

Application No: Y18/1252/FH

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

Development: Reserved matters application relating to access, appearance, landscaping, layout and scale of Plot B for the erection of buildings between 4 and 8 storeys comprising 60 flats, 20 townhouses and 4 duplex flats, associated car and cycle parking and plant, (being details pursuant to outline application Y17/1099/SH (Section 73 application) for the removal of condition 41 and the variation of conditions 4, 6, 7, 15, 16, 18, 21, 23, 25, 37 and 42 of planning permission Y12/0897/SH (Outline planning application with all matters reserved for the redevelopment of the harbour and seafront to provide a comprehensive mixed use development comprising up to 1000 dwellings (C3), up to 10,000 square metres of commercial floorspace including A1, A3, A4, A5, B1, D1 and D2 uses as well as sea sports and beach sports facilities). Improvements to the beaches, pedestrian and cycle routes and accessibility into, within and out of the seafront and harbour, together with associated parking, accompanied by an Environmental Statement) to enable changes to the plot shapes, footprints, maximum height, changes to parameter plans, levels, parking arrangements, changes to how the sea and beach sports facilities are provided and alterations to the Environmental Statement.

Applicant: Folkestone Harbour Limited Partnership

Agent: Mrs Katie Hale
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London
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Date Valid: 02.10.18

Expiry Date: 01.01.19

PPA Date: 18.01.19

Date of Committee: 18.12.18

Officer Contact: Alexander Kalorkoti

SUMMARY

This application considers the reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission Y17/1099/SH for the first sub-phase of the wider Folkestone Seafront development. The report assesses whether this application carries through the

development principles agreed at outline stage and concludes that the reserved matters submission has demonstrated compliance with Condition 4 of the outline planning permission Y17/1099/SH, which sets out that the submission of reserved matters applications shall demonstrate compliance with the approved parameter plans and the accompanying text set out on those plans to fix the development principles, together with the approved Masterplan Design and Landscape Guidelines. Furthermore, it is considered that the application represents a high quality scheme which carries through the development principles which were agreed at outline stage and complies with all relevant national and local planning policy.

RECOMMENDATION: That the reserved matters be approved subject to the conditions set out at the end of the report and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

1.0 THE PROPOSAL

1.1 This application seeks approval for the reserved matters (access, appearance, layout, landscaping and scale) of outline planning permission Y17/1099/SH for Plot B only. The application proposes the erection of a building varying between 4 and 8 levels and comprising 60 flats, 20 townhouses and 4 duplex flats, together with associated car and cycle parking and plant. The development is arranged in a crescent form.

1.2 The proposal is for a total of 84 market level residential units comprising:

- 18 x 1-bed flats
- 36 x 2-bed flats
- 6 x 3-bed flats
- 2 x 2-bed duplexes
- 2 x 3-bed duplexes
- 8 x 3-bed houses
- 12 x 4-bed houses

1.3 The proposed building has been inspired by the listed crescent of Marine Crescent which is located in close proximity to the north-east of the site. The development would have a raised central podium level which would provide a street frontage onto Marine Parade to the north and would increase in height to three storeys above ground level fronting the sea with taller book-ends to the east and west. The podium level would house the proposed parking and would be topped by a communal garden and individual gardens to serve the townhouses. The townhouses would be located within the three storey lower sea-facing central section of the proposed crescent, with the duplex flats forming part of the transition and step-up from the lower central section to the 'book-end' sections, which would house the flats. In terms of massing, the Masterplan Design Guidelines refer to the book-ends as up to 7 storeys stepping down to 3 storeys towards the seafront. The Masterplan Design Guidelines also refer to the maximum development extent of +28.5m above site datum, which is secured by approved Parameter Plan 7.

- 1.4 In terms of materials, the proposed building would be finished with crushed glass render with precast concrete balconies, galvanized steel balustrades and railings, and timber window frames with an anodised external finish. Balconies and roof terraces would be paved with pre-cast concrete planks. The elevations of the building are articulated through the repetition of simple geometric forms, with curved bays protruding to the outer/south-facing elevation of the crescent form, particularly notable between the book-ends, with corresponding concave articulation to the north-facing elevation of this lower central element. The elevations of the book-ends would have similar articulation with a shallower curved elevation facing onto the new road and turning the corners to a series of intersecting concave panels to the north elevation.
- 1.5 In terms of layout, the eight townhouses at the centre of the crescent have all been arranged as a matching 4-bedroom house type. The townhouses which would extend out from this central section towards the duplex flats and book-ends would have wide lounges to maximise sea views, which would be achieved through an interlocking arrangement of the townhouses so that in effect each unit would benefit from a double-width lounge area on alternate floors across two house types. The building by virtue of its form and relative location has dual frontage, both on to Marine Parade to the north and the sea to the south.
- 1.6 Soft landscaping includes street trees to the Marine Parade frontage where the north façade deviates away from the inner edge of the footway. Climbing plants would be positioned to scale the central section of the north elevation. Beach shingle would be temporarily placed at the western junction of Plot B and Plot A until the latter is developed. This shingle would be positioned between the new road (Crescent Way), which provides access for deliveries to the townhouses, and an existing vegetated bank within Plot A. To the south-facing/outer edge of the crescent, the proposal includes the front garden areas of the townhouses with a similar planted area immediately adjacent to the book-ends. Turning to the podium level, this would include rear garden/yard spaces for the townhouses and duplexes, stepping stone paths leading between car park ventilation wells to a footpath connecting the book-ends, with a lawn, trees and children's play area located closest to the junction where the building meets Marine Parade.
- 1.7 The proposed flats within the book-ends would be arranged so that the smallest 1-bed units are located at the lower level of the north-east and north-west corners. 2-bed flats would be located in the north-east section of the western book-end and the north-west of the eastern book-end, as well as across the main Marine Parade frontage. The larger flats would be located on the upper floors with private terraces provided where the building steps back towards the book-ends. All plant and machinery located at roof level would be enclosed and clad to match the main elevations of the building with a parapet wall surround and gravel rooftop.
- 1.8 In terms of car parking, the parking level, which would have a single ramped access/exit from Marine Parade, provides two on-site parking spaces for

each townhouse in a tandem arrangement with direct access into the residential units. Each of the duplex flats would have one on-site car parking space immediately adjacent to the units and there would be 16 spaces within the central parking level to be allocated to 16 of the flats within the book-ends. The flats would be accessed via staircase and lift cores within the book-ends. The 16 spaces to serve the flats would have sufficient head-height to accommodate the installation of individual stackers. This approach would provide 32 spaces for the flats. However the stackers themselves would not be provided as part of the development, therefore they have been discounted in the assessment of the parking provision. The proposed highway alterations to Marine Parade include the provision of a turning head to serve this phase of the proposed development. This would be replaced by the 'Leas Lift Square' in the future phases of the development. The highway alterations to Marine Parade also include vehicle access to the plot, two loading bays for refuse vehicles and deliveries and parking bays created by build-outs from the footpath.

- 1.9 In response to the shortfall in on-site parking provision and in consultation with Kent Highways & Transportation and the Council's Transportation Team, a 'permit holders only' zone has been proposed on the highway of Marine Parade in close proximity to the application site. Permits would be issued to occupiers of flats within the proposed building which do not have on-site parking, with the exception of 15 units which would not have allocated on-site or on-street parking. This arrangement is subject to a Traffic Regulation Order being signed off by the District Council Cabinet member for Transport and Commercial.
- 1.10 In terms of cycle parking, the townhouses and duplexes would have cycle parking in individual cellars at a ratio of 1 space per bedroom. The flats within the book-ends would have a mixture of individual and general storage spaces for cycle storage, housed immediately adjacent to the Marine Parade frontage within the parking level and at a ratio of 1 per unit.

2.0 SITE DESIGNATIONS

2.1 The following apply to the site:

- Inside settlement boundary
- Adjacent to Folkestone Leas and Bayle Conservation Area
- Core Strategy Policy SS6 - Seafront Redevelopment Site
- Flood Zone 2 & 3 - area at risk of tidal flooding

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The application site (Plot B) comprises the first sub-phase of the outline planning permission (ref: Y17/1099/SH) for the comprehensive mixed use redevelopment of Folkestone Harbour and Seafront. The plot is located towards the western end of the wider application site to which the outline permission relates. The plot is bound by Marine Parade to the north, the beach to the south, and currently comprises partly of a shingle area with the plot outline marked out as a result of completed beach replenishment

works and earthworks. The remainder of the site comprises of a hard surfaced car park accessed from Lower Sandgate Road. Another car park is located on the opposite/north side of Marine Parade.

