1. Y11/1132/SH  FOLKESTONE PRIMARY ACADEMY, PARK FARM ROAD, FOLKESTONE, KENT, CT19 5DN

Outline application for the construction of 130 dwellings (Class C3) following the demolition of the Folkestone Primary Academy (formerly Park Farm Primary School) inclusive of details of access, layout and scale.

2. Y11/1133/SH  FOLKESTONE ACADEMY, ACADEMY LANE, FOLKESTONE, KENT, CT19 5FP

Erection of 2 form entry Primary School following demolition of existing MUGA and cricket nets, erection of replacement MUGA and cricket nets, expansion of Folkestone Academy staff car park, together with associated landscaping, hardstandings, improvements to pedestrian access and the creation of a drop off area to Park Farm Road.

3. Y12/0071/SH  25 RADNOR CLIFF, FOLKESTONE, KENT, CT20 2JJ

Erection of two detached dwellings and associated parking, following removal of existing dwelling (resubmission of application Y11/0665/SH).

4. Y11/0812/SH  LAND REAR 27 VICTORIA ROAD, LITTLESTONE, KENT

Erection of 6 three-storey houses with upper floor set within the roofspace and integral car ports, and 2 two-storey houses with integral car ports, and formation of access road with vehicle turning area.

5. Y12/0011/SH  65 CANTERBURY ROAD, HAWKINGE, FOLKESTONE, KENT 7BP

Erection of detached house with upper floor set within roof space and garage/parking to rear (alternative scheme to that approved under planning permission Y09/0901/SH).
Application No: Y11/1132/SH

Location of Site: Folkestone Primary Academy, Park Farm Road, Folkestone, Kent, CT19 5DN

Development: Outline application for the construction of 130 dwellings (Class C3) following the demolition of the Folkestone Primary Academy (formerly Park Farm Primary School) inclusive of details of access, layout and scale.

Applicant: The Folkestone Academy
Academy Lane
Folkestone
Kent
CT19

Agent: Mr M Pearson
Guy Hollaway Architects LLP
The Tramway Stables Rampart Road
Hythe
Kent
CT21 5BG

Date Received: 20.12.12

Expiry Date: 16.03.12

Committee Date: 08.05.12

Officer Contact: Ben Geering

RECOMMENDATION:
1. That the application be referred to the Secretary of State to decide if he wishes to determine the application himself.

2. In the event that the S.O.S does not determine the application himself, that the Head of Planning Services be given delegated authority to grant planning permission subject to the completion of a satisfactory legal agreement to ensure that the development does not commence until the construction of the new Folkestone Primary Academy is substantially complete in accordance with planning permission Y11/1133/SH and to secure the provision of on site affordable housing and a clawback clause for developer contributions.

3. That the Head of Planning Services determine the conditions that the planning permission is subject to, having regard to the content of this report.
1.0 THE PROPOSAL

1.1 This report provides a detailed assessment of application Y11/1132/SH, which seeks outline planning permission for the residential redevelopment of the existing Folkestone Primary Academy school site (formerly known as Park Farm Primary School) for 130 dwellings, inclusive of details of access, layout and scale. Appearance and landscaping are therefore matters reserved for future approval.

1.2 This application has been submitted alongside application Y11/1133/SH, which seeks permission for the erection of a new Folkestone Primary Academy together with related facilities on land adjoining the Folkestone (secondary) Academy, approximately 550 metres to the northwest of the site. The construction of the new Folkestone Primary Academy has been estimated at a minimum of £6.2 million. It is the applicant's intention that the funding for the school is provided by Kent County Council, the Department for Education and the receipt from the sale of the existing school site for residential purposes. This leaves a funding gap of a minimum of £120k, to be provided by the Roger De Haan Charitable Trust. The applicant has proposed that all funds from the sale of the site are ring-fenced via a s106 legal agreement to be invested in the new Primary School. The applicant has confirmed that the deliverability of the primary school is financially dependant on the existing school site as enabling development and without the income generated from its sale the new primary school will not be deliverable.

1.3 In 2008 the Folkestone Academy merged with Park Farm Primary School to form an “All Age Academy.” At present the Primary Academy occupies the former Park Farm Primary School buildings, 500 metres to the south east of the main Academy building. The school is currently housed in two separate buildings, neither of which is considered fit for purpose. The smaller building currently houses five classrooms and was condemned in 2007. Doors and windows are ill fitting due to site subsidence. The shell of the building is lined with asbestos. The anticipated rebuild cost in 2007/2008 was £1million. The main building is also affected by subsidence and doors and windows are ill fitting. Although hinged, more than 50% of the windows do not open. The temperature in the building, which includes 8 classrooms and 3 halls can exceed 30c in the summer and drop below 10c in the winter, with limited shade and virtually no ventilation. The obsolete heating system is prone to frequent failure. The school roof also urgently needs resurfacing. The wider school grounds are also in poor condition, with pitches requiring re-turfing and the car park suffering from poor drainage. The ICT systems are considered obsolete and do not meet DfE standards. Parts of the school also require rewiring.

1.4 The proposed scheme comprises of:

New Build Outline:
2 x 1 bed flats (house type D)
6 x 2 bed flats (house type D)
34 x 2 bed terraced houses (house type C)
67 x 3 bed terraced houses (house type B)
21 x 4 bed semi detached houses (house type A)

Sub total = 130 units

1.5 The proposed overall density for the entire redevelopment of the school site (130 units, within 2.7 Ha) will be 48 dwellings per hectare. The layout of the scheme is such that the density of development is highest to the centre and north of the site, decreasing towards the western and southern boundaries with existing residential properties.

1.6 A site layout plan of the development is attached as Appendix 1 to this report. This revised layout follows reconsultation with neighbours and statutory groups and includes the following changes from that first submitted:

- Retention of 3 trees within the south west corner of the site and formation of an area of green open space, with footpath access through to Alder Road.
- Reorientation of properties to the Western side of the site to reduce any potential overlooking. The proposed build line has been pulled further in to the site (eastward) allowing a greater opportunity for boundary landscaping and increased distances between new and existing properties.
- Relocation of main entrance to the north and retention of existing Redwood tree.
- Enlargement of open space within the north-east of the site and removal of car parking spaces from the open space.
- Reduction in scale of development, development is now two storey across the site with the exception of the proposed apartment block which is 3 storeys.
- Change in mix of dwellings, reducing the number of 4 bed properties and increasing the number of 2 bed and 3 bed terraces, reducing the parking demand of the development.

1.7 In support of the application the following documents have been submitted:

Plans under consideration

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>09.10.05</td>
<td>Existing Site Plan</td>
</tr>
<tr>
<td>09.20.06B</td>
<td>Proposed Masterplan</td>
</tr>
<tr>
<td>09.10.10A</td>
<td>Proposed Masterplan landscaping</td>
</tr>
<tr>
<td>09.10.11A</td>
<td>Proposed Masterplan density/mix</td>
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<tr>
<td>09.10.12A</td>
<td>Proposed Masterplan highways</td>
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<tr>
<td>09.10.13A</td>
<td>Proposed Masterplan swept path analysis</td>
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<tr>
<td>09.10.14</td>
<td>Proposed Masterplan adoptable highway</td>
</tr>
<tr>
<td>09.10.30A</td>
<td>Site sections as proposed</td>
</tr>
</tbody>
</table>

Topographical survey 11-01-04 1, 2 and 3

Supporting documentation
Access

1.8 The proposal seeks to close the existing vehicular access to the south-eastern corner of the site (adjacent to Park Farm Cottage) and provide a new vehicular access 30 metres to the north, accessed via Park Farm Road. An emergency access is proposed further to the north, also accessed via Park Farm Road, providing pedestrian and cyclist access to the development. In addition to the above, further pedestrian and cyclist access is proposed to the southwestern corner of the site, directly accessing an existing footpath that exits at the corner of Alder Road and Lynwood. This footpath links up with routes through to nearby open and recreational space at Lower Radnor Park, Folkestone Sports Centre and Radnor Park, with Cheriton Road Sports Ground beyond to the west.

1.9 Following discussions with Kent Highways and the submission of further Transport Assessment work the application includes the following off site highway/transportation improvements to mitigate against the impact of the development –

- Improvements to the Churchill Avenue/Park Farm Road roundabout (Drawing Number 26010-001-005 Rev C)
- Improvements to the Park Farm Road/Radnor Park Road (A259) junction in the form of adjustments to the traffic light cycle times.
- Bus stop improvements consisting of:
  - New fully specced northbound stop adjacent to the existing primary school (raised kerb, clearway and shelter)
  - Full upgrade of the existing southbound stop adjacent to Downside (raised kerb and clearway).
  - New fully specced stops in Alder Road (raised kerbs and clearways).
  - New fully specced southbound bus stop on Park Farm Road (by Bookers) in the form of raised kerb and bus clearway and the existing northbound bus stop on Park Farm Road next to the junction with Barnfield Road in the form of a raised kerb and bus clearway.
Layout

1.10 The layout of the development has undergone considerable revision since the submission of the application, following responses from consultees and the officers. The street layout provides a central tree lined avenue, running principally horizontally (east to west and then west to east) through the site, following the line of Alder Road to the south. These two streets are designed with properties fronting directly on to the street. To each of the four corners of the main street raised surfaces are proposed, providing shared space and seeking to reduce traffic speeds and improve the pedestrian environment. Due to the awkward shape of the site a number of small 'homezones', with a selected architectural finish are proposed to be accessed from the main avenue, each serving between 9 and 15 properties.

1.11 The layout seeks to respond to the surrounding area and has a strong linear character. To the south of the site, 23 semi-detached properties (house types A and B), with joining garages replicate the east to west pattern of development of Alder Road. Along the western site boundary, and following amendments to the scheme, proposed buildings form a number of small terraces, orientated west to east so as to minimise the impact on existing properties within Linwood. The site is designed to be inward facing, with rear gardens to the northern and eastern properties backing on to the established boundaries of the site. To the centre of the site, a number of east–west orientated terraces are back to back, separated by rear gardens, whilst the entrance to the site leads on to a block of 8 flats and a curved terrace of properties, providing an identifiable entrance point to the development.

1.12 The development provides off street parking, on-street allocated spaces and on-street visitor parking. Interim Guidance Note 3 – Residential Parking sets out criteria by which Kent Highways assess residential parking. It is considered that the development falls within the "suburban" location for such purposes. The street layout seeks to ensure that adequate space for visitor parking is available, by designing such spaces in to the layout at certain locations. The breakdown of parking spaces proposed is as follows:

- House type A (4 bed semi) – 2 x allocated off street spaces (+ garage)  
- House type B (3 bed semi) – 2 x allocated off street spaces (including open car porch)  
- House type B (3 bed terraced) – 1 x allocated off street space  
- House type C (2 bed terraced) – 1 x allocated space  
- House type D (1 or 2 bed flat) 1 x allocated space  
- Visitor/overspill spaces – 29 unallocated on street spaces

1.13 The development includes the retention of a number of existing trees, incorporating these into areas of public open space within the site. These areas are provided to the north and south of the access from Park Farm Road, softening the impact of the development upon the street scene, to the south western corner where 3 trees are to be retained and to the north east of the site, where a designed public open space, incorporating play
equipment is proposed. The development includes the retention of the existing hedgerow running south to north along the western boundary and seeks to enhance the existing hedgerow to the eastern boundary with Park Farm Road.

1.14 The design approach for the layout seeks to replicate the philosophy and concept of ‘Manual for Streets’ and the Kent Design Guide, with a hierarchy of streets within the site. The 2 main east to west streets have a traditional tarmacadum finish, with raised kerb edgings and a separate pedestrian footway. Tree planting and on-street parking provides an avenue like quality. Accessed from this are a number of shared surfaced cul-de-sacs, with pedestrian priority. Finishes comprise of mixed road surfaces, flush kerbs, trees and planting and soft landscaping. Within the development the speed is to be restricted to a maximum 20 miles per hour (the restrictions may be greater in the homezone areas).

Scale

1.15 As previously stated in the report the development seeks to draw reference to the varying scales of surrounding development. Nearby properties to the south, southwest and east are generally two storey in height, whilst to the west there are a number of single storey bungalows.

1.16 Whilst the detailed design of the scheme is a matter reserved for future consideration the overall principles of urban design adopted are demonstrated within the masterplan and the design and access statement submitted with the application. A high quality residential development is sought, incorporating a range of dwelling types and heights appropriate to the locality. Each house also benefits from private rear gardens and the majority also with front gardens.

Landscaping

1.17 Whilst the proposal does not include detailed landscaping design as a consideration, landscaping forms an integral component of the layout of a development, particularly in proposals which seek to incorporate areas of shared space and homezones. Hard landscaping proposed includes the use of a variety of street surface treatments, and these are likely to include tegular paving, bonded gravel, brick pavours, tarmac and granite sets. The scheme incorporates significant areas of landscaping throughout the site and provides opportunity for informal and formal areas for children to play. Retention of a number of trees is also proposed, and these and other important specimens on site are to be subject to a tree preservation order (TPO).

2.0 LOCATION AND DESCRIPTION OF SITE

2.1 As stated in Section 1 of this report the application site consists of the Folkestone Primary Academy and its playing fields, as well as land currently used for Little Oaks nursery. The site is accessed via Park Farm Road to its
east. Adjoining the site to the south are two storey, semi detached properties on Alder Road, dating to the first half of the 20th Century. To the west is Lynwood, a housing estate of terraced properties dating from the mid 1960’s, mainly single storey in nature, with some properties (2-16) bordering the site of two storeys. To the north of the site is the Broadmeadow Care Home, two storey in height, of contemporary design and constructed in two phases between 2005 and 2010. Directly adjoining the northeast corner of the site, providing separation between Broadmeadow and the existing Little Oaks Nursery School is an area of woodland, the subject of a Tree Preservation order (no. 15 of 1998) which also extends to hedgerows along the far northern boundary of the site.

