

Application No: Y18/0066/SH

Location of Site: Land At Park Farm Road, Park Farm Road, Folkestone

Development: Redevelopment of the site to provide a hotel (4,979 sqm GIA) (Use Class C1), restaurant and cafe floorspace (847 sqm GIA) (Use Class A3) and two 'drive through' units (total 451 sqm GIA) together with a new vehicular and pedestrian access from Park Farm Road, parking, servicing and all hard and soft landscaping.

Applicant: Ravensbourne Investments Limited

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Date Valid: 13.01.2018

Expiry Date: 14.04.2018

PEA Date:

Date of Committee: 24.04.2018

Officer Contact: David Campbell

SUMMARY

This report considers whether the proposal for the redevelopment of the site to provide a hotel, restaurant and cafe and two 'drive through' units together with a new vehicular and pedestrian access from Park Farm Road, parking, servicing and all hard and soft landscaping is acceptable in terms of impact on the town centre, the sequential test, design, the setting of the AONB, flooding, drainage, ecology, contamination, neighbouring living conditions, and highway impacts. Also through the completion of a legal agreement, the proposal will provide the travel plan and the associated monitoring fee.

It is therefore concluded that the proposal is suitably designed, would preserve the setting of the AONB and would mitigate its impact in terms of highway. Both the sequential test and the impact assessment that have been carried out by the applicants are considered to demonstrate that the proposals would not cause harm to Folkestone Town Centre and as such no objections are raised on this issue. It is also considered that the B use classes as request in the emerging policy could be secured at the second phase of the development which would be subject to a subsequent application. The emerging policy position has also been taken into account in the report below and no environmental impacts have been identified that would result in withholding planning permission.

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.

RECOMMENDATION:

a) That that the Head of Planning Services be authorised under delegated authority to grant planning permission subject to:

- Completion of a legal agreement with the applicant that secures the travel plan and monitoring fee and which the Head of Planning Services considers to be acceptable.
- The conditions set out at the end of this report and any additional conditions the Head of Planning Services considers to necessary.

b) That in the event that the deed of variation is not finalised by 1st June 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 ground:

In the absence of a signed legal agreement there is no mechanism for ensuring the provision and effective monitoring of a travel plan covering the development. The application is therefore contrary to saved policy TR13 of the Shepway District Local Plan which requires travel plans for major development that are likely to have significant transport implications.

1.0 THE PROPOSAL

- 1.1 This application is for a six storey, 131 bed hotel with gym and two restaurants within the hotel; two drive-through units; new vehicle and pedestrian access, parking, services and landscaping. The hotel extends to approximately 4,979 sqm GIA and of the 131 bedrooms in the hotel, 8 would be accessible. The ground floor of the hotel would include the reception area, meeting rooms and informal working areas and the first floor a gym. The two restaurants on the ground floor of the same building would be 364 sqm GIA and 483 sqm GIA respectively and are intended to be run separate from the hotel.
- 1.2 Two drive through units, which also incorporate internal seating are proposed with unit A being 284sqm GIA, which is currently intended for KFC with a mixed A1/ A3/ A5 use classes and unit B being 167 sqm GIA which is currently proposed to be a coffee shop operator with a mixed A1/ A3 use. The illustrative masterplan for the whole site shows that 'B' class office uses are to be delivered on the remainder of the site (outside the red line boundary) and as such do not form part of the current application.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Inside settlement boundary
- Employment area

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site is located on the Park Farm Industrial Estate within the urban confines of Folkestone on the northern periphery of the town, approximately 1.2 miles from the town centre. The area is one of a commercial and industrial character where the immediate built environment is characterised by various commercial style buildings located upon the west and east sides of the main Park Farm Road.
- 3.2 The site is located upon the west side of Park Farm Road approximately mid-way within the estate and comprises 1.97 hectares in area, extending to 3.87 hectares if all the land within the blue line is included. The site comprises the location of the former Silver Spring soft drinks manufacturing buildings and the Builder Centre builder's merchants. The land is currently unused and the former manufacturing and storage buildings have been demolished. The site has been cleared and now comprises an extensive area of hard standing.
- 3.3 Under the adopted saved policy of the Local Plan Review, the area is safeguarded for employment uses where the estate includes a number of 'B' Class uses and small businesses. However the northernmost part of the Estate along Park Farm Road is predominantly characterised by a number of retail warehouse units such as Bunnings Warehouse, Home Bargains and Pets at Home in immediate proximity.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is a long and varied history to this site, which mainly refers to the former uses. The most recent include Y11/0890/SH and Y13/0693/SH which were 28 day demolition notifications and Y13/0022/SH which was an outline application for the development of up to 10,684 sqm of retail Class A1 comparison floorspace (9890 sqm) and 189 sqm of restaurant/hot food takeaway Class A3/A5 floor space, together with associated car parking, landscaping and new vehicular and pedestrian access of Park Farm Road. The application was refused for the following reasons:
 - In the absence of a robust and comprehensive retail impact assessment that fully scenario-tests the possibility of a greater amount of trade being diverted from Folkestone town centre and the possibility of existing retailers in Folkestone town centre relocating to the application site, it has not been satisfactorily demonstrated that there would not be an adverse and significant retail impact upon the vitality and viability of Folkestone town centre. The development is therefore considered to be unacceptable and contrary to the NPPF: 2012 (paragraphs 26-27) and Core Strategy Local Plan Policy SS4 which seeks to protect existing, committed and planned public and private investment in town centres.
 - Given the location of the site within a Priority Centre of Activity on allocated employment land, and in the absence of a robust and comprehensive marketing strategy, the Local Planning Authority is not satisfied that sufficient efforts have been made to secure a commercial B Class use for the site and therefore a purely A1 comparison retail development as currently proposed is not justified.