- 3.2 With regard to Listed Buildings within close proximity of the application site, the Grade II listed Marine Crescent, comprising 4 storey stuccoed properties with basements and attics dating from the 1870's, is located to the east of the site, on the opposite/north side of Marine Parade. The Grade II* listed Leas Lift, including the lift itself, brake and waiting rooms, providing vertical transport between the site and the Leas above and dating from 1885, is located to the west of the site. The lift is not currently operational. The Lower Leas Coastal Park is also located within close proximity to the west of the application site and includes the Grade II listed 'zig zag' path and pulhamite caves.
- 3.3 The red line boundary of this application comprises the building footprint of Plot B, adjacent areas of proposed access and landscaping, and a section of the Marine Parade highway.
- 3.4 The red line boundary of the outline planning permission (ref: Y17/1099/SH) comprises the area known as Folkestone Seafront, the former Rotunda and Folkestone Harbour, an area of 23 hectares, located at the southernmost point of the town centre, largely below the West Cliff and Leas. The site extends on to the beach to the south and includes the inner and outer harbours and the harbour arm.
- 3.5 The wider outline site area and the sub-phase which is the subject of this application, although largely outside of the Folkestone Leas and Bayle Conservation Area, are important in terms of its setting and have a close relationship with the 'old town' core of the Bayle and Old High Street.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The most relevant planning history in relation to this application is the outline planning permission Y17/1099/SH. This Section 73 application removed conditions 41 (Provision of Sea Sports Centre) and 42 (Provision of Beach Sports Centre) as these facilities will no longer be provided. The remaining conditions which were the subject of the application were varied to accommodate changes to the design and phasing of the development. Condition 4 was varied to refer to amended parameter plans / Masterplan Design Guidelines and Landscape Guidelines, condition 6 varied to refer to an amended phasing plan and Landscape Guidelines and condition 7 varied to refer to amended Landscape Guidelines. Conditions 15, 16 and 21 were also varied to refer to the amended phasing plan and new plot names, condition 18 was varied to amend plot names in relation to amended parameter plans and condition 23 was varied to refer to the amended parameter plan and phasing plan. Conditions 25 and 37 were varied to refer to the appropriate phase. The principle land uses were all retained under the Section 73 approval with the amendments relating to maximum heights and building footprints, and the design ethos for each phase. The Section 73

approval also established Marine Parade as the main thoroughfare off which the plots protrude outwards, primarily on to the beach.

- 4.2 The Section 73 application (ref: Y17/1099/SH) sought to amend an original outline permission (ref: Y12/0897/SH) which was granted for the redevelopment of the Harbour and Seafront area to provide up to 1,000 dwellings and 10,000 sq m of commercial floorspace alongside car parking, landscaping, public realm and beach and sea sports facilities. To date, beach replenishment works and earthworks have been carried out under the original outline permission, with conditions discharged to enable these works to commence.
- 4.3 A non-material amendment application (ref: Y18/0062/NMA) was approved subsequent to the Section 73 outline permission, which amended the ratio of residential cycle parking to number of bedrooms/units.
- 4.4 The full planning history of the site prior to the submission of the Section 73 application (ref: Y17/1099/SH) is given in the committee report of the original outline application Y12/0897/SH.

5.0 CONSULTATION RESPONSES

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

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

Responses are summarised below.

5.2 Folkestone Town Council

Support the development in general terms but requested further clarification before providing final comments. The points of clarification are listed below:

- i. Concern was expressed that there seems to be a lack of car parking. More detail is required.
- ii. In light of the Grenfell tragedy, the Escape Strategy should be clarified, in particular with regard to disabled and elderly access.
- iii. The height of 28.5 metres should be inclusive of air conditioning equipment and any fixtures and fittings on the roof.
- iv. The air conditioning should be specified as to decibel levels and performance.
- v. There should be a requirement that the green roofs are well maintained.
- vi. The tidal licence for construction times be clarified, in particular regarding noise and activity before 8am and after 6pm.

The following responses were provided to the Town Council ahead of their further consideration:

- i. The parking arrangements have been picked up in Kent Highways & Transportation's consultation response and the applicants are currently

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- discussing a solution to parking for future residents of the flats with our Transportation Manager and Highways Engineer.
- ii. Fire safety is covered by a separate legislative regime (Building Regulations) as such the submitted Fire Statement is sufficient for the purposes of this Reserved Matters application.
 - iii. Plant and machinery is included within the parameter plans agreed under permission Y17/1099/FH therefore the maximum height parameters agreed at outline stage would need to be inclusive of plant etc.
 - iv. This would be required under a condition attached to any subsequent Reserved Matters approval following consultation with the Council's Environmental Health department.
 - v. This would likely be controlled via a planning condition in the form of a maintenance and management plan. On schemes of this size, this commonly includes the incorporation of a management company which engages the future residents of the scheme.
 - vi. Condition 28 of outline permission Y17/1099/FH requires hours of operation to be specified and agreed prior to commencement of development

Following further consideration, Folkestone Town Council provided the following comments:

The Committee is unable to come to a decision on this application due to the lack of detail, including the response from the F&HDC Planning Officer.

The observations in the minutes of 1 November 2018 are now comments on application Y18/1252/FH with some additions (in italic).

- i) Design and Access Statement – The numbering on the statement makes focus and comments on specific issues difficult. The lack of access to detail has affected the consultation process. Sections 5.1 and 5.3 were omitted on the public consultation documents (pages 46&48).
- ii) The Committee considers that the boardwalk should remain open to the public in perpetuity.
- iii) With regard to car park smoke ventilation, the Committee expressed concern about the importance of this function and trust the District is addressing these issues within the planning process.
- iv) The Committee expressed concern regarding surface water and drainage requirements, as well as biodiversity and ecological enhancements and therefore support the comments made by KCC (SUDS) Local Flood Authority and the KCC Biodiversity Officer.

In particular, there is concern that the existing drainage and sewage system should be upgraded in capacity to cope adequately with the proposed increase in population.

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- v) The Committee is concerned that the existing Marine Crescent residents parking scheme may not have enough capacity for the proposed development.
- vi) The Planning application Y17/1099/SH agreed by F&HDC, section 73 clearly states that this building was given permission for 7 storeys, not 8.
- vii) That the development has never applied for a variation to move the coastal path, this needs to be done as a matter of urgency.

The following responses were provided to the Town Council ahead of their further consideration:

- i) The applicants provided a hard copy of the submission documents to the Town Council and offered to make a presentation to the Town Council's Planning Committee to provide information and answer any questions. Sections 5.1, 5.3 and 5.6 of the Design & Access Statement were not omitted from the public consultation documents, they were available as separate reports to the body of the Design & Access Statement due to the file sizes of the images involved and their submission via the Planning Portal.
- ii) This may not be possible during the construction phase, particularly when the new road 'Crescent Way' which would be immediately adjacent to the boardwalk is being constructed.
- iii) The submitted plans show the means of ventilation of the parking level and impact of the ventilation system on the design and layout of the podium garden level above. Although the submitted Fire Strategy documents defers the final design of the ventilation system to a later stage, however these matters are subject to the separate legislative regime of Building Regulations. Once a building is occupied the Fire Safety Order 2005 requires a Fire Risk Assessment to be carried out, to take into account how the users are actually using the building (and any fire risks that brings to the building) and the Regulatory Reform (Fire Safety) Order 2005 requires the 'Responsible Person(s)' for the building to provide and maintain 'suitable and sufficient' general fire precautions.
- iv) Following clarification that the use of non-native species is supported by the District Council's Urban Design & Landscape Officer as the plot does not form part of the wider environment, such as a nature reserve, and non-native species are prevalent in the nearby Lower leas Coastal Park, KCC Ecology raise no objection to the use of non-native species being planted as the site is not within or adjacent to a designated nature site.

Following clarification that the surface water management strategy requested to overcome the holding objection is a pre-commencement requirement under Condition 27 of the outline permission (ref: Y17/1099/SH) and as such would not preclude the

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determination of the Reserved Matters application, KCC SUDS recommended the approval of the Reserved Matters based upon a preliminary review of the information provided separately for the discharge of Condition 27.

Foul drainage falls under a separate regime with the stated intention to connect to mains sewers placing an obligation on the statutory operator to plan for and deliver the network capacity to accommodate the development through their infrastructure plan. As such, these matters would not constitute appropriate or reasonable conditions for this Reserved Matters application.