2.2 The site is of approximately 2.7 Hectares and is almost flat in nature, sloping gently downhill from northwest to southeast. The surrounding area is mainly residential to the south, west and due east, whilst to the north and north east are a mixture of industrial premises within the Park Farm Industrial Estate. A large area of the site is occupied by school buildings (1.9Ha), with the remainder forming the schools playing field (0.8Ha).

2.3 Park Farm Road is a significant road within Folkestone, providing access to the Park Farm Estate which includes a large number of businesses, retail and trade units as well as a large supermarket. The application site is well served by public transport and a short walk from Folkestone Central Station and within walking distance of the town centre and sporting facilities at Folkestone Sports Centre and Cheriton Road Sports Ground.

3.0 RELEVANT PLANNING HISTORY

3.1 The planning history for the site is extensive, largely relating to minor changes to the school buildings. Of more recent applications, the following are considered of relevance.

98/0605/SH
Outline application for the erection of 18 four bedroom detached houses with garages, and alterations to the existing access to Park Farm Primary School

This application; which was located on land to the north of the current application site was refused due to the loss of undeveloped land, trees and shrubs (now protected by TPO 15 of 1998), the harm to the visual amenity of the area and the concern that the land may be required for future educational purposes.

Y01/1124/SH
Outline application for the erection of 9 dwellings and alteration to existing access road off Park Farm Road to provide a dropping off area for pupils of the primary and nursery schools.

This application, submitted following the previous refusal, sought to build 9 houses and a drop off area for the school within land behind the Little Oaks nursery. Planning permission was refused due to the loss of open space
with future recreational potential, the loss of trees the subject of a TPO, harming the visual character of the area and creating a conflicted drop off space that would encourage unsustainable methods of travel.

**Y06/1375/SH**
Consultation in respect of erection of six new classrooms and associated WC and resource space including external landscaping.

No objection. (This permission was not implemented by KCC).

### 4.0 CONSULTATION RESPONSES

#### 4.1 Folkestone Town Council –

**Amended plans**
The Town Council feels this is an improvement to the original scheme but still objects on the ground that:

1. The increased traffic caused by the new estate of 130 homes will put more pressure on the top and bottom of Park Farm Road. The Kingsmead junction near McDonalds is particularly bad and may need an improvement or widening as a result of the increased traffic caused by the estate.
2. The committee is still concerned about the density and that the affordable housing should be greater than 8 out of 130 units. The later is an exceptionally low number, the amended scheme appears to be silent on this.

**Initial comments**
The committee objects on the following grounds:

1. The development is too dense and close to the surrounding less cramped houses in Alder Road and Lynwood, and to the many large and fine boundary trees and hedges. On the Lynwood side especially, 20-40m from window to window is much too close.

2. On the Alder Road and Park Farm Road side the new homes are too close to the existing trees and if approved that root of 15 or more large trees are visible from the public highway, provide a good screen for existing houses especially in Alder Road should be preserved.

3. The committee is concerned about run-off drainage problems with the increased hard surfacing. It has heard reports of run-off flooding already being a problem in the south west corner.

4. The committee feels that 8 dwellings out of 130 is an inadequate number of affordable homes and that this group should not be allowed to flout the normal rules because of the school project.
5. The three bedroom terrace houses marked as C have an inadequate proportion of the common car parking in their sector of the estate.

6. The increased traffic caused by the new estate may put more pressure on the top and bottom of Park Farm Road. The Kingsmead junction near McDonalds is particularly bad and may need an improvement or widening as a result of the increasing traffic caused by the estate.

7. The footprint between Alder Road and the development should be improved and lighting provided as it is dangerous at the moment and will be busier.

Voting: For: 5 Against: 0 Abstentions: 0

4.2 Kent Highways –

Amended Plans
Thank you for the consultation on the above planning application. I now have no objections to the proposals in respect of highway matters subject to the following conditions being attached to any permission granted:-

1 During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading and turning on the site.

2 Prior to the works commencing on site details of parking for site personnel/operatives/ visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

3 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

4 As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

5 The area shown on the submitted layout as vehicle parking spaces shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the dwellings are occupied, and shall be retained for the use of the occupiers of, and visitors to, the dwellings, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on
that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

6 The area shown on the approved plan as vehicle turning space, shall be paved and drained to the satisfaction of the Local Planning Authority before the dwellings are occupied and shall be retained for the use of the occupiers of, and visitors to, the dwellings, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

7 No dwelling shall be occupied until space has been laid out within the site for cycles to be parked (at a rate of 1 space per bedroom).

8 The access details shown on the approved plans shall be completed to the satisfaction of the Local Planning Authority prior the occupation of any dwellings hereby approved, and the access shall thereafter be maintained.

9 Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:

(A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
(B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

   (1) highway drainage, including off-site works,
   (2) junction visibility splays,
   (3) street lighting, street nameplates and highway structures if any.

10 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan have been provided with no obstruction to visibility at or above a height of 0.6m above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

11 The development hereby permitted shall not be occupied until the improvements to the Churchill Avenue / Park Farm Road roundabout (Drawing Number 26010-001-005 Revision C) have been completed and approved in writing by the Local Highway Authority.

12 The development hereby permitted shall not be occupied until the improvements to the Park Farm Road/Radnor Park Road (A259) junction in the form of adjustments to the cycle times have been agreed in writing with the Local Highway Authority.

13 The development hereby permitted shall not be occupied until the following bus stop improvements are made:
1) New fully specced northbound stop adjacent to the existing primary school (raised kerb, clearway and shelter)
2) Full upgrade of the existing southbound stop adjacent to Downside (raised kerb and clearway)
3) New fully specced stops in Alder Road (raised kerb and clearways)

14 Notes:-
There is a need for a condition requiring detailed information about the surface treatment for the shared surfaces including the ramps up to the shared tables.

15 Notes:-
There is a need for a condition removing permitted development rights for the installation of garage doors on the car ports. This is to ensure that the car ports are used for the parking of motor vehicles and not for storage of household equipment.

16 Notes:-
Please advise the applicant that the proposed estate roads will be subject to a Section 38 Highway Agreement with the Highway Authority.

Initial comments (summarised)
Thank you for the consultation on the above planning application. Whilst I have objections to the current proposals in respect of highway matters it may be possible to overcome those objections if the following amendments were made:

General
1. The application fails to take account of how the development could improve the cycling network in Folkestone. There is currently a cycle route that runs north from the existing school site up to Bookers cash and carry store. The application should therefore explore what improvements can be made to the cycling network in the vicinity of the application site.

Transport Assessment
1. Various detailed points are made with regard to information in the applicant’s Transport Assessment.

2. Further thought should be put to the provision of a new (additional) access for the primary school from Park Farm Road, possibly by upgrading the existing pedestrian access.

3. Mitigation measures will need to be put forward by the applicant for both the Radnor Park Road (A259)/Park Farm Road junctions and the
Churchill Avenue (A259)/Park Farm Road in order to mitigate the impact of the development on these junctions in future years.

**Travel Plan**

1. Various detailed points are made with regard to the submitted Travel Plan relating to targets and sanctions.

**Layout**

1. Detailed plans at 1:200 scale should be submitted showing dimensions, visibility splays, footways, shared surfaces, speed restraint measures, extent of adoptable highway, etc. to demonstrate that the layout accords with Kent Design and Manual for Streets.

2. Two vehicular access/egress points should be provided to assist in distributing traffic and provide easier access/egress for all vehicles.

3. The bend in the southern access is too close to the junction with Park Farm Road and will create difficulties for vehicles manoeuvring past each other.

4. A pedestrian connection should preferably also be made to the west of the site to provide connections to the nearest bus stops and the existing Folkestone Academy.

**Parking**

1. Garages will not be counted as vehicle parking spaces but can therefore be considered to provide cycle parking.

2. The number of parking spaces in the rear court of the apartments is acceptable, however; residents and visitors are likely to park within the 'shared surface' at the front of the building as it will be more convenient. This likely scenario therefore needs to be designed in or out of the scheme.

3. Some of the proposed policy arrangements are inappropriate and need reconsidering.

4. Car parking spaces need to be of the correct dimensions.

**4.3 Environmental Health Officer** –

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.
2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

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

(ii) An assessment of the potential risks to:
- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Ground waters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments; and

(iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

Noise Report

An acoustic report has been submitted with the application, which provides details of the PPG 24 noise survey undertaken for the new housing. The results show that the houses closest to Park Farm Road, fall into Noise Exposure Category ‘B’, for both day and night time periods. This requires noise to be taken into account when considering the design of the buildings and gardens.

Mitigation measures for double glazing and ventilation were proposed in the report and these follow guidance set out in BS 8233: 1999, ‘Sound Insulation and noise reduction for buildings – Code of Practice’.

It is recommended that these mitigation measures are made part of any planning conditions, should permission be granted.

In respect of outdoor garden areas WHO Community Noise Guideline Values recommend noise levels do not exceed a value of 55 dB $L_{Aeq}$ 16 hrs to prevent serious annoyance, daytime and evening. The report recommends the specification for this fence and also details of where it should be erected in figure 2.

It is recommended that the proposed mitigation measures for garden areas are also made part of any planning conditions should permission be granted.

4.4 Arboriculture Manager –

Amended Plans
No objection – conditions awaited
Initial comments
I would like to make the following comments following our site visit last week.

- The pre-development tree report does not accurately reflect the condition or importance of the tree stock. Whilst I agree in the main that it will not be possible to retain the majority of the trees currently present, I do think that a number of visually important specimens should be retained (the Redwood for instance T29) while others which have been recognised in the report for their rarity are not in fact rare and have been mis-identified (Turkey Oak has been identified as a ‘Turners Oak T12) and could indeed be considered for removal in order to retain the more dominant specimens.
- Given the size of the site there is huge potential for the group of trees numbered 15, 16 and 17 to be retained. Again, the tree report records significant structural defects in a number of these trees which is simply not the case and, therefore, it is very difficult to justify their removal.
- The proposal to retain the coniferous (Thuja) hedgerow which runs along the boundary of the site parallel with Park Farm Road should be reconsidered. The presence of the conifers would significantly restrict the useable space of the rear gardens of the properties proposed for this part of the site. An already established hedgerow comprising of Hornbeam and Privet exists along this boundary and it is my opinion that the removal of the conifers would allow this hedgerow to thrive and in turn be managed as a more appropriate screen. Extensive management of the coniferous hedgerow would be required if they were to be retained which would leave them disfigured and render them with little visual amenity value.
- Of all the trees present, I consider that only five could be reasonably retained (T15, 16, 17 9 and the small Maple adjacent and T29). I would like to see a TPO on these trees and the scheme altered to incorporate them within the design.

The large mature tree at Little Oaks Nursery is an Acer not an Oak as I wrongly suggested. As a result of this, I am not going to argue for its retention within the proposed scheme and would suggest that we go with the architect’s idea of planting some semi mature trees within the proposed open space.

4.5 Veolia Water –
In order to determine whether a water supply will be available to service this development, the applicant or developer is advised to contact Veolia Water Southeast via our Developer Services unit at Atkins Ltd in order to initiate a Water Capacity Check. Veolia Water Southeast subsequently require a formal application for connection and on-site mains to be made by the applicant or developer via Atkins Ltd. We request that should this application receive planning approval, the following informative be attached:
"A formal application for connection to the water supply is required in order to service this development. To initiate a Water capacity check, please contact Atkins Ltd.

The second informative provides for where the local capacity in the network may be inadequate to service the proposed development. Additional off-site mains, or improvements to existing mains, may be required to provide sufficient capacity to service the development. Section 41 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure may be requested (by the developer) and provided to supply a specific site.

"A formal application to requisition water infrastructure may be required in order to service this development. Please contact Atkins Ltd.

If permission is granted for this application we request a condition is attached requiring the developer to agree with this company, prior to commencement of the development, all necessary works and charges, including the preparation and completion of any legal agreements, associated with the provision of a potable water supply. We would be grateful if you could direct any developer to the "For business" Section on our website www.veoliawater.co.uk/southeast for all information associated with a new development in our water supply area.

4.6 Southern Water –

Following initial investigations, there is currently inadequate capacity in the local framework to provide foul and surface water sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result.

The public sewer is a combined system, receiving both foul and surface water flows, and no flows greater than currently received can be accommodated in this system. However, it is possible that by removing some of the surface water entering the sewer additional flows could be accommodated, i.e. no net increase in flows.

If the applicant wishes to investigate this option, the applicant will be required to provide Southern Water with a topographical site survey and/or a CCTV survey. The survey should show the existing roof, drive and highway areas draining to the sewer and their connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing flows received by the sewer.

As an alternative to the above, additional off-site sewers, or improvements to existing sewers can be provided to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain a specific location.
Southern Water requires a formal application for a connection to the public sewer. The applicant is advised to contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel. 01962 858688), or www.southernwater.co.uk.

This initial assessment does not prejudice any future assessment of commit to any adoption agreements under Section 104 of the Water Industry Act 1991.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Southern Water's current sewerage records do not show any public sewers to be crossing the above site. However, due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (tel. 01962 858688).

