

**Application No:** Y18/1529/FH

**Location of Site:** Former Folkestone Youth Centre, Shepway Close, Folkestone, Shepway Close Folkestone Kent

**Development:** Erection of 17 Two Storey Dwellings and 2 Three Storey Apartment Blocks Comprising 30 Apartments with Associated Access, Parking, Private Amenity Space and Public Open Space.

**Applicant:** Mr Dwyer – Dwyer Engineering Services Ltd.

**Agent:** Mr Duncan Parr – Rapleys LLP.

**Officer Contact:** [Robert.davis@folkestone-hythe.gov.uk](mailto:Robert.davis@folkestone-hythe.gov.uk)

## SUMMARY

The application seeks full planning permission for the erection of 47 dwellings comprising 17 houses and 30 apartments. The site is allocated for residential development under draft policy UA6 of the emerging Places and Policies Local Plan Submission Draft. The development would not give rise to any significant amenity concerns or other material planning concerns and is considered to constitute sustainable development. The application has been revised during the course of the application process following advice from Officers and is recommended for approval subject to the attached conditions and the completion of an S106 legal agreement to secure affordable housing and contributions towards local infrastructure.

## RECOMMENDATION:

**That delegation be given to the Chief Planning Officer to grant planning permission subject to considering the reconsultation responses received raising no substantial new issues, subject to the conditions set out at the end of the report, the applicant entering into a S106 legal agreement securing 15 affordable housing units and the provision of £106,910.09 towards community infrastructure and to finalise the wording of the conditions and the legal agreement including adding any other conditions that he considers necessary.**

## 1. INTRODUCTION

1.1. The application is reported to the Planning and Licensing Committee because the land was previously in the ownership of Folkestone and Hythe District Council and being of strategic importance.

## 2. SITE AND SURROUNDINGS

2.1. The application site comprises a parcel of land measuring approximately 0.79ha in extent located within the Folkestone built up area. Formerly part of the site contained a youth centre which has now been demolished. Subsequently the site was identified

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as an Area of Potential open Space in the Local Plan (2006), but it has neither been accessible to, nor been useable by, members of the public.

- 2.2. The site lies within the centre of a well-established residential area. The northern boundary is marked by Shepway Close, which provides the only vehicular access into and out of the site. There are existing residential properties on Walter Tull Way to the north east, to the rear south-east of the site are existing residential properties on Brambledown and Peto Close. A footpath and cycle path runs along the western boundary, providing a direct link between Black Bull Road and Dover Road. Neighbouring properties vary in scale but are generally two stories high.
- 2.3. In terms of ground levels across the site, land rises gradually from north-west to south-east and consists of former grassland. The site is currently fenced off.
- 2.4. The development is located in Flood Zone 1, as defined by the Environment Agency, but is in reasonably close proximity to Flood Zones 2 and 3. A mains drain sewer runs across the site for which a 6m easement either side is required.
- 2.5. A site location plan is attached to this report as **Appendix 1**.

### 3. PROPOSAL

- 3.1 Full planning permission is sought for the erection of 17 two storey dwellings and 2 three storey apartment blocks comprising a total of 30 units, with associated vehicular and pedestrian access, parking, private amenity space and parcels of public open space on land off Shepway Close.
- 3.2 The housing would be located towards the rear section of the site with plots 1 to 13 backing onto the southern boundary and plots 14 to 17 forming a terrace set at a right angle, with plot 17 presenting its side elevation towards Brambledown Close. The two apartment blocks would be situated within the north eastern portion of the site. Plots 2-6 would be two bedroom properties with the remaining houses offering three bedrooms. Apartment Block 1 would provide 8 one bedroom and 13 two bedroom apartments and Block 2 would provide 9 two bedroom apartments. An area of open space, 0.12ha in extent, would be located within the western part of the site and a smaller area of 0.06ha to the south east. The site layout drawing below shows the various elements of the scheme and how they relate to each other and their surroundings.
- 3.3 The housing would consist of terraced and a pair of semi-detached properties with 5 two bedroom dwellings and 12 three bedroom dwellings. They would be constructed in red brick with contrasting small blue engineered brick sections on their ground floor facades and larger sections of red brick detailing providing interest to their appearance together with pitched grey slate roofs and grey window frames.
- 3.4 The 2 three storey apartment blocks would continue with the detailing and slate roofs of the houses but would principally be in a contrasting lighter buff/cream brick with recessed brick box sections surrounding the windows to provide architectural and visual interest to their elevations. A number of the apartments would be provided with Juliet style balconies equipped with iron railings to provide an amenable outlook over the soft landscaped areas.