- v) Discussions are ongoing between the applicants, Kent Highways & Transportation and the District Council's Transportation team, however an initial review shows that there is capacity to accommodate existing and proposed permit holders within the Controlled Parking Zone along Marine Parade. The relevant District Cabinet Member for parking has been briefed and will be updated as discussions progress.
- vi) The purpose of the Design Guidelines and parameter plans approved at outline stage is to fix the development principles in relation to the plot's relationship with its surroundings. The proposed building has 7 storeys fully above ground level, with the lowest level of the building (referred to as the parking level) visible above ground to varying degrees based on the surrounding levels. The Planning department have therefore taken the view that this should be discounted from the number of storeys. This is most clearly demonstrated on drawing no. 161-ACME-20-1311 within the submission which shows the double-height entrance to the eastern book-end and the change in surrounding levels. This Reserved Matters application has also demonstrated that the proposed building is in accordance with the approved Parameter Plan 7 Rev.C which sets the maximum development envelope of 28.5m above the site level.
- viii) KCC's PROW team have been consulted on the application and highlighted their previous comments on the outline planning application Y17/1099/SH and raised that although they have no objection and the revised path alignment is welcomed, there is a need for the applicant to engage with Natural England and complete a 'Variation Report' regarding the revised coast path alignment. It is also requested that the KCC PROW & Access service are included in these discussions, as the County Council has an interest in the management and promotion of the trail. As such, the Variation Report required would not prevent the determination of this Reserved Matters application.

Folkestone Town Council's Planning Committee are due to consider the application further in their meeting on 12th December and any further comments will be reported verbally to committee.

5.3 KCC Highways and Transportation (KHAT)

Noted the changes in layout compared with the scheme which was considered in pre-application discussions. The initial consultation response raised issues which require clarification, which are set out below:

Car Parking Layout (drawing 161-ACME-20-1200):

- The disabled parking space located to the west of the parking court is unrealistic in its orientation, would block access for the duplex 01 parking space and would also block the only access doors in to room S2-G-P. As such this is not practical and should be removed.
- The disabled parking space to the east of the parking court would require the user to reverse directly into the path of anyone driving into the parking court to exit the space without being able to see them. As such this is unsafe and should be removed.

Parking Provision

- The supporting information mentions that a mechanised car stacker could be fitted retrospectively. If fitted retrospectively presumably it is not the intention of the developer to provide at time of occupation. As such this cannot be conditioned and would not count towards the allocation of parking spaces on site.
- The proposed parking allocation for the site would result in 44 of the 60 apartments with zero parking allocation. Although it is acknowledged that the site location is close to Folkestone town centre in terms of straight line distance, to get to the town centre involves navigating steep slopes not suitable for all residents. The current closest bus stops are over 600m away and Folkestone Central railway station over 1.5km away.
- It is acknowledged that over the course of the whole site's development there are contributions relating to assisting the Leas Lift re-opening and a relocated bus stop closer to site, however these are in the future and may be of no help for the residents of this block.
- The proposed block does not contain any allocation of affordable housing and as such market housing in such a location is likely to be a premium product. It is anticipated that customers would have expectations with regard to the provision of parking, or at least car ownership, which could then have a bearing on the current on street permit scheme.
- Given the above issues, it is considered that the proposed parking provision is not appropriate. As such, a solution to increasing the parking provision for the proposal site should be found. If the resulting solution is less than 1 space per unit then the views of Folkestone and Hythe District Council's Parking Manager should be sought with a view to examine the effect on the existing permit parking scheme.

Cycle Parking

- In terms of cycle parking provision, the numbers proposed are appropriate. The provision in cellar rooms with access via steps with a wheeling ramp for cycles is perhaps slightly unconventional. Although it is accepted that the majority of users will be able to use this as a facility, there may be some in terms of age or physical ability who would not. There is after all a flat seafront cycle route which takes potential residents from their front door all the way to the site of the recently approved swimming pool and sports centre on Princes Parade. As such, to ensure access to cycling for all it would be appropriate for an area of storage elsewhere on site to be available for residents unable to use the cellar storage by arrangement with on site management.

Highways Layout

- The proposed highway layout plans show a revision to the current existing footways, although this layout is acceptable the revised area of adoptable highway should be shown. A drawing needs to be provided to show this (this need only be as simple as a revision of the provided drawing either shaded or shown with a clear boundary).
- The enclosed drawings of the proposed highway alterations (SK019) show loading ban restrictions in addition to double yellow lines extending into the western proposed loading bay. This would defeat the object of it being there and as such should be revised.
- To ensure the layout is navigable without overrun or damage due to vehicle overhang, the proposed layout should be accompanied by vehicle tracking drawings demonstrating passage for an 11.4m refuse vehicle (public highway and service road).

Following the submission of amended plans, Kent Highways & Transportation provided further comments, which are below:

I note the changes with regard to the removal of the impractical disabled parking spaces and clarification with regard to the revised parking provision numbers.

The concept design of the proposed revisions to the public highway seem sensible and are appropriate. Proposed visibility splays from new access points are acceptable and the vehicle tracking swept path drawings as provided demonstrate that the design is workable.

It is understood that the applicant fully intends to provide an off-site parking option on another nearby site under their ownership for those dwellings without on plot parking. Considering the likely market premium for dwellings in this location, I don't doubt that this is the intention. We do however have to ensure that the proposal is practical and deliverable in its own right, taking account of the application site area and public highway only to ensure solutions can be lawfully conditioned.

With this in mind, the applicant has proposed revised parking proposals to provide on site parking plots for 40 of the 84 units, with the addition of 29 on street parking permits negotiated with Folkestone and Hythe District Council. This would then leave 15 units with no parking allocation.

With this proximity to the town centre, also taking account of the fact that all of the nearby public highway is protected by parking restrictions I am content that to have 15 of the 84 units as car free is acceptable.

So long as the above approach is acceptable to Folkestone and Hythe District Council as the parking control enforcement authority, then I am happy that this approach is appropriate.

There are still two items outstanding from my previous response in which I requested:

- Confirmation of a small uplift in level accessible cycle parking provision for those unable to use the push ramps for cellar accesses cycle parking.
- A plan showing the extent of the adoptable highway resulting from the proposed scheme to ensure acceptability of the proposals.

I do however accept that these issues are relatively minor compared to those already settled and as such, on the proviso that the latter two issues are provided to my satisfaction, I can confirm that I would raise no objection on behalf of the local highway authority provided the following requirements are secured by condition:

1. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
2. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
3. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. This must also detail contingency working protocol for action taken if debris is tracked onto the highway despite of the agreed wheel washing facilities.
4. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
5. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
6. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.
7. Provision of measures to prevent the discharge of surface water onto the highway.

5.4 Historic England

No objection in principle to the proposed building and consider that any harm arising from the redevelopment of the site for the Grade II* listed lift is minimised by an interesting architectural solution and by ensuring the views out from the lift are sustained as far as practical by carefully bookending the taller elements. Historic England suggests that the durability of the proposed materials is considered and raises no objection to the proposed use of harling as this could be an appropriate way to ensure that the building does not unduly suffer or require regular maintenance owing to its exposed position. In relation to the immediate setting of the Grade II* Listed Leas Lift, Historic England notes that the Marine Parade turnaround area shown in the detailed landscaping proposal lies at the base of the Leas Lift and forms one half of an area of public realm which will eventually be known as Leas Square. Given the phased delivery of the development, Historic England considers that it could be acceptable for any landscaping in this location to be temporary acknowledging that permanent landscaping is intrinsically linked to the delivery of the adjacent Plot A, provided that the delivery of permanent landscaping can be secured early on in the delivery of the wider master plan. This is considered to be important to ensure that the public realm does not compromise the usability or enjoyment of the lift. Historic England notes that there is a Section 106 contribution towards the Leas Lift which is associated with Plot B and is wholly supportive of the decision to develop Plot B first as this will generate a significant sum of money to support the on-going efforts to secure the future of the lift.

To conclude, Historic England has no objection to the application on heritage grounds. They consider that the application meets the requirements of the NPPF, in particular paragraphs 190 and 194. Historic England advise that in determining this application the LPA should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

5.5 KCC Ecology

Raised the requirements of Condition 20 of outline planning permission Y17/1099/SH which states that detail of biodiversity enhancements, including the creation of new habitats (vegetated shingle) and signed pathways in accordance with the approved ES shall be submitted to the LPA for approval alongside each phase/sub phase reserved matters submission. Some concern was raised in relation to the proposed introduction of non-native plants.