4.7 UK Power Networks – No objections.

4.8 Environment Agency – Awaiting amended comments

Initial comments

We object to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

There are three strands to this objection. These are that:

- We consider the level of risk posed by this proposal to be unacceptable.
- The application fails to provide assurance that the risk of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. Planning Policy 23: Planning and Pollution Control (PPS23) takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.
• Under PPS23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Reason:
The site lies in an area where the groundwater is vulnerable to pollution. The previous use of the site may have resulted in contamination (e.g., from heating fuel facilities) which could pollute the groundwater during development. A desk study is, therefore, required prior to determination to assess if there is any risk.

4.9 Natural England –
Our comments in relation to this proposal are contained in the following sections.

Statutory Nature Conservation Sites
We have checked our records and based on the information provided, we can confirm that the application site lies close to habitats which form part of the Folkestone to Etchinghill Escarpment Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) along with Folkestone Warren SSSI.

This reply gives our advice on the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010.

Natural England has no objection to the proposed development. It is our view that, either alone or in combination with other plans or projects, this proposal would not be likely to have a significant effect on the above site(s) and the permission may be granted (subject to other planning considerations) under the terms of the Conservation of Habitats and Species Regulations.

Landscape Impacts
Natural England has considered the landscape and visual impacts of this proposal and concluded that this application does not meet our criteria for involvement with casework. We would stress that this should not necessarily be taken to indicate that the effects on landscape and visual amenity are appropriate, but are a matter for the Local Planning Authority to consider.

Protected Species
If representations from other parties highlight the possible presence, or the Council is aware of a protected or Biodiversity Action Plan (BAP) species on the site, the Council should request survey information from the applicant before determining the application. Paragraph 98 and 99 of ODPM Circular 06/2005 and paragraph 16 of Planning Policy Statement 9 provide information on BAP and protected species and their consideration in the planning system.
We would draw the Council’s attention to our protected species standing advice, which provides guidance on when protected species may be impacted by a proposal.

**Biodiversity Enhancements**
This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The Council should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

4.10 **KCC Planning (Archaeology)** –
Thank you for your letter consulting us on the above planning application. I apologise for the delay in responding and I hope that my views can still be considered. The application site lies in an area of archaeological potential associated with past discoveries of prehistoric and Romano-British finds in the area. These include a Bronze Age beaker found some 270m to the north and prehistoric flint tools found some 310m to the south. Romano-British pottery is known some 200m to the west, with further finds of Roman pottery found further to the west. A medieval moated site (now built over) is also recorded close to the primary school site on the opposite side of Park Farm Road.

It is possible that the proposed development will affect archaeological remains. I therefore recommend that provision is made in any forthcoming planning consent for a programme of archaeological works. The following planning condition covers what would be required.

**AR1**: No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

4.11 **Sport England** –

Additional Information Response – Awaited
Initial comments

As the two applications are linked, Sport England will assess them jointly in this letter.

Playing Fields Policy

It is understood that the development is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or is on land that forms part of, or constitutes a playing field, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (SI 2010/2184) Schedule 5. Sport England responds to this application as a statutory consultee on the basis that the land has been used as a playing field at any time in the last five years and remains undeveloped; or has been allocated for use as a playing field in a development plan; or involves replacement of the grass surface of a playing pitch on a playing field with an artificial surface.

Sport England has therefore considered the applications in the light of its playing fields policy. Sport England's adopted Playing Fields Policy, 'A Sporting Future for the Playing Fields of England (1996)', sets out a policy presumption against development that would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area (whether the land is in public, private or educational use). This policy objective is also embodied within ‘Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation'.

Sport England will, therefore, oppose development on playing fields in all but exceptional circumstances. These exceptional circumstances are where, in the judgment of Sport England:

E1 - A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields
of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment.

The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that;

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.”

Reason:
Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

The Proposal
Application reference Y11/1132/SH proposes the redevelopment of the whole of the existing Park Farm Primary School site for 130 residential dwellings. The Park Farm School will be relocated to the Folkestone Academy site as part of application reference Y11/1133/SH. The redevelopment of the Park Farm School site for housing is ‘enabling development’, in that proceeds from the sale of this land for housing are intended to fund the proposed works at Folkestone Academy.

For Park Farm School to be relocated onto the site of the existing Folkestone Academy, a new educational wing will be constructed on an area of existing playing field land. This land currently accommodates a Multi-Use Games Area (MUGA) and cricket nets. Application Y11/1133/SH proposes for the MUGA and cricket nets to be repositioned, located on current playing field land further south of their existing location.

The proposals across both sites result in three main playing field losses:

The loss of playing field associated with the new education block
The loss of playing field associated with the repositioned MUGA and cricket nets
The loss of playing field land at Park Farm School
Y11/1132/SH Assessment

The Park Farm School site currently accommodates one junior football pitch. As such, to accord with Sport England's playing field policy it must meet one of Sport England's five exception policies. No formal playing field land is to be either retained or provided as part of the scheme and no S106 contributions are proposed to be made towards the provision of playing field land or built sports facilities elsewhere. Application Y11/1132/SH therefore only has the scope to meet exception policy E1:

E1 - A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport."

Shepway District Council published a Playing Pitch Strategy (PPS) update in July 2011. This assessment is key in understanding whether there is an excess of playing field provision and any scope for application Y11/1132/SH to accord with exception E1.

For information, the Park Farm School site is located in the Folkestone Park ward and the nearby Cheriton Road Sports Ground is located in the Folkestone Cheriton ward. Although, Sport England notes that both wards are within close proximity to each other.

The Playing Pitch Strategy states that the Folkestone Cheriton ward currently has a shortfall in adult football pitches on a Saturday and junior football pitches on a Sunday. Within the Folkestone Park ward there is currently a shortfall in junior football pitches on a Sunday, mini-soccer on a Sunday, junior cricket pitches on a Saturday and midweek, and junior hockey pitches on a Saturday.

The Playing Pitch Analysis submitted in support of both planning applications states that these shortfalls will be addressed by the completion of the Cheriton Road Sports Ground refurbishment and expansion. However, the PPS does not draw this same conclusion. The forecasted 2016 playing pitch model figures within the PPS still show a deficit of pitches in both the Folkestone Cheriton and Folkestone Park wards. It is unclear whether the updated PPS includes the Cheriton Road Sports Ground refurbishment and expansion. Sport England therefore seeks clarification from Shepway DC on this matter. In addition, we request copies of the relevant PPS appendices.

However, it is clear that the PPS prioritises the protection and upgrading of existing facilities. It states:

*all providers in the public, voluntary, commercial and education sectors should strive to protect existing areas of playing pitch land and open space and maximise their potential.*
It also states:

*Providers should seek to retain a degree of spare capacity of pitches*

The PPS therefore does not support the redevelopment or loss of any playing field land and therefore does not conclude that there is an excess of playing field provision within the catchment.

In light of the above, Sport England objects to the proposal because it is not considered to accord with exception E1 or any other of the exceptions in Sport England’s playing fields policy.

4.12 Mouchel, on behalf of KCC –

Following the KCC review with Shepway Council of their Core Strategy housing numbers, the KCC have re-run their contribution assessment for this site.

The contributions arising have, therefore, been revised from our initial letter dated 25 January 2012 and I set out below the revised contribution sums and attach the relevant calculations.

**Primary Education**

On the assumption and advice now received from Shepway Council that the new primary school site in Folkestone will be delivered at no cost to the County Council and based upon the Core Strategy housing numbers, this contribution has been amended to build costs only apportioned to the 130 new homes arising from the above proposal. The primary contribution is now £145,821.88. Trevor Minter has confirmed that the new Folkestone Primary Academy will not be expanded to accommodate the pupils arising from its own enabling development.

**Secondary Education**

Now no current requirement.

**Libraries:** the contribution now arising is £8719.10.

**Community Learning:** £2918.50

**Social Services:** £14,256.86

5.0 PUBLICITY


5.2 Site Notice. Expiry date 17.01.12.

5.3 Press Notice. Expiry date 19.01.12.
6.0 REPRESENTATIONS

6.1 16 letters/emails received objecting to the scheme as originally submitted, including one letter with 2 signatures, one with 8 signatures and one with 17 signatures on the following grounds:

- The height of the proposed buildings (two or even three storey) would have an overbearing impact on the bungalows within Linwood. Housing back to back with those in Lynwood is not acceptable.
- The height of the proposed buildings would overshadow our properties and invade our privacy.
- The height of the proposed buildings would cut out light to our properties.
- Loss of openness and views over the downs.
- Increased risk of flooding by taking away natural soakaway (the field). The geology of the area is Gault Clay – an impermeable layer than results in waterlogged conditions.
- We would be concerned to see walkways connecting through to Linwood, where many elderly people live.
- Land is greenfield in nature, forming a corridor of relief between extensive domestic and commercial developments.
- Other applications at this site have been refused, both in 1998 and 2002 contrary to policy LR12 which seeks to protect open spaces of amenity value such as this. Government advice also seeks to protect playing fields.
- We understood that the De Haan Charitable Trust was born to put life back in to Folkestone, not to destroy little pockets of tranquillity which enhance lifestyles.
- The proposal will devalue properties in Lynwood and Alder Road.
- Mature trees within the site should be retained.
- The site would be better used to accommodate Highview and Foxwood Schools as has been previously suggested. Many neighbours support this use. If the adjacent former Channel School site is used for these schools there will be even more congestion.
- The development will lead to traffic congestion on Park Farm Road, especially with vehicles queuing to access the 1 entrance to the development.
- Development should not be approved on the site until the Core Strategy has been agreed; it is premature to do so.
- The three storey development proposed to the north of Alder Road would have a major impact on the privacy of these houses.
- The site is identified in the SHLAA for 118 units. How does the overdevelopment of this land reflect form and character of the area?
- Planners and Council Members must take in to account the need to make the right decision for this part of Folkestone and not be swayed by the need to maximise the land value to fund the Primary School at the expense of the local area.
- Is the car parking proposed sufficient to meet the needs of the development, particularly terraced houses and apartments? Will this result in more parking congestion on Alder Road and Park Farm Road?
• The tree report supplied with the application does not sufficiently assess the proposal. The Council should make their own recommendations and ensure more adequate landscaping is provided to the southern and western boundaries, to be paid for by the developers.

• Has sufficient consideration of other funding sources been investigated? What happens if the £3m of funding needed is not realised?

• In deciding to purchase our property in Alder Road we researched the Local Plan and identified that policy LR12 provided some degree of protection as recreational/educational land available to future generations. This was a key decision in purchasing our property. If approved the proposal would result in a net loss of open play/sporting space for the future.

• There are no plans to increase the number of school spaces or other resources in the area to accommodate the extra 130 families at the proposed development. Existing families may miss out on a school place at the Folkestone Primary Academy because of this development. There are no plans to improve the local infrastructure to accommodate the additional traffic along Park Farm Road and Linksway.

• Greater consideration needs to be given to protect the local environment and quality of life for the long term, from a development that is merely a financial solution to the short term economic situation.

• I am disappointed and concerned that Little Oaks will not be provided for in this application. The provision being made at the Academy for early years would not nearly cover the hours which parents need. Little Oaks is an excellent nursery which has just received ‘Outstanding’ from Ofsted and operates 51 weeks of the year, between 8am -6pm. It will be a loss to the community if it cannot find suitable alternative accommodation. Please do not let this vital asset slip through Shepway’s fingers.

• S106 funding should be provided to improve cycling infrastructure, increasing the number of children cycling to school. A uniform 20mph speed limit should be applied across the development and a cut through to Alder Road in the south west corner for pedestrians and cyclists.

Following the initial consultation with neighbours and statutory bodies Amendments to the scheme were sought by the Planning Officer. Reconsultation letters were sent to neighbours on the 20th March, requiring further comments before the 10th April. A list of the changes made are set out in paragraph 1.6 of the report.

The following 4 comments have been received in response to the reconsultation.

• The NPPF requires developments to be sustainable. Several factors in this application require further work to be sustainable.

• Flood risk, as well as water shortage remains an issue. As many services as possible should be permeable, whilst as much water as possible should be able to be soaked in to the soil to maintain groundwater levels, where possible boreholes should be sunk through the gault clay to further reduce run off in to the sewers and pent stream.
• The revised plan reduces the number of parking spaces available, particularly to 3 bed units, whereby some 3 bed units now only have 1 allocated space. This is inadequate and unsustainable.
• We (SPOKES) would like to point out that the revised layout provides opportunity for a further cycle and pedestrian link through to Lynwood to the west. This would greatly improve the permeability of the development.

7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply:
SD1, HO1, HO4, HO11, LR10, LR12, BE1, BE11, U1a, U7, SC1, TR5, TR6, TR11, TR12,

7.3 The following policies of the Shepway Core Strategy Submission Document July 2011 apply:
SS1, SS2, SS5, CSD4,

7.4 The following Supplementary Planning Documents and Government Guidance apply:
National Planning Policy Framework (NPPF)
Technical Guidance to the NPPF
Policy Statement – Planning for Schools Development
A sporting future for the playing fields of England
Kent Design Guide
Manual for Streets
Shepway - A Playing Pitch Strategy Update July 2011
Shepway - Open Space Audit 2010

8.0 APPRAISAL

8.1 Councillors should be aware that the current application has been submitted alongside application Y11/1133/SH which seeks planning permission for the erection of a two form entry primary school, together with associated works at the Folkestone Academy. This application (Y11/1132/SH) has been submitted as enabling development for the primary school, forming a significant proportion of its funding.