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- 3.5 The main access to the site would adopt a T shape with the point of access onto Shepway Close just to the west of the central part of the site frontage. A secondary minor point of access would lead to a parking area east of Block 2 containing 13 parking spaces with spaces closest to Shepway Close featuring pergola coverings. A further 8 parking spaces would be provided accessed from Walter Tull Way. Either side of the spine of the access road there would be a total of 6 parallel parking visitor spaces and a further 3 parallel parking spaces would be provided to the south of the main public open space. A further 33 parking spaces would be provided at right angles to the main east to west cross section of the road.
- 3.6 Each house would be provided with a private rear amenity space and the apartments would have access to a rectangular private courtyard garden area which the two L shaped apartment blocks would wrap around in part whilst providing an open southerly aspect to the garden area to ensure it receives sunlight and provides an agreeable feature for residents.
- 3.7 In addition to the garden areas the layout provides for two communal open spaces with a main 0.12 ha area located to the west of the spine access road where it would be overlooked by Block 2 and the majority of houses located to the southern end of the site. The frontage of the four dwellings on plots 14 to 17 and the southern elevation of Block 1 would look out onto a smaller open space, 0.06ha in extent. These communal spaces would be provided with recreational and play area equipment to encourage their active use. The remainder of the development would provide soft landscaping and tree planting around the frontages to the houses and around the apartment blocks to soften the built appearance of the development and subdivide sections of the vehicle parking spaces. The final details of the provision of landscaping, play areas and a maintenance schedule would be secured by condition.



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

### Planning, Design and Access Statement

3.9 In line with the NPPF the statement discusses the site context, the policy context and how issues and constraints specific to the site have been addressed. It also provides details of the pre-application advice sought from the Council (under reference Y18/0170/PREAPP).

### Preliminary Ecological Appraisal

3.10 A Preliminary Ecology Appraisal by KB Ecology (June 2018) has been submitted. The purpose of the Appraisal is to provide a scoping assessment and to assist in demonstrating compliance with wildlife legislation and planning policy objectives. The report found the site to be composed of improved grassland, with evidence of fly tipping, and small patches of brambles. A small number of self-seeded trees were present alongside the southern boundary.

3.11 In summary it was found that due to the urban setting of the site and the distance to the nearest pond it was judged unlikely to provide habitat for Great Crested Newts or reptiles. The site has the potential for nesting birds but ground nesting birds would not be evident due to regular site maintenance. The trees present would not be suitable for roosting bats. No badger sets or evidence of activity were found. It was considered that the site and surrounding gardens had potential to support hedgehog. The appraisal recommended ecological enhancements be made to encourage biodiversity as required by the NPPF.

### Foul and Surface Water Management Strategy

3.12 A Foul and Surface Water Management Strategy by RMB Consultants (Civil Engineering) (June 2018) has been submitted. This provides an analysis of the sites characteristics and any drainage issues that may arise as well as a strategy for the management for both foul and surface water disposal. It demonstrates that the disposal for surface water by attenuation and discharge to the combined sewer is appropriate for the site and provides draft proposals for a drainage scheme.

### Contamination Sitecheck Report

3.13 A Phase 1 Environmental Assessment by Soiltec Laboratories (February 2019) has been submitted to ascertain any land related issues. The report details a walkover survey, provides a historical analysis of the site and its environs and any environmental concerns. The report concludes that any environmental risk to future occupants would not be significant. An intrusive site investigation is recommended to ascertain any contamination on the site and provides detail of the investigation required.

### Archaeological Desk Based Assessment

3.14 Swale and Thames Survey Company (August 2018) has provided a desk based report using historical evidence to explore and disseminate the known and potential heritage resources within the local area. It provides a background of the policy and legislation relating to heritage. The report analysed available data resources, refers to other intrusive archaeological events within the wider assessment area and a site walkover took place. The report found that the likelihood of archaeological deposits to be found

on the site to be low for all periods but that the need for, scale, scope and nature of any further assessment should be agreed through consultation with statutory authorities.

#### 4. RELEVANT PLANNING HISTORY

4.1 There is no relevant site history.

#### 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

##### Consultees

**Folkestone Town Council:** Object unless 30% of the development allows for social/affordable housing and the Committee express concerns for larger vehicles access on the highway

**KCC Archaeological:** It is possible that the proposed development might affect remains of archaeological interest. Suggest that provision is made within any forthcoming planning consent for a programme of archaeological work.

**KCC Highways and Transportation:** Note the submission of revised parking layouts and vehicle tracking for a refuse vehicle which are acceptable. No drawing has been supplied regarding the extent of the proposed adoptable highway which needs to be to the satisfaction of the Local Highway Authority. If this is not provided prior to the application being determined the adoption of the new roads by the Local Highway Authority cannot be guaranteed.

**KCC Ecology:** The Preliminary Ecological Appraisal has been submitted and we are satisfied that no further ecological work is required. Recommend conditions relating to hedgehog mitigation and biological enhancements.