Following clarification that the use of non-native species was supported by F&HDC's Urban Design & Landscape Officer as the plot does not form part of the wider environment, such as a nature reserve, and non-native species are prevalent in the nearby Lower Leas Coastal Park, KCC Ecology raised no objection to the use of non-native species being planted as the site is not within or adjacent to a designated site.

5.6 Merebrook (Land Contamination Consultants)

No comment to make as the application does not present any new information with regard to land contamination matters.

5.7 KCC SUDS – Lead Local Flood Authority

Raised concern that only basic principles of surface water drainage have been established in the previous Flood Risk Assessment for the development. KCC SUDS requested that a surface water management strategy is provided and requested that a holding objection is noted pending further detail on how the drainage requirements for the plot would be accommodated within the context of the layout, appearance landscaping proposed.

Following clarification that the surface water management strategy requested to overcome the holding objection is a pre-commencement requirement under Condition 27 of the outline permission (ref: Y17/1099/SH) and as such would not preclude the determination of this Reserved Matters application, KCC SUDS recommended the approval of the Reserved Matters based upon a preliminary review of the information provided separately for the discharge of Condition 27.

5.8 Natural England

No objection based on the submitted plans as Natural England considered that the proposed development will not have significant adverse impacts on statutorily protected sites. Natural England noted and provided advice on natural environmental issues in relation to the protected landscapes of the Kent Downs Area of Outstanding Natural Beauty, Dover-Folkestone Heritage Coast, Areas of Priority Habitat and Sites of Special Scientific Interest Impact Risk Zones.

5.9 Southern Water

Southern Water provided details of the sewer records showing the approximate position of a public combined and surface water sewer within the access to the site and advised of easement areas for public surface water and combined sewers, as well as advising of legislative requirements in the event that any sewer is found during construction works. Southern Water also commented on the alignment of sewage network delivery with the phased occupation of the development and the mechanism for securing this. Southern Water recommended conditions relating to the surface water disposal and foul drainage strategy for the site. However the surface water management strategy is a pre-commencement requirement of Condition 27 of the outline permission (ref: Y17/1099/SH) for the site, and foul drainage falls under a separate regime with the stated intention to connect to mains sewers placing an obligation on the statutory operator to plan for and delivery the network capacity to accommodate the development through their infrastructure plan. As such, these matters would not constitute appropriate or reasonable conditions for this Reserved Matters application.

5.10 KCC Public Rights of Way (PROW) & Access Service

KCC PROW highlighted their previous comments on the outline planning application Y17/1099/SH and raised that although they have no objection and the revised path alignment is welcomed, there is a need for the applicant to engage with Natural England and complete a 'Variation Report' regarding the revised coast path alignment. It is also requested that the KCC PROW & Access service are included in these discussions, as the County Council has an interest in the management and promotion of the trail.

6.0 PUBLICITY

6.1 Neighbours notified by letter. Expiry date 08.11.18

6.2 Site Notice. Expiry date 05.11.18

6.3 Press Notice. Expiry date 08.11.18

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 31 letters/emails were received objecting on the following grounds:

- Height and density of the proposed buildings out of scale with their surroundings
- Overshadowing impact to Marine Crescent
- Loss of privacy for occupants of Marine Crescent
- Block views from the town and from the sea
- Block views of the Grade II* Listed Leas Lift
- Inadequate infrastructure to serve the new residents
- The proposal is contrary to Core Strategy Policy SS6 in relation to the regeneration of Folkestone and delivering infrastructure improvements
- Shortfall in on-site parking provision
- Highways impact, including congestion and additional on-street parking occupying visitor bays and current parking arrangements for neighbouring residents
- Loss of existing surface car park within the building footprint of this plot
- Design and appearance of the building would be out-of-keeping with its surroundings
- The proposal constitutes over development of the plot, particularly with regard to the eight-storey 'book-ends'
- Risk of flooding
- Long term appearance of the building given the exposed location and harsh weather conditions

- Increase in traffic and negative impact on the surrounding road network during the construction phase and following occupation
- Impact on Listed Buildings as a result of the scale of the proposed buildings
- The quantity of affordable housing is too low
- Inadequate information provided to clearly demonstrate the scale and impacts of the proposed development
- The removal of community and leisure facilities
- The building will be an eyesore and will impact upon the heritage and archaeological interests of the harbour and seafront area
- The landscaping proposal is insufficient
- Increase in noise and associated disturbance for existing residents
- Adverse impact on nature conservation
- Detrimental impact on the setting of the Conservation Area
- The current construction traffic routing is inappropriate
- Increase in air and light pollution
- The proposal is contrary to emerging Core Strategy Review policy SS10
- The cycle access and parking bays for disabled users are inappropriate for those with mobility issues
- No provision of a bus stop or route extension for this phase of the development
- The fire strategy for disabled occupants and the car parking smoke ventilation system are inadequate
- Lack of information regarding surface water drainage and sewers
- The car parking level and drainage and sewer systems will be close to the substrate affected by high tide and ground salt water leading to rapid deterioration
- Non-compliance with the maximum number of storeys specified in the Design Guidelines
- Insufficient provision of GP surgeries and school places to accommodate the new residents
- Lack of commercial space within the plot
- The development site is financially unviable
- Increase in wind speeds and impact on neighbouring buildings as a result of the development of the plot
- Detrimental impact on local and marine ecology as a result of piling
- Loss of Harbour Master's House would be detrimental to the site's historic context
- Interlooking from the Leas for new residents of the upper floors of the westernmost 'book-end'
- Existing properties have been damaged by enabling works and this would be escalated by further construction works
- The Victorian character and appearance of the frontage would be lost

8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

DCL/18/31

- 8.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that the determination of any planning application shall be in accordance with the development plan, unless material considerations indicate otherwise.
- 8.3 The following saved policies of the Shepway District Local Plan Review apply: SD1, HO1, HO2, LR9, LR10, BE1, BE4, BE5, BE11, BE16, U4, TR5, TR6, TR11, TR12 and CO11.
- 8.4 The following policies of the Shepway Local Plan Core Strategy apply: SS2, SS3, SS5, SS6, CSD1, CSD2, CSD4, CSD5 and CSD6.
- 8.5 The Submission draft of the Places & Policies Local Plan (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

The following policies of the Places and Policies Local Plan Submission Draft (PPLP) apply: HB1, HB2, HB3, C1, C3, C4, T1, T2, T5, NE6, NE8, NE9, CC1, CC2 and CC3.

- 8.6 The following Supplementary Planning Documents apply:
Kent Design Guide
South Inshore and South Offshore Marine Plan
Shoreline Management Plan
- 8.7 The following paragraphs of the National Planning Policy Framework 2018 apply:
10 – Achieving Sustainable Development
38 – Decision-making
172 – Conserving and enhancing the natural environment
190, 192, 194 –196 – Conserving and enhancing the historic environment
- 8.8 In terms of heritage issues, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area. Considerable importance and weight should be attached to this duty. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on the District Planning Authority as regards listed buildings in exercise of its planning functions. It provides that, in considering whether to grant planning permission for development that affects a listed building or its

setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 8.9 The NPPF acknowledges that harm to designated heritage assets may be acceptable if outweighed by public benefits. Less than substantial harm does not translate to less than substantial objection. Preservation in this context means not harming the interest, as opposed to keeping it utterly unchanged. The NPPF defines 'significance' in the context of heritage assets as 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

9.0 APPRAISAL

Background

- 9.1 As set out above, this application relates to the reserved matters for the first sub-phase of the wider Folkestone Seafront development site, which is submitted pursuant to outline planning permission Y17/1099/SH on a site which forms a strategic allocation under Core Strategy policy SS6. Therefore the principle of the development on this site has been established. The only matters that can be considered relate to the details of the proposal and whether the proposals conform to the parameters established in the outline planning permission.

Relevant Material Planning Considerations

- 9.2 Condition 1 of outline planning permission Y17/1099/SH states that approval of the details of the access, appearance, layout, landscaping and scale for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development is commenced within that phase or sub-phase, and that the development shall be carried out as approved. Condition 2 of outline planning permission Y17/1099/SH states that applications for the approval of all the reserved matters for the first phase or sub-phase of the development shall be made to the local planning authority no later than five years from 30th January 2015. As this reserved matters application for the first sub-phase of the development was valid from 2nd October 2018, it has been submitted in accordance with condition 2 of Y17/1099/SH.
- 9.3 The National Planning Practice Guidance sets out that Reserved Matters for access, appearance, landscaping, layout and scale include the following as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

'Appearance' - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

'Scale' - the height, width and length of each building proposed within the development in relation to its surroundings;

'Landscaping' - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- 9.4 In addition, Condition 7 of outline planning permission Y17/1099/SH sets out the details to be included in reserved matters applications pursuant to the outline permission and in accordance with Condition 1. As a result, the main considerations in the determination of this application are the reserved matters listed above.