The development is therefore considered to be contrary to Core Strategy Local Plan policy SS4 and saved Shepway District Local Plan Review policies E1 and E4 which seek to protect existing employment sites and resist development where it results in a net loss of on-site B Class uses and jeopardises the identified commercial purposes of these areas.

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

Support the principle of some development on the lower half of the former Silver Spring site at Park Farm and is happier with a hotel development than with previous shopping centre applications that would affect the town centre. However, the Highway Officer's comments seem well judged and should be addressed. There have been housing and school developments that have added to the traffic. The committee supports the application subject to the resolution of highway issues. The committee did not like the vague indication on the design of the hotel.

5.3 Kent Downs AONB Unit

Have objected to the application on the following grounds:

The AONB boundary lies on the north side of Churchill Avenue and the site forms an important part of the setting of the AONB, by virtue of its proximity and would be visible in views. The AONB Management Plan, which is adopted, 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 proposals, their distance and incompatibility with their surroundings likely to affect impact. Policy SD8 of the Management Plan should be noted. The NPPG confirms that AONB Management Plans can be relevant material considerations. Core Strategy policy CSD4 and emerging policy NE3 state the need for conservation and enhancement of the AONB and its setting. This is also recognised in emerging policy RL11.

The AONB Unit disagrees with the LVA assessment as a development of the height and mass proposed, should use materials which are recessive in colour. They are concerned the proposed grey render and Portland Stone cladding tiles, by virtue of their pale colour will increase the prominence of the building in views from the AONB and they consider that much darker colours to be used instead or a green wall. They are concerned that the large amounts of glazing, lighting at night time would lead to visual intrusion on the AONB. Similar concerns are raised to the signs if these are also illuminated.

In respect of landscaping, no plan is included showing retained trees. They would wish to see the retention of as many trees around the perimeter of the site as possible and landscaping enhanced, through the incorporation of

additional trees which have the capacity to establish large crowns to maximize the mitigating impact when viewed from the higher topography of the Kent Downs.

5.4 Southern Water

Exact location of sewers must be determined by the applicant and should be protected during development and tree planting kept 3m clear. Public sewers may be crossing the site. Southern Water is unable to accommodate the proposals without the development providing additional local infrastructure as it would increase flows into the wastewater sewerage system and increase flooding into the area. The developer could discharge foul flow no greater than existing levels and ensure that there is no overall increase in flows. A condition requiring a foul drainage strategy should be attached.

Arrangements for the long terms maintenance of SUDS and details should be submitted to the LPA. Surface water drainage is to be dealt with by means of surface water drainage into a watercourse. The Council should be convinced this is adequate. A wastewater grease trap should be provided on the kitchen waste pipe or a drain installed and maintained by the owner/operator of the premises.

5.5 The Environment Agency

No comments to make

5.6 Natural England

No comments to make but refer to their standing advice

5.7 KCC Highways and Transportation

Have raised no objections and the following points:

The local bus company Stagecoach have requested that raised kerbs and shelters should be installed for the existing two bus stops on Park Farm Road. The applicant has undertaken a Stage 1 Safety Audit of the proposed right hand turn lane priority junction which has not raised any issues that cannot be dealt with through the Stage 2 detailed design process. The applicants have undertaken vehicle tracking for the largest vehicles which are likely to access this site (13 metre long articulated vehicle).

The applicants have undertaken a sensitivity test with a 30% reduction for linked / pass-by / diverted trips for the restaurant which shows that the impact is minimal when compared to a 50% reduction. The junction of Park Farm Road / Pavilion Road / Radnor Park Road has subsequently been remodelled and the impact of the development on the junction is not severe subject to the lengthening of the cycle times in the AM peak to 134 seconds as has been agreed with the traffic signals team at KCC Highways and Transportation. The signal timing changes to the junction should be secured through a suitably worded planning condition. The impact of the development on all other junctions in the vicinity of the site is minimal (1-2%) and therefore it would be reasonable to request any further improvements to these junctions.