General principles

8.2 The National Planning Policy Framework (NPPF, para. 72) sets out the Government’s planning policies for England and how these are expected to be applied, replacing a large number of Planning Policy Statements and
Planning Policy Guidance, amassed over the last 20 years. The NPPF is a material consideration in determining planning applications. Central to the NPPF is a presumption in favour of sustainable development, for decision taking this means:

- Approving development that accords with the development plan without delay.
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within this framework taken as a whole, or
  - Specific policies in this Framework indicate development should be restricted.

**Schools development**

8.3 The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

8.4 The Government have also recently released a new policy statement “planning for schools development” setting out the role of the planning system in delivering new state funded primary schools. In summary this document seeks to ensure that the planning system operates in a positive manner when dealing with applications for the creation, expansion and alteration of state-funded schools, with the following principles applying with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.
- Local authorities should make full use of their planning powers to support state-funded schools applications.
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.
- Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.
Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.

- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

8.5 This national guidance applies both to the application for the replacement Folkestone Primary Academy Primary school and this current application which is seeking enabling development for housing on the existing Primary School site.

8.6 In addition to the above, The Council has now submitted its Core Strategy to the Planning Inspectorate, with the Examination in Public due to take place at the beginning of May. As such the policies within the Core Strategy are now a material consideration in determining the planning application (albeit of limited ‘weight’ at this stage) constituting emerging ‘local plan’ policy for the District. The listed Core Strategy policies seek to ensure appropriate infrastructure is provided to meet the needs of the districts population and development and ensure that green infrastructure, open space, recreation and sports facilities are improved.

Protection of Playing Fields and Open Space.

8.7 The application site (2.7 Ha in area) is currently used as a primary school and is located within the settlement boundary of Folkestone and constitutes approximately 70% (1.9Ha) previously developed land (existing school buildings and areas of hardstanding) with the remaining 0.80Ha, 30% forming playing filed, areas of grass and trees, largely designated as playing field under policy LR12 of the Shepway District Local Plan Review. Policy LR12, together with national planning policy set out in the NPPF paragraphs 73 -74 and Sport England’s planning policy statement ‘A sporting future for the playing fields of England’ provide specific advice for applications for the redevelopment of former or existing playing fields.

8.8.1 Paragraphs 73 -74 of the NPPF state that:

*Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualititative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.*
Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

8.9 Shepway District Local Plan Review Policy LR12, written long before the NPPF (and expanding upon guidance set out in PPG17), state that –

Proposals resulting in the loss of school playing fields or grass play and amenity areas at school sites, as shown on the proposals map will only be permitted where development would not cause an unacceptable loss in local environmental quality and also where it accords with both the following criteria:

(a) In the case of school playing fields, sufficient alternative open space provision exists or new sports and recreational facilities will be provided of at least equivalent community benefit having regard to any deficiencies in the locality.
(b) The land required is for an alternative educational purpose which cannot reasonably be met in any other way.

8.10 In assessing (a) and (b) above the policy preamble states that the proximity and quality of nearby open spaces will be assessed, in accordance with appendix 9 of the Local Plan. In addition to this the Council has recently completed an Open Space Study providing an up-to-date audit of all areas of open space within the District and this to an extent supersedes the ageing evidence within Appendix 9 of the Local Plan. The requirements of (b) have been set so as to ensure that school expansion is not unduly restricted to meet local educational needs.

8.11 New open space is also required where open space deficiencies exist, with sites of 25 or more dwellings required to provide open space of 2.43 hectares per 1000 population or a commuted sum payment towards improvement of open space nearby.

8.12 Sport England is a statutory consultee for the redevelopment of playing fields. In addition to the guidance set out in the NPPF and policy LR12 of the Local Plan it has produced policy guidance ‘A sporting future for the playing fields of England.’ Sport England oppose the development of playing fields in all but exceptional cases, whether the land is in public, private or educational use and it does so because the loss of any part of a playing field may represent the irretrievable loss of an opportunity for participation in pitch sports and with it the many benefits which sport brings. The specific circumstances in which Sport England will not object to the loss of a playing field are set out in policies E1-E5 of the document.
Consultation at the pre-application stage with Sport England identified that of these requirements the applicant should seek to demonstrate that the proposal meets with policy E1 which states that -

_E1 – A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport._

In order to demonstrate an excess of provision the applicant or local planning authority must produce written evidence based upon a comprehensive and carefully documented assessment of supply and demand in the catchment based upon the methodology acceptable to Sport England.

8.13 In accordance with the requirements set out in the NPPF, and previously in PPG17 and Sport England’s guidance the Council has compiled a Playing Pitch Strategy for Shepway (PPS). This Playing Pitch Strategy, completed in July 2011 updates the work carried out in the previous study in 2004, and seeks to assess existing and future supply and demand for playing pitches in the district.

8.14 In summary the Playing Pitch Strategy and associated survey work, together with the update submitted by the applicant in support of the application (and including Cheriton Road Sports Ground - CRSG) identifies that:

- Within the Folkestone/Hythe sub area there are 60.52 Ha of playing pitches, 89.8% of which have community use.
- Within the Folkestone Park Ward the PPS 2011 identifies a small shortfall in junior pitches at weekends for football, mini soccer and cricket.
- The facilities at CRSG include the provision of 4 new mini pitches, 2 new ATPS (1 replacement, 1 new), a new MUGA, as well as indoor facilities for a variety of sports.
- The Folkestone Academy also provides a recently built ATP and MUGA, as well as grass pitches with community use and sports hall.
- Over the last 7 years, there has been a significant increase in the quality and amount of pitches, ATP’s and MUGA’s in the Folkestone Park Ward, which provides over 25.28 Ha of playing pitches, significantly higher than surrounding wards.
- Ward by Ward analysis of Folkestone identifies areas with deficiencies and areas with surplus, reflecting the historical growth of the town, its topography and urban form and the concentration of certain sports pitches in certain areas. As a whole, and including pitches at CRSG Folkestone Park Ward has a surplus in provision, whilst Folkestone as a town does not have a deficiency in any form of pitch (Folkestone Rugby Club are located outside of Folkestone and have 4 pitches at their ground).

8.15 Sport England’s initial comments are set out in paragraph 4.11 of this report. Following Sport England’s initial comments the applicant sought to provide
an update to their Playing Pitch Assessment so as to demonstrate that there was no shortage of playing pitches within the catchment area, as discussed above. The Council is awaiting a further response from Sport England.

8.16 Officers are currently in further negotiation with Sport England regarding their comments, however based on the current objection of Sport England any recommendation to approve the application will be required to be referred to the Secretary of State (SOS), in accordance with The Town and Country Planning (consultation) (England) 2009, paragraph 7 – Playing field development, so as to allow the SOS to determine whether the application should be “called in” for his determination.

8.17 It is your Officer’s opinion that this proposal is a rare example of enabling development, in so far that all land value associated with the residential use of the site should planning permission be granted, would be invested into the provision of a replacement Folkestone Primary Academy.

8.18 Having considered the detailed views of Sport England, the requirements of Development Plan Policy and following interpretation of the information submitted in support of the application it is your officer’s view that there is not a shortage of suitable playing pitches in this part of Folkestone and there has not been a significant quantitative loss of playing field land in the catchment area since 2004 – in fact there has been a significant increase in the quality of outdoor sporting provision in the district in the last 7 years. Therefore, on balance it can be considered that Folkestone Primary Academy playing field is surplus to requirements within the catchment area.

8.19 Paragraph (b) of Local Plan policy LR12 states that proposals for the loss of playing field will only be permitted if “The land required is for an alternative educational purpose which cannot reasonably be met in any other way.” In this instance the educational use of the site will cease if the school relocates and there is no demonstrated demand for the retention of the pitches as school playing field. Despite this, the proposal does not comply with the requirements of this policy and therefore can be considered to comply in part only with national and local planning policy regarding the redevelopment of playing pitches (including the specific requirements of Sport England), constituting a departure from Development Plan policy.

8.20 On balance however it is your officer’s view that the off-site benefits to Folkestone and local residents, in providing a new Primary Academy, together with the considerable evidence in support of the application outweigh the loss of playing field to the extent that the departure from established Development Plan policy is not of such significance to deem the development unacceptable.

8.21 Open space has been provided on the site in a number of public green spaces, including the provision of an equipped play area and semi wild areas of landscape to the south east and south west corner of the site. There is also further opportunity for shared spaces within the Homezone layout. The amount of public open space and green space available equates to approximately 0.37 Ha, representing 14% of the total site area
(and excluding private gardens). In addition the application site is located in close proximity to existing public open space at Lower Radnor Park (200m to the south), Radnor Park (400m to the south) and Cheriton Road Sports Ground (700m to the southwest). The application includes funding for both on site and off site play equipment. Whilst at present an exact site has not been finalised, it is possible that play equipment could be installed within the grounds of the Academy, access via Park Farm Road. An alternative location for further play equipment is Lower Radnor Park.

The Redevelopment of the Site for Residential Purposes

8.22 Both the NPPF and Policies BE1 and BE11 of the Local Plan seeks to ensure that housing development is of a good quality layout and design, well connected to local transport and community facilities and well integrated with the locality in terms of scale, density, layout and access. Development should provide for a mixture of housing types and tenures and ensure that land is used efficiently and effectively. Policy HO1 of the Shepway District Local Plan Review seeks to locate residential development within existing defined settlements, prioritising the reuse of brownfield land and the conversion of buildings whilst policy HO4 states that for developments of 15 or more units the District will seek to negotiate 30% on-site affordable housing. Policy HO4 is expanded upon in the 2008 Supplementary Planning Document (SPD) which identifies an acute shortage of affordable housing within the District. Paragraph 7.6 of the SPD states that –

Where applicants seek to show that 30% affordable housing cannot be delivered for economic viability reasons they will be expected to provide a financial appraisal to support the claim.

8.23 The application, which seeks to act as an enabling development has been submitted with such a statement. Paragraph 7.15 and 7.16 of the SPD does recognise that other developer contributions compete with the provision of affordable housing, stating that –

It is important to note therefore that contributions towards affordable housing will impact upon the ability of developers to contribute towards other anticipated developer contributions towards community infrastructure such as education, transport…and community facilities…The Council may identify a list of priorities for the need for developer contributions arising as a result of the development of any site. This will take account of planning priorities in the locality.

It is recognised that in this case, a larger percentage of affordable housing is not a viable proposition as explained later on in this report.

8.24 A full description of the existing site character and the proposed development is set out in sections 1 and 2 of this report. The proposal is outline in nature and therefore design, landscaping and materials are matters reserved for future consideration. It is considered that following the numerous amendments to the scheme the layout sought is appropriate to the locality and will create a development with its own established sense of place that is well connected with the surrounding area. The density of
development decreases towards the edges of the site, and this is in keeping with the character of the surrounding residential streets.

8.25 Therefore, having regard to existing planning policies, Government guidance and the character of the surrounding area, it is considered the site is suitable in principle for residential development.

**Layout, Access and scale**

8.26 Section 1.8 – 1.16 of this report provides details of the layout, scale and access of development. The layout has been designed so as to maximise spaciousness between properties, with gardens arranged in a back to back fashion to reduce overlooking and ensure access to rear gardens is available. It is considered that the layout, providing back to back garden arrangements with properties on Alder Road and terraces at a right angle to properties in Lynwood ensures that the development is appropriate to the area and does not dominate existing properties.

8.27 Following amendments to the scheme the scale of development has reduced, with all development, apart from the 3 storey block of flats now two storey. It is considered two storey development is appropriate to this location and will not overly dominate the single storey dwellings to the west of the site in Lynwood.

8.28 Access to the site is provided at three locations. Vehicular access is provided in to the site via Park Farm Road, with further pedestrian/cycle access to the south west corner of the site on to Alder Road. To the north east corner of the site is a further pedestrian/cyclist access route, which also provides emergency access if required. Kent Highways have raised no objection to the proposed access location, which has been revised following the submission of the application. It is considered that the further pedestrian and cyclist connectivity to the northeast and southwest of the site ensures good permeability through the site. Whilst it is noted that SPOKES have requested a further cycle route to the west of the site it is considered that such a route is not suitable due to its close proximity to the open frontage of properties within Lynwood.

8.29 Whilst not a detailed consideration at this stage the landscaping scheme for the development seeks to retain a number of existing trees within the application site. Where good specimens are to be removed it is proposed that semi mature replacements are provided within the newly created area of open space within the site.

8.30 Given the above assessment it is considered that the proposal is of an appropriate layout, density and scale and makes provision for appropriate landscaping and play space in accordance with development plan policy.

**Dwelling Mix, Viability & Affordable Housing**

8.31 A wide ranging mix of dwellings is proposed on the site, with the application providing for one and two bedroom flats and two to four bedroom terraced
and semi-detached houses. The mix of development has altered during the assessment of the application, taking into account market viability with an increase in two and three-bedroom terraced properties. It is considered that the mix of units is appropriate to the site and wider area, in accordance with local plan and national planning policy.

8.32 The application proposes enabling development and therefore no affordable housing provision was proposed on submission of the application. In accordance with the adopted SPD a full viability appraisal was submitted in support of the development. This stated that there is a significant shortfall between the residential value of the site and the cost of providing the replacement Primary School, which is set out below:

Cost of Folkestone Academy £6.1m

Funding:
- KCC £1.4m
- DfE £1m
- Anticipated land value £3m

Shortfall £700k – to be funded by the RDHCT.
With 30% affordable £1.8m – Unviable development.

