot shapes and height. There are no final design proposals as the application is at outline stage. It should also be noted that the images provided at this stage are illustrative only and are not seeking approval. This section

accesses the changes to the overall masterplan and each of its sections in turn. (Please note again, the Conservation Consultant's comments are currently in draft form.)

- 8.19 To assist with the visual assessment, the applicants provided an assessment of the most important views of the scheme and these have been scrutinised by officers and by the Conservation Consultant. The most recent version of this is found in the Environmental statement Addendum dated 12 January 2018. It is important to note that this is very similar to the approved visual assessment and that this only applies maximum parameters, rather than requirements set out within design guidelines and therefore does not represent a true representation of what could be built, only a three dimensional representation of the plot parameters within the landscape.
- 8.20 In terms of the general layout, Historic England comment that the biggest change to the approved scheme is a move away from the formality of the previous layout, towards a more informal sinuous arrangement of blocks along the seafront. They note that this approach contrasts the more formal character of the Old Town in Folkestone which is characterised by a network of streets laid out in a grid pattern. However, they have no objections given the proposed character references the crescents of some historic seafront development such as Marine and Clifton Crescents. The Conservation Consultant also had no objections to this revised approach.
- 8.21 The comparison between the approved master plan (which was a more simple grid of urban development extended as far the Boardwalk), with the proposed masterplan which comprises a series of curved blocks extending south from Marine Parade towards the Boardwalk with shingle gardens between the blocks, smaller individual houses to the south of the Boardwalk spilling out onto the shingle beach zone and with the more concentrated commercial development at the east end on the old harbour parking areas. In terms of the overall design, while the proposed scheme takes a different design approach, there are no objections to this this in principle. It is considered that the changes to the parameter plans allow for the creation of an appropriate development form that promotes local character and distinctiveness and ensures the development is well connected with the beach, with greater provision of public open space, drawing the shingle of the beach north towards Marine Parade.
- 8.22 In terms of parking the main change is the provision of undercroft parking to the five peninsular blocks whilst retaining on street visitor parking only along Marine Parade and removing all parking from beach side houses. The main change in terms of pedestrian circulation is the removal of conventional streets extending south from Marine Parade, replaced by a more irregular network of shared surfaces or pedestrianised areas. The circulation in the commercial block at the east end is simplified with a simple spine route through this block leading to the Harbour Arm. In terms of circulation in general, it is considered that the revised proposals would provide good circulation around the scheme and may even offer an improvement on the

original scheme in this respect, particularly with regards to the reduction in surface level parking.

8.23 In terms of public spaces, the proposed layout now provides a series of shingle gardens between the blocks and introduces the idea of a pedestrian route through the Harbour Station. There is a larger square on the South Quay of the harbour, to either side of where the swing bridge joins it and a much larger street through the middle of the commercial block. It is considered that the use of shingle and the increase amount of public open space should mean the scheme would integrate with the beach and provide high quality public open spaces. This has been achieved while increasing the heights of several buildings and utilising curved modern buildings in place of a more traditional grid layout. There are no objections to the revised approach as it is considered the scheme could still deliver high quality design, although in a different form to the original, drawing strongly on local character – in particular the plan form of the west end of Folkestone and the nearby Grade II listed Marine Crescent.

8.24 However, there has been a significant amount of local opposition to the scheme on design grounds. While it is the parameter plans that are being formally changed at this stage, the visual representations showing large white blocks have attracted a significant level of public criticism. Many people have acknowledged that the external appearance would be considered at a later stage; however this has not stopped unfavourable comparisons with The Grand Burstin Hotel and numerous references to Spanish coastal resorts. A discussion of the suitability of the illustrative masterplan and material is set out later within this report.

8.25 The following sections have been separated into different areas comprising the Leas Lift Area, Marine Parade Area and Harbour Area, where each are discussed in more detail.

#### *Leas Lift Area*

8.26 In terms of the individual areas of the revised masterplan, there have been some fairly significant changes to accommodate the above. Firstly Plot L has now been deleted from the masterplan as the sea sports facilities are no longer being proposed. The former plots LL03 and LL01 are being merged to form plot A. There has been a reduction in the footprint of Plot A and no changes to its maximum height. There is also the introduction of a car parking area under an area of public open space on plot A with the parameters allowing another storey of uses on top of this. Previously this was to be retail/commercial to compliment to sea sports. There is also now greater separation between Plots A and B, from 8m to 14m, which has in turn allowed greater views of the Leas Lift than in the approved scheme.

8.27 The Conservation Consultant has commented that the separation is still not wide enough and is not aligned with the axis formed by the lift since it will be that view of the sea, experienced by lift passengers. He has also concerns about the general bulk and height of the Block A and its impact in views along the seafront and considers that these cause substantial and less than

substantial harm respectively. However it is considered that as the Council have already approved a similar height in terms of Plot A and a narrower gap between buildings, substantial harm as defined by paragraph 133 of the NPPF has not taken place and the application is providing an improved vista to the grade II\* listed Leas Lift.

8.28 Historic England have also commented in respect of the impact on the grade II\* Leas Lift and say that this derives some significance from the way it was designed to take advantage of sea views which became in essence a pleasure activity associated with its primary functional role as a lift. Diminishing an experience of the sea in views out from the lift thus causes some harm to the significance it derives from its sea facing location, although they acknowledge that the approved scheme has restricted this already. They note this scheme proposes higher blocks flanking the lift (up to 8-9 storeys), whereas the previous scheme proposed lower blocks to the lifts immediate south. Nevertheless, they acknowledge that the greater separation between the high blocks will allow for wider views of the lift and out from it. They think this is something that we can be content with provided that the higher blocks do not rise above the top of the cliff. They suggest the Council must satisfy itself that this is the case and that any lift overrun for the higher blocks will also not be visible above the cliff top. The applicants have already provided a drawing which demonstrates that the scheme will not be higher than the cliff. With this in mind, officers are clear that the scheme does not give rise to substantial harm, with the parameters improving the opening at the base of the Leas Lift.

8.29 The shape of Plot B has changed to a crescent with two 'bookends' of taller blocks to the east and west ends and also a raised garden area adjacent to Marine Parade. The central elements of the plot are to be 11m high facing Marine Parade, reduced from 16.5m and the section facing the sea now 15m high, an increase from the 11-13.5m of the consented scheme. The bookends are now to be a maximum of 28.5m high, an increase from 20.5m at the western end and 13.5m-16.5m at the eastern end. The maximum increase in height at certain aspects of Plot B is significant at certain locations, however this needs to be balanced against the increase in terms of the gap between plots, an increase from 8m to 14m. This has allowed greater visibility at The Leas Lift and increased opportunity for public open space. The new symmetry in Plot B would also allow for high quality design which features a curved elevation, maximising sea views from the new properties. It should also be noted that the design guidelines restrict the tallest element of plot B to 7 storeys in height, with opportunity for the design of the building to reduce impact by recessing of the upper floor(s) at Reserved Matters stage recommended to address concerns raised by the Conservation Consultant.