Access

- 9.5 With regard to pedestrian access and circulation, each of the book-ends would be accessible directly from Marine Parade with internal access provided to all flats via a staircase and two lifts which run through the core of each book-end. Turning to the townhouses and duplexes, each unit would have pedestrian access from the southern façade of the crescent, with internal circulation via staircases.
- 9.6 In relation to access and circulation by private car, for occupiers of units with allocated parking within the plot, a ramped access would be provided immediately to the west of the eastern book-end, which would provide direct access to the parking level contained within the podium comprising of two tandem parking spaces for each of the townhouses, one space for each of the duplexes and sixteen spaces allocated to sixteen of the flats within the book-ends. The parking level provides spaces for cars to turn and exit the plot in a forward gear and the build-outs from the footway to form the loading bay and parking spaces on street provide the visibility splays for the exit. Both access and egress from the ramped access would be via left-hand turning, with the turning head included within the proposed alterations to the highway of Marine Parade forming part of the route for cars exiting the plot.
- 9.7 In relation to cycle accessibility and circulation, Kent Highways & Transportation (KHAT) note that the provision in cellar rooms with access via steps with a wheeling ramp for cycles can be considered to be

unconventional. The cellar storage spaces within each townhouse and duplex would not be appropriate for all given the stepped access. However, the front/south elevations of these properties provides level access to the new road, Crescent Way. In response to the comment raised by KHAT, the applicants have confirmed that additional step-free access cycle parking would be provided within the general storage and plant area within the parking level equating to 10% of the total cellar provision. This would provide alternative provision for occupants of townhouses and duplex units for whom the cellar storage is not usable as a result of the stepped accesses. This arrangement is considered to be acceptable and addresses KHAT's request for alternative cycle parking provision for occupiers who are unable to use the cellars for cycle parking. Turning to cycle access for the flats, this would be provided via a 1:12 ramp which follows the deviation of the north elevation of the podium level where the public realm widens with the proposed landscaped space to the Marine Parade frontage.

- 9.8 Condition 12 of outline permission Y17/1099/SH states that reserved matter applications pursuant to the outline shall show facilities clear of the highway for loading, unloading and turning of vehicles in accordance with the adopted standards of the Local Planning Authority. The proposed alterations to the highway of Marine Parade include two loading bays with build-outs from the footway to provide access to the plot for service and refuse vehicles. Swept path analysis/vehicle tracking drawings of the public highway, the proposed service road (Crescent Way) and Marine Parade turning head have been submitted which demonstrate that the layout is navigable by an 11.4m refuse vehicle without overrun or damage due to vehicle overhang to the satisfaction of Kent Highways and Transportation.
- 9.9 In light of the above, the proposed access arrangements and circulation of all transport modes are considered to be acceptable and in accordance with saved policies SD1 and BE1 of the Shepway District Local Plan Review and policy HB1(2.) of the PPLP, which seek to ensure the delivery of sustainable development and a high standard of access for all.

Appearance

- 9.10 In terms of appearance, it is considered important that the building is able to stand as an independent piece of new townscape whilst acknowledging its role as part of the wider development which is emerging for Folkestone Seafront. The site has two principal frontages, one facing the beach and the other Marine Parade and it is important that this is recognised within the design of the building and its elevations. To address this the building has been designed with principal elevations both front and back.

Setting within masterplan

- 9.11 The building presents itself to the beach and Marine Parade in different ways. The western and eastern elevations are also important in terms of linkages to the surrounding area. To the east, Plot C has been planned at the masterplan stage, but is yet to come forward to reserved matters stage. However in the long term the landscaping around Plot B will change when

this comes forward for development, in line with the approved Masterplan Design and Landscaping Guidelines. A shingle garden would serve as an interface between Plots B and C. This current reserved matters application includes a short-term arrangement around the proposed building, including a turning head in the highway, which is ultimately envisaged as 'Leas Lift Square' with pedestrian priority, and a temporary shingle garden at the interface between Plots A and B, which are assessed in further detail within the landscaping section below.

Design and visual appearance

- 9.12 The design of the building follows the guidelines that were established earlier in the design process and agreed at outline stage. In terms of its appearance the building functions on three levels. There is the overall geometry of the building and its crescent form. The overall curve of the building is reminiscent of Marine Crescent and it is considered that the new building would compliment the shape of existing development. Secondly is the manner in which the height of the crescent falls from the book-ends to the centre of the crescent. The third element is subtle and is the manner in which the façade has been articulated, which relies on the repetition of simple geometric forms. This is particularly successful on the book-ends on the north elevation.
- 9.13 The design ethos originates from Section 3.1 of the Masterplan Design Guidelines. It is considered that the interplay between form, height and articulation would create a strong identity for the development in a contemporary fresh manner. The attention to the finer details and material choices for the building are crucial; it is considered appropriate therefore that the high quality of materials envisaged in the detailed design forms the basis of a planning condition.
- 9.14 The car parking / service area is possibly the most difficult element of the development to address, notably its relationship to Marine Parade and the appearance of the screen wall. Ideally the building would present itself to the street directly but this is not possible in the context of the operation of the building as the screen wall presents a barrier to the street at a human scale, while being necessary to screen the underground parking. This issue has been dealt with in two ways. The wall has been sculpted in panels, which reduces its impact. The suggested geometry for these panels is considered to be sympathetic to the nature of the building and adds to its visual interest. The interaction with the street has also been softened by the proposed introduction of planting both directly on the screen wall in the form of climbers and in the 'garden pocket' created by the deviation/curve of the north elevation of the central podium section of the building away from the inner edge of the footway.
- 9.15 In terms of materials, the subtle effects of light and shadow are important in relation to the geometry of the building. Images of the building show it in white and it is felt that this is the best option as it will provide a crispness to the detail. This also has an association with larger period crescents and terraces. The proposed materials palette set out in Section 6.7 of the

submitted Design and Access Statement are considered appropriate for the design of the building as the crushed glass render will heighten the play of light on the surfaces of building and responds appropriately in terms of durability and maintenance to the exposed location and harsh weather conditions which the south-facing outer curve of the building in particular would be exposed to.

Views

- 9.16 The Section 73 application assessed the impact of the development on a series of views surrounding the site and concluded that within the parameter plans and guidelines, the scheme would be acceptable in terms of net visual impact whilst acknowledging that some views would change significantly. As such the acceptability of scheme would be dependent upon a high quality design to ensure that the potentially significant visual impact of the development would not be detrimental to the visual amenity of the site and the surrounding area.
- 9.17 While a series of views was identified at outline stage, the impact specifically of Plot B will be more significant from a number of viewpoints predominantly to the west of the site, as discussed below. As well as the elevations of the building, the roofs and terraces of Plot B will be clearly visible from the the Leas and it is important that these are dealt with sensitively. It is proposed that the plant, machinery and lift overruns would be enclosed, the materials and design features would be high quality and the detailed development scheme falls within the agreed parameters. It is therefore considered that the building would have an acceptable visual impact when viewed from the Leas. Turning to the views from the Leas Cliff Hall, the Lower Leas Coastal Park and the beach to the west of the application site, the development would be prominent in publicly available views. Given the high quality design referred to above this is not considered to be detrimental from views from these locations.
- 9.18 Also important are the views from Marine Parade and from Marine Crescent which as identified in the outline application would clearly change significantly given the relative location and proximity of the development plot. Direct views out of Marine Crescent towards the sea would not be obscured by the development of Plot B and given the high quality design visual impact is therefore considered to be acceptable in relation to these viewpoints. The heritage implications of Plot B are discussed in the appraisal of scale in the section below. Whilst the development will have an impact on other views identified in the outline application these are more relevant to other phases of the overall development and it is considered that the greater separation distance to Plot B is considered to avoid any harmful visual impact from these viewpoints.

Summary

- 9.19 In light of the above, the proposed details submitted under this reserved matters application are considered to be acceptable and in accordance with saved policies SD1, BE1 of the Shepway District Local Plan Review, which

are concerned with the physical and visual interrelationship between new and existing buildings and their surroundings, as well as saved policies BE4 and BE5, which seek to preserve the character and appearance of conservation areas and the special architectural and historic interest of listed buildings. In addition, the proposed details relating to appearance are considered to accord with emerging Places & Policies Local Plan policy NE9, which is concerned with, amongst other matters, the appearance of the district's coast.

