

# DCL/22/03

**Application No:** 21/2282/FH

**Location of Site:** Princes Parade Promenade  
Princes Parade  
Hythe CT21 6EQ

**Development:**

**Reserved matters application for the approval of all reserved matters (means of access, layout, scale, appearance and landscaping) pursuant to hybrid planning permission Y17/1042/SH for the provision of infrastructure and landscaped areas only (realigned access road, widened promenade, western park open and play space, linear park, western end car park and parking spaces).**

**Applicant:** Folkestone & Hythe District Council

**Agent:** Tibbalds  
19 Maltings Place  
London SE1 3JB

**Officer Contact:** David Campbell

## SUMMARY

This application is for the approval of all reserved matters (means of access, layout, scale, appearance and landscaping) for the provision of infrastructure and landscaping elements of the scheme only following the approval of the outline element of the scheme under a hybrid planning application. The residential part of the scheme and associated landscaping for those areas will come forward as a separate reserved matters application at a later date. It is considered that there would be no additional adverse impacts in respect of the Scheduled Monument, ecology, visual or residential amenity above those already considered to be acceptable at the outline stage. As such the application is considered acceptable. It is also considered that the proposed access road, car park and associated landscaping reflect the proposals established under the hybrid planning permission, would be of high quality and would meet the criteria of national and local planning policies.

## RECOMMENDATION:

**That delegated authority be given to the Chief Planning Officer to grant reserved matters approval subject to no additional issues being raised following the reconsultation on the amended description (as set out above), and delegated authority to:**

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- A) Agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**
- B) Determine under delegated powers any subsequent conditions application that arise directly from this reserved matters application**

## 1. INTRODUCTION

- 1.1 The application is reported to Committee because it forms part of a larger development that the Council has a substantial interest in and due to the objection from Hythe Town Council.

## 2. SITE AND SURROUNDINGS

- 2.1 The application site is located in a prominent position on the coast, immediately to the south of the Royal Military Canal (RMC), which is a Scheduled Monument (SM) and Local Wildlife Site (LWS). Beyond the RMC to the north is the residential area of Seabrook, focussed along the A259 and to the south is Princes Parade, the sea wall promenade and the beach.
- 2.2 To the west is the Hythe Imperial golf course and Hotel Imperial with the recent residential development to the rear. To the east is a block of apartments, Olivia Court, with a petrol filling station and restaurant beyond.
- 2.3 At the eastern end of the site is a small visitors' car park, children's play area and temporary accommodation for the Seabrook Canoe Centre. Public Bridleway HB83 runs along the northern extent of the application boundary/southern side of the RMC, with the National Cycle Route 2 Bridleway along the southern edge, on the existing promenade.
- 2.4 The majority of the application site is covered in scrub vegetation and is relatively flat, although the former use as a waste disposal site and the past dredging of the canal has raised the ground level by approximately 3.5 metres above the adjacent canal and golf course and resulted in widespread ground contamination.
- 2.5 The main promenade and road sit at approximately +6.8 metres (AOD) and the site ranges between +6.5 metres and +8.0 metres AOD. The site drops sharply along the northern boundary, forming a vegetated slope where it meets the canal tow path (HB83). The site covers 10.07 Ha of land owned by the applicant, Folkestone and Hythe District Council.
- 2.6 Access to the interior of the site is heavily curtailed by the vegetation and lack of paths, with the main access across the centre of the site being via the existing path leading to the Seaview Bridge connecting to Seabrook Road. A similar path to the Seabrook Lodge Bridge exists at the western end of the application site.
- 2.7 The site is located approximately 260 metres to the south and south-east of the Kent Downs Area of Outstanding Natural Beauty, which extends as far as Cliff Road on the hillside above.

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2.8 Figure 1 below show the extent of the application site and Figure 2 shows photographs of the application site.

2.9 A site location plan is also attached to this report as Appendix 1.

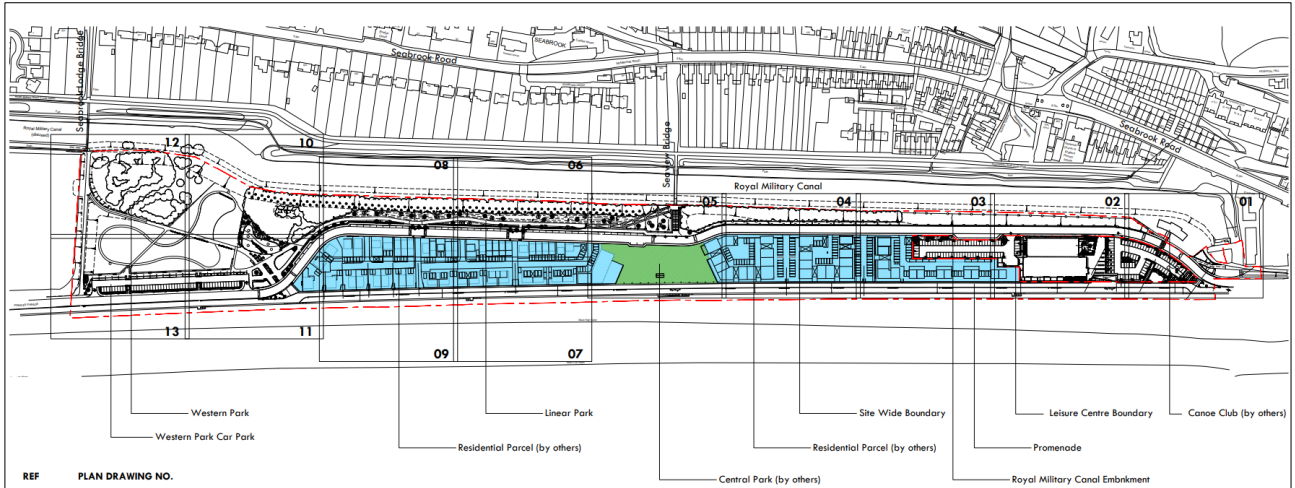


Figure 1: The site red line boundary.



Figure 2: Photographs of the planning application site.

## 3.0 PROPOSAL

### Background

- 3.1 A hybrid planning permission (Y17/1042/SH) was granted for the wider Princes Parade site in July 2019 for up to 150 dwellings, commercial uses, retail uses and/ or restaurant uses along with open spaces, parking and alterations to the highway and site levels (outline element). The full element granted permission for a leisure centre along with associated parking, open space and children's play facilities. This application is for the approval of all reserved matters (means of access, layout, scale, appearance and landscaping), however it is only seeking reserved matters approval for the provision of the infrastructure elements of the outline part of the hybrid permission and the landscaped areas (excluding the central park and open space adjacent to the leisure centre that has already been granted full planning permission). This application's main purpose is to secure consent for the final details relating to the access road along with the provision of a car park at the western end of the site and further parking spaces at intervals along the access road, a linear park and the western park open space, resulting in the creation of a promenade where the existing road is along with associated landscaping. All other elements of the wider outline elements of the hybrid permission are not being considered at this stage and will form further reserved matter(s) applications at a later date, including the residential elements.
- 3.2 The design and access statement from the original application, explained that the proposal would deliver a pedestrian orientated development where the impact of vehicular traffic on the seafront is minimised. To achieve this, the principle of realigning the coast road to the northern part of the site, closer to the Royal Military Canal, and the widening of the promenade was granted outline planning permission (as part of the hybrid permission) enabling it to become an improved pedestrian and cycle route.
- 3.3 Figures 3 and 4 below show the western and eastern sections of the road separately.