**KCC Flood and Water Management:** We have reviewed the surface water drainage prepared by RMB and would support the drainage scheme provided that infiltration is not feasible on site. The western part of the site appears to be underlain by Folkestone beds and could provide opportunities for disposal of water to ground. We would recommend that ground investigations be undertaken to determine if infiltration is viable for this part of the site. Recommend conditions relating to a detailed surface water drainage scheme and verification report.

**KCC Public Rights of Way:** The public footpath HBX16 runs adjacent to the proposed site, as the plans are currently submitted there will be no direct impact on the route by the development and raise no objections to the proposal.

**KCC – Contributions** sought for secondary education, community learning, libraries and social care.

**Kent Police:** If the application is approved we request that a condition or informative be included to show a clear audit trail for Design for Crime Prevention and Community Safety.

**Environment Agency:** No objection subject to recommended conditions relating to a remediation strategy, verification report, land contamination, foul and surface water drainage system, piling or any other foundation designs.

**Southern Water:** Satisfied with determination and demonstration of the easement for the public critical trunk sewer and proximity of structures. It should be noted, however, for further design that no ponds, swales, or other water conveying or retaining features shall be relocated within this easement. Condition recommended relating to details of foul and surface water sewerage.

**Contamination Consultant:** The Environmental Statement is of a suitable standard and we concur with risk assessment and the recommendation that further investigation is required. Given the presence of the adjacent historical gasholder recommend the scope of the site investigation is extended so that contaminants of concern also include gasworks type chemicals. Consideration of risks from contaminant vapours may be applicable dependent on the findings of the site investigation.

**Landscape and Urban Design Officer:** Recommended changes to the original design which have now been addressed in the resubmitted layout and designs.

**Arboricultural Manager:** No objections to the proposed development. Request that a full soft landscaping plan is submitted for consideration.

## Local Residents Comments

5.2 The application has been subject to consultation on three occasions as a result of changes to the layout and design of the dwellings following advice from Officer's and responses from consultees and neighbours. Whilst the last consultation included the most up-to-date plans, it was not made clear that the unit numbers had increased. As such, an additional consultation is currently being undertaken that is due to finish 30<sup>th</sup> July 2020.

5.3 89 neighbours directly consulted.

5.4 The key issues are summarised below:

3<sup>rd</sup> Consultation – Two letters of objection received

- Struggle to get to Shepway Close due to parking in Linden Crescent, Archer Close , Dawson Road
- Will cause congestion all the time

- Bin men struggle to get down roads

## 2<sup>nd</sup> Consultation – Five letters of objection received

- Too much development for a small area
- Highway issues
- 3 storey blocks not in keeping with area
- Noise pollution, spoiled views and reduced light to properties

## 1<sup>st</sup> Consultation – Six letters of objection received

- Land covenanted to local people
- Too many properties
- 3 storey apartment blocks unnecessary
- Inability of exiting local roads to cope – effectively single track
- Alternative road access should be sought
- Sewer and drains can't cope

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

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

## 6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the saved policies of the Shepway District Local Plan Review (2006) and the Shepway Core Strategy Local Plan (2013)
- 6.2 The new Places and Policies Local Plan Submission Draft (February 2018) has been the subject to public examination, and as such its policies should now be afforded significant weight, according to the criteria in NPPF paragraph 48.
- 6.3 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019, as such its policies should be afforded weight where there are not significant unresolved objections.
- 6.4 The relevant development plan policies are as follows:-

### Shepway District Local Plan Review (2006)

SD1 – Sustainable Development

HO1 – New Residential Development

BE1 – Design

BE13 – Urban Amenity Space

BE16 – Landscape Features

LR9 – Public Open Space

LR10 – Play Areas

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TR5 – Provision of Facilities for Cycling in New Developments and contributions Towards Cycle Routes

TR6 – Pedestrians

TR11 – Access to the Highway Network

TR12 – Vehicle Parking Standards

U4 – Protection of Ground and Surface Water Resources

U10a – Requirements for Development on Contaminated Land

### Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development

SS1 – District Spatial Strategy

SS2 – Housing and the Economy Growth Strategy

SS3 – Place-shaping and sustainable settlements strategy

SS5 – District Infrastructure Planning

CSD1 – Balanced Neighbourhoods for Shepway

CSD2 – District Residential Needs

CSD5 – Water Efficiency

### Places and Policies Local Plan Submission Draft (2019)

The Submission draft of the PPLP (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. An examination-in-public was held in 2019, with hearing sessions taking place from 15-17 May 2019. The Inspector recommended a limited number of Main Modifications to the Plan which were consulted on from 13 January to 24 February 2020. The Inspectors report has found the plan 'sound' subject to making a few modifications and as such substantial weight can now be given to the policies. The Plan will now go through the Council's internal processes to be formally adopted. Full weight should be given to the policies in the plan once it is adopted.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (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), as proposed to be modified by the published Main Modifications (2020), may be afforded significant weight. The following draft policies apply:

