

DC/20/16

Application No: 20/0530/FH

Location of Site: 1 Radnor Park Road, Folkestone, Kent, CT19 5BW.

Development: Proposed 4 storey residential development to include 14 units and associated landscaping.

Applicant: Mr L. Griggs

Agent: Guy Hollaway

Officer Contact: Ross McCardle

SUMMARY

This application seeks planning permission for the erection of two blocks of flats, containing 6 and 8 units respectively, to provide a total of 14 affordable dwellings on land at 1 Radnor Park Road, Folkestone. The site is not subject to any particular designations but adjoins the former Victoria Hospital Site which is allocated for up to 42 dwellings and is being developed by the same applicant concurrently with this site. The development would not give rise to any unacceptable amenity concerns, and the design of the scheme is considered to be of a high standard. The application is therefore recommended for approval subject to receipt of amended drawings in respect of the disabled parking bay, access onto the highway and the completion of a s.106 agreement to secure the units as affordable and double yellow lines across the site frontage.

RECOMMENDATION:

That planning permission be approved subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary. This is also subject to receipt of amended drawings in respect of the disabled parking bay and access on to the highway, and completion of a s.106 agreement to secure the units as affordable and double yellow lines across the site frontage.

1. INTRODUCTION

- 1.1 The application is being reported to the planning committee after being called in by Ward Councillor Jackie Meade, and in light of an objection from KCC Highways & Transportation.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a roughly rectangular parcel of land situated to the rear of 1 Radnor Park Road, Folkestone. It extends to approximately 16m wide x 47m deep (roughly 750sqm) and is generally flat, level, and clear following demolition (late last year) of a former detached garage and a warehouse

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building that had sat vacant on the site for some time. The frontage of the site is currently secured by timber site hoarding.

- 2.2 The site is bordered by the rear elevations of the dwellings at 1 Radnor Park Road and 2 to 8 (evens) Radnor Park Avenue to the south; the former Victoria Hospital to the west, part of which is currently being redeveloped and part of which is vacant land the subject of a concurrent application for residential development (see below); the dwellings at Radnor Park Gardens to the north; and Radnor Park Road itself to the east. Land levels across the site are generally flat, but within the wider context the land slopes downwards to the north and upwards to the south.
- 2.3 The wider area is predominantly residential, with many nearby buildings being quite generously proportioned and of a traditional Victorian design featuring red brick, projecting front bays, and tall front gables with decorative timber detailing. There are, however, a number of later, more contemporary buildings that have mimicked the traditional style to varying degrees of success – nos. 3 and 5 Radnor Park Road, for example.
- 2.4 To the south-west of the site is Radnor Park, which offers a large outdoor space, children's playground, bowls club, and a large pond. Beyond the park is Folkestone Central train station (~350m from the site), and the town centre (Guildhall Street) is ~680m to the south-east.
- 2.5



The site prior to demolition and clearance of the garage and workshop

3. PROPOSAL

- 3.1 The application originally proposed a single, four-storey building situated roughly centrally on the site. Officers were concerned about the impact of such a development and the applicant agreed to a number of revisions.
- 3.2 The scheme as amended proposes two separate buildings on the site: a four-storey block situated at the front with access from Radnor Park Road, and a three-storey block to the rear with access from the Royal Victoria Hospital site.



Proposed layout

- 3.3 The frontage block would measure approximately 12m wide x a maximum of 13m tall, and would retain a gap of roughly 2m to each side boundary. The building would be of a contemporary design featuring brickwork to third storey height, clad front gables with a flat roof behind at fourth floor level, and with the upper stories overhanging the ground floor at the front of the building. Windows would be vertically proportioned and set within deep reveals featuring decorative brickwork panels articulating the elevations. Side windows are limited to serving a bedroom and bathroom only, and would be angled (oriel style) to only provide views towards the road. Primary pedestrian access would be from the front of the building, with a communal hallway leading to an access core / stairwell at the rear of the building.