8.30 There are some concerns with both Plots B regarding the ground level frontage directly onto Marine Parade, also it is acknowledged that this will have to be assessed at reserved matters stage. The concerns relate to the possibility of blank walls which have been included to provide the undercroft parking spaces. The proposal is to use Green Walls on the open void of the undercroft parking could be screened from Marine Parade. This needs to be



assessed again at reserved matters stage, perhaps with the advice of an arboriculturalist, at which point officers would expect significant detail to be provided in support of a design solution to demonstrate that such an approach is acceptable particularly as the wall faces north within a marine environment.

8.31 The Conservation Consultant considers that the bookends appear too large (7-8 storey) and compares unfavourably with the six storey design of Block C and the historic Marine Crescent opposite which is lower still. He considers these cause substantial harm and suggests that these should be reduced by at least two storeys, a view not expressed by Historic England as the national heritage body who also provided detailed comments on the original application. He goes on to suggest each could be surmounted by a penthouse set back from the edge to reduce the apparent bulk as seen from the street. In terms of setting in a potential penthouse, this is a design detail which would normally be assessed later and while he has raised concerns regarding the height, there does appear the potential for a design solution within the parameters and design guidelines that are seeking approval that can be addressed at Reserved Matters stage.

8.32 There have been objections from members of the public on this issue which are also noted, however the assessment of Plot B must consider the increase in height over and above the approved plans, in conjunction with the positive improvements which have been highlighted above and the restriction on storey heights set out within the design guidelines. Although neither officers nor Historic England consider substantial harm has taken place, the increased impact on the listed building along Marine Parade and the conservation area mean that less than substantial harm has occurred. As such under paragraph 134 of the NPPF, the public benefits of the scheme should be weighed against the harm caused. This is a judgement that relates to the scheme overall, however it is noted that the increase in height has allowed for increases in public open space and greater visibility for the Leas Lift. It is also considered that the new relationship between the Leas Lift and Seafront, bring further connectivity to the scheme. The Leas Lift is not currently operational and requires a large amount of investment to get it into working order again and this application provides an opportunity to do that. It is considered that in this case, the opening of the Leas Lift is a public benefit, (there are currently no views from a lift that is out of operation), and this application could provide the funds needed to make this happen. Therefore, on balance, there are no objections to this section of the development and the ability to secure a viable and long term future for a grade II\* listed designated heritage asset is a significant material consideration and appropriate mitigation to the limited additional harm caused to its setting.

#### *Marine Parade Area*

8.33 Plot C-1 is located directly opposite Marine Crescent and replaces what was plots MP02 and MP03. The revised proposal changes from the original scheme of a rectangular block with a central 28m wide street set on the axis of Marine Crescent and with blocks a maximum of 16.5m along the street to

a solid block, still with 16.5m frontage to Marine Parade but bisected by a 26m gap through the centre of the plot, with taller 20.5m bookends at either end of the reversed crescent, (an increase from the previous 16.5m of 4m). The architectural visualisation envisages the gap as a raised area of gardens ramping up from Marine Parade to the boardwalk to the south, while still maintaining views of the sea, with the design guidelines confirming the height through this central area will be between 0m and 2.5m ASD.

8.34 Historic England consider that the current scheme would have more of a harmful impact than the previous scheme, particularly in views from Marine Crescent. They acknowledge these views were reduced by the approved scheme and would not wish to see them reduced further by this proposal. They note that the latest scheme includes some development in the centre of block C1, whereas the previous scheme proposed a complete gap between blocks MP02 and MP03. However it should be noted this is limited to 2.5m maximum height (subsequently confirmed by the applicants), rather than the 4m stated in their comments and this area is proposed to form a public park area, sloping between the beach and Marine Parade, as set out in the mandatory landscape and design guidelines. Historic England consider that this has the potential to impede views out from the crescent to a greater extent than the permitted scheme. Officers consider that the 2.5m high slope would not significantly impede views of the sea and given that public open space with no on street parking is to be provided may improve views from this area. The Conservation Consultant considers that the increase in the height of Plot C causes substantial harm and that it is out of scale with Marine Crescent. He also believes that in filling the gap is insufficient to maintain a meaningful connection with the sea and has deemed this less than substantial harm. These views are again not shared by Historic England or officers, who have responded to the Conservation Consultants draft comments to question his consideration of the design guidelines alongside the parameter plans. An update on this matter will be reported in due course.

8.35 While it is acknowledged that there would be less visibility from the public domain, given that the raised section would provide an opportunity for public realm, off street parking while maintaining views of the sea. It is therefore considered that in this instance there are no objections to this element of the scheme. Historic England have not objected to the increase in height to Plot C, whereas the Conservation Consultant has called it substantial. Given the previous approval and Historic England's comments, officers are clear that substantial harm has not taken place, and that substantial harm is usually defined by demolition or loss of a designated heritage asset, which is not proposed in this instance. However, given that Historic England have confirmed that the scheme would be more harmful than the previous less than substantial harm could be considered to apply here, based largely on the additional impact upon the setting of the listed buildings opposite plot C.

8.36 It is considered that the public benefits of the scheme outweigh the increased harm caused and that further detailed design will be subject to consultation. It also has to be taken into account that the setting of the listed buildings on Marine Parade will change significantly given the building upon

the southern side of Marine Parade has already been established by the permission in place and would do in any event should the approved scheme be constructed. It is considered that the increased harm, identified by Historic England, is compensated by the benefits of the scheme that have already been identified. There are therefore no objections to the impact of Plot C.

- 8.37 In terms of the Crescent Way Connections which are opposite the south end of Harbour Approach Road, it is proposed to redesign and narrow down the gap between blocks E-1 and F-1 from 26-30m to 13.5-22m. The approach of introducing curves is also applied to plots D-1 and E-1, with the heights being similar to the previous scheme. However, to the south of this facing the sea, the blocks open out rapidly to either side. It is considered that whilst the gap between blocks is narrower, the way in which the blocks curve away rapidly from the pinch point to create a rapidly widening shingle beach zone is a distinct improvement on the approved scheme (which consists of a wide street between blocks MP06 and MP03). The pinch point gap is still generous, with information provided by the applicant showing it is of a similar width to successful public spaces in the town, such as Rendezvous Street and the architectural visualisation shows how this may appear. This change is considered to be an improvement by officers and the Conservation Consultant.