8.33 As set out above the initial viability report identified the site had a land sales value of approximately £3 million with no affordable housing and £1.1 million with 30% affordable housing, resulting in a significant shortfall in delivering the school. Following amendments to the layout of the scheme and alterations to the mix of units to better reflect the local market and improve profitability a further viability appraisal was carried out, considering the development with 8 units available for shared equity purchase (6 x 2 bedroom flats, 2 x 1 bedroom flats). This provided a sales value of £3.58m for the site, inclusive of 6% affordable housing or £2.15m with 30% on site affordable housing, as set out below:

Cost of Folkestone Academy £6.2m

Funding
- KCC £1.4m
- DfE £1m
- Anticipated land value £3.58m
- Folkestone Academy £100k

Shortfall £120k – to be funded by the RDHCT.
With 30% affordable £1.55m – Unviable development.

8.34 It is considered that the provision of affordable housing on site will help to establish a mixed community within the development, as required by national and local planning policy. It is also recognised that proceeds from the sale of the land are to be ring-fenced for the development of alternative community facilities within the locality. Policy HO4 of the Local Plan and the adopted SPD identify that contributions towards affordable housing impact
upon the availability of other contributions. It is your officer’s opinion, in this instance that the provision of a new community facility in the form of the Folkestone Primary Academy, together with the delivery of a viable amount of on-site affordable housing meets with the requirements of policy H08 and the adopted SPD.

**Impact on Neighbours and Residential Amenity**

8.35 The proposed development will significantly change the nature of the application site from a busy primary school with a large area of open space to a modern residential development and therefore the impact of the proposal on neighbour residential amenity needs detailed consideration.

8.36 The layout of the development seeks to ensure that surrounding properties are not subject to unacceptable overlooking or overshadowing. Properties running parallel with those of Alder Road have rear gardens facing on to those of these properties, ensuring a minimum distance of 35 metres is maintained between rear elevations. It is considered this distance is sufficient to avoid unacceptable levels of interlooking and overlooking.

8.37 To the east of the site the properties back on to Park Farm Road. The design of the development is inward facing, recognising the strong boundary treatment of trees and hedgerow to Park Farm Road. Consequentially it is not envisaged the development would be overly prominent in the street scene. To the north the development faces on to a field, the Broadmeadow car park and an area of woodland. It is not considered that unacceptable overlooking of properties within Lynwood to the northwest would occur due to the acute angle and distance of approximately 25 metres between elevations.

8.38 To the west of the development are a number of properties within Lynwood. The masterplan has been significantly amended since submission so as to reduce the impact on neighbouring properties bordering the site. By ensuring the new properties are ‘side on’ to the boundary it is not considered that the development will result in unacceptable overlooking or overshadowing of the rear elevations and gardens of east facing properties within Lynwood, which are a minimum of 20 metres away from the dwellings proposed. Where properties in Lynwood are north/south orientated the layout continues this build line. Subject to appropriate landscaping of the western boundary to ensure the existing hedgerow is enhanced it is considered the development would not be of harm to neighbour amenity.

8.39 It is considered that the proposed layout of the development is appropriate and, subject to the detailed design of dwellings and appropriate conditions being imposed there will not be unacceptable impacts on the amenity of nearby residents or future occupants of the development to warrant the refusal of the application on amenity grounds. As such the proposal is considered to comply with development plan policy in this respect.
Highways and Parking

8.40 Kent Highways have undertaken a detailed assessment of the proposal and the existing traffic network and subject to mitigation measures, as set out in section 4.2 do not consider that the proposal will result in delay to vehicles or highway safety.

8.41 Parking has been provided in accordance with the Kent Design Guide for a suburban development (IGN3). Kent Highways raise no objection to the number of spaces provided, which include allocated on street and private parking as well as unallocated on street provision within the new development to serve visitors. KCC latest parking requirements, unlike the adopted parking standards within the local plan, do not allow for the counting of garages (though open car porches are acceptable where conditioned to ensure no door is fitted) as they are very rarely used for the parking of a vehicle.

8.42 Kent Highways have also requested the provision of a number of improvements to local bus stops to meet the requirements of the development and encourage the use of public transport. Details of these improvements, to Alder and Park Farm Roads are set out in paragraph 1.9.

8.43 A Travel Plan was initially submitted in support of the application. Following the agreement of mitigation works at the request of Kent Highways its provisions are no longer required. In addition to the above detailed “swept path” analysis has also been undertaken, demonstrating to the satisfaction of Kent Highways that the detailed layout provides safe access for service vehicles and there are adequate locations for vehicles to park and turn.

8.44 The development is therefore considered to meet with national and local development plan parking, access and highway safety requirements.

Sustainable Construction

8.45 The applicant has confirmed that the proposed development will meet level 3 of the Code for Sustainable Homes. The proposal is therefore considered to meet with development plan policy in this respect, whilst its central location within Folkestone allows for access to and from the site via a variety of forms of public and non vehicular transport.

Ecology and Biodiversity

8.46 The application submission includes ecology surveys for the site. Natural England comments are set out in paragraph 4.9. In accordance with the NPPF a condition is suggested requiring biodiversity enhancements to the application site, whilst the detailed landscaping scheme, required as a future Reserved Matter should also ensure habitats within the site are enhanced.
Contamination, Flooding, Sewage,

8.47 Environmental Health consider that no serious contamination has been found on site, though further investigation and standard conditions are required regarding contamination and surface water drainage and sewerage disposal (also required by Southern Water). Further views from the Environment Agency regarding contamination are awaited, following an initial objection. It is considered the concerns of the Environment Agency regarding contamination can be dealt with via the conditions suggested by Environmental Health. Further comments of the Environment Agency will be reported via the supplementary sheets. A detailed flood risk assessment has been submitted in support of the application, to which the Environment Agency raise no objection. A number of residents have raised concerns regarding run off and surface water management. The Flood Risk Assessment submitted with the application includes flood attenuation measures, the details of which would need to form part of a sustainable drainage strategy required by condition. It should be noted that level 3 of the Code for Sustainable Homes requires developments to result in no net increase in run off, when compared to the existing sites characteristics.

Developer Contributions and Proposed Legal Agreement

8.48 Kent County Council comments are set out in paragraph 4.6 of the report. SDC have undergone considerable negotiation with the applicant, who has stated that the funding of further community infrastructure, beyond the Primary School would make the primary school development unviable and that the potential to provide a new, modern school building fit for 21st century teaching outweighs the policy requirement for financial contributions in this instance, in accordance with paragraph 72 of the NPPF. In recognition that the development will generate a demand for additional services the applicant has agreed to enter a ‘clawback’ agreement with the Council, whereby if a greater site value than predicted is achieved from the sale of the site then contributions, up to a maximum of £171,714, would be paid via S106 agreement.

8.49 Given the enabling development nature of the application, for which the applicant is willing to enter a legal agreement to ensure that the development of the school site does not commence until the replacement primary school is provided, it is considered that the above clawback clause is reasonable and provides opportunity for the development to meet KCC’s funding requirements.

8.50 The provision of on site affordable housing, as set out in section 12 of this report will also be incorporated within the legal agreement. The precise detailing of the long term management of open space and on site and off site play equipment may also need to be included within the agreement following further discussion with the Contracts Manager and it is recommended that the final details of the agreement are delegated to the Head of Planning Services.
8.51 In addition to a legal agreement a number of improvements to highway infrastructure, including the upgrading of bus stops is to be achieved via condition.

Other matters

8.52 As set out in section 3 of the report planning applications 98/0605/SH and Y01/1124/SH were previously refused for the part residential development of the application site (and the woodland adjoining). In both instances planning permission was refused due to the loss of open space with future recreational potential and a loss of trees, whilst in the case of 98/0605/SH the application was also refused due to the loss of land with future educational potential. As the report has set out this application, for the comprehensive redevelopment of the site, has been submitted as enabling development. The proposal will result in the loss of playing pitches, designated under policy LR12, however, on balance this loss of a single pitch, which does not benefit from community and does not meet a shortfall of pitches in the catchment is outweighed by the gain brought about by the construction of a new Primary Academy.

8.53 The Primary Academy includes the provision of a kindergarten and therefore the redevelopment of the site does provide a replacement early years facility. Council Officers are further able to advise the Little Oaks nursery finding a new location when required.

Human Rights

8.54 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.

8.55 This application is reported to Committee due to the complex and strategic nature of the proposal. It has also been called in by Folkestone Town Council’s objection.

9.0 SUMMARY

9.1 Planning permission is sought for the development of the Folkestone Primary Academy to provide 130 dwellings. The application acts as an enabling development for the construction of a replacement Folkestone Academy Primary School.
9.2 The cost of building a new primary school is a minimum of £6.2 million. The applicants (the Folkestone Academy) intention is to part fund the development through the sale of the existing site for residential purposes as an enabling development. The applicant has confirmed that the deliverability of the replacement school is financially dependant on the existing site being available as enabling development and without the income generated from its development the new Primary Academy will not be deliverable.

9.3 Upon relocation of the Academy there is no identified need for the retention of the school as an educational establishment, whilst the existing buildings are unsuitable for use. Its playing field is also closed to public use. The application site is located within the urban area of Folkestone and is well located in close proximity to existing transport and community infrastructure. Approximately 29% of the application site is designated as a playing field and subject to the policy requirements of the NPPF, Local Plan policy LR12 and Sport England. A detailed assessment of the proposal with regards to the loss of open space and playing field is set out in section 8 of this report. This concludes that the departure from established Development Plan policy is not of such significance to deem the development unacceptable in this case.

9.4 The application is outline in nature, with materials, landscape and design reserved for future consideration. It is considered that the layout, scale and density of the development are appropriate to the locality. Subject to agreed mitigation, it is considered that there is sufficient capacity on roads to serve the development without causing harm to highway safety with scope to improve access to bus services. The proposal seeks to retain where possible existing high quality landscape features. It is considered that the proposal is both well located in close proximity to existing areas of open space and makes appropriate provision on and off site for open space and formal and informal play.

9.5 The impact of the proposal upon the residential amenity of neighbours has been fully considered in section 8 of the report. It is considered that subject to appropriate conditions and the detailed design of the dwellings, that the proposal will not result in a significant loss of residential amenity and therefore meets with development plan policy.

9.6 Given the above assessment of the complex planning issues raised by the proposal, it is your officer’s opinion that on balance the application is acceptable, subject to conditions and a detailed S106 legal agreement.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).
RECOMMENDATION:

1. That the application be referred to the Secretary of State to decide if he wishes to determine the application himself.

2. In the event that the S.O.S does not determine the application himself, that the Head of Planning Services be given delegated authority to grant planning permission subject to the completion of a satisfactory legal agreement to ensure that the development does not commence until the construction of the new Folkestone Primary Academy is substantially complete in accordance with planning permission Y11/1133/SH and to secure the provision of on-site affordable housing and a clawback clause for developer contributions.

3. That the Head of Planning Services determines the conditions that the planning permission is subject to, having regard to the content of this report.

Decision of Committee
Application No: Y11/1133/SH

Location of Site: Folkestone Academy, Academy Lane, Folkestone, Kent, CT19 5FP

Development: Erection of 2 form entry Primary School following demolition of existing MUGA and cricket nets, erection of replacement MUGA and cricket nets, expansion of Folkestone Academy staff car park, together with associated landscaping, hardstandings, improvements to pedestrian access and the creation of a drop off area to Park Farm Road.

Applicant: The Folkestone Academy
Academy Lane
Folkestone
Kent
CT19

Agent: Mr M Pearson
Guy Hollaway Architects LLP
The Tramway Stables Rampart Road
Hythe
Kent
CT21 5BG

Date Received: 21.12.11

Expiry Date: 16.03.12

Committee Date:

Officer Contact: Ben Geering

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.

1.0 THE PROPOSAL

1.1 Planning permission is sought for the erection of a two form entry (2FE) Primary School for 420 pupils, together with Kindergarten at the Folkestone Academy, Academy Lane, Folkestone. Permission is also sought for the relocation of a MUGA and cricket nets from the application site to the southwest, within the wider Academy’s grounds and the extension of the school car park. Following the submission of the application and discussions with consultees the application has been amended to incorporate a parent drop off area, located adjacent to the Park Farm Road pedestrian entrance to the school and alterations to the layout of the existing car park to increase capacity.

1.2 In 2008 the Folkestone Academy merged with Park Farm Primary School to form an “All Age” Academy. At present the Primary Academy occupies the former Park Farm Primary School buildings, approximately 500 metres to the southeast of the application site to the western side of Park Farm Road.
1.3 The Primary School is currently housed in two separate buildings, neither of which is considered fit for purpose. The smaller building currently houses five classrooms and was condemned in 2007. Doors and windows are ill fitting due to site subsidence. The shell of the building is lined with asbestos. The anticipated rebuild cost in 2007/2008 was £1 million. The main building is also affected by subsidence and doors and windows are ill fitting. Although hinged, more than 50% of the windows do not open. The temperature in the building, which includes 8 classrooms and 3 halls can exceed 30°C in the summer and drop below 10°C in the winter, with limited shade and virtually no ventilation. The obsolete heating system is prone to frequent failure. The school roof also urgently needs resurfacing. The wider school grounds are also in poor condition, with pitches requiring re-turfing and the car park suffering from poor drainage. The ICT systems are considered obsolete and do not meet DfE standards. Parts of the school also require rewiring.

