

**Application No:** Y19/0071/FH

**Location of Site:** Smiths Medical UK, Boundary Road, Hythe

**Development:** Outline planning application for the redevelopment of the former Smiths Medical site for up to 97 dwellings (Class C3), up to 153m<sup>2</sup> of offices (Class B1) and up to a 66 bed care home (Class C2) with all matters reserved for future consideration except access.

**Applicant:** RWED Ltd

**Agent:** Mr Alistair Hume – Hume Planning Consultancy Ltd.

**Officer Contact:** Emma Hawthorne

## **SUMMARY**

This report considers whether outline planning permission for the redevelopment of the former Smiths Medical site for up to 97 dwellings (Class C3), up to 153m<sup>2</sup> (Class B1) and up to a 66 bed care home (Class C2) with all matters reserved except for access should be granted.

The application site is land designated within policy UA13 of the Places and Policies Local Plan 2020 for mixed-use development. The proposal would therefore result in acceptable mixed use development on this site, broadly in accordance with the aims of the allocation. The impacts upon the highway, subject to appropriate mitigation being secured via condition, are considered acceptable. All remaining issues pertaining to design and visual amenity, residential amenity and drainage are reserved for future consideration.

This site is included within the adopted Local Plan (2020) in order to deliver a sufficient number of dwellings going forward to maintain a 5 year housing land supply. The site is in a sustainable location close to a range of shops, local services, including schools and doctor's surgeries, leisure facilities and employment opportunities.

The site is located within an area at risk of flooding, however, was sequentially tested at the plan making stage and considered to be sequentially preferable. The Environment Agency are content that the improvements to the Standard of Protection (SoP) that are being undertaken as part of the Hythe Ranges Defence Scheme, and due to be fully completed by the end of 2020, means the site will be afforded a 1 in 200 year standard of defence and that this will likely be for the lifetime of the development. The development is acceptable subject to conditions and the development passes the exceptions test due to the wider sustainability benefits and that the development can be made safe for its lifetime.

The proposal will result in increased traffic on surrounding roads, however, following discussions, Kent Highways and Transportation are content that the measures proposed to alleviate such issues will be acceptable.

The applicant has agreed to pay a wide range of developer contributions to mitigate against the impacts of the development.

## **RECOMMENDATION:**

**That outline planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing affordable housing, self-build units, a contribution towards the expansion of Oakland Health Centre, open space and play space; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.**

## **1. INTRODUCTION**

1.1. The application is reported to Committee because it is a major application, and Hythe Town Council object.

## **2. SITE AND SURROUNDINGS**

2.1. The Smiths Medical site is a former Class B1 (business) and B2 (general industrial) commercial facility located on Boundary Road, Hythe with buildings comprising of a total of 11,090m<sup>2</sup> and large areas of hardstanding. Historically there has been a mix of uses on the site comprising offices, research and development facilities and some manufacturing operations, which previously led it to become protected for employment use within the Local Plan (2006) however such employment use ceased in 2017 with staff being relocated to a site in Ashford.

2.2. South of the site is a more modern factory building and car park, which has a gated access from Fort Road. To the north of the site are established residential roads (Fort Road, Frampton Road and Nicolas Road) made up of predominantly Victorian and Edwardian two storey terraced houses. Located east of the site is Hythe Green, a large recreational ground that contains both children's play facilities and a multi-use games area. South and west of the site is the Hythe Ranges, Ministry of Defence land.

2.3. The site is in a sustainable location close to a range of shops, local services, including schools and doctors' surgeries, leisure facilities and employment opportunities. The site is easily accessible to nearby bus stops and Hythe railway station (located 320m) north of the application site.

2.4. The site has an area of 3.2ha. There are existing trees and landscaping along the northern boundary of the site, as well as running across the centre of the site.

2.5. Environment Agency mapping shows the site to include land within Flood Zones 1, 2 and 3.

2.6. The site also lies within an archaeological area, as it has Palaeolithic potential.

2.7. A site location plan is attached to this report as **Appendix 1**.

### 3. PROPOSAL

- 3.1 Outline planning permission is sought for the development of the site to provide up to 97 dwellings, up to 153m<sup>2</sup> of offices (Class B1) and up to a 66 bed care home (Class C2), with all matters reserved for future consideration except for access.
- 3.2 It is envisaged to provide a mixture of housing including the provision of 30% affordable housing and including up to 7 self-build units. An accommodation schedule is indicated below:

Open Market Housing	Affordable Housing
5 x 1 beds	7 x 1 beds
23 x 2 beds	10 x 2 beds
40 x 3 beds	12 x 3 beds
Total: 68	Total: 29

- 3.3 There are two existing primary vehicle access points to the site which are to be upgraded as part of the scheme. There would be a single point of access onto Fort Road on the western boundary of the site and a further access onto Range Road to the south east of the site. Additional pedestrian access would be provided to connect with roads to the north of the site. The northern section of the site, units 1-75 and the 153sqm office space, would be served from a single point of access from Fort Road. The southern section of the site, units 76-97 and the care home, would be served from a single point of access from Range Road. Bollards are proposed in the centre of the site, creating separation in the access road whilst maintaining pedestrian access from the north to the south of the site. Footways are proposed to be located throughout the site and provide pedestrian connections to Fort Road, Boundary Road, Range Road and The Green. The primary roads and footways throughout the scheme would be surfaced in tarmac and the secondary road and courtyards would be surfaced with block pavements.
- 3.4 The following illustrations show indicative site details;



Figure 1: Indicative Site Plan



Figure 2: Indicative Street Elevations



Figure 3: Indicative Care Home Elevations

3.5 Due to the outline status, the application does not seek approval regarding the siting, design or scale of the proposed dwellings, offices, care home or associated infrastructure at this stage. The application has, however, been accompanied by indicative drawings and a design and access statement which envisages how the site could be developed incorporating the number of units proposed.

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

Planning, Design and Access Statement

3.7 The statement provides an overview of the site and identifies it as a planning opportunity for a mixed development of a vacant brownfield site. It provides a site context and description and details of the pre application advice received from FHDC. The statement continues with details of the development proposal and how the indicative scale and layout of the dwellings has been informed which has been informed by the built form, scale and character of neighbouring developments, which in this instance is most strongly influenced by the existing Victorian/Edwardian housing to the north. It provides an assessment of how the development would accord with local and national planning policy and an assessment of the key issues. It concludes that the site represents a significant vacant brownfield site, lies within a sustainable location, that the proposal has been carefully conceived and will bring forward significant social, economic, and environmental benefits

Flood Risk Assessment

3.8 A Flood Risk Assessment by Herington Consultants (January 2019) has been submitted for the proposed development. The report identifies that the development site incorporates land within Flood Zones 1, 2 and 3 and provides details of the

sequential and exception tests. The report provides details of the likelihood for resultant flooding of the site from various sources and identifies that most of the site is at 'very low' risk of surface water flooding as the maps over predict the risk of flooding at this location. It identifies the flood risk management measures in the locality and recommends flood mitigation measures be incorporated into the development. The report also provides details of a surface and foul water management strategy for the proposal. The report concludes that the development should not be at significant risk of flooding.

#### Acoustic Report

- 3.9 A Noise Assessment Report by Hepworth Acoustics (July 2018) has been submitted to provide an assessment of potential noise impacts on the development. The site is adjacent the Hythe Ranges in which the standard hours of operation of the firing ranges are 8.30 to 16.30 daily, with occasional firing up to 23.00. To the south of the site is HV Wooding, a light manufacturing facility, and B&D Specialist Cars, an automotive workshop, with further warehousing beyond. The report provides details of a survey of the prevailing environmental noise levels carried out on the site. It concluded that overall noise levels are modest and that adequate sound insulation measures can be readily incorporated within the scheme to achieve acceptable noise levels.

#### Odour Assessment

- 3.10 An Odour Assessment by Air Quality Consultants (August 2018) has been submitted to assess the implications on the development on odours emitted from the Range Road Sewage Pumping Station (SPS), operated by Southern Water approximately 300m south of the site. The SPS generates odours, which have the potential to adversely impact upon future residents of the proposed development. It provides details of the treatment works at the SPS and an assessment was undertaken that identified a potential for negligible odour effects at all sensitive receptor locations in the proposed development concluding that the SPS is judged to have an insignificant impact upon the proposed development, and odours should not provide any constraints to the development of residential dwellings anywhere on the application site.

#### Phase II Site Investigation

- 3.11 A Phase II Site Investigation by Ecologia (October 2017) has been submitted which surveyed ground conditions at the site and related potential risks to the environmental receptors and future users of the site. It assessed that the potential risks from the site would be low to human health and surface water and low to moderate risk to the underlying groundwater for the potential presence of contaminants. It recommends that further assessment be undertaken following the demolition of buildings on site.

#### Ecological Appraisal

- 3.12 An Ecological Appraisal by Aspect Ecology (January 2019) has been submitted based on standard methodology. It identifies that the site is not subject to any statutory ecological designations but that the Hythe Ranges Local wildlife Site lies directly adjacent to the western and southern site boundaries, whilst a small area is located within this designation, albeit occupied by hardstanding. The survey identifies that the site comprises principally buildings and hardstanding and no features of ecological importance were recorded within the site. The survey found no evidence any protected species but that there was a likelihood of bird nests and some minor opportunities for hedgehogs and reptiles within and adjacent to the site. It provides details of mitigation measures during the site clearance and construction process and opportunities for biodiversity enhancements. These would include the provision of dedicated ecology enhancement areas, comprising new native wildflower grassland and shrub planting,

together with provision of new roosting opportunities for bats and nesting opportunities for birds.

#### Transport Statement

- 3.13 A Transport Statement has been prepared by Peter Brett Associates (January 2019) which reviews the transport related policies relating to the development proposals and reviews the existing local highway network. The statement indicates details of surveys of the nearby highways and the likely traffic generation of the development based on TRICS analysis. It found that the predicted trip generation for the development over the lawful use of the site to see a reduction of 229 two way trips as a result of the development. Given the anticipated parking provision across the site it considered that the development would not result in severe impacts in terms of local highway safety, parking or access amenity.