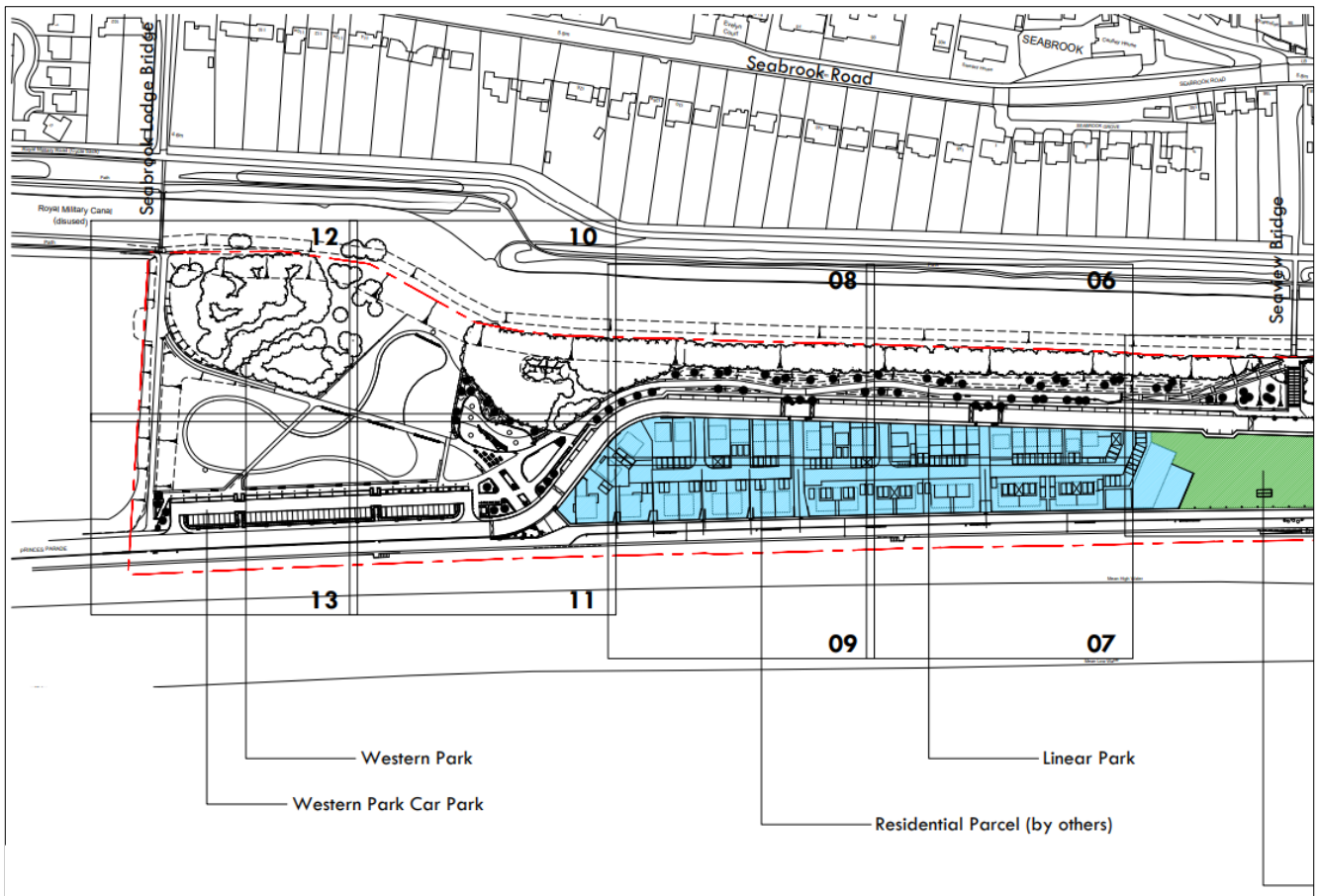


Figure 3: The western end of the access road

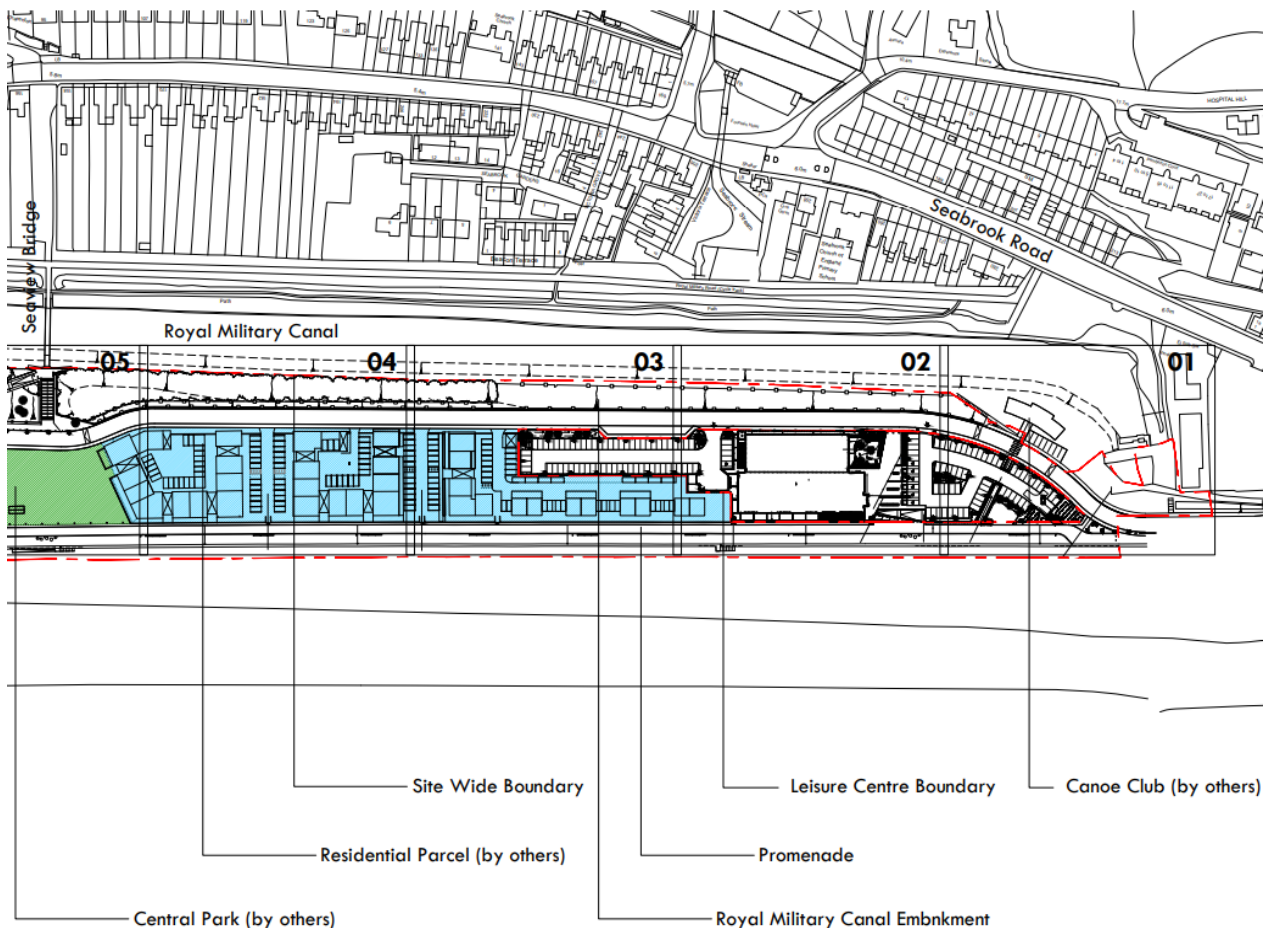


Figure 4: The eastern end of the access road.

- 3.4 The proposals for the access road include a speed limit of 30 mph in places (reduced from 40mph currently) and the traffic calming measures. This follows the principle established in the hybrid planning application, which can be seen from figure 5 below. Tree/ other planting is proposed in between the access road/ footpath and the RMC to soften the impact of the realigned road
- 3.5 Figure 6 shows the areas of landscaping on the wider site and the different character areas that it has been divided into.

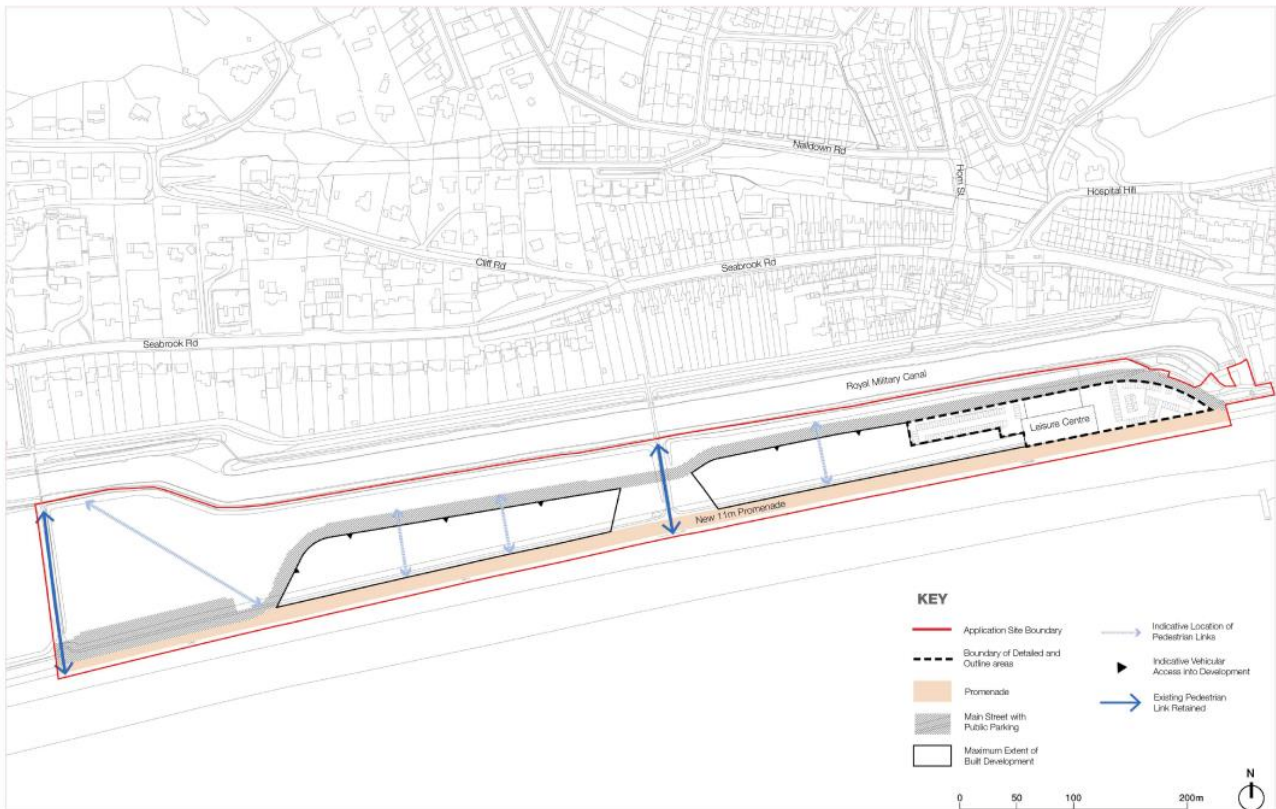


Figure 5: The access and circulation parameter plan taken from hybrid application Y17/1042/SH.