Radnor Park Road frontage

- 3.4 The frontage building would contain eight flats – two per floor – each with two bedrooms, a bathroom, and an open-plan lounge/kitchen/diner, with a minimum floorspace of approximately 65sqm (minimum national requirement: 61sqm). The units will be stacked so that lounges are above lounges, and bedrooms above bedrooms.
- 3.5 The rear of the building would face onto the rear of the second block, with a communal courtyard between the two buildings. This communal courtyard space would include cycle storage space and soft landscaping and open space for leisure purposes.



North elevation (facing towards Radnor Park), with existing houses fronting Radnor Park Ave. visible behind new build

- 3.6 The rear block would measure a maximum of approximately 14m deep (including a projecting stairwell core facing the internal courtyard) x 12m wide x a maximum of 10.7m tall, and would retain a gap of approximately 2m to each side boundary. The building would be of a similarly contemporary design to the frontage block, featuring facing brick and cladding, vertical windows, outward-facing gables, and a flat roof on the inner areas.



Rear block frontage (facing onto access road)

- 3.7 The building would contain six flats – two per floor – at a mix of four no. one-bed and two no. two-bed, each with open-plan living accommodation and a separate bathroom.
- 3.8 The development is proposed to be 100% affordable, i.e. all 14 units have been offered up by the developer as affordable housing. Members should be aware, however, that the affordable housing here includes the provision required for the neighbouring site (ref. 20/0532, presented elsewhere on this agenda).
- 3.9 No parking is proposed to be provided on site. Access and turning for emergency and refuse vehicles would be provided for at the rear via the access shared with the adjacent site, with bin store areas provided to the rear, adjacent to this access.



Proposed rear refuse / emergency vehicle access and turning

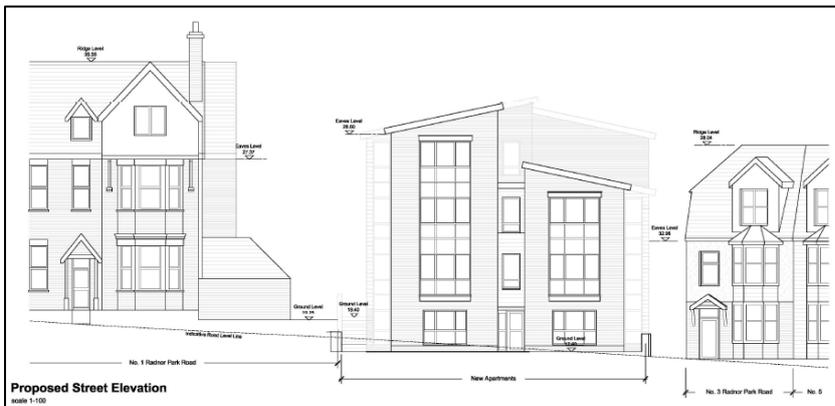
4. RELEVANT PLANNING HISTORY

- 4.1 The site history is particularly important for setting the context to this development:
- 4.2 1 Radnor Park Road was formerly an office used by the NHS, and the warehouse and garage building previously on the application site were used for storage in association with local NHS care homes. In 2005 application ref. Y05/0039/SH granted consent for change of use of no.1 from an office to a residential dwelling, and at that point the functional link between no.1 and the site appears to have been severed.
- 4.3 In 2009 application ref. Y09/0705/SH granted planning permission for the erection of a block of 10 “supported living” flats on the site and conversion of nos. 2, 4, 6, and 8 Radnor Park Avenue from offices to residential flats. That permission was implemented by virtue of converting 2-8 to flats, and thus the consent for the block of 10 flats remains extant, i.e. this aspect could be built-out today without further permission from the Council. The approved building is, by today’s standards, not considered to represent good design.