1.4 The siting of the existing primary school does not serve the principles of the All Age Academy, both in terms of delivering optimum learning opportunities in the Early Years and Primary stages and in establishing a learning community that embraces child development from 3 -18. Part of the Academy’s educational vision includes collaborative learning across age groups, as well as older children mentoring younger children. This has not been possible with the Academy situated on two sites.

1.5 The Folkestone Academy building is designed around 8 internal ‘drums’ which provide house groups for pupils. The proposed Primary Academy building has been designed so as to reflect this concept, with year groups arranged over 3 “steps,” each occupying a separate component of the building.

1.6 The layout of the teaching environment has been led by the Head Teacher and Primary Academy to create a unique learning environment. Traditionally a 2FE Primary provides two classes of 30 pupils per year group. In this instance the building has been designed so as to accommodate three classes of 20 pupils per year group. The design of the school also seeks to address identified dips in academic performance when pupils move from key stage 1 to key stage 2 and when pupils move from Primary to Secondary school.

1.7 The design of the building therefore comprises 3 circular sections, each linked by a corridor providing communal facilities. A plan of the building is attached as appendix 1 to this report.

Looking to each section in turn:

**Step 1** – single storey in form and comprising a Kindergarten and internal courtyard, Reception and Year 1. Linked to “step 1” by a short corridor area providing toilets, medical and group rooms and specialist stores is -
Step 2 – Ground floor Providing Year 2 and 3 class rooms, a quiet zone and Library Resource Centre. Upper Floor providing a year 6 class room, accessed via the –

Community and Staff Zone to the ground floor, this element of the building, the closest to the Academy provides the Entrance and Reception, Small Hall and Main Hall/Dining Hall, a parent zone, Offices, Reception and Staff Rooms, music rooms and sports equipment stores, with lift access to the upper floor

Step 3 accommodation, providing year 4, 5 and 6 class rooms, quiet space, small group room, toilets and an external covered teaching space.

1.8 The building is attached to the existing Folkestone Academy via a covered walkway, allowing the existing kitchen facilities to be utilised to serve the Primary Academy.

1.9 The Design and Access Statement supporting the application sets out in detail the evolution and ethos behind the design of the school. In summary the building has been designed so as to be low lying and more intimate in scale than the senior Academy, stepping up in form as it approaches the existing building. The design seeks to create a building that motivates the children and teachers and binds into the wider community, whilst providing a seamless flow between the primary and secondary environments.

1.10 The proposed material palette is a mixture of timber cladding and sand cement/render, used in combination with powder coated aluminium windows. The palette of materials compliments the contemporary architectural design of the building, whilst providing a durable and low maintenance finish. The proposed school hall is to be clad with a timber system that reflects the existing sports hall cladding, providing further visual connectivity between the two buildings.

1.11 The building has a gross internal floor area of 2650 square metres, together with a variety of dedicated external areas of hard and soft play for different age groups, providing a varied landscape to learn via play. It is proposed that sports pitches are shared with those of the Academy. The footprint of the building, split in to 3 sections measures a total of 122 metres in length and 30 metres in depth. The single storey element of the building is 3.8 metres in height, with the two storey element 6.6 metres, stepping up to the school hall which is 7.6 metres.

1.12 Access to the school is proposed from three locations, with the majority (60%) of children and parents walking to school. The catchment of pupils changes year to year however it is envisaged the majority of pupils coming via car will be dropped off via the parent drop off and waiting area at Kingsmead, which also provides the existing bus drop off point for senior Academy pupils. Other children will be dropped off via the smaller drop off area to be provided on Park Farm Road where access to a parent waiting area is also proposed adjacent to the existing un-serviced sports hall. A small proportion of children are likely to access the school via the pedestrian
access on Lucy Avenue which will be extended across the senior Academy’s grounds to reach the new school. An extension to the Academy main car park is proposed to accommodate 40 staff parking spaces, whilst additional car and motorcycle parking is proposed within the existing car park.

1.13 The building has been designed so as to be highly sustainable, incorporating Air Source Heat Pumps, passive ventilation where possible, Ground Source/Air to Water Heat pumps, Photovoltaics and rainwater harvesting.

1.14 The existing MUGA and cricket nets are located to the northeast of the sports hall, occupying the site of the proposed primary school at the top of a steep bank that slopes down to the schools sports pitches. It is proposed to relocate the cricket nets to the immediate east of the school playground and bike racks whilst the MUGA is located further to the southwest, adjoining the play ground by cutting in to the existing bank. The relocated MUGA does not result in the loss of playing pitches.

2.0 LOCATION AND DESCRIPTION OF SITE

2.1 The Folkestone Academy is located to the due south of the Park Farm Industrial Estate within the Folkestone Park Ward of the town. Vehicular access is provided via Kingsmead to the north, whilst pedestrian access is also available via Lucy Avenue to the west and Park Farm Road to the east. To the south are the residential properties of Grasmere Gardens and Lynwood, beyond which is Folkestone Sports Centre and golf course and Cheriton Road Sports Ground, forming a ‘green ribbon’ running through the town.

2.2 The site naturally slopes from north to south, dropping from 46m AODN to 34m AODN, however, it has been heavily engineered so as to provide level areas for the car park, Academy, playground and MUGA and the grass sports pitches and ATP. Between these level areas are steep slopes, from west to east from the Academy to the pitches and from north to south towards the boundary with Grasmere Gardens. The site is well landscaped to the boundaries.

3.0 RELEVANT PLANNING HISTORY

3.1 Y04/1424/SH
Regulation 3 Application for demolition of buildings and development of Academy (D1 school), creation of vehicular access from Kingsmead, pedestrian and vehicular access from Lucy Avenue and cycle and pedestrian access from Park Farm Road, new pedestrian and cycle path, the laying out of sports pitches, an artificial turf pitch (ATP), hard play areas and other sporting facilities, ancillary car parking areas and landscaping together with other works incidental to the application proposals.
3.2 **Y08/1059/SH**
Consultation in respect of an extension of the existing playground and to install street lighting along the footpath to the north of the site.

3.3 **Y08/1061/SH**
Consultation in respect of:

1) To install floodlighting to the new synthetic pitch on the old Channel School site.
2) To install floodlighting to the MUGA, recently constructed as part of the Folkestone Academy.

3.4 **Y09/1009/SH**
Consultation in respect of an extension to the existing car park area in order to create an additional forty-six spaces.

All applications above were granted planning permission by KCC.

4.0 **CONSULTATION RESPONSES**

4.1 **Folkestone Town Council** –
No objection.

Voting: For: 5 Against: 0 Abstentions: 0

4.2 **Kent Highways** –

**Initial Comments**
Thank you for the consultation on the above planning application. Whilst I have objections to the current proposals in respect of highway matters it may be possible to overcome those objections if the following amendments were made:

1. The red line application site should be extended to encompass the pedestrian connection from the school to Park Farm Road.

2. It is stated in the Design and Access Statement that 60% of pupils will use the Park Farm pedestrian access. Therefore 252 pupils will use the pedestrian access from Park Farm Road. A large amount of these pupils are likely to be driven to school and therefore parents will park on Park Farm Road. Using the Table 7.2 of the Transport Statement, the amount of trip rates per pupil by car in the morning is 0.284. This will mean that a total of 72 parents will park on Park Farm Road during school times to drop off their children. This is likely to cause highway safety issues as cars parked on the road will block access for large vehicles that are using the nearby Park Farm Industrial Estate. It is also likely that cars dropping off pupils will do a 3 point turn on Park Farm Road which is a highway safety concern for all road users. A drop-off area should therefore be provided for pupils next to the pedestrian...
access so that pupils can be dropped off safely. A parking survey should be undertaken on Park Farm Road to ascertain the proposed demand for any drop-off in that vicinity for the re-located school and the existing secondary academy.

3. The current drop-off facility at Kingsmead has not been assessed to ensure that it currently operates within capacity and to ensure that it has the capacity to handle 20% of the primary academy pupils (92) that will be accessing the site by this road. Of this, it is likely that 26 pupils will access the site this way by private car. There are currently issues in Kingsmead with large vehicles parked on the highway overnight and during the day. A movement and car parking survey should therefore be undertaken to ensure that there is sufficient capacity on Kingsmead to handle the resultant increase in traffic.

4. The total number of staff numbers has not been clarified. The planning application states that there will be 40 extra car parking spaces for staff. The current parking standards are 1 space per staff plus 10% and so any parking provision should be in accordance with these standards.

5. Two motorcycle spaces should be provided.

6. Three disabled parking spaces should be provided.

7. No extra cycle parking is provided. The current cycle parking standards are 1 space per 50 pupils and so therefore an extra 9 cycle spaces should be provided.

8. The school travel plan should be updated and should be included in any amended plans.

9. It is unclear whether or not the pedestrian access from Park Farm Road will operate as an emergency access. The fire service should therefore be consulted to ensure that they are satisfied that the proposals are acceptable.

10. Table 4.1, Page 7 of the Transport Statement. The 127 is only every half hour in the morning and then every hour in the afternoon.

I wish to place a holding objection until these matters have been satisfactorily addressed. I would be grateful if you could forward any amended plans to me for my further consideration.

Amended Plans
Awaiting final comments from KHS, however issues appear resolved.

4.3 Environmental Health Officer –

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous
site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

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

   (ii) An assessment of the potential risks to:
        ● Human health;
        ● Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
        ● Adjoining land,
        ● Ground waters and surface waters,
        ● Ecological systems,
        ● Archaeological sites and ancient monuments; and

   (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

Noise
All new school buildings must meet the requirements of Building Bulletin 93 (BB93), which sets out quite specifically the requirements of sound insulation in each classroom and the building as a whole.

It is therefore recommended that once the precise details of the materials to be used in the structure of the building are known, a full acoustic report is compiled to ensure that this will meet the requirements of BB93. The report should also take into account any external environmental noise.

Also, the report could contain an assessment re the impact of any plant and machinery the school may require on the nearest residential premises to their location.

With regard to the MUGA, if this is not to be used outside school hours, then it is considered unnecessary for an acoustic assessment to be undertaken. However, should the use extend to after school, holidays, evening and weekend use then it is recommended an acoustic is carried out.

4.4 Arboriculture Manager –
No objection.

4.5 Environment Agency –
No objection to the application, providing the following condition is attached to any permission granted.
Condition:
A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason:
To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Drainage
The site lies on the Weald clay and therefore the construction of soakaways for surface water drainage is unlikely to be a viable option. It is therefore recommended that an alternative method of surface water drainage be sought.

4.6 Natural England –
This application is in close proximity to Folkestone to Etchinghill Escarpment Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out in accordance to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

The lack of further comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.

However, we would expect the Local Planning Authority to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

Protected Species
If the Local Planning Authority is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application.

The Government has provided advice on BAP and protected species and their consideration in the planning system. Some guidance ‘Natural England Standing Advice can be found on our website and has been produced to help the authority better understand the impact of this particular development on protected or BAP species should they be identified as an
issue at this site and whether following receipt of survey information, the authority should undertake further consultation with Natural England.
Local Wildlife Sites
If the proposal site is on or adjacent to a local wildlife site, eg. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Biodiversity Enhancements
This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

4.7 Sport England –
Application reference Y11/1132/SH proposes the redevelopment of the whole of the existing Park Farm Primary School site for 130 residential dwellings. The Park Farm School will be relocated to the Folkestone Academy site as part of application reference Y11/1133/SH. The redevelopment of the Park Farm School site for housing is ‘enabling development’, in that proceeds from the sale of this land for housing are intended to fund the proposed works at Folkestone Academy.

For Park Farm School to be relocated onto the site of the existing Folkestone Academy, a new educational wing will be constructed on an area of existing playing field land. This land currently accommodates a Multi-Use Games Area (MUGA) and cricket nets. Application Y11/1133/SH proposes for the MUGA and cricket nets to be repositioned, located on current playing field land further south of their existing location.

The proposals across both sites result in three main playing field losses:

The loss of playing field associated with the new education block
The loss of playing field associated with the repositioned MUGA and cricket nets.

The loss of playing field land at Park Farm School

Application Y11/1133/SH proposes the demolition of the existing cricket nets and MUGA to accommodate the erection of the relocated primary school. The cricket nets and MUGA will be relocated on existing playing field land.

As the sports facilities proposed are being relocated and are not new additional facilities, exception policies E2 and E5 do not apply in this case.
For the proposed development to meet exception policy E3, it must be on land incapable of forming a, or part of a, playing pitch. The playing field land to be occupied by the proposed MUGA and cricket nets is considered to be capable of forming part of a playing pitch and, as such, it fails to meet E3.

As stated previously, Sport England is not satisfied that there is an excess of playing field land in the catchment and, as such, has not considered application Y11/1133/SH against the provisions of exception E1.

As no replacement playing field land is being proposed, exception policy E4 also does not apply.

In light of the above, Sport England objects to the proposal because is not considered to accord with any of the exceptions in Sport England's playing fields policy.

If your Authority is minded to approve this application, it should be referred to the National Planning Casework Unit in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011.

For the avoidance of doubt, and in accordance with Circular 02/09, Sport England is objecting on the following grounds:

(i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
(ii) that the proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned.

Amended Plans & Additional information
Subsequent to further information provided:

The Folkestone Academy site boundary and proposed floodlight locations plan was submitted as part of the original planning application and provides details of the existing site levels. Further to this, a MUGA details plan has now been provided, which includes details of the existing site levels and also provides details of the proposed relocated MUGA.