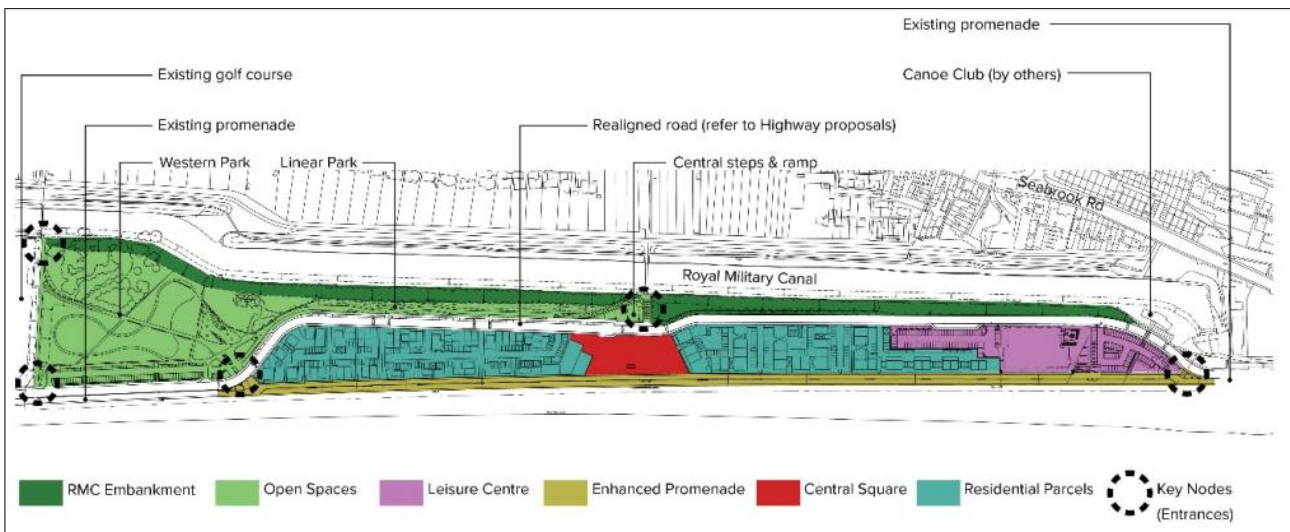


Figure 6: The wider site and the various areas identified for landscaping purposes.

3.6 In terms of kerb details and pavement materials, these are to match the existing materials along Princes Parade. At the western end of the site, there is proposed to be a car park with direct access from Princes Parade, which includes disabled spaces and five electric charging bays; a section of this is shown in figure 7 below. This was also shown in the indicative drawings submitted as part of the outline application and is to be enclosed by a hedge and cleft chestnut fencing. Street lighting is to be located on the northern side of the road at the eastern end of the road and on the southern side of the road in the central and eastern sections of the road. Raised tables are proposed to both calm traffic and assist with pedestrian crossings.

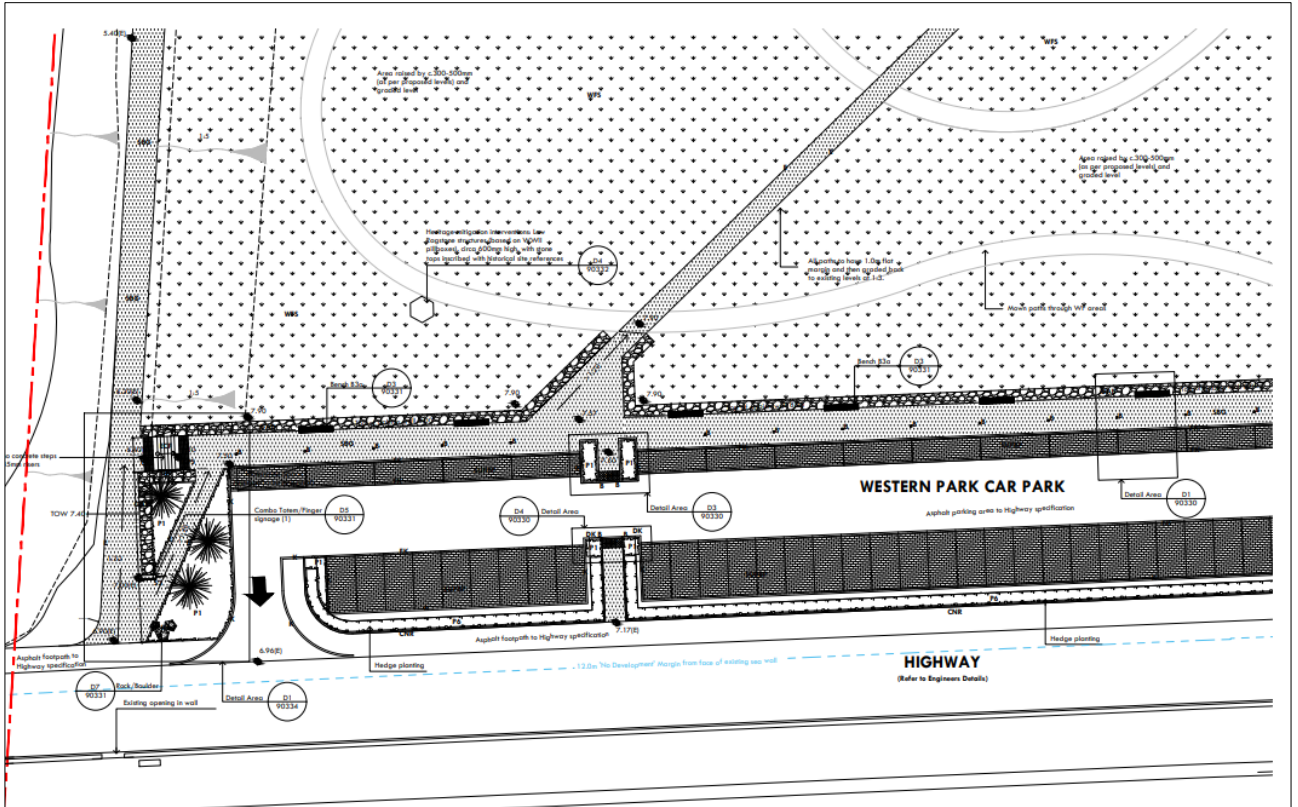


Figure 7: The western park open space, car park and the access road.

3.7 The eastern end of the site also includes car parks, the first to the west of the proposed leisure centre and the second adjacent to the proposed leisure centre opposite the canoe club. Both of these car parks were granted full planning permission under the hybrid application and are not for consideration here. The west section of the access road, at the point where it is closest to the RMC is also proposed to have car parking laid out in linear form in a similar fashion to the existing parking along Princes Parade. The existing crossing over the RMC is shown in Figure 8 and the area around the leisure centre is shown in Figure 9.