Scale

- 9.20 The key consideration regarding scale is the impact of the proposed building on its surroundings, including the nearby heritage assets, namely the Grade II* Listed Leas Lift and Grade II Listed Marine Crescent, as well as the adjacent Folkestone Leas & Bayle Conservation Area. In this regard, the proposal is in accordance with the parameter plans, including Parameter Plan 7 which established the maximum building heights, Parameter Plan 8 which established the maximum horizontal deviation, and Parameter Plan 3 which established the envelope for the building footprint. . Invariably the maximum height of the book-ends to the north-east and north-west corners of Plot B gives rise to the greatest impact in this regard.
- 9.21 The scale of the proposed building has been raised during the consultation period, particularly with reference to the number of storeys. Concerns raised are mainly that the proposal constitutes over development of the plot with particular regard to the book-ends which would be out-of-keeping with the site's surroundings, and that the reserved matters application is not in accordance with the Design Guidelines approved at outline stage in relation to the maximum number of storeys. The approved Design Guidelines sets out that the taller book-ends would be up to 7 storeys, stepping down to 3 storeys towards the seafront. However, the Design Guidelines also set a maximum height of +28.5m above site datum for the book-ends in s approved Parameter Plan 7.
- 9.22 The proposed building has 7 storeys fully above ground level, with the lowest level of the building (referred to as the parking level) visible above ground to varying degrees as Marine Parade rises from east to west and the change in levels between the Marine Parade frontage and the outer curve of the proposed crescent. This is most clearly demonstrated on drawing No. 161-ACME-20-1311 which shows the double-height entrance to the eastern book-end and the change in surrounding levels. Crucially, in the assessment of scale this Reserved Matters application has demonstrated that the proposed building is in accordance with approved Parameter Plan 7 Rev.C which sets the minimum and maximum development envelope, and which fixed the development principles at the outline stage in relation to the development plot's relationship with its surroundings, most notably the nearby listed buildings, as appraised below. It is therefore considered that the heights of the building are consistent with the outline permission and the scale reflects what was envisaged for the plot's relationship with its surroundings.

- 9.23 The Planning (Listed Buildings and Conservation Areas) Act 1990 (particularly sections 16, 66 and 72) provides specific protection for buildings and areas of special architectural or historic interest. With regard to the impact of the proposal on the setting of the listed structures, setting is defined within the NPPF as 'the surroundings in which a heritage asset is experienced'. Given the scale, prominence and relative location of the proposed building to the nearby heritage assets, it has been considered to be within the setting of the aforementioned listed buildings and the Conservation Area, and has been advertised as such. With regard to the impact of the proposal on the Conservation Area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 9.24 The advice received from Historic England is noted and it is considered that the detailed architectural treatment of the building would lead to an exciting and interesting new piece of townscape for the seafront. This accords with the views of the Council's Landscape & Urban Design Officer. It is also noted from Historic England's representation, that the 'interest' of listed structures includes the ways in which they are experience and therefore encompasses the views to and from the Grade II* listed Leas Lift.
- 9.25 At the outline stage, the scheme was considered to have less than substantial harm on the setting of the heritage assets and any harm was considered to be outweighed by the public benefits of the scheme, in accordance with paragraph 196 of the NPPF. This reserved matters scheme is considered to carry through the development principles approved at outline stage in terms of height and scale and, as such, is considered to be in accordance with relevant national policy in this regard.
- 9.26 It is considered that the architectural interest of the proposed building and the setting out of the plot secured by Parameter Plan 3 at outline stage would ensure that views out from the lift and from the boardwalk and beach to the south would be sustained as far as practical, in line with advice from Historic England who raise no objection.
- 9.27 With regards to the Folkestone Leas & Bayle Conservation Area, the proposed building constitutes a high quality scheme in terms of design which carries through the development principles agreed at outline stage and set out within the parameter plans, with regard to impacts on the conservation area. Given this it is considered that the scale of the proposal would not have a significant or detrimental impact on views into and out of the designated area and as such is considered to be acceptable.
- 9.28 In light of the above, the proposal is considered to be in accordance with the guidelines and parameters agreed at outline stage to fix the development principles, and in accordance with local and national adopted policy in relation to proposed scale and associated impacts on the site's surroundings.

Landscaping

- 9.29 Landscaping is important to reinforce character and identity, define legibility, create a pleasant and welcoming place and support the function of the plot. The landscape will have to work for Plot B, but will also have to integrate with future landscaping schemes across the whole of the seafront and harbour area. It is considered that the overall history of the seafront and harbour area is important and should where possible be used to inform development within the area. The remaining historic buildings associated with the railway and the incorporation of the railway line into new public realm in the harbour area are examples of this, and it is considered that The Victoria Pier presents similar opportunities at the western extent of the wider application site, within Plot A. This matter should be given further consideration at a future reserved matters stage and it is considered that the proposed interface between Plots A and B, which includes a temporary shingle area to soften the junction between the new road (Crescent Way) and the eastern boundary of Plot A would not preclude future detailed proposal realising opportunities presented by the history of the site.
- 9.30 Overall, the philosophy behind the soft landscaping is considered to be sound; the plants are well considered both aesthetically and from a practical perspective. As noted within the landscaping report this is a harsh environment and as such it is important that a robust management plan is in place to support the scheme. This should allow for replacements if certain plants struggle to develop; a matter which can be controlled via an appropriately worded planning condition.
- 9.31 In terms of hard landscaping, it is considered that the materials are generally well considered and will enhance the landscape scheme and the way in which the development sits in the area. The proposal includes timber pathways to the front doors of the town houses on the seaward side with permeable resin bound gravel proposed for 'Crescent Way'; the new road which would be laid out in parallel to the seaward elevation of the building. Although the more formal surface treatment of the new road is noted, it is considered that other proposed surfacing accords with the rugged and rustic nature of the garden areas as opposed to the formality presented by the presence of the proposed building.
- 9.32 The Landscaping Strategy includes a turning head at the foot of the Grade II* Listed Leas Lift, an area which as referenced above is envisaged in the masterplan for the site as the pedestrian priority 'Leas Lift Square'. Historic England note that this approach can be considered to be acceptable on the basis that the permanent landscaping which would replace the turning head can be secured at an early stage of the delivery of the wider masterplan; a matter which is secured by Condition 6 of outline permission Y17/1099/SH, which relates to the phasing plan and landscape guidelines and sets out that Plot B (the sub-phase which is the subject of this application) and Plot A constitute Phase 1 of the wider development scheme. The approved phasing plan sets out that the Leas Lift Square would be brought forward as the first phase, prior to further development to the east of these plots within phases 2 onwards. Notwithstanding the above, although it is acknowledged that the tarmac dominated turning head does not provide an optimum setting for the foot of the Leas Lift, it is considered that given its temporary nature

and the current highway arrangement in this location, that the net visual impact and associated impact on the setting of the listed building would not be significantly detrimental.

- 9.33 As referenced above, KCC Ecology have commented on the proposed use of non-native species within the communal garden area, and following clarification it has been confirmed that the proposed landscaping scheme is acceptable as the approach represents a continuation of that adopted within the nearby Coastal Park, with a predominance of non-native species. A further detailed plan of biodiversity enhancement was requested by KCC Ecology and would be required by an appropriately worded planning condition to ensure the specific locations of biodiversity enhancements within the plot are acceptable.
- 9.34 In light of the above, this proposed reserved matters application is considered to be acceptable with regard to landscaping, in line with the aims of saved policy BE16 of The Shepway District Local Plan Review, which seeks to ensure appropriate provision for new planting.

Layout

- 9.35 With regard to internal and external spaces, Condition 7 part A of outline permission Y17/1099/SH states that reserved matters applications will include a schedule of dwelling sizes by number of bedrooms. In addition, Condition 17 of outline planning permission Y17/1099/SH requires the reserved matters submitted in accordance with Condition 1 to ensure all properties incorporate provision of private outside space, inclusive of balconies and states that properties with balconies but without private gardens shall also have access to communal gardens. The emerging Places & Policies Local Plan includes policy HB3, which sets out internal and external space standards. Five representations were received in relation to emerging policy HB3 as set out within the 'Summary of Main Issues' document relating to the PPLP Submission Draft. As a result, it is considered that although the policy is not without objection at this stage, it can still reasonably be afforded weight in the determination of this application.

