

Application No: Y17/0710/SH

Location of Site: Ingles Meadow Garden Centre Jointon Road
Folkestone Kent CT20 2RF

Development: Full planning application for the erection of 40 No. dwellings with associated access, parking, landscaping and open space

Applicant: Murston Construction Ltd
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Date Valid: 17.07.17

Expiry Date: 16.10.17

Date of Committee: 28.11.17

PEA : 29.12.2017

Officer Contact: Mrs Wendy Simpson

SUMMARY

This report considers whether planning permission should be granted for the redevelopment of the site for 40 dwellings with associated access, parking, landscaping and open space.

The design and scale of the various dwellings are considered to be appropriate for the area and generally responds well to the existing street scenes. It is considered that overall the proposal will result in high quality, sustainable housing.

The layout, design, retained tree cover and proposed landscaping are such that the development will be sympathetic to the character of the surrounding area, including the Leas and Bayles Conservation Area, and without harm to the setting of Ingles Manor, which is Grade II listed.

The proposal will not result in harm to the living conditions of neighbours and subject to conditions will not result in harm to the principle aquifer, human health or buried heritage assets. The use of conditions will also ensure that the site-wide drainage will not increase flood risk in the area.

In addition to the provision of open space and play space on the site, the applicant has agreed to a monetary obligation of £44,737.30 towards the upgrade of play equipment within Radnor Park and the maintenance of the play equipment and open space. Furthermore an off-site contribution in respect to affordable housing

is to be made of £188,708.65 and a Community Infrastructure Levy Payment of £302,291.35 is also liable for this development.

RECOMMENDATION: That subject to the signing of a S106 agreement covering those matters as set out under Developer Contributions in the report, planning permission be granted subject to conditions and that delegated authority be given to the Head of Planning to determine the wording of the S106 agreement and any additional conditions which are considered reasonably necessary.

Background

Previously the application site formed phases 2 and 4 of a four phased development granted planning permission under reference Y12/0767/SH. (*“Hybrid application encompassing; 1) Full application for the erection of 13 dwellings with associated parking and landscaping together with 3 two storey office buildings with parking and landscaping forming phases 1 and 3. and 2) Outline application for the erection of 46 dwellings with associated parking and landscaping forming phases 2 and 4 (matters relating to access, landscaping and layout. Approved 21 August 2013 subject to a Section 106 agreement.”*) This previous planning permission also included the adjacent Ingles Mews housing (phase 1), which has been built out, and commercial development (office buildings) within Ingles Barn area (phase 3), which has not commenced. This previous planning permission however has now expired.

1.0 THE PROPOSAL

- 1.1 This proposal involves the demolition of all buildings on the site and seeks full planning permission for the erection of 40 no. dwellings with associated access, parking, landscaping and open space.
- 1.2 The proposed housing consists of 2 x 1-bed flats, 2 x 2-bed flats, 11 x 3 bed-houses (semi-detached), 13 x 4 –bed (semi-detached) houses, 11 x 4-bed terraced houses, 1 x 5-bed house (detached).
- 1.3 The development is proposed in 2 phases – A and B. The larger of the two phases (phase B) would have houses arranged facing outwards onto Jointon Road and Shorncliffe Road. A new access road is proposed in to the site from Jointon Road, with houses within the site facing on to a central green space. The smaller of the two phases (phase A) would be for five of the houses which would have separate access, coming from the existing ‘Ingles Barn’ access off Jointon Road. Some of the on-street visitors parking spaces for the wider development will be situated within this phase. In addition to the central green space in the larger phase (B) an equipped play space is proposed at the southern boundary of the site.
- 1.4 A similar architectural language is used across the site with the use of steeply pitched roofs, feature bay windows, flat roofed dormers and chimneys. The proposed external materials palette consists of plain clay roof tiles, handmade clay hanging tiles, ‘Old Country Blend’ red brickwork, ‘gunmetal grey’ fibre cement panelling to feature bay windows and white

framed doors and windows. The proposal therefore continues the architectural style and materials of phase 1.