#### Statement of Community Involvement

- 3.14 This statement by Hume Planning Consultancy (January 2019) explains the background of research that has informed the design proposal. This includes an analysis of local and national planning policy, pre application engagement with the LPA, Highways Authority, the Environment Agency and other statutory consultees and engagement with representatives of Hythe Town Council.

#### Archaeological Desk-Based Assessment

- 3.15 An Archaeological Desk-Based Assessment by CGMS Heritage has been submitted. This is 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. It concludes that the development will not impact on any designated archaeological assets or known non-designated assets and that given the site history, which includes gravel extraction before the end of the nineteenth century, there is a negligible potential for archaeological remains.

#### Arboricultural Impact Assessment

- 3.16 An Arboricultural Assessment by Aspect Arboriculture (December 2018) has been submitted to identify impacts on existing trees. It identifies that the site is not within a Conservation Area, nor are any trees within influence of the application area afforded protection within a Tree Protection Order. The assessment finds that the Arboricultural impact of the proposed development would involve the removal of low quality components of the existing landscaping. Removals total twenty individual trees, six low quality groups, and the partial removal of two further groups of trees. A preliminary tree protection drawing is provided to demonstrate the deliverability of safeguarding measures for retained trees and to identify which trees are to be removed.

## **4. RELEVANT PLANNING HISTORY**

- 4.1 There is substantial planning history for the former industrial use of the site. The relevant planning history in terms of this application is as follows:

<u>Y18/1129/FH</u>	Determination as to whether the prior approval of the Local Planning Authority is required for the demolition of two warehouse buildings, together with the demolition of single storey ancillary buildings	03 Sep 2018 Prior approval not required
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## 5. CONSULTATION RESPONSES

5.1 A second round of consultation was undertaken following the submission of revised plans (19<sup>th</sup> June 2019). The consultation responses received are summarised below.

### Consultees

**Hythe Town Council:** Object on the grounds that:

- An ambulance bay should be allocated to the care home;
- Are 20 spaces sufficient to meet the needs of a fully occupied and staffed care home;
- Contrary to the application, a Travel Plan must be provided. The application has been assessed against current usage which relates to 2007. Local traffic has increased exponentially in the succeeding 12 years. Additionally there is no consideration to the consequence of additional traffic arising from the development of the new Aldi store, off the A259. The extra traffic from Hythe, east of Scanlon's Bridge, will inhibit traffic flow from Frampton or Ford Roads; and
- Flooding issues Zone 3 – there is a high probability of flooding. A flood risk assessment fails to demonstrate that the development is safe.

**KCC Highways and Transportation:** No objection subject to recommended conditions:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
- Provision of parking facilities for site personnel and visitors prior to commencement of work;
- Provision of measures to prevent the discharge of water onto the highway;
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. Details should be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway;
- Provision and permanent retention of vehicle parking spaces prior to the use of the site commencing;
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing;
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the LPA; and
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, prior to the use of the site commencing.

**FHDC Environmental Health:** Accepts the findings found in the noise assessment and odour assessment. Supports the conditions and comments made by the contaminated land contractors. There are outstanding soil tests still to be undertaken.



**KCC Flood and Water Management:** Conditions recommended:

- No development shall take place until it can be demonstrated that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout;
- Development shall not begin in any phase until a detailed sustainable water drainage scheme for the site has been submitted to and approved in writing by the LPA. The detailed drainage scheme shall be passed upon the FRA by Herrington Consulting (February 2019) and shall demonstrate that the surface water generated by this development (for all rainfall to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on off off-site. The drainage scheme shall also demonstrate (with reference to published guidance) that:
  - Silt and pollutants resulting from the site can be adequately managed to ensure there is no pollution risk to receiving waters;
  - Appropriate 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; and
- No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a verification report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the LPA which demonstrate the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by The LLFA. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

**Natural England:** No objection.

**Environment Agency:** Following a meeting held with the Environment Agency on the 28<sup>th</sup> May 2020 the following final comments have been received:

- Whilst it is still imperative that the local planning authority (LPA) applies a sequential approach as outlined in our letter of 23<sup>rd</sup> January (KT/2019/125270/03-01) we now feel that during this process it is acceptable to include the improvements to the Standard of Protection (SoP) that are being undertaken as part of the Hythe Ranges Defence Scheme;
- Works on the scheme started in April this year and remain in progress. We expect the scheme to be fully completed by the end of 2020. This means the site will be afforded a 1 in 200 year standard of defence and that this will likely be for the lifetime of the development. However, it remains important that the Sequential Test aims to place the most vulnerable forms of development in the areas of

lowest risk and we would still advise that the housing element of the proposal is located on the higher ground;

- “Development should only be allowed in areas at risk of flooding where...it can be demonstrated that: **within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location**” (Para 163 NPPF); and
- Given the other planning considerations outlined by Hume Planning during our meeting and the near completion of the Hythe Ranges Defence Scheme we now feel that it is appropriate for this change in the standard of protection to be a factor for the LPA to consider when assessing the suitability of the site layout.

**KCC Ecology:** Mitigation and compensation measure are proposed within the Ecological Appraisal and it is advised that the details and implementation must be secured by condition, if planning permission is granted.

**Housing Strategy:** The applicant acknowledges the requirement of the 30% onsite delivery of affordable units for a total of 29. The preferred split would be 60% affordable rent and 40% shared equity. The location of the units 10 and 50 (2 x 2bed) proposed within the development cause concern and the viability of 1 affordable unit in a block with marketable units, unless they have a sole access point into the unit. The units should be transferred to an affordable housing provider to be approved by the Council.

**Ministry of Defence:** Object to overlooking of the ranges. Noise issues could have a significant adverse effect at a level which could affect the quality of life of occupants.

**NHS South Kent Coast Clinical Commissioning Group:** Will have a direct impact which will require mitigation through the payment of an appropriate financial contribution of £69,810 towards the extension of Oaklands Health centre.

**Kent Fire and Rescue Services:** Object because access to the site for its services are inadequate.

**Kent Police:** There are many positives about the design, but there are still issues that must be addressed as these may affect the development and have a knock on effect for the future services and duties of local policing. If this application is to be approved, it is requested that a condition be included to show a clear audit trail for Design for Crime Prevention and Community Safety and meet both Kent Police and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

**Arboricultural Manager:** No objection subject to tree protection measures.

- **KCC Economic Development: Appreciate that this application will pay CIL and that these contributions cannot therefore be sought.** The development will have an impact on County services which cannot be accommodated within existing capacity. This development will place the following unfunded pressures on KCC Primary – 78 applicable houses @ £3324.00 and 4 applicable flats @ £1029.00 = £262,596.00
- Secondary - 78 applicable houses @ £4115.00 and 4 applicable flats @ £1029.00 = £325,086.00

- Community learning - £21.08 per dwelling (x98) = £2065.84
- Youth Service – currently no requirement
- Libraries – £227.00 per dwelling (x98) = £22,246.00
- Social Case - £85.51 per dwelling (x98) = £8,379.98
- Broadband – Broadband Delivery UK (BBUK), part of the Department for Culture, Media and Sport requires delivery of superfast broadband to all.

**Archaeology Officer:** No comments to make.

**Contamination Consultant:** Supplementary investigation and assessment are required with regard to part 2 of the land contamination condition; recommend standard condition be imposed.

### **Local Residents Comments**

5.2 31 neighbours directly consulted. Nine representations were received comprising four letters of objection, four letters of support and one letter of comment. The responses can be summarised as follows;

#### **Objections:**

- Roads will be unable to handle extra traffic as a result of this development;
- Poor design, layout and architecture;
- No Design and Access Statement so it is not possible to see how the design has been derived;
- Opportunities to enhance pedestrian and vehicular links to the Light Railway Station and the beach have been missed

#### **Support:**

- In the long term such housing is essential and will significantly improve this area;
- Improvement to living opposite a disused factory;
- Care home is much needed in Hythe and office space is useful;
- Improvements to the green and play area would improve this area

#### **Comments:**

- Time scale of building works
- Noise and traffic movement
- Effect in nearby homes
- Pedestrian access to seafront
- Vehicular access appears to be via only one point resulting in all traffic movement going past 34 Fort Road
- Must not be possible for vehicles to get through from Range Road to Fort Road
- Part of the site is in flood zone 3a and therefore an exception test is required, and not convinced that the report adequately makes the case that the benefits of the development outweigh the flood risk.

Additional comments were received from the **Hythe Civic Society:**

The society welcomes the potential redevelopment of the former Smith Medical site but has the following concerns:

- Traffic generation – both the proposed connections to Range Road and St Leonards Road to the south and onto Fort Road to the north are seen as problematic as both routes are used by local residents for ‘on-street’ parking as they are very little existing ‘on site’ parking provision provided on those roads.
- Parking standards – although the residential aspect of this application is only ‘outline’ the Society requests that adequate ‘on site’ parking is provided. The Society regards 3 spaces per dwelling as the minimum standard.

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 Shepway Core Strategy Local Plan (2013) and the Places and Policies Local Plan (2020).
- 6.2 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.
- 6.3 The relevant development plan policies are as follows:-

### Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development

SS1: District Spatial Strategy

SS2: Housing and the Economic Growth Strategy

SS3: Place Shaping and Sustainable Settlements Strategy

SS4: Priority centres of activity strategy

SS5: District Infrastructure Planning

CSD1: Balanced Neighbourhoods for Shepway

CSD2: District Residential Needs

CSD4: Green Infrastructure of Natural Networks, Open Space and Recreation

CSD5: Water Efficiency

CSD7: Hythe Strategy

### Places and Policies Local Plan (2020) (PPLP)

The PPLP was adopted by the Council on 16.09.20 after a formal Inspection and review process. It is therefore a material consideration and carries full weight.