The car parking provision has been increased from 212 to 228 spaces (an increase of 16 spaces). Although this is a shortfall of 6 spaces when compared to the maximum parking demand of 234 spaces it should be noted

that this is based on every customer using the drive through restaurants making use of the car park. This is unlikely to happen in practice as the majority of customers will drive-through and then re-join the local highway network.

Further analysis has been undertaken by the applicant in the respect of seasonality due to the original traffic surveys having been undertaken in July 2017. Automatic Traffic Count Surveys have been undertaken by the applicant at the site frontage by the applicant in October 2017 (which is a traffic neutral month) and an analysis of WEBTRIS data for the four slip roads at M20 Junction 13. The seasonality factors are acceptable to KCC Highways and Transportation and have been included in the 2031 base model. A future year scenario of 2031 has been used for traffic growth, which is acceptable to KCC Highways and Transportation as this represents the current timeframe for Shepway District Council Places and Policies Plan.

The applicant has agreed to provide to widen the footway to the south of the proposed site access to the southernmost junction of land within their control (being proposed as part of Phase 2) to 3 metres to act a shared footway / cycleway. This should be secured through a suitably worded planning condition. Electric vehicle charging points should also be provided at a rate of 10% of the total car parking provision.

Conditions should include a construction management plan, vehicle parking spaces, electric vehicle charging points, vehicle loading/unloading and turning facilities, cycle parking facilities, access details, closure of the 4 existing access points along Park Farm Road with the re-instatement of all of the existing dropped kerbs, provision of two new bus stop shelters and raised kerbs, provision of a 3 metre shared footway / cycleway, alterations to the proposed cycle times and a framework travel plan. The proposed framework travel plan should be secured through a Section 106 Agreement together with a £5,000 auditing fee (£1,000 per annum over 5 years). The proposed right hand turn lane priority junction will be subject to a Section 278 Highway Agreement with KCC Highways and Transportation.

5.8 KCC Archaeology

No comments.

5.9 KCC SUDS

The application is supported by a Flood Risk Assessment prepared by DHA Environment (January 2018), which assesses the existing surface water connections from the site and proposes a drainage strategy to serve the proposed development. The drainage strategy proposes combining the discharges to the Pent Stream to a calculated QBAR rate of 21 l/s. Permeable pavement serves two of the catchment areas and cellular storage controls the other two catchments.

They support the surface water management approach proposed but would recommend that water quality treatment measures are appropriately considered. The CIRIA SuDS Manual considers surface water runoff from commercial and retail parking areas as having a medium pollution hazard level. As this attenuation system would discharge directly to the Pent Stream it would be recommended that water quality treatment is provided prior to discharge. The crates are located below a verge area and may

accommodate surface collection prior to attenuation within a swale/rain garden. The permeable pavement within the other parking areas would serve this function in those areas. Notwithstanding the comments above, if your authority is minded to grant approval to this application they would recommend the following conditions: detailed SUDS scheme, SUDS operation and maintenance details, verification report for the SUDS scheme

5.10 Heritage Consultant

There is no in-principle objection to the development from a Conservation viewpoint, since the development of the site and its perimeter planting will help to enhance the local character of the Park Farm Industrial Estate.

The Applicant should be encouraged to select colours from a more muted palate of colours than is proposed currently, with more use of darker colours instead of the white and pale grey currently proposed. In particular they should be directed towards a choice of colours in the grey-green end of the spectrum since colours with a greenish tinge are most effective in blending back into the wider environment. The roof colours also need to be chosen from this palate, but the Applicant should perhaps be urged to consider the use of a green 'living roof' over the flat roofed areas of the hotel blocks and its podium, which would create a better appearance when seen from above.

The Applicant should be encouraged to provide semi-mature tree planting of native species within the landscaped area and the avenue of trees across the car park on its eastern side and, in particular, should be encouraged to provide a second avenue across the car park towards its western side. The Council's Arboricultural consultant may wish to comment further on this. Consideration should be given to the framing of conditions restricting the extent of internally illuminated signage used on the three development buildings

5.11 Merebrook Contamination Consultants

Agree with the findings of the applicants report and recommend that Phase 2 further investigation and testing be carried out.

5.12 Environmental Health

Air Quality – No objections to additional information subject to a condition requiring the mitigation measures to be carried out.

Contamination - Environmental Health agrees with its contaminated land consultants, a Phase 2 further investigation and testing are required to fully characterise the ground conditions at the site.