- 1.5 The five houses within phase A (two pairs of semi-detached houses and a detached house) are accessed off the existing access to Ingles Barn, to the south of the site, and fronting onto Jointon Road. The semi-detached houses are two-storey in height with rooms in the roofspace and a small flat roofed dormer on the rear elevation. (Approximately 10.5m to the roof ridge.) The detached house in this phase is also two storey in height with rooms in the roofspace and small flat roof dormers to front and rear. (approximately 10.3m high to the roof ridge) This house is also proposed with an attached garage.
- 1.6 Within the inner area of the site (Phase B) are proposed terraced and semi-detached houses with attached or integral garages. These 'inner area' houses are all proposed as two-storeys in height with rooms provided in the roofspace, served by small flat roofed dormer windows. The heights of these houses range from about 9.85m, to the roof ridge, to about 11.5m to the roof ridge.
- 1.7 The houses in Phase B proposed to front onto Jointon Road are a pair of semi-detached houses and a block of four apartments. The proposed houses are two-storey in height with rooms in the roofspace and a small flat roofed dormer on the rear elevation. (Approximately 10.35m to the roof ridge.) The apartment block would be two and a half storeys in height with the one of the four apartments being within the roof space, served by gable windows and dormer windows. (Approximately 11m to the roof ridge.) In part the uppers floors of this block will be tile hung with Ashdown handmade clay plain tiles.
- 1.8 The houses within Phase B fronting onto Shorncliffe Road consists of three pairs of semi-detached dwellings, a staggered terrace of 3 dwellings and a staggered terrace of 4 dwellings. These dwellings all vary slightly but are proposed of a consistent palette of materials with the rest of the site and all but two of the dwellings have integral garages. The two dwellings without integral garages have detached garages. The houses are all proposed as three storey in height with staggered roof ridge heights.
- 1.9 In support of the application has been submitted a Viability Assessment, Tree Survey, Arboricultural Report, Contamination desktop study, Site Investigation and Risk assessment Report, Planning, Design and Access statement, Ecology Scoping Survey, Flood Risk Assessment and Surface Water Drainage Strategy, Archaeology Assessment.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site relates to the site of the former Wyevale garden centre within the urban confines of Folkestone, located on the southern side of Shorncliffe Road with site frontage to Jointon Road (west), Shorncliffe Road (north) and Castle Hill Avenue (east). The site area is of 1.27 hectares.
- 2.2 The area is predominantly residential but key exceptions are to the south of the site with Ingles Manor (Grade II listed Manor House) and its ancillary cottage and ancillary buildings (Ingles Yard), all in commercial use. Also to

the southern side of the site are residential properties in Castle Hill Mews, which form phase 1 of the wider policy allocation.

- 2.3 To the east and west of the site, on Castle Hill Avenue and Jinton Road, are residential properties and to the north of the site, on the opposite side of Shorncliffe Road, is the municipal open space of 'Kingsnorth Gardens'.
- 2.4 The site is characterised by a number of established trees, many of which are the subject of Tree Preservation Orders (TPO's). Castle Hill Mews is in part characterised by a tree lined avenue and there are mature tree lined boundaries, within grass verges, along the Jinton Road and Shorncliffe Road frontages.
- 2.5 The site is immediately adjacent to the Folkestone Leas and Bayle Conservation Area on its eastern and the southwestern part of the application site also falls within this conservation area.
- 2.6 There are no flood risks to the site in respect to flooding from seas, rivers or reservoirs but the site does have some localised surface water flooding history (from low to high risk) within its boundary and the site is also located over the principal aquifer.

3.0 RELEVANT PLANNING HISTORY

Y15/0490/SH	-	Felling of a Sycamore and a Beech (T1 and T4) and pruning of a Sycamore (T3) all subject of Tree Preservation Order No 1 of 1972 (Approved)
Y12/0767/SH	-	S106BA application to amend the S106 for planning permission Y12/0767/SH so no Affordable Housing provision will be provided. (Refused)
Y12/0767/SH	-	A hybrid application encompassing; 1) Full application for the erection of 13 dwellings with associated parking and landscaping together with 3 two storey office buildings with parking and landscaping forming phases 1 and 3. and 2) Outline application for the erection of 46 dwellings with associated parking and landscaping forming phases 2 and 4 (matters relating to access, landscaping and layout). (Approved 21.08.13)

4.0 CONSULTATION RESPONSES

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.