#### *Harbour Area*

- 8.38 The Conservation Consultant has serious reservations about the demolition of Harbour House as it is one of the few remnants of the historic harbour complex. Harbour House is not listed and not in a conservation area, but is considered to be an undesignated heritage asset. He considers that whilst it is suggested that the building is an impediment to pedestrian flows to the station route, if retained, would form a very fitting focal point for the square and indeed the positioning of the building is part of the formal arrangement of the whole area, being also positioned as the focal point at the end of Marine Parade and seen from right along the length of the parade. He therefore does not support its loss and considers that instead the designs need to be modified to respond to the presence of a retained Harbour House, as well as the retained Harbour Station that is proposed for demolition within the approved development.
- 8.39 Historic England have also commented on the loss of Harbour House which they acknowledge would be regrettable. Nevertheless, they understand the reasons behind this decision, in that it could open views of the basin edge from the station and they are willing to be persuaded that its loss might be outweighed by retaining the station if the latter was demonstrably made part of a positive heritage strategy. Therefore, whilst having regard to the comments of both the Conservation Consultant and Historic England, as well as paragraph 135 of the NPPF, it is considered that in the absence of a Historic England objection it would not be possible for the Council to refuse the application on these grounds and successfully defend its action at appeal. Officers agree with Historic England's assessment and that the scheme as whole could benefit from Harbour Houses' removal, given the

retention of the Harbour Station. However Officers consider this should be demonstrated at reserved matters stage. A condition preventing its demolition prior to the approval of the reserved matter application for Harbour Square is recommended as officers consider there is significant opportunity to explore the retention of the Harbour Master's House within future reserved matters applications and would expect designs for the square to seek to retain the undesignated heritage asset where possible to do so. The provision of such a condition would ensure that the undesignated heritage asset is retained unless it was demonstrated its removal was necessary to deliver a scheme of a higher quality.

8.40 It is considered that the retention of the station as part of a heritage strategy could assist in generating a high quality public area that relates well to its surroundings; and a condition requiring the delivery of the station improvements alongside a phase of the development is recommended. It is acknowledged that on the basis of the illustrative layout, that circulation around this part of the scheme would be improved if Harbour House was demolished and that this would allow for the area to be comprehensively re-developed, however given the longevity of the development it would be short-sighted to allow for its removal now ahead of the detailed design of this space, which may change as the scheme is developed. There is also no reason to believe that redevelopment would not happen, with paragraph 136 of the NPPF in mind. Both Historic England and the Conservation Consultant are pleased that Harbour Station is to be retained. This aspect of the application is therefore welcomed. The revised scheme allows for a more open character to the area with more connectivity between the station square and the harbour itself. The retention of the station platforms is considered to be a significant improvement on the proposed scheme, which did not retain the station at all and should complement the regeneration of the Harbour Arm particularly with high quality landscaping of the station platform.

8.41 At Station Square, to the west of the where the swing bridge meets the South Quay, Plot H is between the square and the harbour, formally Plot PH02. Plots PH03, DW05, PH09, PG04 of the previous scheme to the south of the square is renamed F1 and Plot PH01, a commercial block to the east of the station platforms is renamed G-1. The main changes include Plot H increasing in the maximum parameter from 20.5m to 35.5m and The Harbour House being demolished. Plot F-1 is unified as a single block mostly of the same height as previously proposed but with development along the south side of the square higher (20.5m from 16.5m) with to the south of it a smaller block F-2 which is to remain the same height as the previous DW05 and PH09. Plot G-1 remains a similar height to that previously proposed.

8.42 In terms of Plot H, the applicant has confirmed that whilst the parameter plan is seeking a building of up to 35.5m ASD the design guidelines are clear that the building will be required to be tiered and will not exceed 8 storeys in height, with a 40% decrease in footprint when compared to the approved scheme and a further 20% reduction in volume delivered by the tiers. As such, officers consider the building is likely to be significantly less

intrusive than the parameter plan applied for suggests, due to the mandatory requirements of storey heights and setbacks set out within the application that must be adhered to at Reserved Matters stage. Officers consider that the Design guidelines controls provide appropriate reassurance to ensure that future reserved matters applications on this plot will deliver a building of appropriate quality and scale that would not harm the setting of the harbour and wider Conservation Area.

- 8.43 The changes in the other surrounding blocks are not considered significant and in the context of the space of the proposed Station Square, the increase in the height of the south side of the square (F1) from 16.5m to a maximum of 20.5m is considered to be acceptable. The area identified as South Quay (formerly Plot PH01 now G-1), occupies the same footprint as before but the pattern of development, previously this formed a series of blocks with a frontage block on the north side facing the harbour and four blocks south from this. Instead, the plot is bisected by a main route way which connects the South Quay with the area at the start of the Harbour Arm, with the development arranged all around the perimeter of the block and varying between 20.5m (along South Quay) and rising to two towers of 40.5m at the extreme eastern edge overlooking the sea. These are the tallest buildings in the development.
- 8.44 The Conservation Consultant also commented that the heights of Plots F, G and H would lead to them being too dominant, and in his view would equate to less than substantial harm. Historic England did not object to these elements and it is considered that the increases in plot F and H are acceptable for the reasons set out above, with plot G remaining unchanged from that approved, subject to the controls within the design guidelines and appropriate detailed design. It is acknowledged that the character of the area will change completely if the development is constructed and this would have been considered when the Core Strategy allocated the site in the first instance and further when permission was granted under reference Y12/0897/SH, however subject to the final design of these buildings at reserved matters stage, there are no objections to these elements either. As such Plot F and G parameters are considered acceptable however the illustrative material, in particular for plot G is not considered suitable to the maritime harbour character of the area and will need an entirely different approach at reserved matters stage submission to be suitable, as discussed further in the rept.
- 8.45 There is also the introduction of the north-south route through the centre of Plot G which is considered to be a positive change that improves the connection with the Harbour Arm. The proposed heights of the plot are unchanged from the approved scheme. Whilst some elements could be improved, such as the design of the junction with Customs House, this can be explored in detail at a later stage, as advised by the Conservation Consultant.
- 8.46 Plot I is to be a four storey high block containing residential units with commercial on the ground floor and residential above. The parameter envelop shows the building overhanging the harbour. The reserved matters

application would have to demonstrate how this was going to be achieved. Plot J is intended to be a public lift and stair to provide access to the viaduct from the Harbour Square. There are no objections to either of these plots subject to a suitable design being approved at reserved matters stage.

### *Beachfront and Boardwalk*

8.47 In terms of the Beachfront and Boardwalk, this is a substitution for the previously approved Dune Way, a shared surface road connecting lower Sandgate Road to the west with the harbour station. The new Boardwalk (which has been built) is in roughly the same position as previously proposed and is to be reclaimed grade A hardwood sleepers. This is intended to relate to Folkestone railway heritage. It is considered that the idea of a fully pedestrian boardwalk is a significant improvement, giving the seafront area a more pedestrian friendly character. However this is subject to the views of Natural England which are considered later.