Replacement MUGA and Cricket Nets
It has been confirmed that the proposed relocated MUGA including floodlighting to the south east of the existing Academy building and cricket nets to the north east of the existing Academy building, are to be sited on areas of sloping open space, as confirmed by The Folkestone Academy site boundary and proposed floodlight locations and MUGA details plan. The proposed development areas are, therefore, incapable of forming a playing pitch or part thereof. Furthermore, existing playing pitch provision on the site would not appear to be affected by the proposed developments.
Erection of 2 form entry primary school, hardstandings and improvements to pedestrian access

The erection of the 2 form entry primary school, hardstandings and improvements to pedestrian access to the north of the site would be sited on an area of sloping open space, the existing MUGA and cricket nets. The proposed development area is, therefore, incapable of forming a playing pitch or part thereof. Furthermore, existing playing pitch provision on the site would not appear to be affected by the proposed development.

As stated above, the existing MUGA and cricket nets are proposed to be replaced elsewhere on the site and, therefore, no objection is made to this aspect of the proposed scheme.

Expansion of staff car park by 40 spaces

The expansion of the staff car park by 40 spaces to the north west of the site would be sited on an area of meadow. Furthermore, this area is separated from the playing field area by the existing car park and main Academy building. The proposed development area is, therefore, incapable of forming a playing pitch or part thereof.

As such, Sport England is satisfied that the proposed development meets exception E3 of Sport England’s Playing Field policy which states:

E3 – The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.

This being the case, **Sport England withdraws its objection to this application.**

I would recommend that the detailed design of the relocated MUGA and associated floodlighting accords with Sport England’s relevant design guidance in order to ensure that the facilities are fit for purpose and of an appropriate quality.

4.8 Veolia Water –

If permission is granted for this application we request a condition is attached requiring the developer to agree with this company, prior to commencement of the development, all necessary works and charges, including the preparation and completion of any legal agreements, associated with the provision of a potable water supply. We would be grateful if you could direct the developer to the "your business" section on our website www.veoliawater.co.uk/southeast, for all information associated with a new development in our water supply area.
4.9 **Southern Water** –
Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (Tel 01962 858688) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

Please find attached a plan of the sewer records showing the approximately position of a public sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer’s expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The 1800 mm diameter sewer requires a clearance of 5 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.

2. No development or new tree planting should be located within 6 metres either side of the centre line of the public sewer.

3. No new soakways should be located within 5 metres of a public sewer.

4. All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items 1 – 4 above also apply.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the
proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council’s Building Control officers/technical staff or Environment Agency should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this application receive planning approval, the following condition is attached to the consent: ‘Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.’

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during constructions works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

4.10 KCC Planning (Archaeology) –
Views awaited.

4.11 Kent Wildlife Trust –
Views awaited.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 13.01.12.

5.2 Site Notice. Expiry date 19.01.12.

5.3 Press Notice. Expiry date 19.01.12.
6.0 REPRESENTATIONS

6.1 5 letters/emails received from L Poulton, T Davidson, J Donoghue, S Pollard and L Smith objecting on the following grounds:

- As the Kingsmead Road is very dark and has double yellow lines on both sides will there be sufficient/efficient street lighting to accommodate the extra traffic? When the parents park on the double yellow lines to collect their children, the children seem to dart across the road to jump in to cars, this is very dangerous and reported to the school very often by members of the public who use the industrial estate where the entrance is. I work on the Kingsmead Estate and often see this problem.

- I live in Lucy Avenue, where there is regular congestion at going home time and during parents evenings. On these occasions cars are parked over residents’ drives and on grass verges. No mention is made of parents of primary school children parking in Lucy Avenue. I am concerned the primary school will worsen the existing situation which itself needs to be resolved.

- KCC have failed to appropriately landscape the extended car park they approved in 2009/10. The proposal seeks to extend the car parking area, further encroaching in to the remaining green area adjacent to Dean Mead. The noise from the car park is already a problem, the additional number of cars using an extended car park will add to the disturbance.

- We are concerned that no mention of the junction with Kingsmead is mentioned in the traffic survey. All of the attention has been on the traffic flow at roundabouts which we already know operate above recommended levels at peak times. Kingsmead is proposed as the primary vehicular access for the new 400+ pupil school. The traffic survey should have at least examined Kingsmead itself. At afternoon peak times (1700-1730) there is a constant queue from the Academy to Park Farm Road as it is not easy to join Park Farm Road from Kingsmead due to a number of reasons – speed of vehicles, volume of traffic, visibility issues due to parked HGV’s, traffic exiting the retail park (Halfords etc) opposite. We feel a mini roundabout would alleviate this problem to some extent at this junction. The route is also used by many children walking to school and we are concerned that the additional traffic and pupil numbers could lead to safety issues. We are aware there is government pressure to approve applications of this nature, however this should not be the case where infrastructure is not sufficient. Finally, no mention is made of ‘Operation Stack’ and the impact this has on access to and from the Park Farm industrial estate.

- The traffic assessment is based upon a single day and therefore may not represent usual conditions within the Park Farm Industrial Estate. I do not consider the survey work is accurate nor the conclusions regarding the accuracy of the existing junctions correct.

- It is unreasonable to give planning permission until the traffic problems are resolved.
7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, SC2, SC3, LR12, LR13, U7, TR5, TR6, TR11, TR12

7.3 The following policies of the Shepway Core Strategy Submission Document July 2011 apply:

SS1, SS5, CSD4

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework (NPPF)
Technical Guidance to the NPPF
Policy Statement – Planning for Schools Development
A sporting future for the playing fields of England
Kent Design Guide
Manual for Streets
Shepway - A Playing Pitch Strategy Update July 2011
Shepway - Open Space Audit 2010

8.0 APPRAISAL

Background

8.1 Councillors should be aware that the current application has been submitted alongside application Y11/1132/SH, which seeks outline planning permission for the redevelopment of the existing Folkestone Academy Primary School site (including land used by Little Oaks Nursery) for the construction of 130 dwellings, inclusive of the details of access, layout and scale. This application has been submitted as an enabling development for the primary school proposed by the current application, providing a significant proportion of its funding. A full assessment of this application against Development Plan policy makes up the next committee report, with both applications on the committee agenda for the 8th May 2012.

Relevant Material Planning Considerations

8.2 The application site is located within the settlement boundary of Folkestone, within the grounds of an existing school where the principle of educational use is acceptable. The key issues with regards to determining the application are -

- Whether the development results in an unacceptable loss of playing pitches.
• Whether the proposal makes appropriate provision for access and parking/dropping off for pupils and staff.
• Whether the proposal is of detriment to neighbour amenity due to noise and disturbance, highway safety and floodlighting.
• Whether the proposal is of appropriate design and educational provision.

Policy

8.3 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied, replacing a large number of Planning Policy Statements and Planning Policy Guidance, amassed over the last 20 years. The NPPF is a material consideration in determining planning applications. Central to the NPPF is a presumption in favour of sustainable development, for decision taking this means:

• Approving development that accords with the development plan without delay.
• Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within this framework taken as a whole, or
  - Specific policies in this Framework indicate development should be restricted.

8.4 As well as providing guidance that relates to all development, the NPPF provides specific guidance for school development, as well as development on playing fields, as set out in paragraphs 72 -74 of the document, which state that:

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

• give great weight to the need to create, expand or alter schools; and
• work with schools promoters to identify and resolve key planning issues before applications are submitted.

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.
Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

8.5 The Government have also recently released a new policy statement “planning for schools development” setting out the role of the planning system in delivering new state funded primary schools. In summary this document seeks to ensure that the planning system operates in a positive manner when dealing with applications for the creation, expansion and alteration of state-funded schools, with the following principles applying with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.
- Local authorities should make full use of their planning powers to support state-funded schools applications.
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.
- Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible.
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

8.6 This national guidance applies both to the application for the primary school and the enabling development for housing on the existing primary school site that is also under consideration by the Council.
8.7 In addition to the above, The Council has now submitted its Core Strategy to the Planning Inspectorate, with the Examination in Public due to take place at the beginning of May. As such the policies within the Core Strategy are now a material consideration in determining the planning application (albeit of limited ‘weight’ at this stage) constituting emerging ‘local plan’ policy for the District. The listed Core Strategy policies seek to ensure appropriate infrastructure is provided to meet the needs of the districts population and ensure that green infrastructure, open space, recreation and sports facilities are improved.

**Visual Amenity/Design**

8.8 CABE research identifies a clear link between well designed schools and pupil performance and behaviour, with evidence that a high quality teaching and learning environment raises standards, aspirations and the self perception of pupils within the school when compared to poor quality accommodation. In recognising a well designed Primary School, CABE guidance “creating excellent primary schools, a guide for clients” states the following should be achieved –

- A high quality design that inspires users to learn and is rooted in the community.
- A sustainable approach to design, construction, environmental services and travel to school.
- Good use of the site, balancing the needs of pedestrians, cyclists and motorists and enhancing the schools presence in the community.
- Buildings and grounds that are welcoming, safe and secure, and inviting to the community whilst protective of the children.
- Good organisation of spaces in plan and section, easily legible and fully accessible.
- Internal spaces that are well proportioned fit for purpose and meet the needs of the curriculum.
- Flexible design to support transformation, allowing for short term changes of layout and use, and for long term expansion or contraction.
- Good environmental conditions throughout, including optimum levels of natural light and ventilation.
- Well designed external spaces offering a variety of different settings for leisure, learning and sport.
- A simple palette of attractive materials, detailed carefully to be durable and easily maintained and to age gracefully

8.9 The proposed building is of an extremely high quality, bespoke architectural design that compliments the existing Academy building, softening its dominant appearance within the wider landscape and helping it to sit more comfortably within the site. The external materials proposed complement the contemporary design and form of the building and sit comfortably alongside the Academy and within the wider landscape.

8.10 The main school entrance is located to the southern side of the building, prominent from the main pedestrian entrance and parent waiting area
access from Park Farm Road. There are three access points to the school, details of gates, walls and fences can be controlled via condition.

8.11 The design provides for a variety of formal and informal learning environments, both indoor and outdoor, ensuring a high provision of ‘outside’ curriculum activity can be delivered both within the envelope of the building itself and the various play areas that surround the building. The design of the school allows for flexible uses of classroom space, whilst the “learning street” running between each step provides learning environments for smaller groups and 1 to 1 interaction.

8.12 As stated in paragraph 1.2 sustainability is at the heart of the schools’ design and construction. The existing school suffers significantly from excessive heating and cooling due to a lack of insulation and poor systems. The design includes a fully zonal controlled underfloor heating system, with designed in natural ventilation incorporating large openable windows with further heating and cooling provided by air source or ground source heat pumps. In addition the Energy Report recommends the installation of solar photovoltaic system.

8.13 Given the above assessment the proposed development is considered to be of an extremely high design quality that meets with national and local policies.

Neighbouring Amenity

8.13 The proposed school building directly adjoins and is connected to the existing Folkestone Academy, extending development to the northeast within the existing Academy grounds. To the north of the boundary is the Park Farm Industrial Estate, with units A –D Kingsmead directly to the north of the building (albeit at a higher ground level) and Unit 7 Barnfield Road to the north east. Directly to the east is the former Channel School sports hall building. It is considered the school building is an appropriate distance from these building to avoid any detrimental impact on amenity of either group of users.

8.14 The proposal seeks to reprovide a MUGA and cricket nets to the south of the Folkestone Academy building, adjoining the existing playground. Details of the MUGA identify that it is to be cut in to the existing slope, with exterior fencing measuring 4.65m in height. The MUGA is proposed to be located 30 metres from the nearest houses to the south, 20 metres from rear gardens. As per the existing MUGA, floodlighting is proposed. Environmental Health have considered the use of the MUGA and do not believe it would result in harm to neighbour amenity during the school day. Conditions are suggested requiring the submission of noise and light surveys and operating times to the Council before the MUGA is used so as to ensure that its operation in the evenings does not result in harm to neighbour amenity.

8.15 The proposal includes the extension of the school parking area. Neighbour consultee comments have raised concerns over the impact of the parking
area upon their residential amenity. Having assessed the proposal it is considered that the distance between the extended school car park and properties within Harriot Close, Dean Mead and St. Andrews Close is not unacceptable. Details of any further lighting and existing and additional landscaping to the north-western corner of the car park can be controlled via condition, so as to ensure the boundary treatment helps provide separation from residential properties and the car parking area.

8.16 Given the above assessment the proposal is not considered to be of detriment to neighbour amenity by reason of noise and disturbance, nor by being of an overbearing nature, subject to the conditions listed.

Highways

8.17 Following the submission of the application there has been considerable discussion with Kent Highways Services to resolve the issues set out in their initial comments (para. 4.2) and those raised by local neighbour consultees in section 6 of the report, culminating in the submission of:

- Highway Technical Report 4 – an addendum to the Transport Assessment, including mitigation works to roundabouts at Churchill Avenue/Park Farm Road and Park Farm Road/Radnor Park Avenue traffic signalisation improvements (meeting the needs of both applications Y11/1132/SH and Y11/1133/SH) and consideration of the impact of the development upon Kingsmead.
- Drawing 09.55.04 – Providing further details of on site parking provision (40 additional spaces) and the reconfiguration of the existing car park to provide an additional 14 parking spaces (including 3 disabled parking bays) and 2 motorcycle spaces.
- Drawing 09.55.116 rev C – Providing details of a parent drop off area on Park Farm Road, adjacent to the pedestrian entrance to the school. The revised layout of this existing area provides a shared footway/cycleway, together with 10 drop off spaces, accessed via a 2.4 metre, restricted width, one-way lay-by.