6.0 PUBLICITY

6.1 Neighbours letters expiry date 20.04.2018

6.2 Site notice expiry date 16.03.2018

6.3 Press notice expiry date 01.03.2018

7.0 REPRESENTATIONS

7.1 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:

7.2 5 letters/emails received objecting on the following grounds:

Principle/ uses proposed

- The uses would provide low quality and low paid jobs.
- The site should be reserved for industrial or commercial units.
- Impacts cannot be fully assessed as it is for only half the site.
- Contrary to the current development plan/ emerging policy (RL8).
- Current policy allocates the site for employment.
- Failed to demonstrate compliance with the sequential approach.
- Adversely affect development in the town and seafront site.
- No weight should be given to draft policies due to outstanding objections.
- No reason to approve contrary to the development plan and national policy.
- No deals reached with potential occupiers.
- No guarantees that the employment uses in the masterplan would come forward.
- The sequential test is flawed and does not demonstrate sufficient flexibility in the identification and assessments of sites.
- The sequential test fails to assess whether the individual elements of the scheme could be provided on separate sites. (For example could the Burstin accommodate the A3 uses?)
- The seafront site could accommodate some of the uses.
- The impact assessment is inadequate.
- A single restaurant would normally be sufficient to support a hotel.
- Does not consider jobs that would be lost.
- Welcome the hotel.
- Objections to the hotel.
- No strong case for the release of employment sites (except one in Lydd) as stated in the employment land review.
- There is a requirement for employment land.
- Will cause damage to existing hotels particularly listed buildings and non-designated heritage assets.
- Would harm visitor numbers to the town centre.

Design & Scale

- That is significantly taller than other buildings in the vicinity.
- Should be 3-4 storeys.
- Will be overbearing in the area.
- Will spoil the view of the hills around Folkestone.

Parking/ traffic & access

- The assertion that hotel occupancy is likely to be less than 75% is absurd, Occupancy rates are likely to exceed 90%.
- Parking capacity needs to be increased.
- Increase in accidents.
- Would be harder to access neighbouring businesses.
- More information needed.

- The road network is inadequate.
- The choice of location is clearly to service the Channel Tunnel / Dover traffic so private vehicles will be the main means of transport.
- No assessment appears to have been made of the traffic generated by those attending meetings in the meeting rooms or of the impact of this on traffic arriving/leaving the site.
- Is the gym for use of the overnight guests? If not, no estimate of vehicle traffic has been made for those people using the site for gym use, and no parking provision has been made for them.
- There is very little on-street parking in the area so it is essential that adequate parking is provided if this development goes ahead.
- Inadequate staff parking. The hotel has three staff parking spaces identified.
- No identified parking for staff working in the restaurants or drive-throughs.
- The spacing between the two rows of parking dedicated for caravans appears to be just 6m. This does not appear to be enough room to allow all but the most experienced caravan owners to reverse into one of these spaces.
- The Transport plan proposes a new access off Park Farm Road, laid out as a 'priority right junction'. The meaning of this is unclear.
- If it is intended to give traffic turning right into/out of the site priority, then this is fraught with risk.
- Traffic on Park Farm Road should have priority, and any traffic turning right into or out of the site should give way.
- The alternative would be to build a roundabout to facilitate free flow into and out of the site.
- The assessment of their traffic flows and routes are nebulous.
- The Transport Assessment suggests the impact on the Park Farm Road/Radnor Park Road traffic light junction could be mitigated by varying the cycle time.
- Increase in pollution.
- There are significant omissions on the traffic modelling.
- Use of the site for lorry parking is not logical.
- Data on former employees/ lorry movements is misleading/ irrelevant.
- There will be a significant impact on numerous junctions.

Trip rates

- Arbitrary trip rates used to calculate junction performance are remarkably low.
- Councillors may wish to consult the nearby McDonald's restaurant to see if they will divulge how many customers they currently see at these times.
- The impact on road junctions could be significantly different if more traffic originates from within Folkestone and particularly if it arrives from the Park Farm Road/Radnor Park Road junction trip rates for the hotel at peak times seems reasonable although the arrival/ departure split seem to be unreasonably skewed in favour of arrivals.
- The Hotel trip allocation seems unreasonable and appears to skew results away from people travelling to from the continent.
- Many restaurants on hotel sites offer breakfast.

8.0 RELEVANT POLICY GUIDANCE

8.1 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>

8.2 The following policies of the Shepway District Local Plan Review apply: SD1, BE1, BE16, U4, U10a, U15, E1, E2, E4, TR5, TR6, TR11, TR12 and TR13

8.3 The following policies of the Shepway Local Plan Core Strategy apply: DSD, SS1, SS2, SS3, SS4, CSD4 and CSD6

8.4 The following Supplementary Planning Documents apply:

- Kent Design Guide & associated appendices
- Building for Life 12
- The Employment Land Review, 2011
- KCC Retail Need Assessment Survey 2010
- AONB Management Plan 2014 to 2019

8.5 The following sections of the National Planning Policy Framework are of particular relevance to this application:

- Achieving sustainable development
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable forms of transport
- Requiring good design
- Promoting healthy communities,
- Meeting the needs of climate change , flooding and coastal change,
- Conserving and enhancing the historic environment, and
- Ensuring viability and delivery

9.0 APPRAISAL

Relevant Material Planning Considerations

9.1 The relevant issues for consideration with regard to this current application are as follows:

- Loss of employment site
- Impact on town centre
- Design and layout
- Setting of AONB

- Amenity,
- Archaeology
- Highway safety.