8.48 The Shingle Gardens are now proposed as four roughly triangular spaces set between the peninsular blocks. These are open spaces substituted for the two more street-like spaces that previously connected Marine Parade with the Boardwalk (part of the approved scheme). The concept of these spaces which will extend the beach like character of the real beach to the south of the Boardwalk into the development is a significant improvement on the more urbanised feel of the approved scheme and is a very welcomed change. However, to achieve this, the heights of buildings on other parts of the scheme have had to increase, and as such will form part of the overall balance in the assessment of the scheme.

8.49 The Conservation Consultant is concerned that this will undermine the underlying concept and density of this part of the development and will mean that the Boardwalk area will become, in the summer, an extremely densely populated space. These are legitimate concerns, however their character is very similar to the previously approved scheme and as such it is not considered that the Council could defend a reason for refusal on these grounds. However, it is considered that attention should be given to these when formulating detailed designs, to ensure the best possible scheme.

### *Summary*

8.50 Both the Conservation Consultant and Historic England have concerns regarding the application on heritage grounds and as such the Council should consider whether these issues, which may be more harmful than the consented scheme, is minimised as per the terms of the NPPF Paragraph 129 and justified in line with the requirements of Paragraph 132 while considering any public benefits in line with Paragraph 134 of the NPPF. It is considered that the scheme taken as a whole will have less than substantial harm on both the setting of the conservation area and on the setting on the surrounding listed buildings and as such paragraph 134 of the NPPF needs to be considered in terms of the public benefits the scheme provides. Therefore the increased gap around the Leas Lift, the

increase in public open space, the funding to bring the Leas Lift back into operation, the ability to provide off street parking and in the interests of securing the maximum benefits on an urban brownfield site, it is considered that there are public benefits that would outweigh the harm. It is also considered that the scheme does not give rise to substantial harm as defined by paragraph 133 of the NPPF. Although the Conservation Consultant has indicated that parts of the scheme do, Historic England do not share these concerns and officers agree with Historic England in this respect.

- 8.51 It should also be noted that although the heights of the building have been the focus of much of the discussion in this report, consultee comments and local resident representation, the horizontal development parameters have also been considered for each plot and have been found to be acceptable. The assessment has considered the maximum deviation in each case, however each plot will have to demonstrate its acceptability at reserved matters stage. Site levels are also proposed to be altered across the site to accommodate the undercroft parking, although there are no plans to increase site levels above those already approved. The main consideration here is whether this would make the flooding situation worse and this assessed later in the report.
- 8.52 On balance therefore it is considered that although some of the buildings are getting higher, the parameters for these are suitable for the site. It is considered that design solutions, such as setting in elements of the scheme or different materials could be used to good effect at reserved matters stage, and it is at this stage that applications will need to be assessed to ensure appropriate design quality is delivered, using the parameter plans and guidelines as mandatory requirements. It is considered that the design of the parking elements, the increase in public open space, the integration with the beach and greater connectivity will result in the scheme being high quality.

### **Indicative design/ landscaping details and Illustrative masterplan**

- 8.53 The final designs for the scheme will be approved at future reserved matters stage and not under this section 73 application, which established the parameters and guidelines within which future applications must operate. As with the previous proposals designed by Farrell's the application is supported by an indicative masterplan and illustrative material within the design and landscape guidelines, provided by ACME and Spacehub. As illustrative material the application does not seek approval of the detailed design shown within this information, however as supporting information it is important officers comment on the suitability of the approach shown, so as to ensure future Reserved Matters are appropriately informed at the outset. Officers have raised concerns over the suitability of illustrative material with the applicant, who has recognised that future applications will need to be subject to detailed and full pre-application advice, with a requirement for this secured by condition.

- 8.54 Following the granting of outline planning permission significant areas of public realm and heritage, including the Harbour Arm and Viaduct, Boardwalk and restored Signal Box and Customs House have been delivered by the applicant within the masterplan area, ahead of the requirements of the extant planning permission. These requirements, which all form part of the placemaking requirements of the development (and funded through the development) have had a profound impact on the area, reconnecting Folkestone with the sea and attracting significant numbers of visitors to the town. The delivery of these elements has demonstrated that the applicant has a commitment to quality and Officers are keen to ensure the development builds on this through future reserved matters applications.
- 8.55 The changes to the plot parameters, in particular plots A to F and H inform the illustrative masterplan proposals. Whilst there is scope for some variation within each plot parameter and guideline, the changes are such that the opportunity for variety when compared to the earlier approval is far more limited, with the exception of plot G where parameters have undergone very limited change.
- 8.56 The changes to the parameters allow for the delivery of significantly greater areas of public realm, in particular with the formation of significant shingle gardens between plots B/C, C/D, D/E and E/F. The Spacehub mandatory guidelines provide sufficient detail to ensure the public realm will be of the highest quality, and this is reflected in the illustrative masterplan, which identifies a network of connected shared spaces, via the boardwalk between the beach and marine parade, with public squares at the western (Leas) and eastern (harbour Sq) ends of the boulevard.
- 8.57 It is considered that the changes to parameters, in particular plots B to E allow for the creation of high quality, contemporary crescents that draw strongly from the local vernacular that will create a place of real architectural character and quality. Officers have raised concerns with the applicant over the risk that the masterplan will appear monotonous. In response, the applicant has provided a breakdown of how a wide mix of unit types to provide for high density living, with access to private and shared outside space can be provided for within each crescent. The final design and form of the crescents will be subject to detailed reserved matters approval, where it will be important that architectural detailing, set backs, finish and material, as well as variation and consideration of the important roofscape and relationship with the streetscene and active frontages are considered with the utmost care for future reserved matters applications.
- 8.58 At the western end of Marine Parade the application proposes a significantly larger Leas Lift Square. Whilst enlarged, the square is also enclosed by the increase in height of the western corner element of plot B. It is recommended that the openness to the front of the Leas Lift is maximised for Reserved Matters submissions, with the upper floors of the corner plot staggered to increase views from the Lift on its descent and reduce the impact of the additional scale on the area. The adjacent plot A is in the main the same scale as previously approved however now incorporates a car park plot adjacent to the coastal park. Very little information has been



provided in relation to this plot, the detailed design of which will need significant consideration given its entrance location to the coastal park, with reserved matters expected to minimise the height of this building and instead utilise the site topography to deliver underground parking spaces within an architecturally innovative clad structure at street level.