UA6 – Shepway Close

HB1 – Quality Places through Design

HB2 – Cohesive Design

HB3 – Internal and External Space Standards

E8 – Provision of Fibre to the Premises

C1 – Creating a sense of Place

C3 – Provision of Open Space



CC3 – Sustainable Drainage Systems (SuDS)  
T1 – Street Hierarchy and Site Layout  
T2 – Parking Standards  
T5 – Cycle parking  
NE2 – Biodiversity  
NE7 – Contaminated Land  
CC2 – Sustainable Design and Construction  
CC3 – SuDs  
HE2 - Archaeology

## Core Strategy Review Submission Draft (2019)

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection. The following draft policies apply:

SS1 – District Spatial Strategy  
SS2 – Housing and the Economy Growth Strategy  
SS3 – Place Shaping and Sustainable Settlements Strategy  
SS5 – District Infrastructure Planning  
CSD1 – Balanced Neighbourhoods  
CSD2 – District Residential Needs  
CSD5 – Water Efficiency

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

### **Supplementary Planning Guidance/Documents**

Kent Design Guide  
Kent Vehicle Parking Standards

### **Government Advice**

National Planning Policy Framework (NPPF) 2019

6.6 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF

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says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Para. 8 sets out the three main strands of sustainable development: economic, social, and environmental. Para. 11 then sets out that to achieve these aims development proposals that accord with an up-to-date development plan should be approved “without delay.” Para. 12 clearly sets out that the starting point for decision-making is the development plan.

Para. 20 requires Councils to have strategic policies that make sufficient provision for housing, infrastructure, and community facilities in appropriate locations, while ensuring conservation of natural and historic environments. Para. 22 then sets out that such strategic policies should look ahead over a minimum of 15 years (hence the lengthy span of the adopted and emerging Local Plans). Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Section 5 of the NPPF requires Councils to deliver a sufficient supply of homes, of varying types and tenures, to meet an identifiable need. Para. 67 requires Councils to have an identifiable supply of specific and deliverable housing sites to meet demand for at least 5yrs hence, and para. 72 advises Councils to identify and allocate sites to meet this need.

Para. 109 states that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Para.117 encourages best, most productive use of land to meet the need for homes, while safeguarding the environment and ensuring safe and healthy living conditions. Para. 122 encourages development at appropriate densities, taking into account the character of the site and the need for different types of housing.

Section 12 aims to achieve well-designed developments and places.

Para. 170 requires planning decisions to protect and enhance the natural environment; minimise impact upon and provide net gain for biodiversity; and mitigate and remediate despoiled land and pollution. Para. 175 deals with biodiversity in particular, and sets out that developments which give rise to significant harm in this regard should be refused.

### National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

### National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive

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

- N3 - Support rich and varied biodiversity

## 7. APPRAISAL

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

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Parking and access
- e) Ecology and biodiversity
- f) Contamination
- g) Drainage
- h) Archaeology
- i) Affordable housing provision and financial contributions
- j) Other matters

### **a) Principle of development and sustainability**

7.2 The site is within the built up urban area of Folkestone and is proposed to be formally allocated for residential development by policy UA6 of the emerging Places and Policies Local Plan (PPLP). This allocation forms part of the Council's formal housing land supply strategy going forward to 2031, and is the basis of how the Council will meet its identified rolling 5yr housing land supply requirement.

7.3 Policy UA6 of the PPLP allocates the land for residential development with an estimated capacity 35 dwellings and 0.15ha of public open space and states;

*Development proposals will be supported where:*

- 1. An area of 0.15ha is provided as landscaped open space including a natural play area, which should be integral to the overall layout. A management company or other solution should be established for its long term maintenance;*
- 2. They are accompanied by a full ecological survey and adequate biodiversity mitigation measures implemented where necessary;*
- 3. A strategy for the management of surface water is included within the development proposals;*

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4. Access is maintained to the existing underground sewerage infrastructure for maintenance and up-sizing purposes; and
5. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place.

- 7.4 The development would provide a total of 47 dwellings, higher than the estimated capacity of 35 as set out within the policy. The quantum of development has increased during the application process as a result of a decrease in the number of proposed houses and an increase in the number of apartments. This was negotiated by Officers to enable a more efficient layout incorporating additional parking, landscaping, open space and improved architecture. This has enabled a more effective use of the land and would provide open space of 0.18ha, greater than that sought by policy UA6, with the main area providing a green square with a frontage onto Shepway Close which improves the outlook of the proposed and existing dwellings in the vicinity, providing an improved frontage and adding to the character and appearance of the area.
- 7.5 Overall given the urban location, the sites allocation in the emerging Places and Policies Local Plan and that the relevant criteria has been addressed it is considered that the principle of development is acceptable and that the three principles of sustainability (economic, social and environmental) are achieved.