Loss of an employment site

- 9.2 The application site is identified under saved policy E1 of the adopted Shepway District Local Plan Review as part of a site allocated for business and commercial development, known as Park Farm Industrial Estate. Permissible uses are shown to be Use Classes B1 (light industrial including office) and B8 (storage and distribution). The proposal is therefore a departure from that policy and as such the needs of the district in terms of employment space should be assessed.
- 9.3 The Council has carried out an Employment Land Review (ELR) in the district and the overall conclusions indicate that one of the weaknesses of the district as a business location is the lack of good quality commercial space that would meet modern occupier needs. The current office provision is extensively concentrated in Folkestone which largely comprises small to medium sized offices of older stock, with limited supply of new office accommodation available. The shortage of high quality office space is seen as the main barrier to attracting new firms to the local market (as well as retaining existing). Forecasted growth and the supply of land would, numerically, meet future needs but only 44% of this is located in Folkestone, where the demand is. With regard to industrial space, this is a similar story. The supply for the future needs in Shepway appears to be sufficient to support demand but in the absence of higher quality industrial space to meet modern requirements coming forward, there is a risk of the district losing business to other locations in Kent. With regard to the Silver Spring site, the ELR suggests that the results of market feedback indicate that there is a demand for industrial uses within strong locations, especially those that benefit from good access to the M20, and that policy considerations should be given to safeguard and support B class development opportunities at this site.
- 8.5 Leading on from the ELR Policy RL11 of the draft Places and Policies Local Plan (PPLP) Submission Draft seeking to allocate the site for mixed use development consisting of business uses (B1), leisure (D2), retail (A1), restaurants/ café (A3) and a hotel (C1). The policy requires a comprehensive approach to development, suitable access arrangements and transportation improvements including a bus stop. The impact on the town centre is discussed in the section below.
- 9.6 Paragraphs 11.67-11.72 of the draft PPLP discuss how the Council wishes to see the site developed. It identifies that there are two issues that need to be considered in the redevelopment of the site. Firstly to provide good business accommodation in Folkestone and secondly to reflect the changing nature of the Park Farm Estate, which now contains a large retail area, including two DIY stores and a supermarket. The Employment Land Review has identified the need for providing good quality office space in Folkestone and this site offers an opportunity to achieve this and encourage businesses to locate in the district. The masterplan identifies that employment uses are to be provided in phase two of the development, and while it would have

been preferable to see B class office space provided with this application, it is acknowledged that the current proposals would not prejudice the provision of B class office space in the second phase on the wider site.

- 9.7 As can be see above, there is a changing stance from the Council's adopted policy position in relation to the development of the site. The current scheme would provide the A3, D2 and C1 uses, but would not provide the A1 use required by the draft policy. The A5 uses are not part of the Council's current vision for the site although it is considered that these could assist the viability of the scheme and could be brought forward by the developer.
- 9.8 The need for good quality office accommodation has also been recognised by the Locate in Kent team which have indicated that the lower interest in Folkestone compared to other areas is owing to the lack of modern space. Existing stock of older office space in the town is declining owing to permitted development rights to change its use and this is expected to continue. Nevertheless, Folkestone has larger office users (e.g. Saga) and a greater share of small businesses (10-49 employees) using such space. Experian predict that a further 700 office jobs can be expected in the area by 2026 but there is a reducing supply of office space. The trend towards out-of-town offices is recognised as an important dimension to building a sustainable cluster of commercial activity and modern occupier needs. Where better quality business space has been provided it has been quickly taken up and achieves high occupancy rates. So the site designation is important in meeting the primary need for good quality office accommodation within an attractive development that includes high quality supporting uses.
- 9.9 Therefore it is considered to be important to deliver office development on the site and it would have been beneficial to have had some included in this scheme. Nevertheless the office development could still be delivered on the other part of the site and would remain policy compliant both in terms of the current policy and the emerging. It is therefore considered that this would not therefore be a reason to refuse the application alone. It is also noted that the site has been vacant for a few years with no developer coming forward.
- 9.10 In terms of whether a hotel is appropriate on the site, this would clearly conflict with the adopted policy. However it would conform to the emerging policy which shows the Council's direction in the future and may present a more viable development on a site that has been vacant for a few years. The amount of weight which can be attributed to this policy is reduced given that there are outstanding objections to it and it is not yet adopted. However it arises from a more recent and up to date ELR than policy E1 which was adopted in 2006. It is considered that on balance it is acceptable to consider the uses proposed, subject to an Impact Assessment and sequential test, which are considered below.

Town Centre Impact

- 9.11 The NPPF (Para 24) and NPPG advocate a 'town centre first' policy. Folkestone Town Centre is a designated Town Centre and also listed as a Priority Centre of Activity Strategy in Policy SS4 of the Core Strategy (2013). As previously stated, the site forms part of the Park Farm Industrial Estate,

an out-of-centre employment site located on the urban fringe of Folkestone and allocated under Policy E1 of the Shepway District Local Plan Review (2013) for which the permissible uses include B1 and B8.