HB1: Quality Places through Design

HB2: Cohesive Design

HB3: Internal and External Space Standards

HB4: Self build and Custom Housebuilding Development  
HB12: Development of New or Extended Residential Institutions (C2 Use)  
E2: Existing Employment Sites  
E8: Provision of Fibre Optic Broadband  
C1: Creating a Sense of Place  
C3: Provision of Open Space  
C4: Children's Play Space  
CC1: Reducing Carbon Emissions  
CC2: Sustainable Design and Construction  
CC3: Sustainable Drainage Systems (SuDS)  
T1: Street hierarchy and site layout  
T2: Parking Standards  
T5: Cycle parking  
NE2: Biodiversity  
NE5: Light Pollution  
NE7: Contaminated Land  
HE2: Archaeology  
UA13: Smiths Medical Campus, Hythe

Places and Policies Local Plan policy UA13 is particularly relevant to this case. It states:

### **Policy UA13**

#### **Smiths Medical Campus, Hythe**

*The site is allocated for mixed-use development with an estimated capacity of approximately 80 dwellings and 2,000sqm of B1 (business) / B8 (storage and distribution).*

*Development proposals will be supported where:*

- 1. Primary vehicular access for residential and business is achieved from Fort Road with a secondary vehicular access connection to Range Road. There should be no vehicular access from Boundary Road;*
- 2. Highway improvements at the junction of St Nicholas Road at Dymchurch Road are provided to the satisfaction of the Local Highways Authority;*
- 3. The established factory unit and car park located at the southern extent of the site are retained or replaced;*
- 4. Appropriate and proportionate contributions are made to the expansion of Oaklands Health Centre through a Section 106 agreement;*
- 5. Appropriate and proportionate contributions, through a Section 106 agreement, are made towards the upkeep and/or improvement of open space and existing play facilities in the vicinity;*
- 6. Ecological investigations are undertaken and adequate mitigation and enhancement measures are incorporated into the design to minimise effects on the Hythe Ranges Local Wildlife Site;*
- 7. Proposals are accompanied by a Site-specific Flood Risk Assessment and demonstrate that any risks can be mitigated and/or safely managed;*

8. *Extra flood resistant and resilient construction measures are incorporated into the design of the development to reduce the risk of life to occupants in an extreme flood event and improve flood risk management;*
9. *The masterplanning of the site is informed by an odour assessment to take account of nearby wastewater treatment works in order to minimise land use conflict;*
10. *Access is maintained to the existing underground sewerage infrastructure for maintenance and up-sizing purposes;*
11. *Any potential contamination from the former use is investigated, assessed and if appropriate, mitigated as part of the development;*
12. *The archaeological potential of the land is properly considered and measures agreed to monitor and respond to any finds of interest; and*
13. *At least 4 self-build or custom build plots are provided on site in accordance with Policy HB4: Self-build and Custom Housebuilding Development.*

#### Core Strategy Review Submission draft (February 2019)

SS1: District Spatial Strategy

SS2: Housing and the Economy Growth Strategy

SS3: Place Shaping and Sustainable Settlements Strategy

SS4: Priority Centres of Activity Strategy

SS5: District Infrastructure Planning

CSD1: Balanced Neighbourhoods

CSD2: District Residential Needs

CSD4: Green Infrastructure of Natural Networks, Open Spaces and Recreation

CSD5: Water and Coastal Environmental Management

CSD7: Hythe Strategy

The requirements of the above policies in the emerging Core Strategy are similar to what is set out within the adopted Core Strategy.

SS1 and SS3 direct new residential development to the defined built up areas and sustainable urban locations within the borough, while SS2 sets out how the Council will meet its housing and employment requirements through delivery of target numbers of units/floor space.

Emerging policy CSD1 differs from the adopted policy in that it requires developments of 15 or more dwellings to provide a minimum of 22% affordable housing on site. Emerging policy CSD3 steers away from explicitly requiring three-bed units to a more balanced approach, requiring a split of 1/2/3/4+ bed dwellings across both private and affordable tenures, weighted towards 2 and 3-bed units.

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.

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

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

Affordable Housing SPD

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

6.5 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 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:-

#### Chapter 2 Achieving sustainable development

8 – Achieving sustainable development

11 – Presumption in favour of sustainable development

#### Chapter 3 Plan-making

23 – Broad locations / strategic policies need to provide clear strategy to bring forward sufficient land

#### Chapter 4 Decision-making

38 – Positive, creative and proactive approach to development proposals

47 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

55 – Planning conditions must be necessary

56 – Planning obligations must meet the tests

#### Chapter 5 delivering a sufficient supply of homes

64 – Major development involving provision of housing to expect at least 10% of affordable homes to be made available for affordable home ownership

74 – Requirement to provide a minimum 5 year supply of housing, including a buffer

### Chapter 8 Promoting healthy and safe communities

94 – Sufficient choice of school places

96 – Access to network of high quality open spaces

### Chapter 9 Promoting sustainable transport

109 – Development should only be refused if there would be an unacceptable impact on highway safety

111 – All developments generating significant traffic movements to produce travel plans

### Chapter 11 Making effective use of land

117 – Decisions should promote effective use of land in meeting need for homes and other uses

122 – Decisions should support development that makes efficient use of land

### Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

155 – Development to be directed away from areas at highest risk of flooding

156 – Strategic policies informed by a strategic flood risk assessment

157 – All plans should apply a sequential risk base approach

158 – SFRA and sequential test

159 – Exceptions test

162 – Site allocated in development plan, applicants need not apply the sequential test again

163 – Development must not increase flood risk elsewhere & need for site specific FRA

165 – Major developments should incorporate SUDS

### Chapter 15 Conserving & enhancing the natural environment

170 – Decisions should contribute to and enhance the natural and local environment including the countryside and biodiversity

175 – Principles for safeguarding biodiversity and irreplaceable habitats

180 – Mitigate and reduce to a minimum adverse impacts from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life

### 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) Conformity with Places and Policies Local Plan 2020 Policy UA13
- c) Housing Need
- d) Care home Need
- e) Highways
- f) Flood Risk
- g) Ecology/ biodiversity/ Arboriculture
- h) Amenity
- i) Visual impact / density
- j) Archaeology
- k) Financial Contributions / CIL

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

7.2 Due to the site being identified within the Places and Policies Local Plan (2020) as suitable for mixed-use development with an estimated capacity of 80 dwellings and 2,000sqm of B1 (business) / B8 (storage and distribution) the principle of development is acceptable. However, a key consideration is how compliant the proposal is with the aims of PPLP policy UA13.

7.3 When assessing which sites to put forward for inclusion as allocations within the adopted Local Plan, a sustainability appraisal was undertaken and this site scored favourably compared to other options.

7.4 The site was formerly a designated Employment Site in the Shepway District Local Plan (2006) at a time where the existing facilities were in higher demand. The National Planning Policy Framework makes clear that employment sites should not be retained in areas of high housing need unless there are strong economic reasons not to allow

a change of use. Accordingly, as employment demand for the site has declined, it is now allocated to allow redevelopment.

- 7.5 The site is sustainably located and located on previously-developed land. As such, the site was allocated for a relatively high density of new housing, with the southern factory element being retained or replaced for commercial use. In addition there is an opportunity for self-build and custom build plots to be provided and improvements to the area of hardstanding within the Local Wildlife Site.
- 7.6 The NPPF has a presumption in favour of sustainable development in terms of economically, socially and environmentally. These issues are discussed in further detail throughout this appraisal. However, the site is generally considered to meet these principles, hence why it was put forward as an allocated site within the Places and Policies Local Plan.
- 7.7 The proposal clearly provides economic benefits through the creation of jobs during the construction and an increase in population to use local services and businesses, as well as the provision of office space and a care home. It is also considered to be socially sustainable by providing homes in order to meet the housing and care home needs of the area and providing other benefits such as open space and contributing to improvements to existing services and facilities. The development site is also considered to be environmentally sustainable as it is utilising a vacant brownfield site and is within an urban area in close proximity to facilities.

#### **b) Conformity with Places and Policies Local Plan 2020 Policy UA13**

- 7.8 Policy UA13 requires the following aspects to be incorporated into any proposed development of the allocated site:

*1. The site is allocated for mixed-use development with an estimated capacity of approximately 80 dwellings and 2,000sqm of B1 (business) / B8 (storage and distribution).*

- 7.9 The proposal provides for a mixed use development of up to 97 dwellings, up to 153sqm of office space and up to a 66-bed care home. The proposal seeks a relatively high density of new housing, with commercial uses. In addition there is an opportunity for self-build and custom build plots and improvements to the area of hardstanding within the site. Whilst the application deviates from the allocated commercial elements, the provision of the care home results in an employment generating use. This is discussed in more detail later in the report.

*2. Primary vehicular access for residential and business is achieved from Fort Road with a secondary vehicular access connection to Range Road. There should be no vehicular access from Boundary Road;*

- 7.10 The application is accompanied by a Transport Statement and follows pre-application engagement with KCC Highways. The primary access to the site will be via Fort Road to serve the northern part of the site, and Range Road to serve the southern part of the site. The application is considered to be compliant with this aspect of the policy.

3. *Highway improvements at the junction of St Nicholas Road at Dymchurch Road are provided to the satisfaction of the Local Highways Authority;*

7.11 The applicant has argued that as the proposed development site is predicted to generate no greater rate of the traffic in comparison to the previous use of the site, it is not deemed necessary to undertake highway improvements at the St Nicholas Road / Dymchurch Road junction. In addition, as there is no highway connection proposed within the site to Boundary Road, the number and type of vehicles through the site which would use St Nicholas Road to access Dymchurch Road is constrained because the road will not function as an outlet for employment uses of Range Road and the heavier traffic movements associated with their operation which currently uses St Leonards Road. Furthermore, the applicant states that given the narrow nature of St Nicholas Road it is considered undesirable to attract further traffic flows through this route. Whilst it would be preferable for the highway improvements to have been included within this application, as KCC Highways have no objection to the outline proposal subject to conditions, there are not considered to be any grounds on which to refuse the application. It is not considered that the application would give rise to highway related issues in the absence of these highway improvements and as such the proposals are considered to be acceptable on these grounds.

4. *The established factory unit and car park located at the southern extent of the site are retained or replaced;*

7.12 The established factory unit and car park located at the southern extent of the site are proposed to be replaced with a care home of up to 66-beds and parking space. The application is considered to be compliant with this aspect of the policy.