### b) Design Layout and Visual Amenity



- 7.6 The site has an area of 0.79ha and the provision of 47 dwellings would result in a density of 59 dwellings per hectare. However, despite the density increase, the development would provide good, useable areas of open space and promote a feeling of spaciousness about the buildings being set within three generous areas of open space. As such, the density combined with the design of the buildings result in a development that appears in character with the local area.
- 7.7 The layout has altered during the consideration of the application and now works to maximise use of the site whilst working around the constraints; principally the surrounding residential land uses and a 1800mm brick combined sewer that runs diagonally across the site.

- 7.8 The layout has been arranged to ensure that the buildings would maintain a good degree of separation from existing neighbouring residential properties.
- 7.9 The development provides a good level of attractive and useable open space for the benefit of both the proposed residents and existing residents within the wider area. The smaller area also would provide play area equipment for families.
- 7.10 The residential development in close proximity to the site is largely made up of a mix of two and three storey semi-detached and terraced housing and apartments, utilising varying external materials including brickwork of different colours, external cladding and render. The proposed development has been designed to utilise a mix of materials and design features which would complement the mixed visual character of the area whilst providing a more contemporary design approach. As such it is considered that the proposed development would respond to the existing character whilst providing a modern offering seeking to enhance the visual appearance of this area of Folkestone. The form and scale of the proposed development is considered to be appropriate for the area, considering the scale of surrounding development.
- 7.11 The dwellings, all of which are of a similar character and materials palette, although of varying designs, would incorporate a degree of contrast in presenting both gabled front elevations and contrasting front facing roof pitches. This results in visual interest, ensuring that sections of contrasting red brick detail avoid uniformity and provides design interest. Adjacent to the front doors would be a contrasting section of a blue engineered brick panelling with windows featuring grey frames. The roofing would be finished in composite slate. These materials are considered to be of a suitable quality for the type of development envisaged and appropriate to the character of the area.
- 7.12 The apartments are of a slightly utilitarian design composed of a contrasting buff/cream brick, and metal detailing. This gives the apartment buildings their own character quite distinct from the dwellings and adds visual interest to the site. The elevations have been designed to include recessed panel detailing about the windows of the apartments with sections of blue engineered brick adjacent the windows, along with Juliet balconies and contrasting positions between the windows to break up the bulk and scale and add interest.
- 7.13 Overall it is considered that the proposal represents a good quality of design, with the use of design features and contrasting materials, in full accordance with saved policies SD1 and BE1 of the Local Plan Review and emerging policy HB1 of the Places and Policies Local Plan.

### c) **Residential Amenity**

- 7.14 Saved Policy SD1 of the Local Plan Review and paragraph 127 of the NPPF require that consideration should be given to the residential amenities of both neighbouring properties and to future occupiers of a development. Emerging policy HB1 of the Places and Policies Local Plan (PPLP) states that development should not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.
- 7.15 The three storey apartment blocks have been positioned such that there would not result in any overshadowing, to a significant degree, of existing dwellings and all

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windows would look out onto the public realm such that there are no privacy concerns. There would be a 20m face to face separation distance between the nearest apartment block and the dwellings on Walter Tull Way. Similarly the housing is situated to the north of existing development and is orientated to ensure that there is a suitable degree of separation to the existing dwellings to the south such that there are no concerns relating to overlooking or overshadowing. Plots 7 and 8 would have their rear elevations facing the side elevation of 3 Peto Close with a separation distance of 14m. Plots 12 and 13 would face the side elevation of 20 Brambledown Close with a separation distance of 12.5m. Plot 17 would present its side elevation towards the rear elevation of 19 Brambledown Close with a separation distance of 12.5m. Aside from plots 9 to 11 which would have their rear gardens bordering existing rear gardens the other proposed dwellings would have a rear outlook over the public realm. Furthermore the topography of the area is such that the neighbouring dwellings to the south are at a raised level further limiting any adverse impact on neighbouring amenity through overlooking or other privacy concerns.

- 7.16 In order to ensure a good quality living environment for future occupiers emerging policy HB3 of the PPLP requires new development to provide sufficient internal floor space, private external space and discrete storage space for refuse bins and cycles. The submitted accommodation schedule indicates that all dwellings would meet the required space standard. All houses would be provided with an appropriately sized garden area with the apartments benefitting from a communal garden area. In addition all dwellings would have access to the two areas of open space. The houses would be able to locate their refuse bins within the rear gardens with all houses being able to bring their bins to the roadside on collection day via side and rear passageways. The apartments would have communal collection facilities.
- 7.17 It is considered that the proposed development has been successfully laid out to avoid any significant adverse impact on amenity and that is in full accordance with the relevant policies noted above.