- 8.59 At the eastern end of Marine Parade is the proposed Station Square. Officers have raised concerns over the demolition of the Harbour Masters House, though on balance consider the retention of the Harbour Station as a connected heritage asset outweighs this loss opportunity should be further explored within the future masterplan for its retention. The form and structure of plot F, as shown in the illustrative material is considered broadly suitable, however Station Square should provide for a significant area of public realm at the heart of the development that allows for informal and formal activities to take place.
- 8.60 Plot H represents a significant amendment to the approved parameter plans. The illustrative material identifies a curved, tiered 8 storey building that steps up from its eastern side in height towards the Grand Burstin hotel to the west. The requirements to tier the building and have a maximum of 8 storeys are set out in the design guidelines and these will allow for the creation of an elegant, standalone building via detailed design. It is vital that this building provides for significant interaction at the ground floor with the surrounding public realm (ideally with commercial or community uses) and also that the detailed design utilises materials that reduce the enclosure of the inner harbour. The illustrative masterplan gives very little detail of the final design and as such significant pre-application discussion is recommended for this building.
- 8.61 Whilst Plot G, the Harbour has undergone very little change with regards to the parameters Officers have concern over the suitability of illustrative material provided within the Design Guidelines, both in the shape of the artists impressions and examples of development from elsewhere. Officers have communicated these concerns to the applicant who is aware that the relationship between the inner and outer harbour and the development and views to and from the Stade are of the utmost importance. Officers have identified to the applicant that a more ordered, vertical emphasis and traditional form to the harbour should be pursued for future reserved matters applications, with an opportunity for a taller, feature building(s) at the eastern extreme of the plot acting as an exclamation mark to the development and town itself at its transition to open water.
- 8.62 The submitted Landscape Guidelines is considered to be a very useful document and sets out the principles that the site could be developed under. It gives information on the connectivity of the site as well as areas of public open space. It is considered that the details of this document would make a positive contribution towards achieving and enhancing a high quality development and there are no objections at this stage to this document. Further more specific details would be required at reserved matters stage to ensure high quality design for the resultant buildings.

## **Amenity**

- 8.63 It is considered the alterations to the parameter plans, together with the changes to the design guidelines and landscape guidelines will not result in additional harm to residential amenity of existing occupants by reason of overlooking, loss of outlook or overshadowing. As with the approved scheme, there is no right to a view and the application proposes substantial development to the south of Marine Parade that will significantly alter the character of the locality, as it has changed significantly in past and recent years. The key issue here is to assess the differences between the two schemes to establish whether there would be any increased harm in living conditions as a result of the scheme. The most affected neighbouring properties would be those located on the opposite side of Marine Parade which could suffer an increased impact where the proposed buildings are getting higher. The precise details are not yet known and as such issues such as overlooking cannot be fully assessed as it is currently unknown where the windows and balconies will be on the proposed development.
- 8.64 It is considered that Marine Parade is wide enough to ensure that there will be no detrimental harm to neighbouring living conditions, however this will have to be re-assessed at reserved matters stage before the final designs are approved. Other issues such as the size and mix of the units would also be assessed at reserved matters stage. There are therefore no objections on these grounds at this stage.

## **Archaeology**

- 8.65 There are no changes to the scheme proposed with respect to archaeology. As such there are no further comments to make.

## **Highway safety/ public rights of way**

- 8.66 KCC Highways and Transportation have commented on the need for vehicle tracking for an 11.4m long refuse vehicles, a contribution to ensure the Leas Lift is operational again, buses to be re-routed, road improvements and to maintain the previous Section 106 requirements. Stagecoach have also requested money to upgrade the bus stop on Marine Parade. KCC have not raised any objections in terms of traffic movements or the level of parking. It is considered that the tracking for refuse vehicles would need to be provided at reserved matters stage to ensure these requirements could be met in terms of the final designs. The applicants have also agreed that funds could be directed towards the Leas Lift which would fulfil the requirements for this. The remaining section 106 requirements are to remain the same as the previous one including the trigger point for the junction 5 improvements.
- 8.67 There has been a considerable amount of objections to the scheme on highway grounds. However, the quantum of development from the

approved scheme has not changed and as such the majority of these objections could not be defended at appeal. Whilst it is acknowledged that the increase in the number of bedrooms could have an impact in terms of highway impact, particularly at the later stages of the development. (It could also have an impact on schools, GP surgeries and other facilities) the development remains within the approved parameters, with contributions already identified to mitigate impact on this basis. As has been mentioned previously, at this stage the quantum of development has not changed since the previous approval and as such there are no objections on highway grounds.

- 8.68 Both KCC PROW and Natural England have highlighted the England Coast Path which passes directly through the site which a new National Trail is a walking route being developed by Natural England. The path is not recorded on the PROW Definitive Map but the trail gives the public a right of access around the English coastline. KCC have welcomed the new route for the England Coastal Path, which passes along the beach boardwalk and connects with the Harbour Approach Road. However the applicants would need to vary the England Coastal Park and engage with Natural England for this to be implemented.
- 8.69 Natural England have now reviewed the additional documentation. They have advised the Council that the amended plans allow for the England Coast Path (ECP) to be aligned predominantly along the boardwalk that runs on the seaward side of the development on the shingle beach. And that they are satisfied with the proposals in this respect. This is therefore considered to be acceptable and no objections are raised on planning grounds.

### **Flooding & Drainage**

- 8.70 The EA raised concerns with the original submission on the grounds that the proposed basement car parking would be below the maximum predicted flood level for the site. The EA have subsequently withdrawn their objection on the basis of the new information provided in January 2018. They have noted section 4 of the Environmental Statement Addendum states that the previously submitted Flood Risk Assessment and Drainage Strategy has been amended to remove reference to the previously recommended self-activating flood-barriers. They have also commented that the revised statement recommends that the threshold to the parking area is retained at 6.5maODN unless subsequently agreed in writing. They explain that a lower threshold should be avoided and that they would only consider an alternative if it can be adequately demonstrated that this could not be achieved. KCC also have no objections to the scheme on drainage grounds as this part of the development is not changing.
- 8.71 It is therefore considered that subject to the amended information, the scheme is acceptable on flooding grounds. These parts of the scheme would be assessed at each reserved matters stage to ensure that this remains the case, with details to be agreed by condition.

## **Ecology**

- 8.72 There are no changes to the scheme proposed with respect to ecology. As such there are no further comments to make.