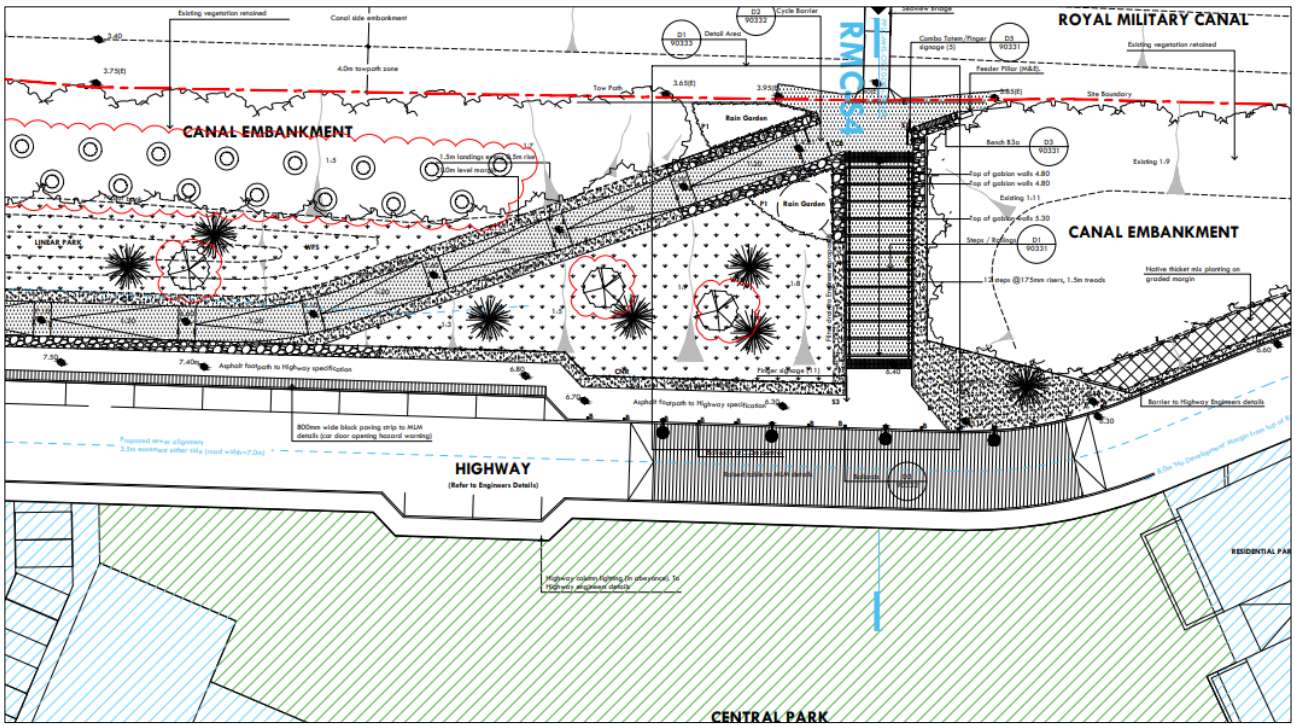


Figure 8: The access road, RMC and bridge.

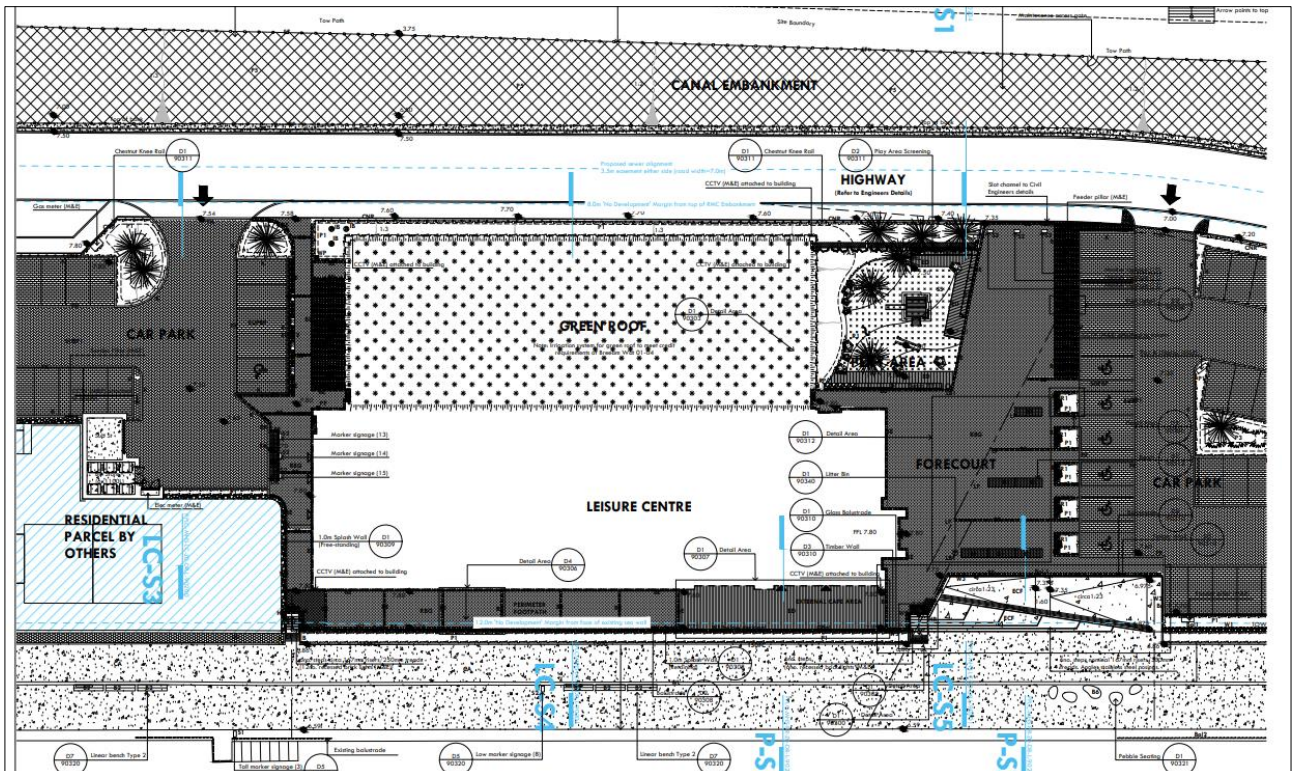


Figure 9: The leisure centre and the access road.

3.8 The new road would be traffic calmed to reduce vehicle speeds including the use of raised tables at pedestrian crossing points and would also include street lighting. A

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pedestrian crossing is proposed to be located between the canoe club and the car park for the leisure centre.

- 3.9 The proposal also includes a significant amount of landscaping to enhance the wider scheme, but also the access road as proposed in this reserved matters application. Figure 6 below show the areas of the wider site for which proposals have been put forward here. These include the areas around the leisure centre, the Royal Military Canal Embankment, the promenade and the open spaces which include the western and linear parks. It does not include the two residential parcels of land or the central square as they are to form part of later stages of the development.
- 3.10 The proposals for the open space areas include the required buffer zones for the badger sets, new pedestrian and cycle links, a formal destination play area, an open grassed meadow to the west of the site and planting along the embankment. Cleft Chestnut Fencing is also used adjacent to the highways and also stock fencing to enclose development particularly around the edges of the wider application site. A comprehensive and detailed planting schedule has been submitted with the application to enhance the proposals these include native species, evergreens, seabuckthorn structural planting and specimen pine trees to the east of the site and wildflower planting to the west. In between the new leisure centre and the RMC native thicket mix planting enclosed by stock fencing is proposed.
- 3.11 The open space to the western part of the site includes landscaped areas enclosed with cleft chestnut fencing and include seating. An area identified as having potential for a pavilion with public toilets and a kiosk shown on the plans however, this does not form part of the current proposals. There is also space for an outdoor gym and play area with sandpit and various items of timber play equipment. The main paving material would be self-binding gravel and a safety surface around the play equipment. Cycle stands are also located at various positions on the site. An area that could contain picnic tables in the future has also been shown with rocks/ boulders also used to enhance visual interest. This is shown in figure 10 below.
- 3.12 Drawings have also been submitted showing the various road signs and road markings. This shows zebra crossings by the canoe club as stated above, close to the western car park and opposite the existing pedestrian bridge over the RMC providing a direct link to the new development and directly into the central park.