### **d) Parking and Access**

- 7.18 Access will be provided by a main access point onto Shepway Close and a secondary access to the parking area of the apartment blocks. Use would also made of Walter Tull Way to access parking spaces associated with the eastern apartment block.
- 7.19 The parking has been carefully designed into the proposed layout to prevent the site from becoming car dominated whilst meeting the required demand. The vehicle parking bays are of a suitable size meeting the required 5m x 2.5m space standard of the Kent Design Guide Interim Guidance Note 3 (IGN3). A total of 60 parking spaces would be provided across the development located adjacent to the buildings or, in the case of visitor parking located, adjacent parallel to the main access road. The layout plan indicates there would be 30 spaces allocated for the apartments, 21 spaces would be allocated for the houses and in addition 9 spaces are marked as visitor spaces. As such, it is not considered the proposal would result in any significant highway amenity issues.
- 7.20 The highway has been designed to be of an adoptable standard however the final details would need to be agreed with the Highway Authority. Visibility splays at the access from Shepway Close would be in accordance with the highway standard for the

category of the road. As such, it is considered the proposal would be safe in highway terms.

- 7.21 Notwithstanding some concerns from local residents regarding the capacity of the local highway network and in noting the consultation response from the Highway Authority it is considered that the proposal would not result in any detrimental highway amenity or safety issues and that the proposal would be in accordance with saved policies TR11 and TR12 of the Local Plan Review and to emerging policies T2 and T5 of the Places and Policies Local Plan.

### **e) Ecology and biodiversity**

- 7.22 The applicant has submitted a Preliminary Ecological Appraisal KB Ecology (June 2018). Given the urban location, that the site has been regularly maintained and now cleared, it is not of ecological interest aside from the potential to support hedgehogs given the surrounding residential gardens. KCC Ecological Advice Service have considered the submitted documentation and consider that sufficient information has been provided to enable the applicant to demonstrate that the proposed development will not result in a likely significant effects on ecological interest. In line with the requirements of paragraph 175 of the NPPF a condition requiring biodiversity enhancement of the site is recommended.

### **f) Contamination**

- 7.23 The applicant has submitted a Phase 1 Environmental Report which considers that the site represents a very low to low/moderate environmental risk. It concludes that it is necessary to carry out a phase II intrusive investigation of the site.
- 7.24 The Council's land contamination consultant, IDOM Merebook Ltd. has reviewed the report in the context of the Council's standard land contamination condition and considers the report to be of a suitable scope and standard to address part 1 (Desk Study and Conceptual Model) of the standard condition and agrees with the recommendation that further investigation is required. Given that an adjacent site, now developed for housing, was the site of a historical gasholder, a recommendation is made that the site investigation is extended so that contaminants of concern also include gasworks type chemicals such as cyanide and phenol which are not listed in the proposals. Also recommended are consideration of risks from contaminant vapours as well as the usual ground gases depending on the findings of the site investigation.
- 7.25 The Council's Environmental Health department has no objection to the development subject to the recommendations of the Council's land contamination consultant and the standard land contamination requiring an intrusive investigation of the site. As such, it is considered the site could be successfully developed subject to suitable investigation and mitigation.

### **g) Drainage**

- 7.26 The site is shown in the Environment Agency mapping to lie in Flood Zone 1 (low risk). Flood Zone 1 is the area described as having a less than 0.1% annual probability of fluvial or tidal flooding. All land uses are appropriate in this flood zone. The site is not at risk from off-site surface water. Shepway Close is served by public combined sewers and the topography of the site allows the site to be drained to these sewers by gravity.

- 7.27 Paragraph 165 of the NPPF requires major developments to incorporate sustainable drainage systems.
- 7.28 The applicant has submitted a Foul and Surface Water Management Strategy by RMB Consultants (June 2018) detailing the management of foul and surface water across the development. The report demonstrates that it is not possible to drain to a single attenuation structure and that the site be divided into two catchments with appropriate structures put in situ.
- 7.29 KCC, acting as the Lead Local Flood Authority, have reviewed the documentation, and note that whilst exceedance of the drainage system is acceptable for the 100yr +40% event, none of the flooded volume should be allowed to leave the site boundary. Figure 20 within the Strategy shows catchment 2 flow route through the rear of properties on plots 1 to 5 and it is likely that this flow route would be blocked by property boundaries or fence line. It is therefore believed that this can be resolved at the detailed design stage and recommend that conditions be attached to any grant of planning permission
- 7.30 The Environment Agency and Southern Water have no objection to the development.