## **Affordable housing/ Contributions**

- 8.73 There have been numerous objections on the grounds of insufficient affordable housing and in particular no social rent housing. The level of affordable housing for the scheme was approved under the previous scheme and the applicants have not sort to change this here. As such the level of affordable housing remains the same as approved and there is no mechanism for the Council to review this..
- 8.74 The situation with the sea sports and beach sports facilities has been covered earlier in the report. The agreed contribution of £3.5m towards additional community benefits directly linked to the scheme has been agreed and will be secured by legal agreement. It has also been agreed that should the money not be spent on appropriate projects within a defined period, then any underspend could be directed towards affordable housing as a commuted sum.
- 8.75 The Planning Policy Team have been liaising with the South Kent Coastal CCG as part of the work carried out to support the emerging local plan and the following advice has been provided. Of the 12 primary care sites in Folkestone, 5 are considered 'Red' Rated which highlights the need for change as they are unfit for purpose, not suited to the provision of primary care in the long term and have limited/no development potential. Using NHS England guidelines on the recommended size of practice premises, Folkestone is considered to be 2570 sqm under provided for the existing patient population. (c. 1,500 sqm within the town centre, 500 sqm in Cheriton and 500 sqm within the surrounding villages). Folkestone has the largest portfolio of poor quality estate in the CCG area with very few development opportunities on existing sites. The CCG will continue to develop the S106 opportunity on the Shorncliffe Barracks site, and will look to work with the council on a town centre solution for Folkestone which could provide the opportunity to relocate a number of the smaller town practices from the poorest accommodation to purpose built premises.
- 8.76 Primary Care Access Hubs will be opened from April 2018 in Shepway, on the Royal Victoria Hospital site in central Folkestone, and at the New Romney Day Centre, Oaklands Health Centre and New Lyminge Surgery. A multi-disciplinary approach to primary care will be available to over 100,000 patients across Shepway alongside the traditional GP services already available.
- 8.77 As the CCG have made clear in their representation on the seafront application that a financial contribution to mitigate the impact of the

development, rather than the provision of on-site space (as required by the current s106) that does not fit the current commissioning model. Negotiation by officers with the applicant has led to confirmation that a sum in the region of £1,008,000 (depending on unit numbers and mix) will be required to mitigate the impact of the development. This sum will be provided to the District Council to use in conjunction with the South Kent Coastal CCG to mitigate the development by funding towards new and improved Primary Care premises within the town centre area serving the development, with phasing of this sum to be negotiated with the applicant.

- 8.78 The applicant has confirmed that this sum will be drawn from the 'place making contribution' of £3.5m, representing the costs associated with the delivery of sea and beach sports facilities on the site, that will also provide further mitigation as set out in the report.
- 8.79 It is considered the funding of off-site primary care, as opposed to the retention of the existing s106 legal agreement requirements of 350sq/m of on-site provision represents a significant betterment that will ensure the development provides appropriate infrastructure to mitigate its impact, as required by development plan policy and the NPPF.
- 8.80 Other contributions as secured in the original Section 106, such as the education contribution would be carried over and would still apply. It is also noted that the Landscape Guidelines that the requirement of public realm improvements and play space in the form of LAPs, LEAPs and NEAPs will also be provided as part of this development. The contribution to the Lower Leas Coastal Park will also still be provided, as will other sums to be provided for offsite improvements set out within the existing s106 agreement.

### **Environmental Impact Assessment Regulations 2017**

- 8.81 In accordance with the EIA Regulations the Council had the amendments to the Environmental Statement Assessed by a consultant to ensure the Environmental Statement (ES) provides the Section 73 application with the information required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (The EIA Regulations). The Consultants have confirmed that the method used in undertaking the assessment, is in line with the Institute of Environmental Management and Assessment (IEMA). The consultants are the same as those who reviewed the original Environmental Statement with the previous application.
- 8.82 They have confirmed that the ES is a very clear and concise addendum to the original ES reviewed by WYG in 2012/2013 and clearly sets out the changes that are being assessed. The review has focussed on the content of the ES main text and identified a number of 'critical' and 'desirable' improvements to the ES. The critical issues are those that are regarded as

the most important that should be addressed as a minimum. Desirable issues are those which would further improve the quality of the ES to be comparable with best practice.

8.83 WYG have commented that the only critical issue to have been identified is to ensure that the ES and its component assessments clearly set out the limitations experienced in undertaking the assessment in accordance with the requirements set out in the Regulations. A further issue that has been identified as 'desirable' is the presentation of the methodologies that have been used in undertaking the assessments. The methodologies are not presented in the ES addendum and ideally they should be as in accordance with case law the ES 'should not be an unnecessary paperchase'. However, given WYG's historic involvement with the review of the original ES and therefore previous comments on the methodologies employed, they have appended their previous review report to their most recent to cover this area.

### **Other Issues**

8.84 There have been numerous objections to the principle of development or to matters that were determined under the previous application. Other objections have related to issues that will be looked at under the reserved matters and are not for determination under this application. The reserved matters applications will be subject to public consultation as well as discussions with public bodies and a requirement for pre-application advice with the LPA to be achieved via condition. It should also be noted that the parameter plans must be read in accordance with the design guidelines and landscape guidelines and that as a whole it is considered these elements of the application are suitable and accord with development plan policy.

### **Conclusion**

8.85 The application site is a strategic allocation within the Core Strategy as stated in policy SS6 and is needed by the Council to meet its 5 year supply of housing as required by the NPPF and as such would positively contribute to meeting the current and future housing needs of the District. The proposal would provide new open spaces, improved parking facilities and connectivity, over and above the previous approval and includes highway mitigation for the increased traffic. The changes to the parameters including the alterations to the scale, form of the plots and heights have been considered and their impact on heritage assets such as the setting of the conservation area and listed buildings and the demolition of Harbour House, a non-designated heritage asset. The scheme has been assessed as having less than substantial harm as defined by paragraph 134 of the NPPF and as such the public benefits of the scheme, including the delivery of housing, improvements to open space, the restoration of heritage assets and the efficient reuse of urban brownfield land, together with the additional funding towards community projects such as the refurbishment of the Leas Lift, are considered to mitigate and outweigh any less than substantial harm caused.

8.86 This Section 73 application is considered an appropriate way of dealing with the changes, however much of the detail will be provided at reserved matters stage. Where officers have concerns with the current illustrative material this has been highlighted in the report, however as a set of parameters, it is considered that they provide a framework on which development on site could be carried out and deliver a high quality, locally distinctive scheme on an important brownfield site in Folkestone.

8.87 No impacts have been identified at this stage that suggests that the scheme would have a significantly more harmful impact than the approved scheme based on the issues identified in this report such as flooding, drainage, ecology, contamination, neighbouring living conditions, highway, the England Coastal Path and through the completion of a legal agreement will provide sufficient mitigation to offset any other impacts of the development. An addendum to the Environmental Statement has been produced and external consultants have confirmed that this is acceptable for the purposes of the EIA 2017 regulations. It is therefore considered that the proposal complies with the policies of the NPPF and the development plan and therefore should be granted subject to the completion of a legal agreement and suitable conditions.

### **Local Finance Considerations**

8.88 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.

8.89 In accordance with policy SS5 of the Shepway 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. Given this is an amendment to a previously approved consent where the quantum of development is not changing, there will be no CIL payment that is applicable. It is also noted that policy SS6 is outside of CIL charging schedule as a strategic allocation in the plan.

### **Human Rights**

8.90 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.