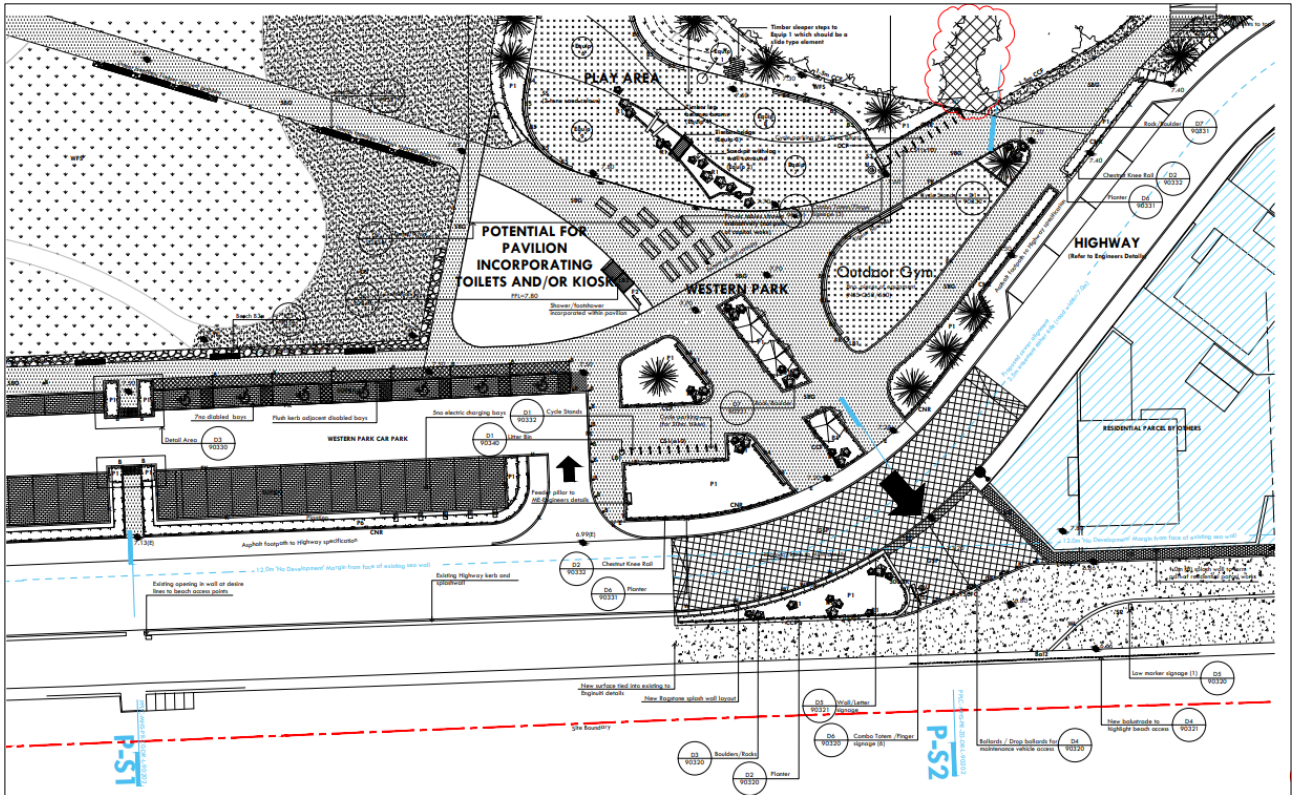


Figure 10: The western park open space and the access road.

3.13 It should also be noted there were several conditions imposed on the hybrid planning application Y17/1042/SH. Some of these conditions do not need to have details approved, however require that any subsequent reserved matters applications need to demonstrate that they have complied with these requirements. The application drawings have demonstrated that these requirements will be met by showing the required buffers marked on the drawings or in the case of surface water by the submitted reports. The conditions in question are as follows:

- Condition 7 - measures to prevent the surface water onto the highway.
- Condition 8 - retention of an 8 metre margin along the top of the southern bank of the RMC to be kept clear of obstruction to enable EA access.
- Condition 9 - a 1m high splash wall 11m from the existing splash wall and no buildings within 12m of the existing sea wall.
- Condition 11 - no buildings or tree planting within 3.5 metres either side of the centre line of either the existing, or any new, combined rising main.

3.14 The following reports were submitted by the applicant in support of this current application:

Landscape Design Statement – This document sets out the design rationale for the landscaping proposals which have considered site restraints such as the badger sets and the contamination across the wider site while still aiming to deliver a landscaping scheme that enhances the overall development. The document sets out proposals for the areas around the leisure centre, the Royal Military Canal Embankment and the promenade the open spaces which include the western and linear parks.

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Technical Note on the Surface Water Drainage Scheme – This document includes the 2017 Flood Risk Assessment as well as an updated Flood Risk Assessment and Surface Water Drainage Strategy dated September 2021. The report sets out how surface water will be dealt with and concludes that this would be sufficient to serve the development.

Outdoor Lighting Report and TR12 Lighting Report – Provides illuminance levels across the scheme. Its purpose is to inform the conclusion that lighting along the canal would be acceptable

Technical Note on Lighting – This provides clarification on the external lighting schemes and utilising modelling data. It concludes that the development lighting strategy will safeguard the night time environment and will not give rise to light pollution. Sensitive receptors such as foraging bats and nature designations have also been considered in the assessment.

Outline Planting Schedule – A contamination report has been submitted with the application. This provides an overview for the planting strategy that has been submitted to support the application. It demonstrates that a suitable mix for both ecological and visual amenity considerations would be delivered on site.

Designer's Risk Assessment – This identifies the main risk as striking utility services during excavation. It sets out mitigation measures such as the use of scanning equipment, hand excavation techniques, obtaining information from statutory undertakers and clearly mark underground surface routes at surface level in order to ensure the identified risks are mitigated.

## 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y17/1042/SH	Hybrid application accompanied by an Approved Environmental Statement for the development of land at Princes Parade, comprising an outline application (with all matters reserved) for up to 150 residential dwellings (Use Class C3), up to 1,270sqm of commercial uses including hotel use (Use Class C1), retail uses (Use Class A1) and / or restaurant/cafe uses (Use Class A3); hard and soft landscaped open spaces, including children's play facilities, surface parking for vehicles and bicycles, alterations to existing vehicular and pedestrian access and highway layout, site levelling and groundworks, and all necessary supporting infrastructure and services. Full application for a 2,961sqm leisure centre (Use Class D2), including associated parking, open spaces and children's play facility.
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21/1182/FH/CON	Approval of details pursuant to conditions 15, 16 & 17 of Y17/1042/SH	Approved
21/1209/FH	Formation of a new badger sett including associated earthworks	Approved

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**Hythe Town Council:** Object on the grounds that landscaping proposals are only provided for the west of the site not the east. The tram shelter is not shown. Issues raised include drainage, the water system, surface water, pollution, contamination, ecological and highway issues relating to its position of the road to the canal.

**Sandgate Parish Council:** Object. The application documents are confusing. Landscaping proposals are only provided for the west of the site not the east. The tram shelter is not shown. Issues raised include drainage, the water system, surface water, pollution, contamination, ecological and highway issues relating to its position of the road to the canal. Traffic concerns both during and after construction. Concerns regarding the turning circle for fire trucks. The new documents do not address their concerns. The western entrance to the green space through a car park and use of industrial materials/ gabion wall.

**KCC Ecology:** No objection. There is a need for confirmation on the type of wildflower mix to be planted within the wildflower meadow (in line with condition 17 approvals) and pine trees are shown which are not needed. However this is a decision that FHDC need to take. Management of this area must be addressed within the management plan to be submitted under condition 47. KCC acknowledge the badger sett will be surrounded by retained vegetation. Enhancements to the existing vegetation are likely to be native species that grow in this coastal location and planted at circa 6m into the existing vegetation around the top of the RMC embankment. 6m is deemed a balance as planting to the upper slope would minimize disturbance and maximize screening/buffering of development areas. Additional information has confirmed the vegetation surrounding the sett would be enhanced throughout the construction period.

**KCC Highways and Transportation:** No objections following the provision of additional supporting information relating to lighting strategy and discussions between the applicant and Kent County Council's Street Lighting Team.

**KCC Flood and Water Management:** No objections following additional information in relation to surface water provision.

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**KCC Archaeology:** No comments to make. It is unlikely that the proposed works will have a significant impact at this location.

**Natural England:** No comments to make.

**Environment Agency:** No objection subject to a condition regarding landscape and ecological management plans. They state that the ecological enhancements could have an unacceptable effect on the ecological value of the riparian habitats at this site. The Royal Military Canal is designated as a Local Wildlife Site (LWS). The ecological features, including scrubby hedgerows, ditches and semi-improved grazed grassland give a rich diversity to the site as a whole. A number of riparian plant species are identified as adding value to the LWS. Within the planning application, it is stated that the bank habitat will be cleared and re-established with native species. The ecological enhancements that have been proposed must adhere to the LWS citation and will require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment. They state that their arguments are supported by paragraphs 174 and 180 of the NPPF.

**Southern Water:** No objections but requires a formal application to divert any public sewer.

**Kent Fire and Rescue Service:** Highlight that they would require under the Building Regulations and at this stage a swept path plan has not been submitted. They acknowledge that access will be addressed at a later stage by the developer, however they wish the applicants to be aware that the Fire and Rescue Service will require emergency access.

**Contamination Consultant:** No objections providing the conditions in the outline are adhered to.

**Environmental Protection Specialist:** No comments to make.

**Historic England:** No objections. HE accept the applicant's assertion that the on-site heritage benefits proposed under this Reserved Matters application are constrained by ground contamination and ecological assets. Therefore, they do not object to the Reserved Matters application. However, they believe that the Reserved Matters application would provide very little public heritage benefit in comparison with the considerable harm to the scheduled monument that the development will cause, so considerably more enhancement should be required. HE do acknowledge that further public benefits are proposed to be delivered under Condition 32, which they believe is a satisfactory approach in the circumstances. They have made suggestions which include more extensive areas of rampart and the redoubt being cleared of vegetation, repaired and reconstructed than is shown on the drawing as far as Seabrook Lodge Bridge to enable a better view from the rampart over the low ground of the golf course, and the redoubt should be fully cleared of vegetation and repaired.

## Local Residents Comments

5.2 11 letters of objection have been received. I have read all of the letters received. Numerous objections refer to the principle of development which has already been established and cannot be reconsidered under a reserved matters application, as such the key issues as relevant to the current application are summarised below:

### Objections

- Part of a letter is missing relating to heritage.
- [Officer Comment: The letter in question is now available in full.]**
- Contamination and danger to people including through rainwater runoff.
  - Removal of badger sett should not have been done.
  - The plans should be withdrawn until solutions are found.
  - The plans are difficult to view online given their scale.
  - The 'Coastal Heritage Park' proposals should be as close as possible to the original military character of the canal with less planting and more hard landscaping.
  - Harm to the setting of the canal a Scheduled Monument.
  - More could be done to preserve the canals historic value.
  - Should liaise with Historic England and KCC Archeology.
  - Comments made on other applications still stand.
  - Proposed tree planting will not provide effective screening.
  - Not all trees are native species.