5. *Appropriate and proportionate contributions are made to the expansion of Oaklands Health Centre through a Section 106 agreement;*

7.13 This could be secured by way inclusion within the legal agreement as appropriate should Members resolve to grant planning permission. The applicant has agreed to a contribution of £69,810 towards the extension of Oaklands Health centre.

6. *Appropriate and proportionate contributions, through a Section 106 agreement, are made towards the upkeep and/or improvement of open space and existing play facilities in the vicinity;*

7.14 Open space contributions of £71,177.50 and £86,430.90 are agreed. This would be secured by way inclusion within the legal agreement as appropriate.

7. *Ecological investigations are undertaken and adequate mitigation and enhancement measures are incorporated into the design to minimise effects on the Hythe Ranges Local Wildlife Site;*

7.15 Mitigation and compensation measure are proposed within the submitted Ecological Appraisal, however the details and implementation would be secured by condition should Members grant permission. As such, the proposal is considered to be compliant with this part of the policy and a condition is proposed. KCC Ecology have no objection to the application subject to conditions.

8. *Proposals are accompanied by a Site-specific Flood Risk Assessment and demonstrate that any risks can be mitigated and/or safely managed;*

7.16 The whole site is located within Flood Zone 3 (coastal flooding). Accordingly, it has undergone the necessary sequential and exceptions tests as part of the local plan process and was considered sequentially preferable compared to other sites in the character area and necessary to meet the identified housing requirements. It is also acknowledged that the flood defences at The Ranges were undergoing upgrades and these were completed at the end of 2020. This has resulted in the site being afforded a 1 in 200 year standard of defence which will likely be for the lifetime of the development. The applicant has submitted a Flood Risk Assessment and Drainage Strategy, which confirms that issues relating to flood risk and drainage can be mitigated through the design. The development is acceptable subject to conditions and the development passes the exceptions test due to the wider sustainability benefits and that the development can be made safe for its lifetime. As the proposal reserves layout for later consideration, the layout in relation to the flood risk areas can be considered further at that stage.

*9. Extra flood resistant and resilient construction measures are incorporated into the design of the development to reduce the risk of life to occupants in an extreme flood event and improve flood risk management;*

7.17 As the proposal reserves design for later consideration the extra flood resistant and resilient construction measures in relation to design can only be considered further at reserved matters stage. However, the applicant has submitted a Flood Risk Assessment and Drainage Strategy, which confirms that issues relating to flood risk and drainage can be mitigated through the design.

*10. The masterplanning of the site is informed by an odour assessment to take account of nearby wastewater treatment works in order to minimise land use conflict;*

7.18 The applicant has undertaken an odour assessment at the site given its proximity north of the Range Road Sewerage Pumping Station, operated by Southern Water. This identified a potential for negligible odour effects at all sensitive receptor location in the proposed development. Similarly, assessments undertaken identified that odours from the station would not adversely impact upon developments beyond approximately 150m north of the extraction vents. The indicative masterplan, demonstrates that it is possible to design the scheme in a manner that would be compliant with this part of the policy.

*11. Access is maintained to the existing underground sewerage infrastructure for maintenance and up-sizing purposes;*

7.19 Southern Water will be consulted on the final design at reserved matters stage to ensure that the proposal complies with this aspect of the policy. No issues have arisen during this application that would prevent a suitable design solution being found on this.

*12. Any potential contamination from the former use is investigated, assessed and if appropriate, mitigated as part of the development;*

7.20 A phase 1 Desk Study Report identified various potentially contaminated land uses location on the site and off the site. Following this report, a Phase II site investigation was undertaken by the applicant. The site investigation found the risk of contamination at the site to be primarily low. It is considered that the recommendation set out in the submitted report by Ecologia (pages 17 and 18) are required for mitigation purposes

and could be secured by planning conditions. Outstanding soil tests could also be secured by way of planning conditions.

*13. The archaeological potential of the land is properly considered and measures agreed to monitor and respond to any finds of interest; and*

7.21 An Archaeological Desk Based Assessment has been undertaken. The report concludes that there is a negligible potential for archaeological remains for all archaeological periods at the site. There are no designated or non-designated archaeological heritage assets within the site or in its immediate vicinity. Therefore the proposal is not expected to have a widespread or significant archaeological impact.

*14. At least 4 self-build or custom build plots are provided on site in accordance with Policy HB4: Self-build and Custom Housebuilding Development.*

7.22 Up to 7 self-build units are proposed within the development and the policy requirement of 4 can be secured by way of a planning condition. The proposal is considered to be compliant with this part of the policy.

7.23 To conclude, the application is broadly compliant with the aims and aspirations of Policy UA13 of the Places and Policies Local Plan (2020). As the proposal reserves all matters for later consideration, except for access, further details that have not been submitted or agreed under this outline application can be considered further at that stage. The benefits that would arise from the development of the site would outweigh any concerns and the development of the site still represents sustainable development in accordance with the NPPF.

### **c) Housing Need**

7.24 The Adopted Core Strategy is the overarching planning policy document that sets out the long-term vision and strategic policies for the district. It sets out economic, social and environmental aims for the district and the amount and type of development and strategic development locations for major developments. For residential development, it identifies a core objective to deliver a minimum of 350 dwellings a year on average until 2031. For the first 20 years of the plan period (2006/07 – 2025/26) a target of 8,000 dwellings is set, with a minimum requirement of 7,000 dwellings. The Core Strategy specifies a requirement that approximately 10% of new dwellings should be located in the Romney Marsh area, which equates to 800 of the overall target need of 8,000 homes to 2026 required by Policy SS2.

7.25 The emerging Core Strategy Review (2019) plans for a longer period looking to 2037 and beyond. In planning for this period, the Council undertook a Strategic Housing Market Assessment (SHMA) (2017) for the district, working in partnership with Dover District Council. The SHMA determined that the local housing need for the district was 633 new homes a year.

7.26 While the Council was preparing the Core Strategy Review, the government consulted on the introduction of a standard national methodology for calculating housing need. Following this consultation, the Ministry of Housing, Communities and Local Government (MHCLG) prepared and consulted on a revised draft of the National Planning Policy Framework. An updated version of the NPPF was published in July 2018. Regarding new housing, this states that, *"To determine the minimum number of homes needed, strategic policies should be informed by a local housing need*

*assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals".* This version of the NPPF has since been updated in February 2019.

- 7.27 The national methodology for housing need factors in the latest household projections and information on housing affordability to arrive at a figure for the minimum number of new homes that local authorities should plan for. At the time of preparing the Submission Draft Core Strategy Review in 2019, the latest household projection and affordability ratio for this district indicates that the council should plan for 738 new homes a year. Given this, the Core Strategy Review plans for a total of 13,285 new homes over the period 2019/20 to 2036/37. This will provide for the minimum amount of new development required by national planning policy.
- 7.28 The standard method for assessing housing need was updated in February 2019 which was before the publication of Core Strategy Review Submission Draft 2020 and therefore the new figure was included in the 2020 draft plan and is up to date. The application site is already accounted for in the future housing land supply as it was already an allocated site in the Places and Policies Local Plan 2020, so if the site were not to come forward, there would be a deficit of approximately 80 dwellings which would result in the Council's 5 year housing supply being put at risk.
- 7.29 In recent appeal decisions, Inspectors have increasingly been concluding that housing need carries enough weight for a development to be permitted even where a local authority can demonstrate a five-year supply of housing land, as required by paragraph 49 of the NPPF. The Secretary of State called-in an appeal in Cherwell (ref: APP/C3105/A/14/2226552) and allowed permission for 54 homes where the application had been refused on the grounds that Cherwell could demonstrate a 5 year housing supply and their neighbourhood plan resisted developments larger than 20 homes. However, the Secretary of State responded stating the following: *"The proposal would be sustainable development and paragraph 187 of the Framework states that decision takers should seek to approve applications for sustainable development where possible."*
- 7.30 A further appeal in Shropshire (ref: APP/L3245/W/15/3001117) saw 215 homes allowed outside the settlement boundary on the grounds that the proposal constituted sustainable development and generally accorded with the development plan. The Inspector identified that they could demonstrate a healthy 5 year housing land supply but also conceded that: *"the existence of a 5YHLS is no impediment to the grant of permission for the development in view of the foregoing conclusions in its favour."*
- 7.31 These appeals identify that even where there is an existence of a 5 year housing land supply, this does not preclude new sustainable development as the NPPF seeks to significantly boost the supply of housing and approve applications for sustainable development. Therefore, although this current scheme does not meet all of the aspirations of PPLP policy UA13, as set out above, it is considered that any disbenefits are outweighed by the need to bring forward the development of up to 97 dwellings that the application would provide for.

#### **d) Care home Need**

- 7.32 Kent County Council's (KCC) Kent Social Care Accommodation Strategy 'Better Homes: Greater Choice' (July 2014) notes that the average care home is 27-beds, which is one of the lowest average sizes in the country. It is stated within the adopted Local Plan that, *"Folkestone & Hythe District "...will need more fit for purpose residential and nursing homes in future. There are a high number of converted Victorian properties that are unable to accommodate the more complex individual that we are seeing in today's care homes."*
- 7.33 Given the demographic profile of the district and the historic development of its coastal settlements, many care homes and institutions have been established in the district. However, with the changing nature of the industry and the requirement for improved service provision and for larger sites to increase the viability of businesses, the Council anticipates significant changes in the building stock over the plan period. It is expected that larger Victorian properties that have so far supported residential care in the district will become too costly to reconfigure to modern standards, and that these will be brought forward for conversion or redevelopment for other uses.
- 7.34 KCC's 'Better Homes: Greater Choice' highlights that there will be a particular demand for quality residential accommodation in the district, focused in Folkestone, Hythe, New Romney and Lydd. Already, the district has among the highest proportions of people who live in residential care in Kent, and this need is unlikely to decrease. Both the District and County Councils support provision of accommodation to meet the requirements of those in special need of supervision so that they are fully integrated into existing communities and can live in sustainable locations.
- 7.35 Subsequently there is an increased need in the district over this plan period (PPLP 2020) for the relocation and reconfiguration of existing residential care homes and institutions to meet the standards of KCC and the Care Quality Commission. Policy HB12 of the adopted Local Plan states that planning permission will be granted for the development of new residential institutions, subject to conformity with the following requirements;
- Accommodation is designed and built to the Care Quality Commission's (CQC) Fundamental Standards;
  - The proposal is in a sustainable location with access to local services, leisure and community facilities, including shops, healthcare and public transport in accordance with Core Strategy Policies DSD: Delivering Sustainable Development and SS3: Place-Shaping and Sustainable Settlements Strategy;
  - The proposal is compatible with surrounding land uses, so that the development does not cause substantial disturbance or detrimental impact to neighbours and is not located in an area subject to significant noise or other disturbance, or reasonably likely to be so as a result of the expansion of existing businesses, in accordance with National Planning Policy Framework 2012 paragraph 123(7);
  - The design and layout of the proposal are in accordance with the design policies in this Local Plan, as well as the parking requirements of Policy T2;
  - Sufficient open and defensible amenity space is provided for use by residents, staff and visitors; and

- The site and immediate surroundings have a gentle topography to facilitate pedestrian movement and access to services and public transport facilities.