8.91 The application is reported to committee as the site is a strategic allocation. It has also been called in by Cllr Mary Lawes due to concerns that the new application is a complete change to original application Y12/0897/SH, the height and size have changed, open spaces (water sports removed), parking and facilities altered and heritage buildings have been removed.

## **9.0 BACKGROUND DOCUMENTS**

9.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

---

### **RECOMMENDATION –**

**a) That that the Head of Planning Services be authorised under delegated authority to grant the Section 73 application, subject to:**

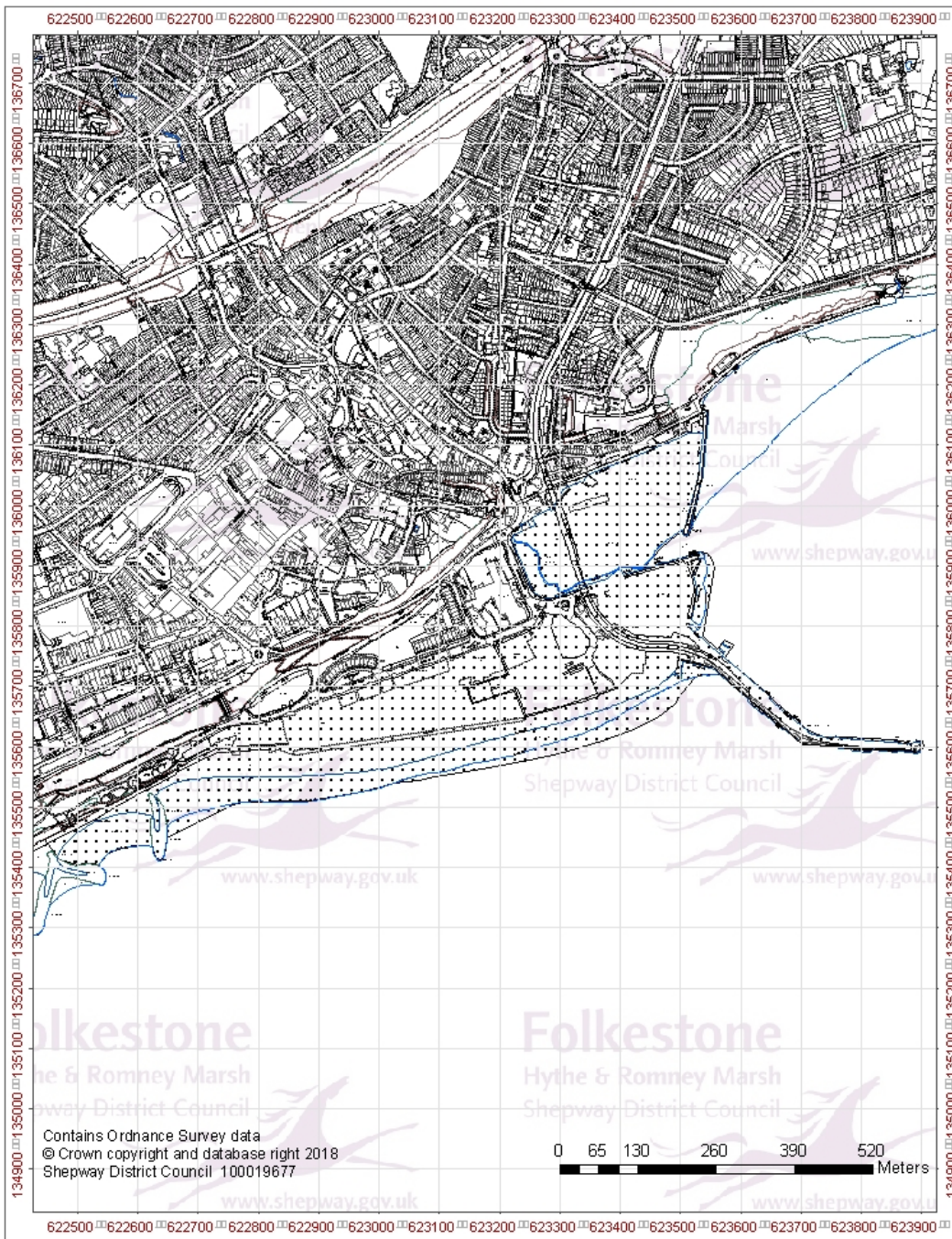
- Completion of a legal agreement with the applicant that secures the social and physical infrastructure and financial contributions detailed within this report and which the Head of Planning Services considers to be acceptable.
- The key conditions as imposed on the previous application and as discussed in this report and any amendments and additional conditions the Head of Planning Services considers to be necessary following detailed discussions with the applicant.

**b) That in the event that the legal agreement is not finalised by 1<sup>st</sup> August 2018 and an extension of time has not been entered into by the applicant, the Head of Planning be given delegated authority to refuse planning permission on the following grounds:**

In the absence of a signed legal agreement there is no mechanism for ensuring the provision of the required levels of affordable housing on site. The application is therefore contrary to policies SS5 and SS6 of the Shepway Core Strategy Local Plan which requires that development should provide, contribute to or otherwise address the current and future infrastructure needs of the district.



Y17/1099/SH  
Former Rotunda Amusement Park  
Marine Parade  
Folkestone



This page is intentionally left blank

## LIST OF DEVELOPMENT PLAN POLICIES

### SHEPWAY CORE STRATEGY LOCAL PLAN (2013) & SHEPWAY DISTRICT LOCAL PLAN REVIEW (2006) POLICIES

#### Core Strategy (2013) policies

##### Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

##### Chapter 4 – The Spatial Strategy for Shepway

SS1 - District Spatial Strategy  
SS2 - Housing and the Economy Growth Strategy  
SS3 - Place Shaping and Sustainable Settlements Strategy  
SS4 - Priority Centres of Activity Strategy  
SS5 - District Infrastructure Planning  
SS6 - Spatial Strategy for Folkestone Seafront  
SS7 - Spatial Strategy for Shorncliffe Garrison, Folkestone

##### Chapter 5 – Core Strategy Delivery

CSD1 - Balanced Neighbourhoods for Shepway  
CSD2 - District Residential Needs  
CSD3 - Rural and Tourism Development of Shepway  
CSD4 - Green Infrastructure of Natural Networks, Open Spaces  
and Recreation  
CSD5 - Water and Coastal Environmental Management in  
Shepway  
CSD6 - Central Folkestone Strategy  
CSD7 - Hythe Strategy  
CSD8 - New Romney Strategy  
CSD9 - Sellindge Strategy

#### Local Plan Review (2006) policies applicable

##### Chapter 2 – Sustainable Development

SD1 - Sustainable Development

### **Chapter 3 – Housing**

- HO1 - Housing land supply – Relates to allocated sites on the Proposals Map and a list of exceptions subject to specified criteria.
- HO2 - Land supply requirements 2001-2011.
- HO6 - Criteria for local housing needs in rural areas.
- HO7 - Loss of residential accommodation.
- HO8 - Criteria for sub-division of properties to flats/maisonettes.
- HO9 - Subdivision and parking.
- HO10 - Houses in multiple occupation.
- HO13 - Criteria for special needs annexes.
- HO15 - Criteria for development of Plain Road, Folkestone.