Hythe Civic Society – Has concerns that there are no landscaping details for the eastern part of the site, just the western.

CPRE Shepway – Object on the grounds of contamination and believes that the project should be reconsidered on the basis of updated information. The tram shelter should be retained and be repaired. They note ecological issues with such as the old badger sett that is being reused by the badgers.

Kent Wildlife Trust – Object. While the buffer to the badger sett is greater than the 8m minimum it is still considered to be insufficient due to the increase in recreational use and lighting. A 15m buffer and additional mitigation through updated management plans should be provided. Litter picks and dog bins will be needed. Protected species and habitats should also be protected and enhanced.

5.3 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 Places and Policies Local Plan 2020 and the Core Strategy Review 2022. (The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022. There is a period of six weeks during which any person aggrieved by the adoption may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004. This period will elapse on 11 May 2022.)

6.2 The relevant development plan policies are as follows:-

### Places and Policies Local Plan 2020

- Policy UA18 – Princes Parade, Hythe
- Policy HB1 – Quality Places Through Design
- Policy HB2 – Cohesive Design
- Policy T1 – Street Hierarchy and Site Layout
- Policy NE2 – Biodiversity
- Policy NE7 – Contaminated Land
- Policy NE9 – Development around the Coast
- Policy HE1 – Heritage Assets
- Policy HE2 – Archaeology

### Core Strategy Local Plan (2013)

- Policy DSD – Delivering Sustainable Development
- Policy SS1 – District Spatial Strategy
- Policy SS2 – Housing and the Economy Growth Strategy
- Policy SS3 – Place Shaping and Sustainable Settlements Strategy
- Policy SS5 – District Infrastructure Planning
- Policy CSD1 – Balanced Neighbourhoods for Shepway
- Policy CSD2 – District Residential Needs
- Policy CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation
- Policy CSD5 – Water and Coastal Environmental Management in Shepway
- Policy CSD7 – Hythe Strategy

### Core Strategy Review Submission draft (2019)

- Policy SS1 – District Spatial Strategy
- Policy SS2 – Housing and the Economy Growth Strategy
- Policy SS3 – Place Shaping and Sustainable Settlements Strategy
- Policy SS5 – District Infrastructure Planning
- Policy CSD1 – Balanced Neighbourhoods for Shepway
- Policy CSD2 – District Residential Needs
- Policy CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation
- Policy CSD5 – Water and Coastal Environmental Management in Shepway
- Policy CSD7 – Hythe Strategy

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



## Government Advice

### National Planning Policy Framework (NPPF) 2021

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:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 127 -130 – Achieving well designed places.

Paragraph 131 – Tree lined streets

Paragraph 174 - Conserving and enhancing the environment

Paragraph 180 – Mitigation and compensation for harm to biodiversity and habitats.

Paragraphs 183 & 184 – Development and contamination.

Paragraph 194 – Proposals affecting heritage assets

Paragraphs 199 – 205 – Considering potential impacts on heritage assets.

## 7. APPRAISAL

7.1 The principle of the overall development of this site and the relocation of Princes Parade has been established by the grant of the hybrid permission for development of the wider site and cannot be revisited during the consideration of this reserved matters application.

7.2 Given the above, the main considerations are the following issues:

- a) Requirements for Reserved Matters Applications
- b) Layout and scale
- c) Appearance and Landscaping
- d) Access and Drainage
- e) Impact on the Scheduled Monument
- f) Contamination
- g) Ecological implications
- h) Flood risk/maintenance of the RMC bank
- i) Other Issues

### **a) Requirements for Reserved Matters Applications**

7.3 The National Planning Practice Guidance (NPPG) sets out what considerations fall under each reserved matters within Article 2 of the Town & Country Planning (Development Management Procedure) (England) Order 2015. This report will detail each reserved matter before moving on to consider the other material considerations listed above.

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- 7.4 In respect of access, the NPPG explains this includes 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.
- 7.5 This is a particularly important consideration in the determination of this application as the majority of the works proposed are integral to this reserved matter. This application is accompanied by detailed drawings identifying the exact details of the construction of the new road, visibility splays, the connection to the existing road and details of an enlarged pedestrian and cycle parade as a result of the other works. These works are all as envisaged within the parameter plans set out within the hybrid planning application and are considered to be acceptable both in terms of an attractive welcoming design focussed on pedestrians and in terms of highway safety matters. KCC Highways, following extensive negotiations, have raised no objection to the proposals and consider the proposed road details to be adoptable. The proposed road and parade will encourage circulation through the site giving priority to pedestrians and linking to the linear park.
- 7.6 As such, the details in respect of access are as originally envisaged and are considered to be appropriate.

## **b) Layout and Scale**

- 7.7 The NPPG sets out for Layout and Scale that the following should be considered: the way in which buildings, routes and open spaces within the development are provided, situated or orientated in relation to each other and to buildings and spaces outside the development; the height, width and length of each building proposed within the development in relation to its surroundings.
- 7.8 In the case of this application, all that has been applied for is the infrastructure and landscaping for the site. No buildings have been applied for. In terms of the layout, the location of the realigned access road, widened promenade, western car park and the western park open space are located in positions as indicated in the outline planning application and as such comply with the approved parameter plans in respect of land use and access and circulation. The layout shows a widened pedestrian/cycle promenade running along the frontage of the site with the relocated Princes Parade highway to the rear of the site, closer to the RMC. The western perimeter of the site would be served by the Western Park open space with a 'destination' play space which links into the linear park that would run along the realigned Coast Road providing pedestrian access to the wider site. The eastern end of the site has full planning permission for the area around the leisure centre including the adjacent open space and details of the residential elements and central park are to be dealt with under a future reserved matters application. As such, the layout appears to provide an attractive and pedestrian friendly approach to a landscape and open space led development.
- 7.9 The layout also has been designed appropriately to ensure that matters considered in detail at the outline stage led relating to ecology, highway safety, impact on scheduled ancient monument, neighbouring amenity and visual amenity remain appropriately protected from any harm resulting from the development. These considerations are each discussed in further detail below. In terms of scale, the dimensions of the road are appropriate and meets the requirements of KCC Highways as are the proposed car parking spaces. The widened promenade would

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be of great benefit to the local area, existing and proposed residents and is of an acceptable scale. The scale of the open spaces being considered are in accordance with the local plan requirements as considered at the outline stage.

## c) Appearance and Landscaping

7.10 As well as matters relating to layout and scale the NPPG sets out the requirements in respect of Reserved Matters for appearance: the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

7.11 In terms of appearance the key elements of the proposal are the new access road and enhanced public realm. Currently Princes Parade is a standard construction tarmac highway with standard kerb stones with an adjoining footpath also constructed of tarmac. The pedestrian parade that abuts the beach is formed of a coloured tarmac or resin and bounded by concrete blocks. This application proposes to continue the use of the standard kerb stones intermingled with amphibian kerbs for amphibians to traverse around the road gullies along with the use of tarmac for the road surface.

7.12 With regards to landscaping, the NPPG requires consideration of how the land (other than buildings) is treated for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.

7.13 Policy HB1 states that planning permission should be granted where the proposal makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character.

7.14 It is not considered that the access road itself or the associated car parking, which follows the parameter plans approved under the hybrid planning permission would be visually harmful to the character and appearance of the area given that it would be eventually surrounded by build development and landscaping. It is considered that the landscaping proposed would suitably screen the areas of hardstanding from the canal and would also help soften the proposed road, buildings and other elements into the wider green landscape.

7.15 The landscaping proposals have been reviewed several times since first being submitted to ensure that they are acceptable both in terms of visual amenity and ecology. The type of paving and kerb details, hardstanding, boundary/ means of enclosure have been designed to match those in the surrounding area and as such are considered to be acceptable.

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- 7.16 The landscaping details have been carefully thought out to include a broad and diverse mix of planting that changes to ensure suitability to meet the different character areas within the site. The use of more formal gardens in the western park (close to the access road) which incorporate the destination play space and public seating areas offer a new formal, well designed public amenity offering that will benefit the surrounding area And draw visitors from outside of the immediate area providing further benefits.
- 7.17 The area in the north west of the site, surrounding the badger sett, is to be retained, adjacent to an area of cleared vegetation to better reveal the RMC. Areas of wildflower are also proposed in this location (including around the new badger sett) would also enhance the more natural character of this part of the application site.
- 7.18 Other areas such as closer to the proposed leisure centre include structural hedging and chestnut fences to both enhance and enclose to the new development. Additional planting between the proposed access road and the canal has also been proposed and would help provide a visual separation between the two which is welcomed. Various other elements of planting, boulders and seating have also been used to provide interest and add to the visual amenities of the area. Comments received in public consultation concerning a lack of planting in the east of the site as opposed to the west are noted. However, this was always envisaged to be the case as given the area to the west was planned to be open space and buffer zones for the badger setts whereas the east of the site was to be dominated by the leisure centre and the associated car parking. As such this is consistent with the parameter plans as approved under the hybrid application.
- 7.19 The landscaping scheme is considered to be comprehensive and would enhance the site and successfully deliver the vision for the site established at the hybrid application stage. As such the proposals are considered to meet the requirements of good place making and also respect the sensitive ecological nature of the site and as such are therefore considered to be acceptable.