7.36 The proposal is considered to be in general accordance with the above policy criteria, with matters relating to design and layout reserved for further consideration. As such, the provision of up to a 66-bed, purpose built care home within the proposed development site is considered to be appropriate and policy compliant. This will ensure that the district continues to provide for the increasing demand for quality residential accommodation.

### **e) Highways**

7.37 The application is for outline planning permission, but with means of access for consideration at this stage. Access in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

7.38 The application is accompanied by a Transport Statement and follows pre-application engagement with KCC Highways. The primary access to the site will be via Fort Road to serve the northern part of the site, and Range Road to serve the southern part of the site. The proposed new access onto Fort Road has demonstrated acceptable visibility splays for the 30mph speed limit, and this is accepted by KCC Highways. Both access roads would consist of a 4.8m carriageway and a 2m footway, connecting to the existing footpaths on Range Road and Boundary Road, and a proposed footpath on Fort Road.

7.39 The submitted Transport Statement includes an assessment of impact on traffic, and concludes that there would be no detrimental impact to the operation of the local highway network. In terms of traffic generation, KCC Highways has taken into account the previous site use and extant lawful use for the site. On this basis, the proposed mix of housing, care home and small allocation for offices would generate less traffic movements (including in the peak hours). It is noted that the operational site would have a significant number of staff and associated business / delivery related traffic movements, however this has been considered in the assessment of traffic generation.

7.40 The main road through the site would be controlled by an access gate and therefore the north and south of the site would be separated. The controlled access gate would provide access to the care home and emergency vehicles only, therefore it would not be one long continuous road. KCC Highways is satisfied that the necessary localised traffic calming measures on the internal site roads can be agreed at the detailed design stage and would be subject to reserved matters applications. These measures such as raised tables could be provided without affecting the number of dwellings that can be achieved on-site.

7.41 The proposed parking provision is acceptable for all house types, as a result of amended drawings, and the care home. The parking provision for the House Type A (3 bed dwellings) was revised from a garage (which is not counted within the provision) to an open car port which can count towards the parking provision for these units in



accordance with the required standards. This follows KCC's recommendation which stated "*In a suburban setting such as this I would accept a 3 bed property with a car port in tandem with a driveway parking space with no additional uplift on visitor parking beyond the 0.2 visitor spaces per unit*". The site meets the required parking provisions and therefore demonstrates that the site can realistically achieve the proposed number of units.

7.42 The proposed care home parking area provides 1 ambulance parking space. Tracking has not been provided at this stage because the layout is illustrative, however there is clearly room to accommodate ambulance turning within the site area for the care home, given the available space to extend the car parking area further south if needed. KCC Highways is satisfied that the specifics regarding ambulance parking/turning for the care home element can be provided at reserved matters detailed submission stage.

7.43 The internal roads are to be kept private, which KCC have confirmed is acceptable. Swept path analysis has also been undertaken using an 11.4m refuse vehicle and demonstrates that refuse vehicles can access, within 25m of the bin collection point for each unit. Additionally, swept path analysis has confirmed that all car parking spaces are accessible.

7.44 KCC Fire and Safety raised concerns in their comments in relation to accessing plots 58-61 because a turning head is not provided. KCC's Design Guidance advises that "*The Fire Brigade must be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises and, in the case of dwellings, suitable access maintained for fire-fighting to within 45 metres of all dwellings*" and that "*the maximum reversing distance for fire engines is normally 20 metres.*" Alternatively, the installation of a domestic sprinkler system in these dwellings would increase fire service to 90 metres. As demonstrated on the site plan, the access road meets the minimum 3.7m in width which would allow for a fire truck to reverse 20m and would therefore be within 45m of the dwellings (as measured off the indicative plans) and as further protection, these dwellings could be fitted with the sprinkler systems as recommended by Kent Fire & Safety. It is evident from site access, internal roads and the indicate layout that there is an achievable solution for this and as layout is not fixed at this stage, tracking is required to further demonstrate this at reserved matters stage.

7.45 As this application is for outline permission, design detail is reserved for future consideration. KCC Highways have confirmed the following design details can be secured at reserved matters stage for approval;

- any necessary localised traffic calming measures on the internal site roads can be agreed at detailed design stage and would be subject to reserved matters applications;
- specifics regarding ambulance parking/turning for the care home element can also be provided at reserved matters detailed submission stage;
- supportive of the design change from a built in garage to open car port for the three bedroom properties, these are far more likely to be used for vehicle parking rather than ad-hoc storage;
- upright cycle parking has been shown to the rear of the car port. This is acceptable, but it should be noted that the wording within the Folkestone and Hythe District Places and Policies Plan requires that cycles stored behind vehicles should be able to be accessible/useable without first moving the vehicle. With the hallway adjacent to the car port and a door serving this space, this would be achievable if the door into this space is simply hung on the opposite side to it having been indicated (i.e.

opening back towards the cloak room). This issue however, as above, is a detailed item and can be settled at any future reserved matters application.

7.46 In addition, the site is well located in terms of walking and cycling access and has bus services to several towns and service centres within the area can be readily accessed.

7.47 To conclude, the proposed access to and from the site is considered to be safe with acceptable visibility splays. The proposal would result in additional traffic movements within the surrounding roads, however, this is considered to be less than the lawful use of the site currently. The proposed roads and footpaths within the site are considered to be in accordance with policy requirements and therefore are acceptable. Further, the mitigation measures at outlined at paragraph 7.45, would ensure that the proposal would not result in highway safety issues or significant highway impacts sufficient to reasonably justify refusing planning permission.

#### **f) Flood Risk**

7.48 The site is identified as being within Flood Zones 1,2&3 as depicted on the Environment Agency's flood maps. The northern part of site lies within Flood Zone 3 and south of this is a section of the site within Flood Zone 2. The very southern part of the site falls within Flood Zone 1 (low probability of flooding). The northern part of the site is identified within the Strategic Flood Risk Assessment in 2115(SFRA) (figure 4 below as being at significant risk of flooding. The southern part of the site is outside of any risk in 2115. The application includes a Flood Risk Assessment (FRA) and Drainage Strategy, which concludes that issues relating to flood risk and drainage can be mitigated through the design choices of the scheme.