4.1 Folkestone Town Council

Objection for reasons of the remaining trees on the site will be too sparse; 12 affordable housing units should be provided where none are proposed and the additional hardsurfacing will exacerbate the surface water drainage problems on the site, particularly at the corner of Shorncliffe Road and Castle Hill Avenue.

4.2 Environmental Health

Merebrook consider the contamination report to be of a suitable standard and generally agree with the assessment method and the risks identified but consider additional investigation is required in respect to asbestos in soils and the remedial strategy and clean cover requirements are updated following completion of the supplementary investigations into asbestos in soils. These matters can be addressed through planning conditions and the remaining sections of the standard contamination condition are also required.

No objection subject to conditions related to contamination investigation and a Construction Environmental Management Plan, including restricted hours of construction work at the site boundary. The officer also advises that some of the dwellings are facing an existing busy road [Shorncliffe Road] and there is mixed use on the site from commercial premises [Ingles Yard]. A noise survey is required to ascertain if which noise exposure category the development will fall in to and if the noise exposure category is C or D then it is recommended that the application is refused. Category A or B then details can be submitted with the report to ensure that adequate sound insulation is obtained from the structure of the dwellings.

4.3 KCC Lead Local Flood Authority (LLFA)

No objection subject to conditions requiring a site wide drainage strategy, details of the management and maintenance of the drainage scheme, no filtration to ground of surface water in areas of known contamination and consultation with the Environment Agency.

4.4 Environment Agency

No objection subject to conditions requiring contamination investigation of the site, no piling or intrusive foundation design without the LPA agreement, submission and agreement of a surface water drainage scheme.

4.5 Southern Water

No objection subject to a condition requiring a site wide drainage strategy to be submitted to the LPA and considered with Southern Water review.

4.6 KCC Ecology

No objection subject to a condition requiring details of biodiversity enhancement features.

4.7 KCC Highways And Transportation

No objection subject to conditions to require the installation of double yellow lines at the new access onto Jointon Road (by Traffic Regulation Order), details of construction vehicle and operational matters, provision and maintenance of vision splays, provision of parking and maintenance of garages for parking, provision of road access.

4.8 Housing Strategy Manager

An off-site contribution towards to affordable housing will be acceptable.

4.9 Arboriculture Manager

No objection subject to the installation of tree protection measures and notice be given ahead of the commencement of works so the installation can be checked on site. These matters can be dealt with by planning condition.

5.0 REPRESENTATIONS

5.1 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:

- The proposal to remove/prune so many well-established trees to accommodate the proposed housing will harm the character of the area;
- Trees protected by TPOs should not be allowed;
- The removal of trees will harm the ecology of the area;
- Replanting of trees of a significant size is needed;
- The site should be redeveloped for retail/job creation/medical/tourist space and not housing;
- The lack of any social housing provision is not acceptable;
- The public open space would need to be managed from the outset;
- Bin stores need to be well designed;
- The existing site is a green space (lung?) within the middle of town and should be preserved;
- The removal of trees will affect soil stability.

5.2 One representation was received neither objecting nor supporting the application.

5.3 Two emails have been received supporting the proposal. One does not expand on their views whilst the other comments that the existing developers housing in the adjacent site is of a high standard and the site is not public or open space.

5.4 The New Folkestone Society has written objecting to the proposal siting that the site is a green lung and the amount of trees to be removed will harm an important characteristic of the area.

6.0 RELEVANT POLICY GUIDANCE

- 6.1 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>

- 6.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO1, HO2, BE1, BE4, BE5, BE16, BE17, TR5, TR11, TR12, U2, U4, U10a, FTC3, LR9, LR10, CO11
- 6.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD4, CSD5.
- 6.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework particularly paragraphs 7, 9, 11, 14, 15, 17, 42, 47, 49, 50, 56, 57, 58, 103, 109, 111, 118, 120, 121, 123, 126, 128, 204, 205, 206.