## **h) Archaeology**

- 7.31 The site lies in an area of archaeological potential associated with past finds and discoveries in the local area. These include the site of a possible Bronze Age barrow, known locally as the 'giants grave', thought to have lain immediately to the north-west of the present site. A possible Roman villa is recorded around 650m to the east of the site, whilst separate finds of Romano-British pottery have been recorded around 200m to the south-west. Other finds of archaeological interest in the area include finds of prehistoric flint tools to the west, all of which demonstrate the broad archaeological potential of this part of Folkestone. Historic mapping and aerial photographs suggest the site has largely remained undeveloped, other than the former youth centre buildings and a sewer which passes through the site. As such the site presents an opportunity to examine an area of Folkestone that offers archaeological potential, but has largely been built over in the late nineteenth and early twentieth centuries.
- 7.32 KCC Archaeology consider that the proposed development might affect remains of archaeological interest and suggest that provision be made in any forthcoming planning consent for a programme of archaeological work. It is recommended to secure this through an appropriate condition.

## **i) Affordable Housing Provision and Financial Contributions**

- 7.33 Paragraph 57 of the National Planning Policy Framework states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify a need for a viability assessment at the application stage.
- 7.34 Policy CSD1 of the Core Strategy requires that new housing developments of 15 or more units should provide 30% affordable housing on site or through a financial



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contribution of broadly equivalent value off site, subject to viability. As the development would result in the provision of 47 dwellings this would equate to the provision of 15 affordable housing units.

7.35 The applicant seeks to provide affordable housing units, as required by policy, and the applicant has approached a number of housing providers. At this stage there has not been interest in the adoption of the units with the applicant receiving either no response from the housing providers that they contacted in late 2018 or stating that the quantum of units to be provided was unsuitable for their requirements. Given this it is considered reasonable that a S106 agreement is entered into that also allows for a financial contribution of broadly equivalent value off site. The applicant has stated that they are willing to provide an off-site contribution subject to further consultation with Housing Strategy Manager. Policy CSD1 Allows for such off-site contributions provided it can be robustly justified. Given that the mix of dwellings has recently been changed since the original submission with a greater proportion of smaller apartment units it may be the case that an affordable housing provider may take an interest in the proposed development and that on site provision can be made. It is considered that the S106 legal agreement requires on site affordable housing unless it can be robustly justified that this is not feasible, for which an off-site payment can then be negotiated to the satisfaction of the Housing Strategy Manager.

7.36 The proposal would result in the provision of additional housing which would lead to additional pressure on existing services and facilities within Folkestone. KCC have sought contributions towards education and social infrastructure which for the provision of 47 dwellings would be -

- **Secondary education** - there is a need to mitigate the impact due to a deficit in provision going forward towards expansion of existing Secondary facilities within the Town at a cost of £4115 per applicable House (x17) and £1029 per applicable flat (x30) = £100,825.00
- **Community Learning** @ £21.08 per dwelling (47) = £990.76 towards Folkestone Skills Plus Centre equipment for the additional learners from this development- including laptops & IT
- **Libraries** @ £48.02 per dwelling towards additional bookstock at Folkestone Library to accommodate the additional borrowers from this site due to the shortfall in bookstock locally of just 1085 items per 1000 population in Folkestone & Hythe District which is below the County average of 1134 and below both the England and total UK figures of 1399 and 1492 respectively = £2,256.94.
- **Social Care** @ £60.37 per dwelling = £2,837.39 towards Age UK Folkestone centre refurbishment to accommodate the additional clients generated from this development.

This would equate to a total sum of £106,910.09 which can be secured via a S106 legal agreement. It is considered that these contributions would meet the criteria of the NPPF for being reasonably necessary to make the application viable.

### j) Other matters

7.37 Policy CSD5 of the Core Strategy requires that all developments should incorporate water efficiency measures. New dwellings should include specific design features and

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demonstrate a maximum level of usage to meet the higher water efficiency standard of the Building Regulations to achieve a maximum use of 110 litres per person per day. This can be secured by planning condition

- 7.38 Emerging policy E8 of the PPLP requires all major development within the district to enable Fibre to the Premises (FTTP). This can be secured by planning condition.

### **Environmental Impact Assessment**

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

### **Local Finance Considerations**

- 7.40 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. There is no CIL requirement for this development as it is within Folkestone Zone A.

### **Human Rights**

- 7.41 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.

### **Public Sector Equality Duty**

- 7.42 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

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

## Working with the applicant

7.43 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## 8. CONCLUSION

8.1 The development would provide a total of 47 dwellings on a sustainable site that is presently underutilised and provide a good standard of living accommodation and amenity space making a positive contribution to the character of this part of Folkestone.