### **Chapter 4 – Employment**

- E1 - Development on established employment sites.
- E2 - Supply of land for industry, warehousing and offices. Allocated sites on the Proposals Map.
- E4 - Loss of land for industrial, warehousing and office development.
- E6a - Loss of rural employment uses.

### **Chapter 5 – Shopping**

- S3 - Folkestone Town Centre – Primary shopping area as defined on the Proposal Map.
- S4 - Folkestone Town Centre – Secondary shopping area as defined on the Proposal Map.
- S5 - Local Shopping Area – Hythe.
- S6 - Local Shopping Area – New Romney.
- S7 - Local Shopping Area – Cheriton.
- S8 - Local centres – last remaining shop or public house.

### **Chapter 6 – Tourism**

- TM2 - Loss of visitor accommodation.
- TM4 - Static caravans and chalet sites.
- TM5 - Criteria for provision of new or upgraded caravan and camping sites.
- TM7 - Development of the Sands Motel site.
- TM8 - Requirements for recreation/community facilities at Princes Parade.
- TM9 - Battle of Britain Museum, Hawkinge

## Chapter 7 – Leisure and Recreation

- LR1 - Loss of indoor recreational facilities.
- LR3 - Formal sport and recreational facilities in the countryside.
- LR4 - Recreational facilities – Cheriton Road Sports Ground/Folkestone Sports Centre.
- LR5 - Recreational facilities – Folkestone Racecourse.
- LR7 - Improved sea access at Range Road and other suitable coastal locations.
- LR8 - Provision of new and protection of existing rights of way.
- LR9 - Open space protection and provision.
- LR10 - Provision of childrens’ play space in developments.
- LR11 - Protection of allotments and criteria for allowing their redevelopment.
- LR12 - Protection of school playing fields and criteria for allowing their redevelopment.

## Chapter 8 – Built Environment

- BE1 - Standards expected for new development in terms of layout, design, materials etc.
- BE2 - Provision of new public art.
- BE3 - Criteria for considering new conservation areas or reviewing existing conservation areas.
- BE4 - Criteria for considering development within conservation areas.
- BE5 - Control of works to listed buildings.
- BE6 - Safeguarding character of groups of historic buildings.
- BE8 - Criteria for alterations and extensions to existing buildings.
- BE9 - Design considerations for shopfront alterations.
- BE12 - Areas of Special Character.
- BE13 - Protection of urban open space and criteria for allowing redevelopment.
- BE14 - Protection of communal gardens as defined on the Proposals Map.
- BE16 - Requirement for comprehensive landscaping schemes.
- BE17 - Tree Preservation Orders and criteria for allowing protected trees to be removed.
- BE18 - Protection of historic parks and gardens as defined on the Proposals Map.
- BE19 - Land instability as defined on the Proposals Map.

## **Chapter 9 – Utilities**

- U1 - Criteria to be considered for development proposals relating to sewage and wastewater disposal for four dwellings or less, or equivalent.
- U2 - Five dwellings or more or equivalent to be connected to mains drainage.
- U3 - Criteria for use of septic or settlement tanks.
- U4 - Protection of ground and surface water resources.
- U10 - Waste recycling and storage within development.
- U10a - Requirements for development on contaminated land.
- U11 - Criteria for the assessment of satellite dishes and other domestic telecommunications development.
- U13 - Criteria for the assessment of overhead power lines or cables.
- U14 - Criteria for assessment of developments which encourage use of renewable sources of energy.
- U15 - Criteria to control outdoor light pollution.

## **Chapter 10 – Social and Community Facilities**

- SC4 - Safeguarding land at Hawkinge, as identified on the Proposal Map, for a secondary school.
- SC7 - Criteria for development of Seapoint Centre relating to a community facility.

## **Chapter 11 – Transport**

- TR2 - Provision for buses in major developments.
- TR3 - Protection of Lydd Station.
- TR4 - Safeguarding of land at Folkestone West Station and East Station Goods Yard in connection with high speed rail services.
- TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes.
- TR6 - Provision for pedestrians in new developments.
- TR8 - Provision of environmental improvements along the A259.
- TR9 - Criteria for the provision of roadside service facilities.
- TR10 - Restriction on further motorway service areas adjacent to the M20.
- TR11 - Accesses onto highway network.
- TR12 - Vehicle parking standards.
- TR13 - Travel plans.
- TR14 - Folkestone Town Centre Parking Strategy.
- TR15 - Criteria for expansion of Lydd Airport.

## Chapter 12 – Countryside

- CO1 - Countryside to be protected for its own sake.
- CO4 - Special Landscape Areas and their protection.
- CO5 - Protection of Local Landscape Areas.
- CO6 - Protection of the Heritage Coast and the undeveloped coastline.
  
- CO11 - Protection of protected species and their habitat.
- CO13 - Protection of the freshwater environment.
- CO14 - Long term protection of physiography, flora and fauna of Dungeness.
  
- CO16 - Criteria for farm diversification.
- CO18 - Criteria for new agricultural buildings.
- CO19 - Criteria for the re-use and adaptation of rural buildings.
- CO20 - Criteria for replacement dwellings in the countryside.
- CO21 - Criteria for extensions and alterations to dwellings in the countryside.
  
- CO22 - Criteria for horse related activities.
- CO23 - Criteria for farm shops.
- CO24 - Strategic landscaping around key development sites.
- CO25 - Protection of village greens and common lands.

## Chapter 13 - Folkestone Town Centre

- FTC3 - Criteria for the development of the Ingles Manor/Jointon Road site, as shown on the Proposals Map.
- FTC9 - Criteria for the development of land adjoining Hotel Burstin as shown on the Proposals Map.
- FTC11 - Criteria for the redevelopment of the Stade (East) site, as shown on the Proposals Map.

This page is intentionally left blank



**SHEPWAY DISTRICT COUNCIL  
PLANNING AND LICENSING COMMITTEE – 3 APRIL 2018**

**Declarations of Lobbying**

Members of the Committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e. letter, telephone call, etc.) in respect of the planning applications below:

<b>Application No:</b>	<b>Type of Lobbying</b>
Y16/1122/SH Land Rear Rhodes House, Sellindge	..... ..... ..... .....
Y17/1099/SH Former Rotunda Amusement Park	..... ..... ..... ..... .....

SIGNED: .....

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

This page is intentionally left blank