National Planning Policy Guidance

7.0 APPRAISAL

Relevant Material Planning Considerations

- 7.1 The main matters for consideration are:

- Principle
- Design and Appearance
- Impact on Conservation Area/setting of the Listed Building
- Amenities
- Ecology
- Contamination/Drainage
- Archaeology
- Parking and Highway matters
- Planning Obligations
- Other Matters
- Environmental Impact Assessment

Principle

- 7.2 Policy HO2 of the Shepway Local Plan Review allocates 'Ingles Manor' (of which the site forms part) as a redevelopment site for housing subject to policy FTC3. Policy FCT3 states redevelopment will be permitted subject to the protection of the setting of the listed buildings (Ingles Manor and curtilage buildings), substantial retention of the existing tree cover, included

those protected by Tree Protection Orders (TPOs), the scale, layout, bulk and design of new buildings are sympathetic to the adjacent buildings and spacing and the character of the Conservation Area, the design of the proposal is high quality and the site includes apartments. The site also forms part of a wider allocation site within the draft Places and Policies Local Plan (regulation 19 submission draft). At this time the draft plan has a limited weight.

- 7.3 As an allocated residential site the proposal has already been considered as sustainable in its location, being close to the town centre, train station, bus station and key distributor routes through the district and to the wider area. Therefore the principle of the development is acceptable but the application needs to be assessed in respect to the type and density of units proposed, scale and design, impact on the conservation area and other material considerations.

Design and Appearance

- 7.4 The NPPF and saved local plan policy BE1 requires new development to be of 'high quality' housing in term of the appearance of the development, ensuring that the development density is appropriate for its location, the impact on the street scene and character of the area and also the functionality and layout of the development design. Paragraph 9 of the NPPF seeks positive improvements in the quality of the built environment (in part) by the 'replacing poor design with better design'. Para 56 of the NPPF says that 'good design is a key aspect of sustainable development'. Para 57 and 58 refer to high quality and inclusive design, that is visually attractive as a result of good architecture and appropriate landscaping, that adds to the overall quality of the area and responding to local character and history and reflecting the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 7.5 Following the submission of the previous application (Y12/0767/SH) the Council applied a Tree Preservation Order to a number of trees/groups of trees around the perimeter of the site. The removal of protected trees is moderated by policy BE17 of the Shepway District Local Plan Review and the retention of existing landscape features is the subject of policy BE16 of the local plan review.
- 7.6 The choice of red brick with plain tile roofs seems appropriate to this site within the Radnor Estate area. In this case the design approach is given extra legitimacy since it is a continuation of the palette of materials and design used in the Phase 1 development of the Y12/0767/SH planning permission (Castle Hill Mews), which is seen to be successful.
- 7.7 In terms of layout the scheme will generally integrate well with its surroundings and create an attractive and spacious appearance at the centre of the development. There is pedestrian permeability through Phase B. There is also access to/from Phase B and Castle Hill Mews through the proposed Play Area, allowing direct access to this facility and then beyond into and through the proposed site.
- 7.8 The perimeter development onto existing streets, Jointon Road, Shorncliffe Road and Castle Hill Avenue, is mostly set behind areas of open grass

verge with established trees. This compliments the landscaped character of these various streets and helps to integrate the new development into the existing street scenes.

- 7.9 The scale and massing of all the blocks are appropriate to the setting. Two storeys are used along the Jointon Road side, appropriate to the generally inter-war suburban character of this street. The taller three storey houses facing Shorncliffe Road also seem appropriate to the grander scale of Shorncliffe Road, which is one of the streets laid out as part of the Radnor Estate at the end of the c19th. Castle Hill Avenue is one of the primary axes of this plan and the even higher scale of the corner block (units 11-12) is appropriate here and responds to the buildings on the opposite (east) side of Castle Hill Avenue which are four to five storeys in height.
- 7.10 Whilst ideally there may have been a dwelling with its frontage to Castle Hill Avenue, to continue the development frontage onto that street also, the flank of the easternmost terrace unit onto Shorncliffe Road has interest and scale, that this is considered to suitably turn the corner into the street scene of Castle Hill Avenue, and together with the use of generous open grass verge and mature retained trees the treatment of this part of the development is considered to be well thought through.
- 7.11 To the Jointon Road frontage the built development in Phase B is closer to the road than the dwellings to the southern side of Ingles Yard. This proximity does result in the loss of some boundary trees at the northern end of the site to Jointon Road, however the proposed use of the site is of a very different nature than the existing. It is also noted that the trees around the perimeter of the site that are proposed to be removed are the same that were approved to be removed under the previous planning permission Y12/0767/SH. (There is one additional tree to be removed under this proposal (G78(B)), but this is not located on the perimeter of the site and a further substantial tree has been required of the applicant within the central green space within the site.)