## **d) Access and Drainage**

- 7.20As previously stated, the access road has been designed in a manner that was envisaged as part of the hybrid planning application. It is therefore acceptable as a matter of principle subject to the technical details being deemed acceptable to the Local Planning Authority, KCC Highways and Transportation and other statutory consultees.
- 7.21 The road has been the subject of ongoing discussions between the Local Planning Authority, KCC and the applicants, with additional information submitted during the course of the application. In terms of visibility and sightlines, the application is considered to be acceptable and has been assessed in accordance with the details submitted under this application, as well as the conditions approval submission application 21/2380/FH/CON, namely condition 12.
- 7.22 The details submitted have been assessed by KCC and have been found to be acceptable. Other details including, the road markings, signage, vehicle speeds and number and location of pedestrian crossing are also acceptable to Kent Highway Services. It is considered that the location of the zebra crossings at important locations

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along the road, including close to the western car park, from the existing bridge over the RMC and between the canoe club and the leisure centre are well thought out and would ensure that the development integrates well into its surroundings, guiding pedestrians to use a safe route. It is considered that the paths, roads and various individual access points would adequately serve the development and allow circulation and ease of movement around the development once completed.

- 7.23 The traffic calming measures such as the raised platforms and turns in the road, will also serve to control traffic flows and ensure safety of movement for those using the new access. KCC have raised no objections and officers are also content that the access road will be acceptable in terms of highway safety and provide the necessary infrastructure to support the scheme as it is built out. The linking to the existing road network is also considered to be acceptable and the enhanced promenade that will be created as a result of relocating the road is considered to greatly enhance the development and would be of great benefit to the wider area.
- 7.24 Kent Fire and Rescue Service originally asked for additional details demonstrating that a fire truck would be able to manoeuvre in a satisfactory manner to allow emergency services to access the development. The applicants are aware of this issue, however they have highlighted that these details will come forward once the residential parcels of land have been designed and submitted. Kent Fire and Rescue have acknowledged this, but have stressed the importance of providing the details at the relevant stage. That message has been communicated to the applicants.
- 7.25 It is also noted that condition 7 of the hybrid permission stated that the reserved matters should include details of measures to prevent the discharge of surface water onto the highway to prevent highway flooding and in the interests of highway safety. Details have been submitted for this application and for the approval of the corresponding surface water condition (31) from the hybrid planning permission. The submitted surface water drainage details are considered to have adequately addressed this issue and neither officers nor KCC have any objections to it.
- 7.26 Condition 11 of the hybrid permission stated that the reserved matters details shall show no buildings or new tree planting to be proposed within 3.5 metres either side of the centre line of either the existing, or any new, combined rising main to ensure that the new provision is protected. This has been achieved on the arrangement plans and as such this requirement has been fulfilled.
- 7.27 In terms of lighting, the scheme has been the subject of numerous discussions with all parties to ensure that it allows satisfactory illumination of the highway from a safety perspective whilst not causing harm to the ecology on site; the ecological issues are discussed in further detail below. From a highway safety point of view KCC Highways and Transportation have confirmed that they are satisfied that the scheme will provide an adequate level of lighting. As such, the lighting proposed is considered to be acceptable and would preserve highway safety and convenience.
- 7.28 The reserved matters application, is therefore considered to be acceptable in terms of means of access, layout, scale, appearance and landscaping and will be suitably landscaped to mitigate as far as possible to visual impacts that may arise.

## e) Impact on the Scheduled Monument

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- 7.29 The historical value of the RMC is due to it being a unique form of defence associated with the significant threat of Napoleonic invasion. The scheduled area includes adjoining features including the towpaths. Views between the canal and sea are currently interrupted due to the raised land levels from previous use of the wider Princes Parade site and the dense tall vegetation along the southern boundary of the canal tow path.
- 7.30 The proposed access road follows the indicative proposal put forward at outline, in close proximity to the new buildings onsite which would have a considerably greater impact than the access road itself. In the committee report to the hybrid application, it is acknowledged that there would be less than substantial harm to the setting of the Royal Military Canal. The harm caused relates to the understanding of the monument and the role it was built to play in the coastal defences against Napoleon. It has already been determined that the benefits of the proposal outweigh the harm caused, and this assessment does not seek to repeat the justification for that here.
- 7.31 Historic England objected to the hybrid application due to the harm arising from the proposal to the setting of the RMC. With regards to the current application, they believe that there are some public benefits which include a proposal to install interpretation signage that would enhance the experience of visitors and provide opportunities for learning about the RMC; and some increased views of, and access to, the RMC from public spaces in the development area. However they believe that the public benefit would be 'very little' compared to the previously identified harm.
- 7.32 Historic England have acknowledged that further enhancements can be considered under condition 32 (measures to improve/ enhance the RMC), which is considered by them to be an acceptable way to proceed.
- 7.33 The approach put forward by the applicants to mitigate harm to the setting of the RMC is considered to be a reasonable one and that further details on enhancements to the canal can be considered and be brought forward under a future conditions applications. As such, it is not considered that there will be any additional harmful impact on the Royal Military Canal as a result of the works proposed under this application, which was not previously identified and considered to be acceptable at outline stage.

## **g) Ecology**

- 7.34 The application has been submitted concurrently with application 21/2380/FH/CON for the approval of conditions. With regards to ecological issues, many of the comments and issues relevant under that conditions application are also relevant here given that there is an overlap between the approval of conditions, (particularly 15, 16, 17, 18, 26 and the forthcoming details for condition 47) and the reserved matters application. However, this section focusses on the matters that are concerned only with the specific issues relating to the reserved matters application. KCC Ecology have commented on the application and have not objected to the proposals, however the main point they have raised is in respect of planting around the badger sett.
- 7.35 They have commented that the type of wildflower mix needs to be confirmed and they consider that the deciduous/ pine trees that are shown on the plans are not required from an ecological point of view. However, they have not objected to this element and have stated that this is a decision for FHDC recognising other factors such as adding

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visual interest to the scheme need to be taken into consideration. KCC also stress that details of management of this area, will need to be submitted as part of condition 47 in due course.

- 7.36 The applicants, have clarified that the planting mix would contain 28 species of grass and wildflower and that depending on the eventual microclimate and conditions on site will dictate which species becomes dominant. They believe that a dominant coastal species mix will establish itself from the original mix and be supplemented by naturally colonizing indigenous species. This has been accepted by officers as it is not considered that a sustainable objection could be made to this approach, subject to appropriate management and monitoring which would be submitted under condition 47 as stated above.
- 7.37 In terms of the planting around the badger sett, KCC acknowledge that the sett will be surrounded by retained vegetation to try and minimise disturbance. They also state that enhancements are not fully illustrated on the current plans but are likely to be in the form of transplant planting of native species that are known to grow in this coastal location and planted at circa 6m into the existing vegetation around the top of the RMC embankment to achieve a balance between disturbance, enhancement, and screening.
- 7.38 The applicants have responded to this by stating that the embankment has existing vegetation retained and enhanced with new native tree/shrub planting and the linear park is to be grass and wildflower; there is no proposed scrub in that area. They explain that individual specimen trees on are not shown on SK16 but these are illustrated on the detail plans and are included in the scheme to enhance the appearance of an area. They consider that site is bounded to the north by unattractive scrub along the canal embankment, and to the south by a new road, therefore in providing tall planting species as part of the visual impact mitigation, this should help assimilate and buffer the development areas into the wider landscape setting when viewed from areas to the north.
- 7.39 This approach is considered to appropriately balance the competing planning considerations of the need to enhance bio-diversity and the need to ensure an attractive development with visual interest and given that KCC Ecology have not objected to the application, it is not considered to be a reason to refuse these details. As such it is not considered that the application would cause harm to any issues of noted ecological value or protected species. The approach taken by the applicants in terms of the planting issues raised by KCC Ecology are considered to be acceptable, however it is also noted that further details will need to be submitted under condition 47 in due course with regards to management plans.

## **h) Flood Risk/Maintenance of the RMC**

- 7.40 As the application is for the approval of reserved matters, flooding considerations have been previously considered at outline stage. The submission has not given rise to any additional concerns with regards to flooding.
- 7.41 The EA have not objected to the application on flooding grounds, but have requested management plans by condition. However this was included as part of the outline application so there is not considered to be a need to re-impose a similar condition

here which has been attached. This is considered to be acceptable and as such there are no objections to the application on the grounds of flooding.

## **i) Other issues**

7.42 The access road is considered to be a sufficient distance from any neighbouring properties not to harm any residential amenity. Issues such as noise and disturbance and traffic movements have already been considered by the hybrid application and were found to be acceptable.