Space Standards

- 9.36 Emerging policy HB3 makes reference to new residential developments meeting the nationally described technical housing space standard for internal space, as well as providing an area of private open space for each new dwelling as either a private usable balcony area with a minimum depth of 1.5m for flats or an area of private garden for the exclusive use of an individual dwellinghouse of at least 10m in depth and the width of the dwelling. Across all house types included within this reserved matters application, all units meet the internal space standards set out in emerging PPLP policy HB3.
- 9.37 Turning to private open space, the proposed balconies would meet the minimum depth of 1.5m for the flats, however the units with private gardens

(the townhouses, duplexes and two flats) would not meet the external space standards set out under emerging policy HB3 part 2. Although the private gardens would be predominantly the width of the dwellings they would not meet the standard of 10m in depth with the gardens predominantly ranging from 5.5m to 6.5m in depth. In this regard, emerging policy HB3 states that the Council will only consider variations to the external space standards if it can be demonstrated through the Design & Access Statement or site masterplanning that such an approach is needed to reflect the character of the area or provide for a mix of units within the development that create a higher density suitable to the urban nature of the site. Furthermore, the policy states that in such instances communal or public open spaces should be provided or made available within the immediate locality.

- 9.38 As a proposed new piece of townscape which would constitute the first sub-phase of the masterplan for the comprehensive redevelopment of Folkestone Seafront and Harbour, in conjunction with the relatively minor shortfall in external space standards for the proposed individual private garden areas, it is considered that a variation to the external space standards can be considered to be acceptable in this case. This view is supported by the fact the proposal includes external amenity space of at least 5 sq.m. for every residential unit and a communal garden which would provide for a further 1,041.70 sq.m. in line with the aims of emerging policy HB3. Furthermore, the acceptability of the proposed provision of external amenity space is supplemented by the site's surroundings, with the nearby Lower Leas Coastal Park, the boardwalk, beach and the wider public realm of the seafront and harbour area complementing the external spaces to be provided within the plot.
- 9.39 In addition, the design and layout of the proposed building, which would provide individual gardens for the townhouses and duplex units throughout the central section of the crescent, balconies to the seaward facing south elevation and roof terraces, would achieve the objective of Condition 17 of the outline permission to ensure the provision of adequate amenity space to meet the needs of future residents. With regard to the flats within the book-ends at the north-west and north-east corners of the crescent, outdoor amenity space would be predominantly provided in the form of balcony space, with eight flats having access to roof terraces and, due to the relationship of the book-ends with the podium level and the outer curve of the crescent, four flats would have front gardens and two would have back gardens.
- 9.40 In light of the above, it is considered that this reserved matters application meets the aim of Condition 17 of outline permission Y17/1099/SH to ensure the provision of adequate amenity space to meet the needs of future residents, is in accordance with policy SD1 of the Local Plan Review and SS6 of the Shepway Core Strategy Local Plan 2013, and would achieve the overall objective of emerging Places & Policies Local Plan Policy HB3 with regard to internal and external space standards.

Refuse Storage

9.41 With regard to bin storage, emerging PPLP policy HB3 part 4 seeks to ensure that discretely designed and accessible storage space is provided. With regard to the proposed flats, a secure bin store is provided within the ground floor layout of each of the book-ends with direct access from within the building for residents, and from the footway of Marine Parade for collection. Turning to the townhouses and duplexes with front garden areas fronting on to the proposed new road of Crescent Way, there would be controlled access for vehicles with a rising mechanical bollard at each of the two access points from Marine Parade to enable access on collection days. As a result, it is considered that the proposed layout and arrangements for refuse collection are acceptable and in accordance with PPLP policy HB3 part 4.

Lifetime Homes

9.42 Condition 7 part A of outline permission Y17/1099/SH states that the details of layout submitted with the reserved matters application pursuant to the outline permission shall include details of the location of dwellings designed to meet Lifetime Homes standards. The planning condition requires that 20% of the units within each phase are compliant with the standards. This reserved matters application includes 18 compliant units, split evenly between each of the book-ends, which represents 21.4% of the 84 residential units proposed for this sub-phase. In light of this, it is considered that this application has met the requirement of the planning condition with regard to the Lifetime Homes standard for building accessible and adaptable homes.

Car Parking

9.43 With regard to car parking, the Kent Design Guide: Interim Guidance Note 3 and PPLP policy T2 set out the following guidance for residential parking provision in this edge of centre location, shown below against the house types included within the proposed building:

- 18 x 1-bed flats – 1 space per unit
- 36 x 2-bed flats – 1 space per unit
- 6 x 3-bed flats – 1 space per unit
- 2 x 2-bed maisonettes – 1 space per unit
- 2 x 3-bed maisonettes – 1 space per unit
- 8 x 3-bed houses – 1 space per unit
- 12 x 4-bed houses - 1.5 spaces per unit

9.44 As outlined at 1.8 and 1.9 above, the recommended parking provision for the twenty townhouses, four duplexes and sixteen of the flats has been met or exceeded within the building footprint. There is a shortfall in on-site parking, with 44 flats not having allocated parking within the footprint of the plot. As a proposed solution to this shortfall, the proposal includes that a permit holders only zone would be created on Marine Parade closest to the application site, including 5 spaces to be re-provided along the Marine Parade frontage of Plot B. In terms of the existing on-street parking arrangement, there are currently 208 spaces within the C1 Controlled

Parking Zone (CPZ) with 159 permits issued to existing residents. The CPZ is currently a mixture of permit holder and pay & display parking. Based on the scaled plans of the proposed highway works to the front of Plot B, there would be a loss of 25 on-street parking spaces within the CPZ; 15 spaces would be lost to the front of Plot B as a result of providing vehicular access to the building, associated visibility splays and loading bays for service and refuse vehicles. A further 10 on-street spaces would be lost from the CPZ as a result of the proposed turning area. 5 spaces would be re-provided in front of Plot B equating to a net loss of 20 spaces.

- 9.45 As a result, following development there would be on-street capacity of 188 spaces allowing an additional 29 permits to be issued (in addition to the 159 existing permits) to flats which do not have allocated parking within the plot. On this basis, 15 flats would not have an allocated parking space either on-site or on-street. The proposed issuing of permits and creation of a permit holders only zone has been discussed with F&HDC's Transportation Manager and is considered to be acceptable in terms of the localised capacity and the District Council Cabinet Member has been briefed in relation to the Traffic Regulation Order, which would be required to alter the existing on-street parking arrangement. Kent Highways & Transportation consider that the proposed parking arrangement is acceptable given the proximity of the site to the town centre and the fact that all of the nearby public highway is protected by parking restriction. Full details how the parking scheme will work will be require by condition.

Cycle Parking

- 9.46 In relation to cycle parking, following the approval of non-material amendment Y18/0062/NMA, condition 7 part A of outline planning permission Y17/1099/SH sets out the details to be submitted with the reserved matters applications for each phase or sub-phase of the development and states that these shall include 'full details of the approach to residential cycle parking at a ratio of 1 space per bedroom (for individual residential dwellings) and 1 space per unit (for flats and maisonettes). The amended wording of the condition differentiates between the ratio of cycle parking spaces for flats and houses.
- 9.47 As set out within the submission, the ratio of cycle parking spaces would be accommodated within individual cellars for the townhouses, with cycle storage for the apartments split between individual spaces and secure communal storage space within the podium parking level. As referenced above, Kent Highways & Transportation (KHAT) have advised that the proposed cycle parking provision is acceptable, although it is noted that the cellar storage spaces within each townhouse would not be appropriate for all given the stepped access. The applicants have since confirmed that alternative cycle storage provision with level access would be provided to occupants of any townhouse or duplex unit with mobility issues within the parking level.