Impact on the Conservation Area and Setting of the Listed Building

- 7.12 Saved policy BE4 of the Shepway Local Plan Review requires new development to respect and either preserve or enhance the character or appearance of any conservation areas of which it may be part, including the retention of trees, verges and hedgerows which might enhance the setting and character of the Conservation Area. Policy BE5 requires new development to preserve the setting of listed buildings.
- 7.13 In this case, the Grade II listed Ingles Manor and its ancillary grounds and outbuildings, known as 'Ingles Yard', are closely located to the southwestern part of the application site. The southwestern part of the application site is also located within the Folkestone Leas and Bayle conservation area. (Castle Hill Mews and Castle Hill Avenue, which both bound the application are also within the Folkestone Leas and Bayle conservation area.)
- 7.14 In most respects the proposed layout is very much as per the previously approved scheme at the southwestern part of the site. Improvements were sought however by officers to ensure there would be a visual link between the listed building and the proposed residential development. The originally proposed close-boarded fencing along the southern boundary of the application site is now agreed to be replaced with a low brick wall topped with railings between the playspace area/footpath link to Castle Hill Mews and Ingles Manor and Ingles Yard to the south. Whilst details of a wall with have been submitted

they are not currently of a suitable design for their location within the setting of a listed building and the conservation area. A suitable design and the exact extent of the low wall/railings can be achieved by planning condition. (Generally within the proposal private boundaries with public areas are to be separated using walls whilst private areas to other private areas are to be divide using close-boarded fencing, details of which to be agreed by condition.)

- 7.15 Subject to final approval via condition the design, detailing and materials of the proposed dwellings and the proposed layout of spaces and trees are considered to be meet policy requirements to preserve or enhance the character or appearance of the conservation area and preserves the setting of Ingles Manor and Ingles Yard.
- 7.16 Details of landscaping, the management of areas of public landscaping, the protection of trees, use of materials, boundary detailing and delivery can be the subject of planning conditions and subject to such conditions there are no objections to the proposal in terms of design and appearance or the impact on the setting of the listed building or conservation area.

Residential Amenities

- 7.17 Policy SD1 of the Shepway Local Plan Review and paragraph 17 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.
- 7.18 In respect to future occupiers all of the houses will provide a suitable level of internal space and a suitable layout for the number of occupiers for which they are designed. However it is considered that some of the houses would only have a small garden for the size of the houses with which they are associated. For example the large family houses fronting Shorncliffe Road have lawn areas in the rear gardens of about 3.7m wide by 9.3m depth in addition to a small patio area. In other plots it is seen that gardens will be overhung by existing mature trees, most particularly those adjacent to Castle Hill Mews. These matters are considered on balance with: the site being allocated for housing; the quantum and type of development for the development of the site to be viable; that the site is urban and highly sustainable; and, that the Castle Hill Mews development has employed a similar approach with the open space in that phase providing additional useable space for families in addition to gardens. The current proposal also provides areas of open space and play space and links through to the open space of the Castle Hill Mews development also. (Furthermore, the applicant has agreed to pay a monetary contribution towards the development and maintenance of the existing open/play space at Radnor Park.)
- 7.19 The Council's Environmental Protection officer raises the matter of the potential for noise disturbance for occupiers of houses facing onto Shorncliffe Road. That officer proposes that no development should be agreed without an acoustic assessment however, this site is allocated for housing within the Local Plan (with a recently expired planning permission) and in urban design terms the layout of housing best respond to Shorncliffe Road by fronting onto it as proposed. It is however appreciated that both Shorncliffe Road and Castle Hill Avenue (with the roundabout junction between them), are busy roads but both these roads have only one lane of traffic in each direction. There is no reason to expect that an acoustic assessment would lead to such high readings of noise that the development

would be unacceptable for that reason. However to safeguard a quiet amenity for occupiers of the properties fronting Shorncliffe Road , planning conditions can be used which require glazing and ventilation systems that reduce noise penetration into the houses, whilst allowing for ventilation. This has been verbally agreed by the Council's Environmental Protection Officer.