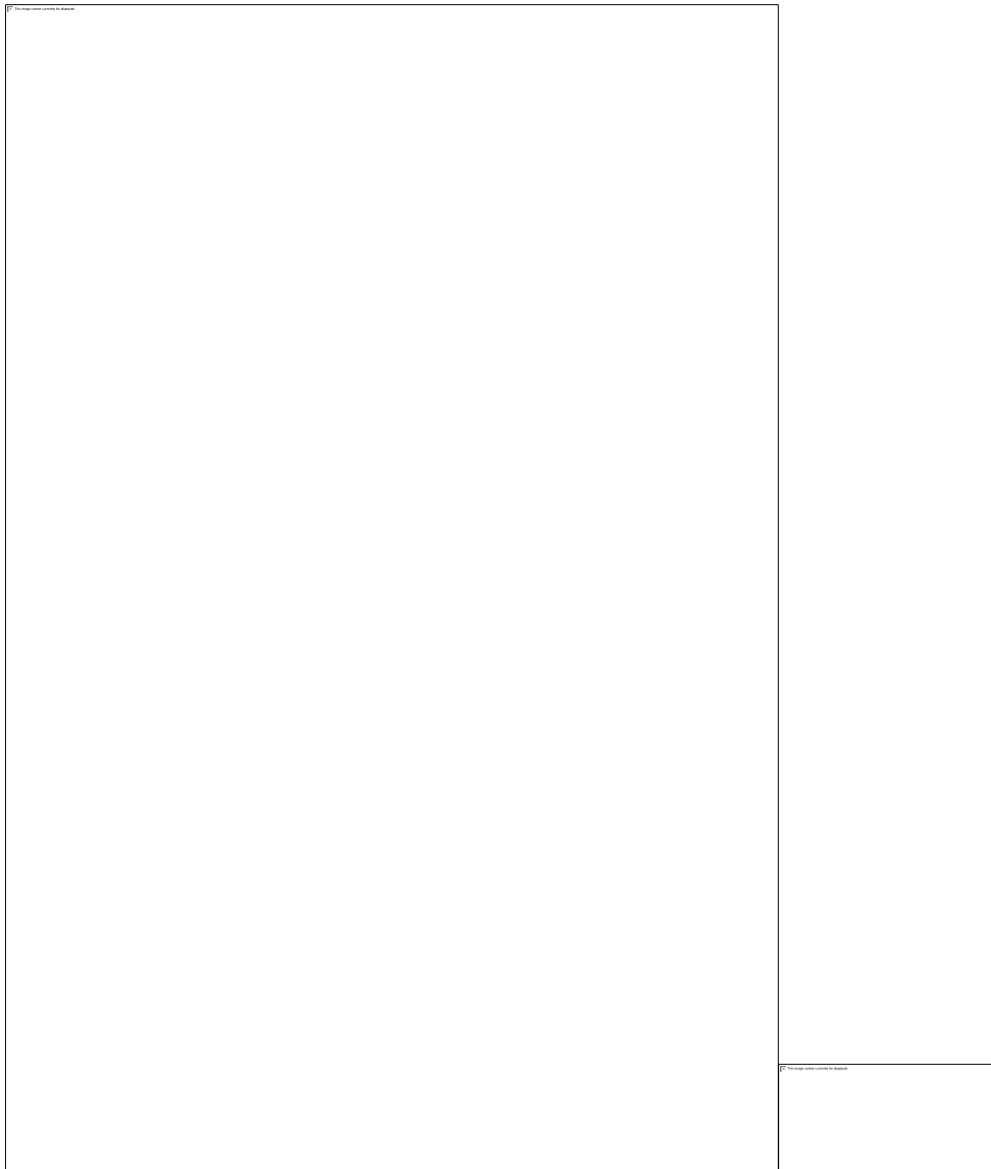


Figure 4: Flood Zones within the SFRA

7.49 Policy SS3 of the Core Strategy requires new development to be directed towards sustainable settlements. As explained earlier in this report, Hythe has been identified as suitable for growth as a Strategic Town. In respect of flood risk, CS policy SS3 and emerging CSR policy SS3 state, *“For development located within zones identified by the Environment Agency as being at risk from flooding, or at risk of wave over-topping in immediate proximity to the coastline (within 30 metres of the crest of the sea wall or equivalent), site-specific evidence will be required in the form of a detailed flood risk assessment. This will need to demonstrate that the proposal is safe and meets with the sequential approach within the applicable character area (Urban Area, Romney Marsh Area or North Downs Area), and (if required) exception tests set out in national policy. It will utilise the Strategic Flood Risk Assessment (SFRA) and provide further information. Development must also meet the following criteria as applicable:*

- i) no residential development, other than replacement dwellings, should take place within areas identified at “extreme risk” as shown on the SFRA 2115 climate change hazard maps; and*

*ii) all applications for replacement dwellings, should, via detailed design and the incorporation of flood resilient construction measures, reduce the risk to life of occupants and seek provisions to improve flood risk management.*

*iii) strategic-scale development proposals should be sequentially justified against district-wide site alternatives.”*

7.50 The Local Plan recognises that development within this site is necessary as it is allocated as a mixed use site. The NPPF requires plans to apply a sequential, risk based approach to the location of development. The site was sequentially tested, during the plan making stage, and sites were identified via the Strategic Flood Risk Assessment hazard maps. The site was considered sequentially preferable for residential development and this position was adopted by the Council. As such and in accordance with the NPPF and the National Planning Policy Guidance (NPPG), the sequential test has been applied at the plan level for development of this site and in accordance with paragraph 162 of the NPPF does not need to be reapplied at the site specific level.

7.51 As the development is located within Flood Zones 2&3 as depicted on the Environment Agency flood maps and includes ‘more vulnerable’ development in Flood Zone 3, it is necessary to apply the exceptions test. The exceptions test set out at para. 160 of the NPPF states that in order to grant planning permission or allocate a site:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment;
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

7.52 It is considered that this site meets the requirements of the exception test for the following reasons. Firstly, the site has wider sustainability benefits – the site was identified within the Local Plan to provide sufficient housing for the Urban Area in order to meet the Council’s requirements for housing land supply. Policy UA13 states that the site has an estimated capacity of approximately 80 dwellings. Therefore the housing provided would have positive benefits for the community. Secondly, it is considered that the development could be made safe for its lifetime. Work to improve the Standard of Protection (SoP) that are being undertaken as part of the Hythe Ranges Defence Scheme started in April 2019 and were completed at the end of 2020 and the site is now afforded a 1 in 200 year standard of defence, which would likely be for the lifetime of the development. The SFRA flood maps have not yet been updated to take these works into account. The Environment Agency’s comments are set out in section 5 of this report. These raise no objection provided the necessary mitigation measures are included. In addition, subject to a SUDS scheme being implemented, which can be required by condition the proposal would not increase flood risk elsewhere. As such, the development is considered to pass the exceptions test.

7.53 In addition to the Sequential Test, the NPPF advocates a sequential approach within sites to provide the most vulnerable development within the lower areas of risk on the site. The NPPF, para. 163 states that; “*Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

7.54 The proposal indicatively seeks to provide the residential housing (the most vulnerable development) within the lower part of the site, and thus located in an area at greater risk of flooding. The assessment of the proposal seeks to balance competing issues, being the quality of accommodation, streetscene and place making matters, residential amenity, along with site constraints. The indicative drawings seeks to provide all living accommodation to the upper floors of the units, and as such shows no living accommodation would be provided to the ground floor. Further, the industry uses of the site are located towards the southern end, and therefore the housing units are best placed within the site towards the north. In terms of a place making perspective, the proposed housing would correspond better and link with the existing housing north, adjacent to Boundary Road. It should also be noted that it was never the LPA's intention to provide the housing towards the southern end of the site, during its allocation within the Local Plan as the site-specific policy encouraged the retention of the existing employment building on the site to be used for alternative employment purposes. In addition, the near completion of the Hythe Ranges Defence Scheme provides the site with an increase in the standard of protection and therefore the site will be afforded a 1 in 200 year standard of defence and that this will likely be for the lifetime of the development. As such, it is considered on balance that whilst the proposal would fail the sequential approach (as indicatively proposed), there are overriding planning reasons for supporting this approach. This issue is to be considered, however, at the reserved matters stage when layout is considered.

7.55 Overall, the development passes the exceptions test due to the wider sustainability benefits and that the development can be made safe for its lifetime. It is considered that subject to appropriate conditions the development meets the requirements of policy SS3 of the CS and the NPPF with regards to flood risk.

#### **g) Ecology/ biodiversity/ Arboriculture**

7.56 Whilst the site is outside any national or international sites protected for their wildlife, geology or habitats, the south-east corner of the land forms part of the Hythe Ranges Local Wildlife Site, although the area is laid to hardstanding in the form of a car park; in addition a very small area of the site falls within a Biodiversity Action Plan Priority Habitat (perennial vegetation of stony banks). Therefore, development has been informed by an assessment to identify features of ecological interest and should conserve and enhance biodiversity within the site. Natural England has confirmed that the application is unlikely to result in any significant effects on any statutory protected sites or landscapes. As such the proposal would ensure that the conservation objectives are maintained. Natural England also confirms that the proposal would not have an unacceptable impact on the Lympne Escarpment SSSI.

7.57 The application site has been identified as having populations of the following protected species and habitats present:

- Hythe Ranges Local Wildlife site;
- Coastal vegetated shingle priority habitat;
- Nesting birds;
- Reptiles;
- Badgers; and
- Hedgehogs.

7.58 Adopted policy NE3 of the Places and Policies Local Plan explains that planning permission will be refused for development if it is likely to endanger plant or animal life (or its habitat) protected under law. KCC Ecologists have reviewed the submitted ecology and specific species reports. Mitigation and compensation measures are proposed within the Ecological Appraisal and it is considered if the details and implementation can be secured by way of planning conditions in the event of an approval. The proposals have sought to retain those features identified to be of value. Where it has not been practicable to avoid the loss of low-quality habitats, new habitat creation has been proposed to offset losses, in conjunction with new landscape proposals. Full details can be secured by condition and provided at reserved matters stage.

7.59 One of the principles of the National Planning Policy Framework is that net gains in biodiversity should be sought through development. Detailed landscaping matters are deferred for future consideration but can be incorporated into the scheme and biodiversity net gain can be conditioned.

7.60 It is considered that there is a need to ensure that these enhancement measures will be managed appropriately to benefit biodiversity. The creation of any SUDS scheme has potential to provide ecological benefits as well as drainage benefits and its design should have full consultation with an appropriately qualified ecologist, secured as a condition requiring the submission of a Landscape and Ecological Management Plan.

7.61 The site is neither within a conservation area nor has any trees the subject of a tree preservation order (TPO). The application was accompanied by a detailed arboricultural assessment which shows tree cover within influence of the site as *“typical of its existing usage... comprising primarily of ornamental plantings associated with the existing industrial units’ scheme of landscaping and areas of scrub.”* The arboricultural survey identified two moderate quality, early mature silver birch trees (T5 and T10), which are to be retained as part of the proposals alongside new tree planting to this green buffer to the north of the site adjacent to Boundary Road. The arboricultural assessment explains that the proposed development (although outline at this stage) would not result in any significant tree loss as it is possible to manage the encroachment within the root protection areas of retained trees adjacent to the northern boundary, through deliverable means of construction management. As such, the proposal would not result in any significant impact to existing trees of any value, and the redevelopment provides an opportunity to introduce a comprehensive scheme of soft landscaping, which can enhance the species variety and distribution of tree cover within influence of the application area, mitigate for the tree to be removed and provide betterment to the sites amenity. Full details of proposed landscaping are deferred for future consideration at reserved matters stage.

7.62 To conclude, the scheme is considered to comply with the aims of the NPPF and policy NE2 of the Places and Policies Local Plan and, with appropriate mitigation, would not result in harm to protected species on the site. In addition, scheme of soft landscaping would provide significant benefits to the sites amenity.

#### **h) Amenity**

7.63 Adopted policy HB1 and the NPPF (paragraph 127) require that consideration should be given to the residential amenities of both neighbouring properties and future occupiers of a development.

7.64 The Local Plan at paragraph 9.63 describes amenity as *“Amenity is usually understood to mean the effect of a development on visual and aural factors in the immediate neighbourhood or vicinity of a site. Relevant factors include: loss of privacy, light, outlook, parking, landscaping and open space; overshadowing; and the creation of an overbearing sense of enclosure.”*

7.65 The residential properties most affected by the proposed development would be those beyond the north of the site, which are separated from the development by Boundary Road and a c.15m green buffer running along the northern site boundary. The site is adjoining the Hythe Rifle Range to the west. To the south eastern corner of the site, it is adjoined to a commercial facility and the Range Road Industrial Estate beyond. At the reserved matters stage, a detailed assessment would be made of the inter-relationship of proposed dwellings to existing dwellings including issues relating to outlook, light, privacy, screening, noise and disturbance.