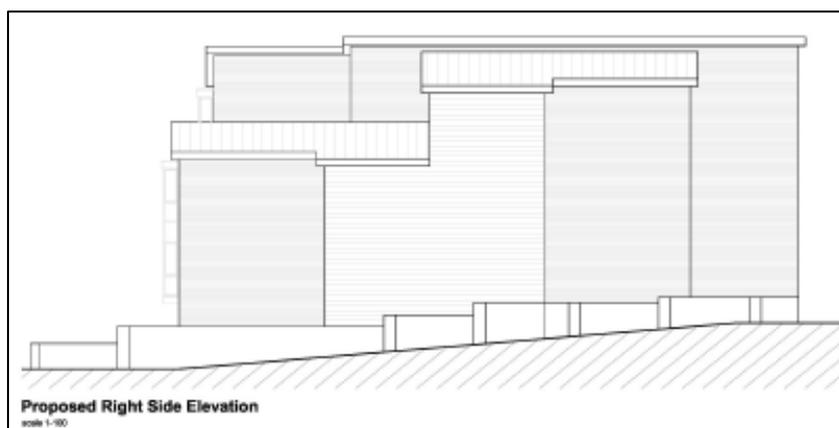


Front, rear, and north side elevation under extant 2009 permission

4.4 While the existing buildings on Radnor Park Avenue were converted the current application site remained largely dormant, however, until in 2017 application ref. Y17/1447/SH sought planning permission for the erection of a three-storey block of 12 “supported living” flats. This application was withdrawn by the applicant at officer’s suggestion following significant concerns regarding the scale and design of the building.



Withdrawn 2017 proposal, set between 1 and 3 Radnor Park Rd.



Y17/1447 proposed north side elevation

- 4.5 Most recently, in 2018, application ref. Y18/1442/FH sought planning permission for the erection of two blocks of a total of 12 flats on the site, but was also withdrawn at officer suggestion due to significant concerns in regards to the proposed design.



Y18/1442 proposed front elevation

- 4.6 The current situation, therefore, is that despite a number of recent applications being withdrawn over design issues, the 2009 permission for a large block of flats on the site remains extant.
- 4.7 Also Members may wish to note that there is a concurrent application on this agenda ref. 20/0532/FH which seeks planning permission for redevelopment of part of the Royal Victoria Hospital site (to the rear of the current application site) to provide 19 no. four-and-five-bed houses, and 19 no. one-and-two-bed flats, with associated access and parking. The current applicant also owns that site and the red line site boundaries for these two applications overlap; access for part of the current development will be provided from that neighbouring site, intrinsically linking the two developments. The report for this other application is presented elsewhere on this agenda for Members to consider in tandem.
- 4.8 Related to that application is planning permission Y12/0980/SH which granted hybrid planning permission for redevelopment of the former hospital site

(immediately to the rear of the current application site), including detailed consent for conversion of the existing buildings to provide 18 flats, and outline consent for redevelopment of the wider site to provide 26 dwellings. That application was determined earlier this year after various changes in ownership; the conversion of the existing frontage building and clearance of the rear part of the site are underway, and relevant CIL contributions relating to the flat conversion have been paid.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

5.2 Consultees

Folkestone Town Council notes that *“this demolition has already occurred and the huge boiler house was an eyesore. However the committee objects to the current state of the site and the effect on Radnor Park Gardens. It would expect it to be cleared up comprehensively as soon as the current Covid emergency allows.”*

In their comments on the application for the adjacent site (ref. 20/0532) the TC comment that the proposed flats on this application site should be no more than three storeys tall.

KCC Economic Development note that the development is subject to CIL (which is set at a rate of £57.86/sqm here, and used to fund local services and amenities) and set out a schedule of fees (totalling £20,449.38) which would normally have been requested towards services such as secondary schools, community learning, youth services, social care, libraries, and waste management. KCC suggest that FHDC could consider these costs when apportioning CIL funds. They also request a condition relating to provision of broadband, as set out below.

KCC Highways & Transportation have objected to the application on two grounds. Firstly they consider the site to lie within a suburban location at which off-street parking should be provided, and request 16 spaces to be provided within the site:

“The proposals do not provide sufficient car parking to the detriment to highway safety. A minimum of 1 parking spaces per unit together with 3 visitor parking bays are required as previously set out in Kent County Council's Highways and Transportation consultation response to the application as this is a suburban location due to the lack of parking controls on Radnor Park Road and surrounding residential roads.”

Secondly they raise technical concerns about the access to and from Radnor Park Road from the disabled parking space to the front of the site, and suggest

that the layout needs to be amended to secure proper site lines, access, and turning in accordance with technical requirements:

“Radnor Park Road is an A class classified road, and is part of Kent's strategic road network (A259). As the access will need to be altered to accommodate the proposed plans, visibility splays of 2.4m x 43m are required in both directions, with no obstruction over 0.6m within the splays. In addition pedestrian visibility splays of 2m x 2m are also required.”