Neighbouring Amenity

- 9.48 With regard to neighbouring amenity, it is considered that, given the relative location of the plot, the occupiers of the neighbouring properties within the Grade II Listed Marine Crescent, which is located to the north-east of the application site are the only ones close enough to be affected by the development.
- 9.49 With regard to overshadowing, given the track of the sun to the south, it is considered that additional shadow cast by the proposed building would fall predominantly towards the highway of Marine Parade and the vacant land on the opposite/north side of Marine Parade. Given the scale of the book-ends the eastern book-end would cast shadow on the south-west facing elevation of Marine Crescent and only during the late afternoon/evening. In this regard, the separation distance of over 30m between the proposed building and Marine Crescent is considered to be a mitigating factor in the impact of the proposed building balanced against its scale and massing. In light of this, it is considered that overall the overshadowing impact of the proposed building on the amenities of neighbouring occupiers would not be significantly detrimental as to justify refusing planning permission and is considered to be in accordance with saved policy BE8, which seeks to avoid undue overshadowing of neighbouring property.
- 9.50 Turning to overbearing/enclosing presence, as above this would be of principal concern to the occupiers of Marine Parade. The overall scale of the proposed building, particularly the book-ends has the potential to create a significant level of additional overbearing presence on neighbouring land. However due to the aforementioned separation distance of over 30m to the nearest neighbouring residential property, it is considered that the proposed building would not have a significant or detrimental impact on the living conditions of neighbouring occupiers by way of overbearing/enclosing presence such that planning permission should be refused.
- 9.51 In relation to overlooking, given the proposed fenestration details which include a high quantity of glazing to all elevations and the presence of balconies at all levels on the outer seaward facing elevation of the crescent and to the opposite elevations of the book-ends, it is considered that the proposed building would provide a high level of outlook for future occupants and an associated increase in overlooking towards the flats in Marine Crescent, particularly from the raised vantage points provided by the upper floors. Notwithstanding this, it is considered that overlooking from the outer seaward facing elevation of the building would serve to provide sea views, which would overlook the boardwalk and beach, and would therefore not result in any loss of privacy for neighbouring occupiers. The openings and balconies proposed to the eastern book-ends, which would provide direct outlook towards Marine Crescent to the north-east would be of principal concern to the neighbouring occupiers. However given the aforementioned separation distance of over 30m to the neighbouring properties, it is considered that the proposed building would not cause undue loss of privacy for neighbouring occupiers in accordance with saved policy BE8(e).

- 9.52 In light of the above, the proposal is considered to be acceptable with regard to impact on the amenities of neighbouring occupiers and in accordance with the aim of saved policy BE8 to protect the amenity enjoyed by neighbouring occupiers.
- 9.53 Turning to the level of amenity for future occupants of the proposed building as a result of its layout, it is considered that the opening and balconies to the outer seaward elevation of the crescent would predominantly overlook the boardwalk, beach, the new road of Crescent Way and to a lesser degree the front garden areas of the townhouses. None of these areas are considered to constitute principal outdoor private amenity spaces and as such, it is not considered that overlooking from these locations would result in an unacceptable level of privacy for occupants.
- 9.54 Interlooking would be largely avoided from the outer seaward facing elevation as a result of the curve of the crescent. With regard to the inner north-facing curve of the crescent and the book-ends, a degree of overlooking would be created from windows and balconies towards both the communal garden and the private garden areas to the rear of the townhouses. In terms of the relationship between the communal garden area and private gardens, the location of ventilation wells and landscaping would ensure adequate separation between these two areas, such that interlooking between the communal and private gardens, which are on the same level, would be avoided. Notwithstanding this, it is considered that a degree of overlooking can be accommodated in this edge of centre location, while delivering an acceptable level of privacy and amenity for future occupants given the nature and density of the proposed building. It is considered that the concave bays of the inner north-facing elevation of the crescent would prevent direct interlooking between neighbouring units, with only distant views across the crescent available. The roof terraces of both the town houses and apartments would create overlooking towards the central garden areas. However it is considered that this is acceptable given the context site in this edge of centre location. Furthermore, views from the roof terraces are more likely to be out towards the sea rather than down into the gardens.
- 9.55 In summary, the living conditions of existing and future residents are considered to be safeguarded by the development and as such there are no objections on these grounds.

Other Issues

- 9.56 KHAT consultation response raises the outstanding matter of a plan showing the extent of the adoptable highway resulting from the proposed scheme. This matter would be addressed directly by the applicant with KCC's Highways Definition team, including the approval of a safety audit. With regard to the conditions requested, where these are covered by the conditions on the outline planning permission they do not need to be replicated on this decision.

9.57 Concern was raised through the public consultation that the Fire Strategy submitted with this application and the car parking smoke ventilation system are inadequate. These are not planning matters and are covered under the Building Regulations. The regulations cover five main aspects of fire safety as summarised below:

Requirement B1 - Means of early warning of fire and adequate means of escape from the building (including emergency lighting and fire exit signage).

Requirement B2 - Control of Internally fire spread (linings)

The wall lining i.e. plaster, plasterboard or wooden boards on the walls and ceiling will resist the spread of flames and give off only reasonable levels of heat, if on fire.

Requirement B3 - Control of Internal fire spread (structure) will be maintained during a fire, and fire spread will be prevented.

Fire and smoke will be prevented from spreading to concealed spaces in a building's structure by Fire Stopping and Fire Cavity Barriers.

Requirement B4 - External fire spread – The external walls and roof will resist spread of fire to walls and roofs of other buildings.

Requirement B5 – The building will be accessible for firefighters and their equipment, without delay. Tall and Large buildings to have Fire Lifts and Fire Mains (Dry or Wet riser pipes), etc.

Alternative Means to comply - Using BS9991:2015 for dwellings and other residential buildings

Once a building is occupied the Fire Safety Order 2005 requires a Fire Risk Assessment to be carried out, to take into account how the users are actually using the building (and any fire risks that brings to the building) and the Regulatory Reform (Fire Safety) Order 2005 requires the 'Responsible Person(s)' for the building to provide and maintain 'suitable and sufficient' general fire precautions.

In light of the above, although the final details of certain provisions are deferred to the further development of the Fire Strategy, the document is considered to be sufficient for the purposes of this Reserved Matters application as the approach would not preclude a suitable and sufficient strategy being secured under the legislative regime of the Building Regulations.

9.58 Concern was raised through the public consultation that certain sections of the Design & Access Statement and the appendices to the Statement of Community Involvement were omitted from the versions which were made publicly available online. Having reviewed the availability of information relating to this application online, it was confirmed that all relevant sections of the Design & Access Statement were available, however some sections appeared as separate drawings or reports to the main body of the D&A due to the file sizes of the images and their submission via the Planning Portal. The appendices to the Statement of Community Involvement were omitted and subsequently uploaded, however this information does not constitute a national or local validation requirement and it is therefore considered that the delay in making this information available would not prevent the full consideration of the application during the public consultation period. As

such, it was considered that no further consultation period was required in relation to the supplementary appendices being provided.

9.59 The proposal does not include any units to be either sold or let at an affordable or social level. Schedule 6 of the relevant Section 106 Agreement for the development states that details of affordable housing shall be submitted with the reserved matters application and shall include the following:

- i) the location, property type and size of the Affordable Housing units within the Site;
- ii) to ensure integration of the Affordable Housing Units with the Open Market Units that the Affordable Housing Units shall be located as agreed in writing by the Council.

Schedule 6 of the Agreement also includes the requirement to submit details of the Affordable Housing provider and the intended mechanism for the delivery of any Shared Ownership units. Given that this reserved matters application relates to the delivery of the first 84 units within an outline planning permission which includes up to 1,000 residential units, the approach of having no affordable housing units within the first sub-phase can be considered to be acceptable as it would not present an obstacle to the wider development meeting the requirements for the delivery of affordable housing units enshrined within Schedule 6 of the Section 106 legal agreement, nor would the proposal for Plot B prevent the Affordable Housing units from being successfully integrated with the Open Market units. The omission of affordable housing from this sub-phase of the wider application site has also allowed other important contributions to come forward, such as the Leas Lift contribution discussed within the appraisal above.

Conclusion

9.60 In light of the appraisal set out above, it is considered that this reserved matters submission has demonstrated compliance with Condition 4 of the outline planning permission Y17/1099/SH, which sets out that the submission of reserved matters applications shall demonstrate compliance with the approved parameter plans and the text set out on those plans to fix the development principles, together with the approved Design and Landscape Guidelines. As such, it is considered that the application carries through the development principles which were agreed upon at outline planning permission stage and represents an acceptable proposal across the reserved matters of access, appearance, scale, landscaping and layout, in accordance with relevant national and local adopted planning policy.

Local Finance Considerations

9.61 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.

9.62 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 £0 per square metre for new residential floor space, given that it has been designated a strategic site in the Core Strategy.

9.63 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £106,897.62 for one year and £427,590.48 for 4 years when calculated on the basis of the notional council tax Band D on which NHB is based. If an authority records an overall increase in new homes in any one year, but this increase is below the 0.4% threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

9.64 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.

9.65 This application is reported to Committee due to the comments 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 – That the reserved matters be approved subject to the conditions set out below and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

1. Approved Plans
2. Samples of materials
3. Parking arrangement scheme
4. Landscaping Management and Maintenance Plan
5. Detailed plan of biodiversity enhancement
6. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
7. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

DCL/18/31

Y18/1252/FH
Former Rotunda Amusement Park
Marine Parade
Folkestone