- 9.12 The NPPF (Para 26) and Policy SS4 also states that when assessing applications for retail, leisure and office development outside of town centres (in this case Folkestone), which are not in accordance with an up-to-date Local Plan, an impact assessment is required if the development is over a proportionate, locally set floorspace threshold. If there is no locally set threshold, the default threshold is 2,500 sqm.
- 9.13 Therefore, in line with the NPPF (Para 24) and policy SS4 a sequential test should be administered and submitted with the application. This should focus on town centre activities, or those creating a significant transport demand, looking firstly at locations in the town centre, then edge of centre and only then out-of-centre locations. The sequential test has explored alternative site and these include the area around the bus station and an area at Guildhall Street, but these could only meet the mid or long term demand given their availability. The availability of sites like the Grand Burstin and the seafront site have also been assessed in the applicants' supporting documentation, but are not considered to be available and would not deliver the quantum of development currently proposed. The Council therefore agrees with the applicant's assessment in that, as far as to accommodate the proposals, these sites do not appear to be appropriate.
- 9.14 The Shepway Town Centre Survey (2015) recently concluded that developments of less than 2,500 sqm could potentially cause significant adverse effects on some of the district's retail centres, depending on the occupier and location. The Study recommended that a threshold of 500 sqm be adopted for schemes outside major town centres. This locally set threshold is actively being pursued through the emerging Policy RL8 of the draft Places and Policies Local Plan; however at present the default threshold of 2,500 sqm applies.
- 9.15 The other supporting 'main town centre uses' that form the overall scheme include A3 and A5 uses that amount to 1298sqm which does not exceed the 2,500 sqm default threshold. However, the applicants have still carried out a test in light of the 500 sqm threshold in the emerging policy. It should be noted that hotel uses are not mentioned with regard to the need for an impact assessment in paragraph 26. It is considered that the drive through units would not necessarily have an impact on the town centre as there are not any existing drive through units in the town centre and this is not generally where they are found. It is noted that McDonalds and Subway have a drive through at Park Farm as well as town centre premises in Folkestone and as such there is no reason to believe that KFC (or similar) would be any different. It is considered that the same justification could be applied to the proposed coffee shop, where the offer of a drive through facility is not considered to put at risk the facilities in town as it is a different form of coffee shop/takeaway use. The use of a small gym is considered to compliment the hotel well and it is common to find the two uses delivered simultaneously. A condition has been attached requiring the gym to remain for hotel guests to ensure that it remains ancillary to the main hotel use.

- 9.16 In terms of the A3 uses, the applicants point out in their Impact Assessment that the town centre is currently deficient in terms of these uses and argue that they are likely to be national chains rather than local restaurants. The operators at this stage are unknown, so a decision cannot be based on the second point, however due to their size and that only two are proposed, it is not considered that these would likely give rise to any harmful impacts on the town centre. It is also considered that the A3 uses would complement the hotel.
- 9.17 There are therefore no objections to the sequential test or impact assessments and as such it is considered that the proposed uses are acceptable and that paragraph 27 of the NPPF, which states that applications that fail the sequential test or likely to have significant adverse impact should be refused, does not apply. It is also considered that the previous reasons for refusal have been overcome, supported by the change in the emerging policy.

Design and Layout

- 9.18 The NPPF identifies that good design is a key aspect of sustainable development, indivisible from good planning and that it should contribute positively to making places better for people. It also highlights that design policies should focus on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development and promote local distinctiveness. The NPPF specifically states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policies in the adopted local plan, seek to provide a framework for the consideration of design matters and encourage high quality design.
- 9.19 The proposed development would be visible from a number of vantage points around Folkestone, the highway network, from public rights of way and AONB to the north. As such, the proposal would clearly have an impact upon the character and appearance of the area and careful consideration needs to be given to the design and appearance of the proposed buildings. A Landscape and Visual Impact Assessment (LVIA) has been carried out by the applicant and is helpful in assessing the impact of the scheme.
- 9.20 The site is already prominent when considering views to the town from the north and west due to its raised location. Development of the scale proposed would be extremely visually prominent both in views to and from the town, and higher than the surrounding development on the Park Farm industrial estate. Current views of the estate are not attractive when viewed from the M20 or the surrounding area, and as such the site provides the opportunity to introduce positive change through the construction of a landmark building.
- 9.21 The above ground floor elements of the hotel/ restaurant building are proposed to be between 14.5m and 19.5m tall with the highpoint being approximately 22m high. The upper floors are between 35m and 70m wide and have an approximate depth of 17m. The main elevations are faced with insulated pale grey render with Portland stone facing tiles facing the AONB.

The windows are generally grey with grey panels and fascias to the single storey podium block and bronze effect fascias to the hotel bedroom blocks.