7.66 The direct impact upon surrounding residential amenity in terms of impact upon outlook, light and privacy would, however, be limited as it is possible to design the layout to avoid impacts on existing and proposed amenity by designing the scheme to avoid overlooking, overshadowing and overbearing impacts. However, impacts from vehicular traffic and general noise would arise, but as discussed above the level of traffic generation is considered to be less than that created by the (now ceased) lawful use of the site. A noise assessment was submitted to support the application and *“based on the measured level, no specific acoustic mitigation is considered necessary, as adequate control of environmental noise in accordance with BS 8233 and WHO guidelines for internal noise would be achieved using standard thermal double glazing with standard non-acoustic trickle ventilators.”* The Council’s Environmental Health Officer agrees with this conclusion and has no objection to the proposal.

7.67 The comments from the Ministry of Defence are noted, however given the above comments and outline nature of this proposal it is not considered that the noise and disturbance issues would have a significant adverse effect upon the on amenity of future occupants of the proposed development.

7.68 The applicants have also undertaken an Odour Assessment to assess the impact of the proposed development on air quality. The Assessment considered a potential for negligible odour effects at all sensitive receptor locations in the proposed development. In addition, a previous odour assessment undertaken identified that odours from the Range Road Sewerage Pumping Station would not adversely impact upon

development beyond approximately 150m north of the extraction vent. It is concluded that odour impact would not be significantly detrimental.

7.69 As such, it is considered that any impact on existing amenity would not be harmful to warrant refusal. A further, detailed assessment would be made at reserved matters stage.

**i) Visual impact / density**

7.70 The detailed layout and design of the site would be dealt with at the Reserved Matters stage and this will allow the opportunity for assessing the layout, scale, design and materials of the proposed dwellings, care home and office spaces, as well as how this would impact and interact with the wider setting. However, it is proposed that the site would provide up to 97 dwellings at a density of approximately 36 dwellings per hectare which allows for landscaped areas and sufficient landscape buffers. The proposed care home would comprise up to 66-beds and the office accommodation would comprise up to 153sqm of space, within a site with a gross area of 3.2 hectares. As such, it is considered that it is possible to design a layout and scale of development that would be sensitive to the urban location and that incorporates suitable landscaping and vegetation ensuring that the new buildings are assimilated sensitively into the existing local environment.

7.71 It is accepted that the wider setting of the locality would be altered as a result of the proposed development. However, it has been accepted by the allocation of the site within the Local Plan that a mixed use development on the brownfield site is acceptable in principle. It is considered that any negative impact could be mitigated to an acceptable level by a sensitively designed scheme and appropriate landscaping and that any residual impact would be outweighed by the social and economic needs to provide sufficient, sustainable housing in this part of the district and maintain a 5 year housing land supply, in accordance with Local Plan policy UA13, Core Strategy policy CSD7 and the NPPF.

**j) Archaeology**

7.72 There are no designated or non-designated archaeological heritage assets within the site or its immediate vicinity. The application is supported by an Archaeological Desk Based Assessment assessing the likely degree of heritage potential on the site. The desktop assessment concluded that the site has a negligible potential for archaeological remains for all archaeological periods at the site. KCC's Archaeological Officer has reviewed the submitted information and has no objection to the proposal and therefore no further archaeological work is recommended in this particular instance.

**k) Financial Contributions / CIL**

7.73 The proposal would result in the provision of additional housing which would lead to additional pressure on existing services and facilities within Hythe. As such, any impacts from the development need to be mitigated by way of conditions and/ or a contributions or provision of mitigation through a S106 agreement.



7.74 The NPPF at paragraph 57 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. CS policy CSD1 is up to date and requires the provision of 30% affordable housing. Local Plan policy UA13 also require off-site mitigation measures including contributing to the expansion of Oaklands Heath Centre.

7.75 The applicant is willing to enter into a legal agreement to secure the provision of 30% affordable housing to be provided on site. During the processing of the application, a variety of further mitigation measures and contributions have been sought and agreed by the applicant. In total the contributions that would be secured if planning permission is granted are as follows:

Provision/ contribution	Amount
<b>Provision of 30% affordable housing</b> - (60% rented affordable and 40% shared ownership)	N/A to be provided on site
<b>Provision of at least 4 Self Build Units</b>	N/A to be provided on site
<b>Healthcare contribution</b> - towards the extension of Oaklands Health Centre	£69,810.00
<b>Open space and play space contributions</b>	£71,177.50 and £86,430.90

7.76 The requests for financial contributions in respect of support for local services in respect of the additional demand the development will place upon them are payable however the total amount is to be confirmed upon the final number of dwelling granted within the site. These can be secured via a legal agreement, which the applicant has agreed to enter into. This document will also contain the requirement to set up a management company to maintain landscaped/ communal areas within the development.

7.77 The following contributions were requested by KCC in their initial consultation response, however following further discussions with KCC these are no longer requested and 35% contribution of all CIL monies collected are to be distributed to KCC for allocation to the below;

<b>Community learning contribution</b> - towards the cost of additional services, equipment and staff in Hythe
<b>Library contribution</b> - towards additional bookstock for borrowers at Hythe library
<b>Primary education contribution</b> - towards the cost of providing new local primary school accommodation
<b>Secondary education contribution</b> - towards the cost of providing new local secondary school accommodation
<b>Social Care Contribution</b> - toward the cost of providing expanding or improving adult social care service facilities by or improving adult social care services by providing additional services and staff

7.78 To conclude, given the contributions that have been agreed to by the applicant the development is considered to comply with the aims of policies CSD1 and SS5 of the CS, policy UA13 of the Local Plan and paragraph 57 of the NPPF.

7.79 Under the Council's adopted charging schedule, the development is liable for paying the Community Infrastructure Levy (CIL) for the residential development proposed. The applicant has confirmed their agreement to the CIL contributions.

### **Environmental Impact Assessment**

7.80 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. The site does not fall within a sensitive area and the development is below the thresholds for Schedule 2 10(b) urban development projects which state:

- The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
- The development includes more than 150 dwellings; or
- The overall area of the development exceeds 5 hectares.

Therefore the development does not need to be screened under these regulations.

### **Local Finance Considerations**

7.81 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.

7.82 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area (Zone C) is charged at £115.71 per square metre for new residential floor space.

7.83 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first four years through the New Homes Bonus. Due to the outline nature of this application, this calculation cannot be made currently as the final number of dwellings is not agreed. New Homes Bonus payments are not considered to be a material consideration in the determination of this application.

### **Human Rights**

7.84 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**

7.85 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**

7.86 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 While the Town Council's objection is noted the application complies with the requirements of the Council's adopted policies, would bring about considerable economic, social and environmental benefits, and would not give rise to any unacceptable highway impacts.

8.2 It is therefore recommended that outline planning permission should be approved subject to conditions and a s.106 agreement.

## **9. BACKGROUND DOCUMENTS**

9.1 The consultation responses and any representations 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 granted subject to the conditions set out below and the applicant entering into a S106 legal agreement securing affordable housing, provision of self-build units, a contribution towards the expansion of Oakland Health Centre and open and play space contributions; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary:**

Conditions:

1. Approval of the details of the scale, appearance, layout (including location of SUDS) and the landscaping of the site (including boundary treatments), hereinafter called "the reserved matters", shall be obtained from the Local Planning Authority in writing before any development is commenced. The submission of boundary treatments shall include the recommendations provided in paragraph 6.1.5 and 6.1.14 of the Ecological Appraisal, dated January 2019.

Reason: Such details are necessary for the full consideration of the proposal and have not, so far, been submitted.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development hereby permitted shall be limited to no more than 97 dwellings, a 66-bed care home and 153sqm of office space, and shall be carried out in accordance with the Location Plan (drawing no. P\_02) and broadly in accordance with the Site Plan as Proposed (drawing no. P12 Rev B).

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Policy SS1 of Local Plan Core Strategy (2013) and Policy UA13 of the adopted Local Plan (2020).

5. The reserved matters application(s) to be submitted pursuant to condition 1 above shall include details of a Landscape/Habitat Management Plan to include long-term design objectives, timings of the works, habitat creation, enhancement, management responsibilities and maintenance schedules for all landscaped areas (other than privately-owned domestic gardens). Such details shall be submitted for the written approval of the Local Planning Authority. The requirements of the Landscape/Habitat Management Plan shall be informed by the submitted Ecological Appraisal (dated January 2019) and the approved measures shall be carried out in accordance with the approved Plan.

Reason: In order to ensure matters of ecological interest are preserved and enhanced.

6. The details to be submitted pursuant to condition 1 above shall include drawings showing existing and proposed ground levels and finished slab and floor levels together with the roof ridge lines and eaves levels of the proposed buildings in relation to the neighbouring buildings bordering the site. The finished floor levels of non-habitable levels shall be a minimum of 300mm above the design flood level (at 2.9maODN) with all habitable accommodation a minimum of 600mm above at 3.2maODN. Such details as may be approved in writing, by the Local Planning Authority shall be undertaken fully in accordance with the approved

plans and thereafter floor levels shall be maintained in accordance with the approved details.

Reason: In the interests of risk to life and property.

7. The details submitted pursuant to condition 1 above shall include an Arboricultural Impact Assessment and Tree Constraints Plan to include existing hedgerows. The assessment shall include details of all root protection measures which shall accord with BS5837 "Trees in Relation to Demolition, Design and Construction" and a timetable for the implementation and retention of such works linked to the proposed phasing and completion of construction work. The development shall be carried out in strict accordance with the approved assessment.

Reason: In the interests of the visual amenities of the area.

8. The reserved matters application(s) to be submitted pursuant to condition 1 above shall include details of vehicular and cycle parking, including visitor parking, and turning facilities. The provision of vehicular and cycle parking and turning facilities as approved for each reserved matter and in any phase or sub-phase of the development hereby approved, shall be implemented, in full, prior to the first occupation of the units they serve. These facilities shall be kept available for parking and turning purposes in connection with the units they serve at all times thereafter.