KCC Highways also recommend that the existing double yellow lines on Radnor Park Road are extended to prevent on-street parking to the front of the site.

KCC Ecology advise that there is a need for integrated bat roost features within the proposed buildings (rather than bat boxes, which can become damaged over time).

KCC Archaeology note that the site lies in an area of archaeological importance for prehistoric and Romano-British remains, and they suggest the condition set out below which requires a scheme of field evaluation, safeguarding, and recording.

Affinity Water advises that the site is outside their source protection zone and therefore have no comments.

Southern Water advises that an existing public sewer crosses the site; the exact position of the sewer must be determined prior to development; and measures must be implemented to protect the sewer both during and after construction. They advise that it may be possible for the applicant to divert the sewer but this needs to be done at the applicant's expense, and they suggest a number of standard conditions as set out below.

The Environment Agency has no objection subject to standard contamination conditions to ensure the potential for any on-site contamination is investigated and properly remediated.

The Environmental Health Manager has no objections subject to the same conditions as the EA (above).

The Arboricultural and Grounds Manager has no objection.

5.3 **Local Residents Comments**

Two letters of objection have been received from local residents, raising the following summarised comments:

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- Support the intention to develop the site in principle, but...;
- The proposal is over-development of the site;
- Proximity to existing dwellings;
- Loss of light to existing windows on neighbouring properties;
- Loss of light and overshadowing of rear gardens;
- Overlooking and loss of privacy;
- Security of existing properties due to level changes and consequent differences in wall/fence height;
- Bin storage needs to be provided;
- Lack of parking will result in overspill onto local roads, adding to local pressure; and
- An additional site entrance in this location will harm highway safety and amenity.

Members should note that these comments were in response to the original proposal, which saw a single large building occupying most of the site. I will update Members with any additional comments in regards the amended plans at the meeting.

5.4 **Ward Member**

The application was called in to committee by Ward Councillor Jackie Meade.

- 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 (2013)

SD1 (sustainable development), HO1 (Housing Land Supply), BE1 (design), BE8 (alterations and extensions), U2 (Mains Drainage), TR5 (Cycle Parking), TR11 (Access) and TR12 (car parking).

Shepway Local Plan Core Strategy (2013)

DSD (Delivering Sustainable Development), SS1 (District Spatial Strategy), SS3 (Sustainable Settlement Strategy), SS5 (District Infrastructure Planning), CSD1 (Balanced Neighbourhoods), CSD2 (District Residential Needs), CSD5 (Water Efficiency)

Places and Policies Local Plan Submission Draft (February 2018)

Policies HB1 (quality places through design), HB2 (cohesive design), HB3 (space standards), C1 (creating a sense of place), C3 (provision of open space), C4 (children's play space), T1 (street hierarchy and site layout), T2 (parking standards), T3 (residential garages), T5 (cycle parking), NE2 (biodiversity), and CC2 (sustainable design and construction) are relevant.

Also of particular note is policy UA3 (Royal Victoria Hospital) which allocates the former hospital site immediately to the rear for residential development at an estimated capacity of 42 dwellings:

Policy UA3

The Royal Victoria Hospital, Radnor Park Avenue, Folkestone

The site is allocated for residential development with an estimated capacity of 42 dwellings.

Development will be permitted for 16 new homes through residential conversion of the original Victorian building. The rear part of the site should be cleared to provide approximately 26 new build dwellings.

Development proposals will be supported where:

1. There is a comprehensive masterplan that ensures a coherent approach to both the conversion of the original Victorian building and the redevelopment of the rear aspect of the site;
2. A high quality conversion preserves or enhances the character and setting of the Victorian elements of the original hospital building;
3. The design and scale of proposals to the rear aspect of the site are of a manner that would enhance the wider setting of the area;
4. Traffic flow and parking provision is assessed to ensure that the development does not put undue pressure on the local highway network and that adequate parking provision is provided so that there are no detrimental parking impacts on Radnor Park Avenue. If required, mitigation measures or parking permit restrictions should be applied to ensure the free flow of traffic;
5. Appropriate and proportionate contributions are made towards the upkeep and/or improvement of open space and existing play facilities at Radnor Park;
6. Mitigation and enhancement measures are incorporated into the design of the development to minimise effects on the local Biodiversity Action Plan Priority Habitat;
7. Any potential contamination from former use is investigated, assessed and if appropriate, mitigated as part of the development;
8. Access is maintained to the existing underground sewerage infrastructure for maintenance and up-sizing purposes; and
9. The archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place.