7.43 Concerns with the principle of the wider development are not for consideration under this application.

## **Environmental Impact Assessment**

7.44 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations. This was considered as part of the hybrid application which was subject to an Environmental Statement.

## **Human Rights**

7.45 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**

7.46 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**



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7.47 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 This reserved matters application is for the provision of infrastructure and landscaping elements of the scheme to serve the future development for Princes Parade that already has a hybrid planning permission. It is considered that there would be no additional impacts in respect of the Scheduled Monument, ecology, highway safety or convenience, visual or residential amenity following on from the granting of the hybrid permission, and as such the application is considered to be acceptable.

## 9. BACKGROUND DOCUMENTS

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

## 10. RECOMMENDATIONS

**That delegated authority be given to the Chief Planning Officer to grant reserved matters approval subject to no additional issues being raised following the reconsultation on the amended description (as set out above), and delegated authority to:**

- A) Agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**
- B) Determine under delegated powers any subsequent conditions application that arise directly from this reserved matters application.**

### Conditions:

1. The development hereby permitted shall be carried out in complete accordance with the following plans and details:

PP 16 Landscape Design Statement (as amended by the drawings set out below)  
PPLC-MHS-LC-Z0-DR-L-90200 - Stage 4B Leisure Centre Landscape Sections 1 of 2\_P03

PPLC-MHS-LC-Z0-DR-L-90201 - Stage 4B Leisure Centre Landscape Sections 2 of 2\_P03

PPLC-MHS-OS-Z0-DR-L-90204 - Stage 4B RMC Landscape Sections 1 of 2\_P03

PPLC-MHS-OS-Z0-DR-L-90205 - Stage 4B RMC Landscape Sections 2 of 2\_P03

PPLC-MHS-PR-Z0-DR-L-90202 - Stage 4B Promenade Landscape Sections 1 of 2\_P03

PPLC-MHS-PR-Z0-DR-L-90203 - Stage 4B Promenade Landscape Sections 2 of 2\_P03

PPLC-MHS-ZZ-Z0-DR-L-90100 - Stage 4B General Arrangement Location Plan\_P05

PPLC-MHS-ZZ-Z0-DR-L-90101 - Stage 4B General Arrangement 01\_P07

PPLC-MHS-ZZ-Z0-DR-L-90102 - Stage 4B General Arrangement 02\_P09

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PPLC-MHS-ZZ-Z0-DR-L-90103 - Stage 4B General Arrangement 03\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90104 - Stage 4B General Arrangement 04\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90105 - Stage 4B General Arrangement 05\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90106 - Stage 4B General Arrangement 06\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90107 - Stage 4B General Arrangement 07\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90108 - Stage 4B General Arrangement 08\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90109 - Stage 4B General Arrangement 09\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90110 - Stage 4B General Arrangement 10\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90111 - Stage 4B General Arrangement 11\_P08  
PPLC-MHS-ZZ-Z0-DR-L-90112 - Stage 4B General Arrangement 12\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90113 - Stage 4B General Arrangement 13\_P07  
PPLC-SWE-RU-Z0-DR-90047-90048-Visibility Splays-0047 Rev: A  
PPLC-SWE-RU-Z0-DR-90047-90048-Visibility Splays-0048 Rev: B  
PPLC-SWE-RU-Z0-DR-90028 – Signs & Lines (Sheet 2 and 3) Rev: D  
PPLC-SWE-RU-Z0-DR-90029 – Signs & Lines (Sheet 2 and 3) Rev: C  
PPLC-SWE-RU-Z0-DR-90030 – Signs & Lines (Sheet 3 and 3) Rev: D  
PPLC-MHS-ZZ-Z0-DR-L-90400 - Stage 4B Planting Plan Location Plan\_P04  
PPLC-MHS-===-0-DR-L-90401 - Stage 4B Planting Plan 01\_P05  
PPLC-MHS-ZZ-Z0-DR-L-90402 - Stage 4B Planting Plan 02\_P04  
PPLC-MHS-ZZ-Z0-DR-L-90403 - Stage 4B Planting Plan 03\_P06  
PPLC-MHS-ZZ-Z0-DR-L-90404 - Stage 4B Planting Plan 04\_P04  
PPLC-MHS-ZZ-Z0-DR-L-90405 - Stage 4B Planting Plan 05\_P04  
PPLC-MHS-ZZ-Z0-DR-L-90406 - Stage 4B Planting Plan 06\_P04  
PPLC-MHS-ZZ-Z0-DR-L-90408 - Stage 4B Planting Plan 08\_P04  
PPLC-MHS-ZZ-Z0-DR-L-90410 - Stage 4B Planting Plan 10\_P04  
PPLC-MHS-ZZ-Z0-DR-L-90411 - Stage 4B Planting Plan 11\_P05  
PPLC-MHS-ZZ-Z0-DR-L-90412 - Stage 4B Planting Plan 12\_P04  
PPLC-MHS-ZZ-Z0-DR-L-90413 - Stage 4B Planting Plan 13\_P04  
PPLC-MHS-ZZ-Z0-DR-L-90414 - Stage 4B Planting Details 1\_P04  
PPLC-MHS-ZZ-Z0-DR-L-90415 - Stage 4B Planting Details 2\_P05  
PPLC-MHS-ZZ-Z0-R-L-90417 – Stage 4B Outline Planting Schedule P07  
PPLC-MHS-ZZ-Z0-R-L-90001 - Stage 4B Material Schedules\_P03  
PPLC-SWE-RU-Z0-DR-90009 – Drainage Layout (Sheet 1 of 3) Rev: C  
PPLC-SWE-RU-Z0-DR-90010 – Drainage Layout (Sheet 2 of 3) Rev: C  
PPLC-SWE-RU-Z0-DR-90011 – Drainage Layout (Sheet 3 of 3) Rev: C  
100228-JLD-S38-DR-1301 – Proposed Lighting Layout (Sheet 1 of 3) Rev: P02  
100228-JLD-S38-DR-1302 – Proposed Lighting Layout (Sheet 2 of 3) Rev: P02  
100228-JLD-S38-DR-1303 – Proposed Lighting Layout (Sheet 3 of 3) Rev: P02  
PPLC-SWE-RU-Z0-DR-90015 – Kerb & Pavement Layout (Sheet 1 of 3) Rev: D  
PPLC-SWE-RU-Z0-DR-90016 – Kerb & Pavement Layout (Sheet 2 of 3) Rev: C  
PPLC-SWE-RU-Z0-DR-90017 – Kerb & Pavement Layout (Sheet 3 of 3) Rev: D  
PPLC-SWE-RU-Z0-DR-90012 – Construction Details (Sheet 1 of 2) Rev: C  
PPLC-SWE-RU-Z0-DR-90013 – Construction Details (Sheet 2 of 2) Rev: C  
PPLC-SWE-RU-Z0-DR-90002 – General Arrangement (Sheet 1 of 3) Rev: C  
PPLC-SWE-RU-Z0-DR-90003 – General Arrangement (Sheet 2 of 3) Rev: C  
PPLC-SWE-RU-Z0-DR-90004 – General Arrangement (Sheet 3 of 3) Rev: C  
PPLC-SWE-RU-Z0-DR-90057 – Section 38 Overall Plan Rev: B  
100228-JLD-S38-DR-1401 – Electrical Schedule (Sheet 1 of 1) Rev: P02

Reports:

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Technical Note to address conditions dated 6 October 2021 by Herrington Consulting Ltd, Flood Risk Assessment and Surface Water Drainage Strategy dated September 2021 by Herrington Consultants Ltd, Flood Risk Assessment dated August 2017 by Herrington Consultants Ltd, letter dated 26.01.22 from Herrington Consulting Ltd to Kent County Council, Landscape Design Statement from Mark Hanton Studio dated 22.10.2021 Ref: Design Note 22.10.2021\_V3, email from Mr Bottomley dated 05.05.2022 providing additional information on the planting, Technical Note on Lighting date November 2021 from Elementa, Outdoor Lighting Report by Joseph Lighting dated 14 April 2022, TR12 Lighting Report by Joseph Lighting dated 14 April 2022 and letter dated 21.04.2022 from Lloyd Bore regarding the Lighting Impact Assessment.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

2. Prior to the western car park first being opened to the public, the electric vehicle charging points as shown on approved drawings, shall be installed in the locations shown and retained in working order in perpetuity.

Reason: In the interest of sustainable development and reducing carbon emissions.

3. Prior to the western open space first being opened to the public, details of the proposed design and materials of the play equipment, public seating, refuse bins and any other street furniture shall first be submitted to, for the written approval of, the Local Planning Authority and thereafter carried out as approved and retained.

Reason: To ensure that these areas are made available in the interests of the residential amenity of the area.

4. All hard and soft landscape works, including boundary treatment and replacement tree planting shall be carried out in accordance with the landscaping scheme hereby approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme first agreed in writing with the Local Planning Authority.

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

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

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

6. Notwithstanding the approved details, details of kerb details and materials shall be submitted to and approved in writing prior to works above the construction of the base of the access road taking place.