- 9.22 Of the two drive through units, Unit A is to be approximately 28m deep and 11m wide and Unit B 11m wide and 16m deep excluding the entrances. Unit A is to be 5m high at the tallest point and Unit B approximately 5.4m high, both excluding the signage. Unit B is to feature white rendered walls, natural western red cedar and grey aluminium windows and grey fascias. Unit A has been amended in terms of its materials part way through the application to more closely match Unit B. This is considered to be an improvement.
- 9.23 To assist with the assessment of the application, the applicants have provided a Landscape and Visual Assessment showing the outline of the hotel from a series of views including from the AONB. In many of these views the introduction of a six storey high hotel will clearly have an impact on the landscape, however it is considered that most of these views, particularly from the viewpoints on higher land, would be seen against the backdrop of the industrial estate. As such it is not considered that the development of a six storey high building is objectionable in principle subject to the external appearance being high quality. The single storey drive through units would be acceptable as they would be smaller in size than many of the existing units which would surround them.
- 9.24 The AONB Unit disagrees with the LVA submitted by the applicants and considers that as the development is significantly taller than existing development, it is imperative that materials which are recessive in colour are utilised as the proposed pale colours will increase the prominence of the building in views from the AONB. They consider darker colours such as the brick and tile used in the Sainsbury's superstore or a green wall on the north facing wall, would help development recede in views. Officers understand their concerns but believe that samples of the materials would be needed before a conclusion was reached. These concerns have been passed on to the applicants and it is considered that materials and their finishes could be secured by condition. They have also raised concern with lighting and illuminated signs, particularly at night, given the large areas of glazing in the scheme. Both of these matters can be conditioned to ensure that the development is acceptable in these respects and as such it is not considered that an objection should be made on those grounds. There is no objection made to the design approach to either the hotel/ restaurant building or to the drive through units, subject to the aforementioned conditions, as they are considered to be entirely appropriate to their surroundings and in keeping with the character of the industrial estate. The signage would also be subject to a detailed application for advertisement consent.
- 9.25 In respect of landscaping the AONB Unit would wish to see the retention of as many trees around the perimeter of the site as possible. The proposed landscaping has been enhanced, through the incorporation of additional trees. The masterplan has been amended since it was first submitted and now includes additional planting in the form of 13 tree pits within the car park which are considered to assist in the screening of the large parking areas. The landscaping would also be conditioned to ensure that it was suitable to the site and that any trees to be retained are protected during the

development. On this basis the landscaping and the proposed masterplan are considered to be acceptable.

- 9.26 Policy SS3 requires proposals to be designed to contribute to local place-shaping and sustainable development by appropriate sustainable construction measures, including water efficiency and a proportion of energy from renewable/ low carbon sources on new-build development. It is therefore proposed to condition the application to ensure the minimum of a BREEAM very good rating is achieved, as required by emerging policy.
- 9.27 The remaining part of the site, phase 2, which is not covered by this application will be assessed at a later date, should it be submitted. In conclusion it is considered that the scheme complies with the NPPF and the policies of the development plan, in that the design is acceptable and the setting of the AONB would be preserved. There are therefore no objections subject to the conditions suggested above.

Amenity

- 9.28 Policy SD1 of the Shepway District Local Plan Review and the NPPF (paragraph 17) require that consideration should be given to the residential amenities. There are no immediate residential neighbouring properties to the development site which would be negatively affected by the proposals. It is not considered that any of the adjoining uses would be harmed should the development proceed. There are therefore no objections on these grounds.
- 9.29 In terms of noise, it is considered that given the location of the development, there are no concerns with this. It is also not considered necessary to limit the opening hours of the restaurants as there are no planning grounds to do so.

Archaeology

- 9.30 The applicants have commissioned an Archaeological Desktop Study to establish the likeliness of finding anything of interest during construction. This report has concluded that this remains very unlikely. KCC Archaeology have not commented on the application and as such it is considered that this is acceptable.

Highway Safety

- 9.31 KCC have commented that the applicant has undertaken a Stage 1 Safety Audit of the proposed right hand turn lane priority junction which has not raised any issues that cannot be dealt with through the Stage 2 detailed design process. It is therefore considered that the access arrangements into the site are acceptable, with the next stage in the process being dealt with by KCC under a Section 278 Highways Agreement. The applicants have also undertaken vehicle tracking for the largest vehicles which are likely to access this site which are 13 metre long articulated vehicles, where it has been demonstrated that this would not present an issue. There are therefore no objections on the grounds of access.