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 council is currently waiting for the Inspector's Report on the Plan before proceeding to adoption.

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.

Core Strategy Review Submission draft (2019)

SS1 (district spatial strategy), SS2 (housing and economy growth), SS3 (place-shaping and sustainable settlements), SS5 (district infrastructure planning), CSD1 (balanced neighbourhoods), and CSD6 (central Folkestone strategy).

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.

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

Supplementary Planning Guidance/Documents

Kent Vehicle Parking Standards.

Building For Life 12.

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 following paragraphs 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).

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; to protect valued landscapes; 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.

- 6.7 The National Design Guide and Nationally Described Space Standards are also relevant.

7. APPRAISAL

Principle of development

- 7.1 The application site lies within an inherently sustainable urban location within the defined built up area, where residential development is generally acceptable as a matter of principle, subject to detailed considerations as set out below.
- 7.2 Additionally, and of particular importance here: the principle of multi-storey residential development on this site has been very firmly established through the grant of the previous planning permission ref. Y09/0705/SH, which granted planning permission for a block of 10 flats on the site and which remains extant, i.e. that permission remains live and that scheme could be built out without further involvement from the Council. The fall-back position that the previous approval could be constructed must be weighed up in the round of the other considerations.
- 7.3 The development would also provide a modest contribution towards the Council's 5yr housing supply target and thereby reduce pressure on the Council to approve housing developments on other, less acceptable sites, potentially within the countryside.
- 7.4 The fact that the development is 100% affordable also weighs in its favour. It should be disclosed here – in the interests of transparency – that the Council is in discussions to buy the units from the developer (upon completion) in its capacity as a social landlord. These discussions are being held by the Council's housing team and have had no bearing on planning officer's considerations, however, nor should it impact Councillor's deliberations on the merits of this application.
- 7.5 Members may also care to note that I have assessed the scheme against Building for Life 12 (BfL12), under which it scores highly – 27/36 – the missing "ticks" being for elements that don't apply due to the scale / nature of the development.
- 7.6 I am therefore confident that the principle of developing this site for high-density residential use is acceptable.

Scale, design, and layout

- 7.7 The application originally proposed a single large building across the majority of the site, similar to the previous applications. However, further to discussions with the applicant and their agent, the layout has been quite significantly amended to show two separate blocks at the front and rear of the site. This reduces the overall bulk, massing, and form of the development, particularly the flank elevations being presented to the neighbouring residents, and creates an open space within the centre of the site to allow light through and minimise any overshadowing or loss of light for those neighbouring properties.

- 7.8 This open space within the centre would provide a communal outdoor space on the site, and opportunities for outdoor recreation and for cycle storage in a safe and overlooked location (which encourages use of such facilities). A suitable soft landscaping scheme (secured by conditions set out below) will also ensure the space is planted in such a way as to enhance biodiversity and ecological potential. In addition to this amenity space on site, the site is effectively 'over the road' from Radnor Park, which provides an additional significant opportunity for outdoor amenity and leisure for future residents.
- 7.9 The ridge height of the proposed buildings would project slightly above the existing neighbouring properties but, due to the way in which the fourth floor of the frontage block is accommodated within the roof space, they would not appear significantly out of scale within the context of the wider area, where tall and imposing buildings are prevalent. The front gables of neighbouring buildings – particularly those around the junction of Radnor Park Road, Radnor Park Avenue, Bournemouth Road, and St Johns Church Road – are a prominent feature of the streetscene, and have been particularly picked up in the design of the proposed units. The finished development would not be incongruous within the wider street scene, and the quality of the overall design will ensure the buildings sit comfortably alongside the existing properties.
- 7.10 The design of the units is contemporary, but with design features that reference the existing character of Radnor Park Road including the tall front gables, multi-stock brickwork, and windows set within generous reveals (which will generate shadow lines on the elevations and accentuate the clean, simple lines of the buildings). Smaller touches such as raked mortar joints and concealed rainwater goods will add to the neatness of the design and ensure the finished building is free from visual clutter. Decorative brickwork is proposed to the side elevations, and will add interest to elevations that are otherwise largely blank out of necessity (to avoid overlooking). Contemporary design being set among traditional buildings is somewhat of a feature of Folkestone, and it is considered that the development would contribute positively to the character and appearance of the wider area.