Reason: In the interests of highway safety and convenience.

9. No development shall take place until the details required by Condition 1 above shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

10. The reserved matters application(s) to be submitted pursuant to condition 1 above shall include details of a scheme for any external building or ground mounted lighting/illumination and such lighting shall be in accordance with guidance from an ecologist to minimise impacts on wildlife. Such details shall be submitted for the written approval of the local planning authority and shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution. The submitted details shall also demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The lighting strategy shall;

- a) Identify those area/features on site that are particularly sensitive;
- b) Show how and where external lighting will be installed in accordance with the recommendations in section 6.1.6 of the Ecological Appraisal dated January 2019.

Thereafter any lighting erected as part of the development shall only be erected in accordance with the approved details.

Reason: In order to minimise light pollution and protect wildlife.

11. No work on the construction of the building(s) hereby permitted shall take place until samples of the materials and details of the windows and doors to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include a schedule and plan indicating the materials to be used for each plot within the phase, or sub-phase. 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.

12. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Plan shall provide for:

- a) Working hours and arrangements for the delivery and storage of materials for the off-site highway works.
- b) The parking and turning for on-site of vehicles of site operatives and visitors.
- c) The loading and unloading of plant and materials.
- d) The storage of plant and materials proposed to be used in the construction of the development.
- e) The design, erection and maintenance of site perimeter fencing and security hoardings.
- f) Details of working and delivery hours including details to avoid/minimise deliveries during peak hours and school opening/closing times.
- g) The display of contact details of the site manager.
- h) Routes to be taken by vehicles carrying plant/materials to and from the site.
- i) Measures to ensure that construction plant and vehicles and delivery vehicles do not impede access to nearby properties.
- j) Details of wheel washing facilities and other measures to prevent the deposit of mud and debris on the public highway.
- k) Details of any temporary traffic management/ signage to ensure delivery routes are adhered to.
- l) Details of piling methods and timings.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of the amenities of the area and highway safety and convenience.

13. No development shall take place (including any ground works, site or vegetation clearance) until a construction environmental management plan (CEMP (Biodiversity)), for the protection of:

- Hythe Ranges Local Wildlife Site;
- Coastal vegetated shingle priority habitat;
- Badgers;
- Reptiles;
- Hedgehogs; and

- Nesting birds

during the construction works has been submitted to and approved in writing by the Local Planning Authority. The CEMP (biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities, including any need for lighting during construction;
- b) Identification of 'biodiversity protection zones' (on and off-site);
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similar competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

A suitably experienced and qualified ecologist or Ecological Clerk of Works must carry out the role of maintaining ecological watching briefs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: In order to ensure biodiversity within the site is preserved and enhanced.

14. No development shall take place until an ecological design strategy (EDS) addressing the provision of compensatory habitat and ecological enhancements, as outlined in Section 6 of the Ecological Appraisal dated January 2019, has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- Purpose and conservation objectives for the proposed works
- Review of site potential and constraints
- Detailed design(s) and/or working method(s) to achieve stated objectives
- Extent and location/area of proposed works on appropriate scale maps and plans
- Type and source of materials to be used where appropriate, eg. Native species of local provenance
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development
- Persons responsible for implementing the works
- Details of initial aftercare.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In order to ensure biodiversity within the site is preserved and enhanced, and to include the provision of compensatory habitat for the loss of Local Wildlife Site.

15. Development shall not begin in any phase until a detailed sustainable water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be passed upon the FRA by Herrington Consulting (February 2019) and shall demonstrate that the surface water generated by this development (for all rainfall to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on off off-site.

The drainage scheme shall also demonstrate (with reference to published guidance) that:

- Silt and pollutants resulting from the site can be adequately managed to ensure there is no pollution risk to receiving waters
- Appropriate 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.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: i. A timetable for its implementation, and ii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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. The details 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.

16. a) The development shall be carried out in accordance with the submitted Phase I Land Contamination Assessment, by Ecologia dated 10/08/2017).
- b) 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; - A survey of the extent, scale and nature of contamination - 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 - An appraisal of remedial options and identification of the preferred option(s).

c) 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).

d) 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.

e) Prior to commencement of development, if remediation works are required following investigation carried out as per d) above, 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.

f) 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.

17. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a verification report

pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the LPA which demonstrate the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by The LLFA. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from the 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 165 of the National Planning Policy Framework (2019).

18. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of cotoneaster on site. The measures shall be carried out in accordance with the approved scheme.

Reason: In order to control invasive species within the site.

19. Prior to occupation of the development hereby approved, a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following;
  - a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions, together with a plan of management compartments;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);
  - g) Details of the body or organisation responsible for the implementation of the plan;
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In order to control invasive species within the site.

20. Prior to the first use of the site or occupation of any dwelling, care home or office space hereby permitted, the access arrangements (including visibility splay on Fort Road with no obstruction over 1.05m above the carriageway level within the splays) shall be implemented in full and opened to vehicular and pedestrian traffic. Thereafter the approved visibility splays shall be maintained at all times.

Reason: In the interests of highway safety and convenience.

21. Prior to the first occupation of any dwelling, care home or office space hereby permitted, the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the LPA. Thereafter the approved details shall be maintained at all times.

Reason: In the interests of highway safety and convenience.

22. Prior to the occupation of any dwelling hereby permitted a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include initial baseline targets based on the agreed trip rates for the site, measures to encourage sustainable transport to/ from the site and modal share targets for a 5 year period upon the last occupation on the site. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of sustainable development and highway safety and convenience.

23. No building hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures, extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; as built drawings; topographical survey of 'as constructed' features and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised.

24. The approved noise mitigation measures shall be implemented in accordance with the recommendations set out within the Noise Assessment Report by Hepworth Acoustics (dated July 2018) unless otherwise previously agreed in writing by the Local Planning Authority. All habitable room windows to be standard thermal double glazing, comprising two 4mm thick standard panes with a minimum 122mm air cavity,

Reason: In order to protect amenity of future occupiers.

25. Prior to the occupation of any dwellings, office or care home hereby approved, the proposed internal road, footways, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, access, carriage gradients as appropriate, shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are constructed and laid out in a satisfactory manner.

26. Prior to the occupation of any dwelling hereby approved the following works between each dwelling and the highway shall be carried out:

(a) Footways and/or footpaths, with the exception of the wearing course;

(b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates, and highway structures (if any).

Reason: In the interest of highway safety and amenity.

27. (a) Construction shall not proceed beyond slab level until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the development will achieve a maximum water use of 110 litres 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 design stage water efficiency calculator.

(b) The development 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 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>

28. The non-residential uses of the development hereby permitted shall be constructed to secure an overall minimum Very Good rating for BREEAM standards. Full details shall be submitted, for consideration, to a BRE trained and licensed independent assessor, these details and the assessors report shall then be submitted to and approved by the Local Planning Authority. The development

shall then be constructed in accordance with the approved details before occupation.

Reason: To ensure the development contributes to the principles of sustainable development as outlined in Local Plan policy CC2.

29. No work above slab level on the construction of the buildings hereby permitted shall take place until a copy of formal confirmation has been supplied to the Local Planning Authority confirming that High Speed Fibre Optic that meets the Department for Culture, Media and Sport requirement that 'fibre to the premise' broadband connections are available to all premises of gigabit capacity will be provided to all dwellings. Prior to the first occupation of any of the dwellings hereby approved, confirmation shall be submitted to the Local Planning Authority that the infrastructure to allow 'fibre to the premise' broadband connections are available to all premises of gigabit capacity has been laid out in the site.

Reason: In order to ensure the future provision of superfast fibre optic broadband for occupants in accordance with emerging policy E8 of the Places and Policies Local Plan.

30. Details of how the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, shall be submitted to the Local Planning Authority for approval, in writing, prior to progression of development beyond foundation level, with such details as approved implemented in full and thereafter retained and maintained.

Reason: To support the transition to a low carbon future through the use of on-site renewable and low-carbon energy technologies.

31. Prior to commencement of any onsite works of the development hereby approved, a Security Management Plan shall first be submitted to, for the prior written approval of, the Local Planning Authority. The Security Management Plan must adhere to the requirements of Secure by Design to ensure protection from crime and anti-social behaviour. Upon approval, the Security Management Plan shall be carried out as approved and thereafter maintained.

Reason: To ensure the development is secure from crime in accordance with Local Plan Policy BE1 and on Secure by Design grounds.

32. Prior to the commencement of any works above slab level hereby permitted, details of electric charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved electric charging points shall be implemented in full accordance with the approved details and maintained as such thereafter.

Reason: In accordance with Local Plan policy T2 and to support the transition to a low carbon future.

33. The offices (use class B1) hereby permitted shall not be open to customers outside the following times 08:00hrs - 18:30hrs Mondays to Saturdays and 10:00hrs -16:00hrs on Sundays and Bank Holidays.

Reason: In the interest of neighbouring amenity.

Informatives:

1. 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.
2. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

3. 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.
4. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please Liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk).
5. In relation to condition 32 above, it is advisable, where appropriate, to install one electric charging point per dwelling, or as a minimum, ensure there is infrastructure put in place to allow electric charging points to be installed at a later date.
6. In preparation of the required Security Management Plan, the Applicant must have regard to Secure by Design. Secured by Design (SBD) [www.securedbydesign.com](http://www.securedbydesign.com) is the not for profit UK Police flagship initiative combining designing out crime and security. They list accredited products and suppliers that are independently certificated to recognised security standards.

They have been responsible for consistently high reductions in crime as verified by numerous independent academic research studies.

Details of how to ensure products are certified are on the SBD website. Sold Secure is also a testing and certification house for security products. On their website: [www.soldsecure.com](http://www.soldsecure.com) you will find a range of products tested and approved by Sold Secure to provide you with the best in security for a variety of applications.

Kent Police, through their comments in relation to this proposal, has requested that the security for the development meets or exceed the standards of SBD and Sold Secure silver, this is to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