- 7.20 In respect to neighbours' amenities there are no existing residential properties directly sharing a boundary with the application site. Due to this separation, no neighbours will suffer harm to their living conditions in terms of loss of outlook, privacy, and loss of daylight or overshadowing.
- 7.21 A Construction Environmental Management Plan (CEMP) can also be required by planning condition to ensure that neighbours' living conditions would not be harmed by ongoing construction activities on the site.
- 7.22 Subject to suitably worded conditions no objection is raised to the proposal in respect to residential amenity matters.

Ecology

- 7.23 The matter of ecology falls under the 'environmental' aspect of sustainable development and the NPPF seeks to minimise impacts on biodiversity and provide net gains in biodiversity where possible. Saved policy CO11 of the Shepway Local Plan Review states that permission will not be given for development which would endanger plant or animal life to habitat protected under law or if it causes the loss or damage to habitat and landscape features of importance to nature conservation. This is unless the need for the development outweighs the nature conservation considerations and mitigation measures are undertaken to fully compensate for remaining adverse effects.
- 7.24 In support of this application has been submitted an Ecology Scoping Survey which has been reviewed by the Kent County Council ecologists who accept that sufficient information has been provided to assess this aspect of the proposal.
- 7.25 KCC Ecology agree with the conclusions of the proposal in respect to protected species that the site is located within an urban area and consists of predominantly hard standing and amenity grasslands and has limited potential to result in ecological impacts. They are satisfied that the buildings have negligible potential for roosting bats.
- 7.26 Therefore no objection is raised to the proposal subject to a condition requiring details of enhancements to the site to encourage biodiversity, in accordance with paragraph 118 of the NPPF.

Contamination/Drainage

- 7.27 Matters of land contamination and drainage for new development are often interrelated, particularly when Sustainable Drainage Systems [SuDS) are proposed.
- 7.28 Policy U4 of the local plan states that development will not be permitted if it would lead to unacceptable risk to the quality or potential yield of the surface or ground water resources or lead to an unacceptable risk of pollution. The

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

7.29 Policy U2 of the local plan states that planning permission for housing developments of five or more dwellings and other forms of development generating a similar flow of effluent will be refused unless connection is made to the nearest available mains drainage system with capacity to serve the development or details are submitted which show how the development will be connected to a mains drainage system.

7.30 In this case the site is located over the principal aquifer for the area, the phase 1 land contamination report shows some contamination of the site, which requires mitigation and some further investigation also needs to be undertaken. The use of SuDs is proposed for the disposal of surface water and the foul water is proposed to be disposed of to the public drainage infrastructure. In the first instance Southern Water advised that they did not have capacity for the development to be connected to the public sewerage without the development providing additional local infrastructure. The applicant has been liaising directly with Southern Water however who have now advised the applicant (copy of correspondence provided to the case officer) that *“In principle the below [drainage strategy] would be acceptable as you are proposing a reduction to the existing flow. We will however require to see evidence that you have complied with part H3 of Building regulations and a full drainage layout including the final connection point to the public network which includes all relevant discharge calculations. Please submit this at discharge of condition stage for foul and surface water drainage so we can carry out the full assessment.”*

7.31 Therefore in respect to the drainage strategy Southern Water have stepped back from the position of objection they originally held and, should planning permission be granted, subject to the use of a planning condition in respect to a site wide foul and surface water drainage system.

7.32 In respect to surface water drainage the Environment Agency, the Council's land contamination consultant and Kent County Council as the Local Lead Flood Authority are all minded that surface water drainage (to ground) must take account of matters of contamination to prevent the contamination of the principle aquifer below the site. There are also matters in respect to contamination to be satisfied further in relation to human health and the proposed use of the site for residential purposes. Conditions are required to ensure neither water sources or human health are harmed through the development, including the need for further investigations and justifications, particularly in respect to asbestos.

7.33 Subject to such suitably worded conditions no objection is raised in respect to matters of contamination or surface water management and drainage.

Archaeology

- 7.34 An Archaeological Desktop Assessment has been submitted. The report is dated November 2011 and is the same report as was submitted under the Y12/0767/SH application. There has been no significant change to the site in the interim which would affect the archaeological interest, other than the construction of the houses in the Castle Hill Mews phase.
- 7.35 KCC's archaeological officer previously reviewed the report and concluded that, given the archaeological potential of the site, it is likely that the proposed development will impact upon buried archaeological remains, A condition was therefore used to require a programme of archaeological works.
- 7.36 Subject to a condition in respect to a programme of archaeological works (in each of phases A and B) no objection is raised respect to the impact on buried heritage interests.