Front gables on St Johns / Radnor Park Road junction



Front gables on Radnor Park Road / Radnor Park Ave.

- 7.11 The conditions below will ensure that the Council has final control over the use of high-quality external materials, which will ensure the development meets the standards envisioned by the architects. As above: the landscaping condition below will secure Council control over the implementation of a good planting scheme which will enhance the appearance of the site and contribute towards biodiversity.

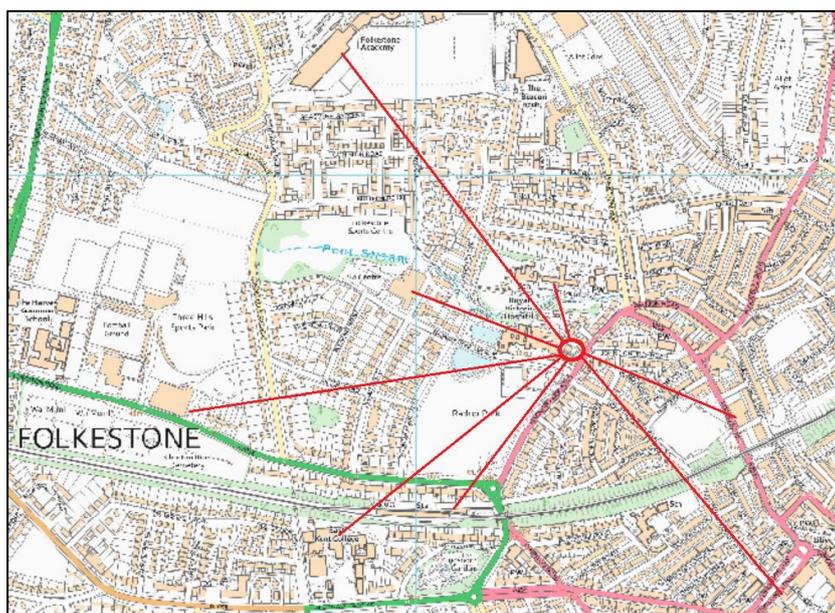
Amenity

- 7.12 The proposed flats would provide a good standard of amenity for future residents.. Their internal floorspace is in excess of the minimum required by the National Standard, the tall windows will provide natural daylight to each room, and the layout of each flat is roughly rectangular such that there is adequate space for furniture and easy movement through each unit. Outdoor amenity space on the site is, as above, somewhat limited, but the site is next to Radnor Park and as such future residents will have good access to outdoor amenity space. It is therefore not considered that a reason for refusal on this ground could be substantiated at appeal.
- 7.13 The proposed buildings would sit close to the rear of the flats fronting Radnor Park Avenue, but the closest rear windows on those existing properties serve stairwells and bathrooms, and the primary habitable rooms will therefore not be seriously affected by the development. A gap of just over 3m would be retained between the existing flats and the proposed, which will further help to reduce any loss of light.
- 7.14 A minimum of approximately 4m would be retained between the front corner of the proposed frontage block and no. 3 Radnor Park Road, expanding to over 5m at the rear corner of no.3 (due to an angled boundary). I note that the residents of no.3 are concerned about the impact of the development upon the side windows of their property, but this gap will help to minimise any loss of light, and I would note that any impact in this regard would be similar to that experienced from the extant 2009 permission.
- 7.15 The rearward projection beyond no.3 is significantly less than under the 2009 permission due to the scheme being split into two blocks. The frontage block will project approximately 1.5m beyond the rear of no.3, with an intervening gap

of approximately 5m (as above). This is a far improved situation for the neighbouring residents, and would not give rise to an unacceptably overbearing or imposing rearward projection beyond the main rear windows of no.3 such that a reason for refusal could be justifiably sustained and – again – officers consider this current layout to be a substantial betterment compared to the fall-back 2009 permission, which would have presented a solid three-storey flank wall projecting far beyond the rear of no.3. The gap between the front and rear blocks will allow light through the site to the rear garden of no.3, which is to the north, and louvres on the inward-facing windows of the rear block will ensure there is no unacceptable overlooking of the rear garden and rear windows of no.3.