- 9.32 In terms of parking, provision has been increased from 212 to 228 spaces (an increase of 16 spaces) following an original objection by KCC. Although this is a shortfall of 6 spaces when compared to the maximum parking demand of 234 spaces, KCC have noted that this is based on every customer using the drive through restaurants making use of the car park. This is unlikely to happen in practice as the majority of customers will drive-through and then re-join the local highway network. KCC are therefore satisfied that the amount of parking provided is acceptable and should be sufficient to accommodate the development. They have also requested that electric vehicle charging points be provided at a rate of 10% of the total car parking provision. This can be conditioned and as such there are no objections to the parking provision.
- 9.33 In terms of sustainable transport, the applicant has agreed to provide a widened the footway to the south of the proposed site access to the southernmost junction of land within their control (being proposed as part of Phase 2) to 3 metres to act a shared footway / cycleway. While this falls outside the application site, given that the applicants control the land this is considered to be a reasonable request and as such a Grampian condition has been recommended. Stagecoach have requested that raised kerbs and shelters should be installed for the existing two bus stops on Park Farm Road which again could be achieved by condition. It is therefore considered that the application would improve sustainable forms of transportation in the area.
- 9.34 The impact of the development on the road junctions in the vicinity of the site has been assessed as minimal (1-2%) and therefore KCC consider that it would be unreasonable to request any further improvements to these junctions. The junction of Park Farm Road / Pavilion Road / Radnor Park Road has been re-modelled and the impact of the development on the junction is not severe subject to the lengthening of the cycle times in the AM peak to 134 seconds. This has been agreed with the traffic signals team at KCC Highways and Transportation, and the changes to the junction's signal timings could be secured through a planning condition.
- 9.35 KCC have also assessed the applicant's suggested trip rates and have found these to be acceptable. Further analysis has been undertaken in the form of Automatic Traffic Count Surveys at the site frontage in October 2017 (which is a traffic neutral month) and an analysis of data for the four slip roads at the M20 Junction 13. The seasonality factors are acceptable to KCC Highways and Transportation and have been included in the 2031 base model. A future year scenario of 2031 has been used for traffic growth, as this represents the current timeframe for the Places and Policies Plan.
- 9.36 KCC have also requested a series of conditions which are all considered to be reasonable. They have also requested the travel plan and a monitoring contribution for the travel plan be secured through a Section 106 Agreement together with a £5,000 auditing fee (£1,000 per annum over 5 years). This is considered to be acceptable.

9.37 In accordance with the EIA Regulations the site does not fall within a sensitive area and the development is below the thresholds for Schedule 2 10(b) urban development projects and therefore an Environmental Statement is not required on this occasion.

Other Issues

9.38 In terms of drainage, the submitted details are considered to be acceptable and further details will be sought through planning condition. KCC, as Lead Local Flood Authority, have raised no objections. The EA have no objections as the site falls within Flood Zone 1.

9.39 In terms of contamination, the details received so far are considered to be acceptable by Environmental Health and requested conditions are proposed.

9.40 In terms of air quality, the applicants have done a further report at the request of Environmental Health and this has also been deemed acceptable, subject to a condition requiring the mitigation measures to be carried out.

9.41 The site is not considered to have any ecological constraints as it is hard surfaced with limited vegetation.

9.42 Emerging policy HW1 states that the Council will refuse planning permission for new take away shops that fall within 400m of a school. The location of the proposed KFC building is outside the 400m and would be further away than McDonalds from the closest school. There are therefore no objections.

Local Finance Considerations

9.42 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.

9.43 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. The CIL levy in the application area is charged at £100 per square metre for new retail floor space.

Human Rights

9.44 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.

9.45 This application is reported to Committee due to the views of Folkestone Town Council.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 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 planning permission subject to:

- Completion of a legal agreement with the applicant that secures the travel plan and monitoring fee and which the Head of Planning Services considers to be acceptable.
- The conditions set out below and any additional conditions the Head of Planning Services considers to be necessary following detailed discussions with the applicant:
 1. Standard time condition
 2. Approved plan numbers
 3. Materials
 4. Parking
 5. Cycle Parking Facilities
 6. Access arrangements
 7. Electric Vehicle Charging Points
 8. Construction Management Plan
 9. Turning & loading and unloading facilities
 10. Sight lines
 11. Closure of the 4 existing access points along Park Farm Road
 12. Re-instatement of all of the existing dropped kerbs,
 13. Provision of two new bus stop shelters
 14. Provision of a 3 metre shared footway / cycleway,
 15. Alterations to the proposed cycle times and a framework travel plan.
 16. Landscaping
 17. Tree protection measures
 18. Archaeological watching brief
 19. Foul drainage strategy
 20. Sustainable Urban Drainage Systems
 21. Surface water drainage
 22. Verification report for the drainage system
 23. Wastewater grease trap/ similar details for kitchen waste
 24. Contamination

- 25. Air quality mitigation measures
- 26. Refuse details
- 27. Use of the gym for hotel guests only
- 28. Street furniture
- 29. Energy efficiency measures

b) That in the event that the legal agreement is not finalised by 1 July 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 and effective monitoring of a travel plan covering the development. The application is therefore contrary to saved policy TR13 of the Shepway District Local Plan which requires travel plans for major development that are likely to have significant transport implications.

Decision of Committee

Y18/0066/SH
Land at Park Farm Road
Park Farm Road
Folkestone