Parking and Highway matters

- 7.37 Policy TR12 of the Shepway Local Plan Review relates to car parking levels to serve new development. Policy TR11 relates to the impact of new development on the highway network. Policy TR5 relates to the provision of cycle parking. Paragraph 32 of the National Planning Policy Framework states, in part, that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*
- 7.38 In this case the parking layout meets the required number of spaces for residents and visitor parking, as laid out in the KCC Interim Parking Standards. However the proposal does rely on garages being included in the parking numbers, which is not usually acceptable under the KCC Interim Parking Standards. In this case it has been taken into account that the garages are all generously sized, with the internal space measuring 5.5m depth by 3.5m width, and are considered acceptable to count as formal parking spaces in this dense urban development, which is also highly sustainable. Visitor parking is provided on the street across Phases A and B.
- 7.39 One matter on the layout drawing which will require amendment, by the use of a condition, is the pedestrian table shown across the main road into the site needs rather to be the whole of the T-junction – thereby providing priority pedestrian linkage between the playspace and open space areas.
- 7.40 The proposed new access to the site and the increase of traffic using the Ingles Yard site is all acceptable. Double yellow lines will be required around the junction of the new access to prevent cars parking in such a way as to be hazardous to vehicular traffic entering and exiting the site. This can be achieved by a Grampian style planning condition.
- 7.41 Overall the site has good access to both train and bus hubs and is in close walking distance to the town centre. A condition will be required to ensure the provision is made for the storage of bicycles for each dwelling at a ratio of 1 per bedroom. Subject to suitably worded conditions no objections are raised to the proposal in respect to highway and parking matters.

Planning Obligations

7.42 Planning obligations are used to mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations are enshrined within the NPPF and are also the subject of policies DSD and SS5 of the Shepway Core Strategy. Planning obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Open space/play space

7.43 Saved policy LR9 of the Shepway Local Plan Review requires that, in areas where open space deficiency exists that sites of 25 dwellings or more should provide open space on the site. Saved policy LR10 requires that developments containing 20 or more child bed spaces should provide children's play space or make a commuted sum payment towards off site provision.

7.44 Policy LR9 (open space) and LR10 (play space) calculation for this development shows that an under provision of both play and open space are proposed within the site in this case. The policies do allow for the provision of a monetary contribution in lieu of onsite provision and in this case, a monetary obligation, in addition to the undersized on-site provision, is considered to be acceptable in principle to provide for the upgrade of play equipment within Radnor Park and maintenance of the play equipment and open space.

7.45 The policy calculation, based on the under-delivery of open space and play space on the site, is that monetary contributions are required in this case of £26,262.25 towards off site Play Space and £34,925.55 towards off site Open Space. Totalling = £61,187.80. The applicant has offered monetary contributions towards the offsite provision of play/open space of £13,108 towards Play Space and £31,629.30 towards Open Space. Totalling £44,737.30.

7.46 The above figure has been considered in the light of the applicant's viability report, submitted with the application. This report has been reviewed by independent viability assessment and on the basis of the financial constraints evidenced to allow for the commencement of the proposed development officers have agreed the applicant's proposed contributions in this case. The on-site space will likely be needed to provide contractors space while the development is under construction and as such the timing for the delivery of these spaces will need to be agreed within the S106 taking this into account. These will be the subject of a Section 106 agreement.

Affordable housing

7.47 Policy CSD1 of the Shepway Core Strategy requires that new housing developments of 15 or more units should provide 30% affordable dwellings on-site or through a financial contribution of broadly equivalent value off-site, subject to viability.