Highways and parking

- 7.16 The scheme proposes no parking on the site other than a disabled bay to the front, to provide easy access to the ground floor units within the frontage block. KCC Highways have objected to this lack of parking on the grounds that they consider the site to be within a suburban location due to the lack of on-street parking restrictions. Planning officers have, however, discussed and considered this point in detail and do not agree with KCC's assessment.
- 7.17 The site lies within an inherently sustainable urban location. It is approximately 350m to Folkestone Central train station (which provides a direct service to London), 680m from the town centre (Guildhall Street/Asda) via Bournemouth Road and a public footpath running under the train line, and 950m (cutting across Radnor Park) to Morrison's on Cheriton Road, all of which are considered to be within walking distance. Stella Maris Primary School (Parkfield Road), Folkestone Sports Centre (Radnor Park Ave.), Tesco Express (Foord Road), Folkestone Academy, and Folkestone College (Cheriton Road) are also a short walk from the site.



Relationship of site to key locations noted in para. 7.16

- 7.18 This is perhaps one of the most sustainable locations within the town and, if Folkestone is to pursue a low-carbon approach to development, and encourage modes of transport other than private car, officers consider that this is an absolutely prime location to do so – having encouraged the applicant down this route during the course of the application. While there are always concerns about low or nil parking provision there is opportunity here to encourage new residents to think about the way in which they travel in the interests of more sustainable development and a sustainable, carbon-neutral future, in accordance with adopted local and national policies. Given the sustainability of the location and the ease of access to town centre services and amenities officers very much consider this site to fall within the zone where nil parking provision is acceptable under the Kent Vehicle Parking Standards IGN 3; Residential Parking, and in that regard respectfully disagree with the approach taken by KCC Highways. Provision of 16 on-site parking spaces would also require the layout to be heavily amended, most probably back to a single, bulky block occupying the majority of the site.
- 7.19 On-street parking is available in nearby streets and is permit controlled, with the Council having control over the issuing of new permits. KCC Highways have suggested that double yellow lines should be extended across the site frontage to prevent cars from parking on Radnor Park Road, potentially obstructing traffic. No issue is raised in regards to this suggestion, and yellow lines can be secured through the accompanying s.106 agreement.
- 7.20 The disabled bay to the front of the site requires some alterations to the access to ensure appropriate highway safety for all users of Radnor Park Road. The applicant is aware of KCC's comments in this regard and amended drawings are expected to resolve the matter; I will update Members at the meeting.
- 7.21 Access for refuse and emergency vehicles would be provided within the roadway to the rear, which is shared with the adjacent site/development (also presented on this agenda). I have no serious concerns about this arrangement; it makes sensible use of available space, minimises new access points on to the highway, and also minimises the amount of roadway within the wider hospital site.

Developer contributions

- 7.22 Because the application is for a 100% affordable development it is not liable for s.106 developer contributions and the CIL rate falls to £0 per sqm. Contributions will, however, be sought on the neighbouring site, also presented on this agenda.
- 7.23 Of note, however, is that this scheme over-provides for the affordable housing requirement on this and neighbouring developments. The applicant for this scheme is also the developer for the neighbouring Royal Victoria Hospital site; the total affordable housing requirement for both sites is 11 units, all of which is proposed to be provided in this development. This scheme proposes 14 units

and the scheme therefore represents an over-provision of 2 units across the two sites, which is considered to a wider community benefit / planning gain.