8.2 It is considered that the proposal accords with the existing and emerging policies of the Development Plan and is consistent with the requirements of the National Planning Policy Framework

## 9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## 10. RECOMMENDATIONS

**That delegation be given to the Chief Planning Officer to grant planning permission subject to considering the reconsultation responses received raising no substation new issues, subject to the conditions set out at the end of the report, the applicant entering into a S106 legal agreement securing 15 affordable housing units and the provision of £106,910.09 towards community infrastructure and to finalise the wording of the conditions and the legal agreement including adding any other conditions that he considers necessary.**

### Conditions:

1. The development must be begun within three years of the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers. 20\_21\_14A, 20\_21\_15A, 20\_21\_16A, 20\_21\_11A, 20\_21\_12A, 20\_21\_13A, 20\_21\_21A, 20\_21\_23A, 20\_21\_17A, 20, 20\_21\_18A, 20\_21\_20A, 20\_21\_27A, 20\_21\_28A, 20\_21\_26A, 20\_21\_24A, 20\_21\_25A, 20\_21\_29A, 20\_21\_09A, 20\_21\_10A

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of saved policy SD1 of the Shepway District Local Plan Review.

3. No construction work above the slab level of any building on site shall take place until samples of the materials to be used in the construction of the external

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surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

4. Prior to the first occupation of any of the permitted dwellings, the visibility splays shown on the submitted plan shall be provided and thereafter maintained with no obstructions over 1.05 metres above carriageway level within the splays.

Reason: In the interests of highway safety

5. The vehicle parking and vehicle turning facilities shown on the approved plans shall be kept provided and available for parking purposes in connection with the approved development prior to the first occupation of any dwelling hereby permitted and shall be retained as such at all times thereafter.

Reason: To ensure the permanent retention of the facilities for parking purposes within the curtilage of the site in order to avoid obstruction of the highway, safeguard the amenities of adjacent properties and encourage alternative modes of sustainable transport.

6. Secure covered cycle storage provision shall be provided prior to the occupation of any of the apartments hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority and thereafter retained as such.

Reason: To encourage alternative modes of sustainable transport.

7. Details of electric vehicle (EV) charging points shall be submitted to and approved in writing and installed prior to first occupations of the dwellings hereby permitted and shall thereafter be retained in good working order.

Reason: To improve the sustainability of the site.

8. A minimum of 20% of the market dwellings shall be constructed in accordance with the accessibility and adaptable Building Regulations M4(2) Adaptable Homes standards, unless demonstrated to be unfeasible in design or viability terms.

Reason: To encourage high quality and inclusive design.

9. Prior to occupation each dwelling shall be provided with a Fibre to the Premises connection of the highest available specification.

Reason: In order to ensure the future provision of superfast fibre optic broadband for occupants.

10. The dwellings hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres

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per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: In accordance with the requirements of policies CSD5 and SS3 of the Shepway Core Strategy Local Plan 2013 which identify Shepway as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>.

11. Within six months of work commencing details of how the development will encourage biodiversity will be submitted to and approved in writing by the Local Planning Authority, and shall be carried out in accordance with details

Reason: To encourage biodiversity in accordance with paragraph 170 of the National Planning Policy Framework.

12. No construction work above the slab level of any building on site shall take place until full details of both hard and soft landscape works, including boundary treatment play and recreational equipment, have been submitted to the local planning authority including an implementation programme and maintenance schedule. No building shall be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason: In order to protect and enhance the appearance of the area

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

14. Development shall not begin until a detailed sustainable water drainage system has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Foul and Surface Water Management Strategy by RMB Consultants (June 2018) and shall demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or offsite. Priority shall be given to the use of infiltration techniques, however for those parts of the site where infiltration is not reasonably practicable, surface water disposal via sewer shall not exceed greenfield run-off rates.

The drainage scheme shall also demonstrate (with reference to published guidance). That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters, Appropriate

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operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

15. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied or brought into use until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage system incorporated.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 155 of the National Planning Policy Framework.

- 16.1. An investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, including gasworks type chemicals, whether or not it originates on the site. The report of the findings shall include:
  - A survey of the extent, scale and nature of contamination
  - An assessment of the potential risks to
  - Human health
  - An appraisal of remedial options and identification of the preferred option(s).All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

2. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable

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of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

3. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

4. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To protect the environment and human health against contamination and pollution, in accordance with saved Local Plan Review policies SD1 and U10a and the NPPF: 2019.

17. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

18. No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

19. Details of the building detailing including the brick panelling, decorative brick work, brick reveals, flues, vents and external metres shall be submitted to and approved

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in writing by the Local Planning Authority prior to the construction of the dwellings hereby permitted.

Reason: In the interests of ensuring good quality design.

### Informatives:

1. This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.
2. Your attention is drawn to the need to contact the Council's Street Naming and Numbering Officer on 01303 853418 in order to have the new properties formally addressed.
3. This permission does not convey any approval for the required amendments to the existing vehicle crossing or any other works within the highway for which permission must be obtained from Kent Highway Services, Ashford Highway Depot, Henwood Industrial Estate, Javelin Way, Ashford, Kent TN24 8AD



**Appendix 1 – Site Location Plan**