- 7.48 The National Planning Policy Framework states that the burden of planning obligations should be understood in the context of local economic conditions and market realities. The NPPG on viability says that this should not undermine ambition for high quality design and wider social and environmental benefit but such ambition should be tested against the realistic likelihood of delivery. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.
- 7.49 In this case the provision of 30% affordable housing units would equate to 12 affordable housing units. However, the applicant has submitted a viability assessment in support of the application which concludes that the provision on any affordable housing units would mean that the development would not be viable to commence. It should be noted that the viability appraisal includes the CIL requirements for the development of £302,291.35.
- 7.50 The Council commissioned expert consultants to undertake an independent review of the applicant's viability report to determine whether the conclusion reached was acceptable and in accordance with best practice. Following further negotiations the applicant has agreed to a contribution of £188,708.65, towards off site affordable housing. This sum is in accordance with the independent advice received by the Council's consultants and has been agreed on a profit of 16.7% on Gross Development Value. This is comparable in monetary terms to 10% on site shared equity units.
- 7.51 Therefore, in this case a monetary contribution of £188,708.65, is to be paid the Council towards provision of off-site affordable housing. The timing of this payment in relation to the phasing of housing delivery is currently under discussion with the applicant. This will be the subject of a Section 106 agreement. The Housing Strategy Manager has confirmed that this sum is acceptable, given the viability review conclusion reached by our expert consultants. It is considered that the application therefore complies with policy CSD1 by providing an appropriate off site affordable housing contribution, subject to viability.

Other Issues

- 7.52 Policy CSD5 of the Shepway Core Strategy and paragraph 42 of the NPPF seek the provision of high quality communications infrastructure, to sustain economic growth. Subject to the use of a planning condition to require the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community no objection is raised under policy CSD5 of the Shepway Core Strategy and paragraph 42 of the NPPF.
- 7.53 In term of water sustainability, policy CSD5 of the Shepway Core Strategy in part requires that all developments should incorporate water efficiency measures. The policy states development for new dwellings should include specific design features and demonstrate a maximum level of usage should be 105 litres per person per day or less. This usage level figure is adjusted to 110 litres per person per day under the guidance of Building Regulations Approved Document G (which came into effect in October 2015). This can be controlled by planning condition.

Environmental Impact Assessment Regulations 2017

7.54 In accordance with the EIA Regulations, the site falls outside of any sensitive area and the development is below the thresholds for Schedule 2 and therefore does not need to be screened under these regulations.

Financial considerations

7.55 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. New Homes Bonus payments are not considered to be a material consideration in the determination of this application but are to be reported.

7.56 In this case, an approximate value of the New Homes Bonus as a result of the proposed development would be approximately £48,344 per annum for 4 years (subject to the outcome of required consultation). This figure is based on an annual Council Tax revenue calculation from the proposed development of approximately £193,376 per annum.

7.57 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £54.70 per square metre for new residential floor space (less existing buildings floor area). The CIL liability for this development is £302,291.35 (until 30 October 2018).

Human Rights

7.58 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.

7.59 This application is reported to Committee due to objection to the proposal by the Folkestone Town Council for reasons of the remaining trees on the site will be too sparse; 12 affordable housing units should be provided where none are proposed and the additional hardsurfacing will exacerbate the surface water drainage problems on the site, particularly at the corner of Shorncliffe Road and Castle Hill Avenue.

8.0 BACKGROUND DOCUMENTS

- 8.1 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.

RECOMMENDATION – That planning permission be granted subject to a S106 agreement and the following conditions:

1. 3 year standard time condition
2. Drawing numbers
3. Materials as specified
4. Additional investigations be carried out in respect to asbestos/the recommendations of the submitted report/mitigation
5. Remaining parts of the standard contamination condition
6. Site wide surface water drainage scheme
7. Drainage management and maintenance
8. No infiltration drainage in areas of contamination
9. No piling or penetrative foundation design without agreement of the LPA
10. Archaeological watching brief
11. Measures to enhance biodiversity
12. Construction Environmental Management Plan
13. Tree Protection Measures
14. Fronting Shorncliffe Road - use of double glazing with 16mm air gap between 4mm glazing, acoustic airbricks and window vents
16. Pedestrian table required across T-junction
17. Landscaping condition including replacement trees
18. Landscape management plan for communal landscape areas
19. Replanting if landscaping fails
20. Details of low wall/railings
21. Standard water efficiency condition
22. TRO to change and provide double yellow lines around the new access (Grampian condition)
23. Garages retained unrestricted for parking purposes at all times

24. Provision of access roads in each phase
25. Details of play area equipment
26. Provision of the open space and play space
27. Installation of high speed fibre optic broadband (FTTP)
28. Removal of permitted development rights in respect to rear extensions on some properties
29. Provision and maintenance of vision splays.
30. Architectural detailing

Y17/0710/SH
Ingles Meadow Garden Centre
Jointon Road
Folkestone