7.24 Provision of affordable housing in this manner is considered to be acceptable and reasonable, because registered social housing providers (the Council, in this case) generally prefer affordable housing to be provided as whole blocks – rather than peppered around a site – as it makes management and maintenance arrangements much simpler and in this case is immediately adjacent to the application site for which it would provide the provision for.
Other matters

7.25 There are no issues of land stability or flood risk that fall to be considered at this location.

7.26 The applicant has already surveyed the site and confirmed that the public sewers (noted by Southern Water) do not fall within the construction zone. They can therefore be adequately protected and sewage disposal to existing properties will not be affected.

7.27 No protected species would be harmed, and the development provides opportunities for biodiversity enhancements across the site.

7.28 The standard conditions below will ensure any site contamination is appropriately remediated, and I have no serious concerns in this regard.

7.29 I note local objections but consider the issues raised to have been addressed in the above paragraphs. Therefore while I understand and appreciate local concern I do not consider there to be any justifiable reasons for refusal on the issues raised. Residents have been re-consulted on the amended scheme (splitting the single building into two blocks) and I will update Members of any additional comments during the meeting.

Environmental Impact Assessment

7.30 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

7.31 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 because the scheme is 100% affordable.

Human Rights

- 7.32 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

- 7.33 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

- 7.34 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. In this instance changes to the design were suggested and amended drawings provided by the applicant.

8. CONCLUSION

- 8.1 This application seeks planning permission for the provision of 14 residential flats across two blocks at 1 Radnor Park Road, all to be secured as affordable housing. The scheme has been amended from the original submission and officers now consider that it is of a good standard of design, and would not give rise to any serious amenity concerns. KCC Highways have objected to the scheme due to lack of on-site parking, but planning officers consider this to be a wholly and inherently sustainable location at which nil-provision is acceptable, in accordance with the general thrust towards sustainable development / transport and carbon reduction. Local objections are understood but do not amount to a justifiable reason for refusal, and the Council must be very mindful

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of an extant permission for erection of flats on the site which officers consider to be significantly worse than the current proposals.

- 8.2 I therefore recommend that planning permission should be granted, subject to receipt of amended drawings in respect of the disabled parking bay and access on to the highway, and completion of a s.106 agreement to secure the units as affordable and double yellow lines across the site frontage.

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 planning permission be approved subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall take place other than in accordance with the following drawings and documents: 20.004 020 rev. P02, 022 rev. P02, 030 rev. P02, and 050 rev. P02; and the submitted Livingston/Alliance Construction Phase Plan.

Reason: For the avoidance of doubt.

Pre-commencement

3. No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

(2) If the desk top study shows that further investigation is necessary, 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, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments; and

(iii) 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).

(3) 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 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.

(4) 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.

(5) 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 ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

4. If pile foundations are required a Piling Risk Assessment (written in accordance with EA guidance document "*Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination*": *Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73*" must be submitted to and agreed in writing by the Local Planning Authority before development commences on site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

5. No development shall take place until the exact position of the public sewer crossing the site has been determined by the applicant, and the sewer repositioned (if necessary) in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the existing sewer system.

6. No development shall take place until details of the proposed means of foul and surface water disposal have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the development is properly serviced.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

(1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the District Planning Authority; and

(2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the District Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

8. No development beyond laying of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the dwellings hereby permitted. Following approval the infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process, and be available for use on the first occupation of the dwellings unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

Reason: To ensure that the new development is provided with high quality broadband services.

9. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 100 litres of water per person per day have been submitted to and approved in writing by the District Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

10. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the District Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

11. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted (including bricks, tiles, cladding, mortar mix, brick bond pattern, raked joints, rainwater goods and their routing/position, and depth of window reveals) have been submitted to and approved in writing by the District Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

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During construction

12. 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 District Planning Authority.

Reason: In the interests of residential amenity.

Other

13. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the District Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

14. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the District Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

15. Before the development hereby permitted is first occupied, the proposed windows in the flank elevations shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

16. The central amenity area, cycle stores, and bin store areas shown on the approved plans shall be retained in perpetuity for use by the residents of all the flats.

Reason: In the interests of residential amenity.

INFORMATIVES

1. A formal application for connection to the public sewerage system is required in order to service this development. The developer is advised to read Southern

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Water's New Connections Services Charging Arrangements documents which is available to read at www.southernwater.co.uk/infrastructure-charges.

2. This development is subject to the terms of the accompanying s.106 legal agreement.