8.18 Concerns have been raised by neighbours regarding the impact of the existing Folkestone Academy on highway safety due to parents parking on residential streets. The proposed development replaces an existing primary school and is located within a similar location. The Transport Assessment identifies that the majority of parents will continue to access the school via Park Farm Road or Kingsmead, both accesses which include parent drop off areas. Kent Highways are satisfied that the proposed development will not be of detriment to highway safety.

8.19 Kent Highways have confirmed (para 4.2) that following the submission of additional information no objection is raised, subject to the conditions listed. The improvements to off site highway infrastructure can be secured via a planning condition, linked to a S38 agreement. It is therefore considered highway issues have been resolved and that the proposal is not of detriment to highway safety, making adequate provision for staff parking and pupil access and drop off.
Flooding/Drainage/Contaminated Land

8.19 Environmental Health, the Environment Agency and Southern Water have been consulted upon the application, their detailed comments set out in section 4 of this report. All have recommended standard conditions are applied, should planning permission be granted, regarding surface water drainage and contaminated land. These conditions are listed at the end of the report.

Loss of Playing Fields

8.20 Following the submission of additional information to Sport England regarding the location of the MUGA, cricket nets, school buildings and extended car park, Sport England have confirmed that the proposed development would not result in the net loss of playing pitches, nor land capable of being used for playing pitches and therefore withdraws its earlier objection to the application, subject to the imposition of an informative requiring the detailed design of the MUGA to meet with Sport England’s guidance.

8.21 Given the above it is considered the proposed development meets with national guidance set out in the NPPF and Sport England policy “A Sporting Future for the Playing Fields of England” and Local Plan policy LR12.

Human Rights

8.11 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.

8.12 This application is reported to Committee due to its strategic nature and its close link to application Y11/1132/SH.

9.0 SUMMARY

9.1 Planning permission is sought for the erection of a replacement Primary School for Folkestone Academy, together with an extension to the school car park, the construction of a replacement MUGA and cricket nets and the creation of a parent drop off area on Park Farm Road.

9.2 The proposed development is of an extremely high quality, sustainable design that compliments the adjacent secondary Academy building.
Following negotiation with Kent Highways and Sport England, the development has overcome earlier objections raised and is considered acceptable both in terms of highway safety and the protection of playing fields. The proposed development is not considered to be of detriment to neighbour amenity.

9.3 Given the above and the detailed assessment set out in this report it is considered the proposed development meets with established development plan policy and the National Planning Policy framework and it is, therefore, recommended for approval.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

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

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

2. Approved plan numbers (to add)

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (inclusive of paving) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

   Reason:
   To ensure the satisfactory appearance of the completed development and in the interests of visual amenity in accordance with policies SD1 and BE1 of the Shepway District Local Plan Review.

4. Prior to the commencement of the development, a detailed car park layout plan shall be submitted to and approved by the Local Planning Authority in consultation with Kent Highways Services and before the first use of the school these facilities shall be provided and kept available for parking purposes in association with the premises.
Reason:
It is necessary to make provision for adequate off street parking to prevent obstruction of the neighbouring highway and safeguard the amenities of adjoining areas in accordance with policies TR12 of the Shepway District Local Plan Review.

5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of all existing trees, shrubs and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development, as well as details of biological and ecological enhancements that are of benefit to wildlife. All hard and soft landscape and enhancement works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the submitted maintenance schedule.

Reason:
In order to protect and enhance the appearance and biodiversity of the area in accordance with policies SD1 and BE16 of the Shepway District Local Plan Review and the NPPF.

6. Prior to works commencing a construction management plan shall be submitted to the Local Planning Authority for approval. The management plan shall include details of demolition, working hours and measures to prevent debris and spoil being deposited on the public highway. Works shall be carried out in accordance with the plan.

Reason
In the interests of the residential amenity of the occupants of nearby dwellings and the requirements of policies SD1 and BE1 of the Shepway District Local Plan Review, PPS1, PPS23 and PPG24.

7. Before any part of the development hereby permitted is occupied or first brought into use a Travel Plan indicating how it is intended to encourage and implement proposals at the site which will result in a reduction in the need for staff and children to travel to and from the site by means of a private motor car shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the monitoring and periodic review of the measures being implemented and the scheme shall be carried out and implemented in accordance with the approved details immediately upon first occupation/use of the development hereby approved and shall be retained thereafter incorporating the details as may be amended upon review with the agreement in writing of the Local Planning Authority.
Reason
In the interests of sustainability and environmental impact of the development and in accordance with policies SD1, TR12 and TR13 of the Shepway District Local Plan Review.

8. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the drainage infrastructure on the site shall be maintained and managed after completion.

Reason:
To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with policy SD1 of the Shepway District Local Plan Review.

9. Prior to the commencement of development a ground survey, identifying existing and proposed levels for all artificial pitches and buildings shall be submitted to the Local Planning Authority for approval. The development shall thereafter be carried out in accordance with the approved details.

Reason
So as to ensure the finished levels of the development are not raised up above existing ground level to an unacceptable height and to ensure neighbour residential amenity is not impacted upon, in accordance with policies SD1 and BE1 of the Shepway District Local Plan Review.

10. Prior to the commencement of construction of the MUGA, detailed light and noise assessment reports shall be submitted to the Council for approval. The reports shall include an assessment of impact(s) upon residential amenity, together with proposed mitigation measures and recommended hours of operation. The report and recommendations shall be approved by the Council, with all measures installed, and hours of use agreed prior to the first use of the MUGA. The operation of the MUGA shall thereafter be within the agreed parameters.

Reason
Whilst the use of the MUGA during the day is acceptable in this location further assessment of the impact of its use in to the evening is required by the Council before operating hours can be agreed, in accordance with policy BE1 of the Shepway District Local Plan Review and the NPPF.
11. Prior to the first use of the development hereby approved details of all other external lighting to be installed, including details of light spill, levels of illumination and measures to reduce the impact of lighting on the wider landscape shall be submitted to the Local Planning Authority in writing for approval. The development shall thereafter be carried out in accordance with the approved details prior to first use.

Reason
To ensure the development would not result in harm to the character and appearance of the wider area in accordance with policies SD1 and BE1 of the Shepway District Local Plan Review and Government guidance contained in PPS23.

12. The school shall not be used until secure covered bicycle storage facilities have been provided in accordance with details to be submitted and approved by the Local Planning Authority and the facilities shall be retained and maintained thereafter for the storage of bicycles.

Reason:
To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car in accordance with policies TR5 of the Shepway District Local Plan Review.

13. No part of the development hereby permitted shall be occupied until the “drop off areas” on Park Farm Road and within the Academy car park has been completed in accordance with the approved details and opened to public traffic unless an alternative phasing plan has been agreed in writing by the Local Planning Authority.

Reason:
In the interests of highway safety.

14. 1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

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

(iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document *Model Procedures for the Management of Land Contamination (Contamination Report 11)*.

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

Informatives

1. Drainage
The site lies on the Weald clay and therefore the construction of soakaways for surface water drainage is unlikely to be a viable option. It is therefore recommended that an alternative method of surface water drainage be sought.

Contamination
In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the Environmental Protection Act 1990.

Noise
All new school buildings must meet the requirements of Building Bulletin 93 (BB93), which sets out quite specifically the requirements of sound insulation in each classroom and the building as a whole.

It is therefore recommended that once the precise details of the materials to be used in the structure of the building are known, a full acoustic report is compiled to ensure that this will meet the requirements of BB93. The report should also take into account any external environmental noise.

Also, the report could contain an assessment re the impact of any plant and machinery the school may require on the nearest residential premises to their location.

In the view of the District Planning Authority, and having taken into account all material planning considerations; there is insufficient demonstrable harm or conflict with policy arising from the proposal to warrant withholding planning permission.

In coming to this decision, regard has been had to the following policies:
Shepway District Local Plan Review –
SD1, BE1, SC2, SC3, LR12, LR13, U7, TR5, TR6, TR11, TR12
Core Strategy Submission Document July 2011 –
SS1, SS5, CSD4,
National Planning Policy Framework (NPPF)
Technical Guidance to the NPPF
Policy Statement – Planning for Schools Development
A sporting future for the playing fields of England
Kent Design Guide
Manual for Streets
Shepway - A Playing Pitch Strategy Update July 2011
Shepway - Open Space Audit 2010

Decision of Committee
1.0 THE PROPOSAL

1.1 The application proposes to demolish the existing two storey dwelling and erect two, three storey detached dwellings with associated parking areas to the front of the site. This application is a resubmission and the same development proposal to that previously refused by the Development Control Committee under planning application Y11/0665/SH. The development is described below:

1.2 Two architecturally handed three storey detached traditional dwellings, designed to be constructed to actively step up the slope, whilst addressing the streetscene of Radnor Cliff Road. The two dwellings would be centrally positioned within the plot and sited parallel and facing the road edge, set back from the road edge by 16 metres with each dwelling having a depth of 12.5 metres, a width of 9 metres and an approximate ridge height of 10.2 metres as measured from the front elevation, approximately 11.5 metres above the street level. Between the dwellings would be shared garden steps leading to a first floor entrance and the rear gardens beyond. To the front of the site, it is proposed to have four covered private car parking spaces adjacent to the road.
1.3 The dwellings would be set over 3 floors. On the ground floor they are proposed to have one bedroom and a bathroom, together with storage cupboards. On the first floor it is proposed for each dwelling to have 3 bedrooms, an en-suite bathroom and a single master bathroom and on the second floor there would be an open plan living area, kitchen and dining area.

1.4 In design the dwellings are proposed in a traditional style with steeply pitched gable slate roofs with prominent front bay windows and sash openings. Externally the dwellings would be constructed of a mixture of white rendered walls, brick work and timber clad boarding. Lastly, it is proposed for the development to achieve the BREEAM Sustainable Homes code three level.

1.5 As this is the resubmission of an application submitted less than 6 months ago, officers agreed that it would not be necessary for the applicant to resubmit the design and access statement, tree report, ecology report or slope stability survey submitted with the previous application as they are still current and can be carried over from the previous application.

2.0 LOCATION AND DESCRIPTION OF SITE

2.1 The application site is located within the coastal, riviera area of Radnor Cliff, within the Folkestone settlement boundary and within a predominantly residential area. The site is situated on the northern side of Radnor Cliff Road, close to the junction with Radnor Cliff Crescent.

2.2 The site is currently occupied by a single detached two storey dwelling, set back slightly from the road frontage. There is a large well landscaped garden area to the front and side and a small garden area to the rear. The land is not flat and rises from the road frontage, in a north south direction. Beyond the garden area to the rear, a steep heavily wooded escarpment rises sharply to the Leas promenade above. This wooded escarpment continues along the length of Radnor Cliff towards the Coastal Park to the east and Radnor Cliff Crescent to the west.

2.3 The built environment surrounding the site is predominantly residential. Radnor Cliff Road has a coastal riviera character and comprises a mixture of flats and houses. The prevailing built environment comprises of predominantly traditional architecture although there are some examples of more modern buildings. Following an appraisal and review of the existing conservation area boundaries, the area was included in the Sandgate Conservation Area on 14th October 2009. The site is also within an area of special character designated under policy BE12 of the Local Plan. Adjoining the site to the east and west are substantial four-storey dwelling houses, probably of late 19th or early 20th century origin, whilst on the opposite side of the road is a terrace of early Victorian four storey houses which are Grade II listed and converted to flats. Further to the east, dwellings on the north side of the road are generally more modest in scale whilst, on the south side, there are a number of large blocks of flats.
2.4 Radnor Cliff is characterised by the coastal environment and the wooded steep escarpment, which stretches the length of this road on the northern side and rises steeply and sharply to the Leas promenade. This woodland is considered to contribute a valuable visual and ecological amenity asset to the area and has been protected under Tree Preservation Order No. 4 of 2009.

3.0 RELEVANT PLANNING HISTORY

3.1 Y04/0355/SH - Erection of a double garage with guest annexe above (renewal of planning permission 99/0388/SH). Approved 18.05.04.

3.2 Y08/0552/SH - Erection of a four storey block of seven apartments following demolition of existing dwelling house. Refused 07.09.09. Appeal dismissed.

3.3 Y10/1049/SH - Erection of two detached dwellings and associated parking, following demolition of existing dwelling. Refused 11.03.11. Appeal allowed.

3.4 Y11/0665/SH - Erection of two detached dwellings and associated parking, following removal of existing dwelling. Refused 28.10.11


3.6 Y12/0073/SH - Conservation area consent for the demolition of existing dwelling in association with planning application reference Y12/0071/SH. Approved. 19.03.2012.

4.0 CONSULTATION RESPONSES

4.1 Sandgate Parish Council –
We reiterate our objections to application Y11/0665/SH with additional objections based on the recent landslip, land instability and the need for a thorough geotechnical survey.

Voting: For: 5  Against: 0  Abstentions: 0
4.2 Kent Highways –

I confirm I now have no objection to the proposals in respect of highway matters subject to the following conditions being attached to any permission granted:

1. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives and construction vehicles loading, off-loading and turning on the site.

2. Prior to the works commencing on site details of parking for site personnel/operatives/visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

4. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

5. The area shown on the submitted layout as vehicle parking spaces and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the dwellings are occupied, and shall be retained for the use of the occupiers of, and visitors to, the dwellings and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces and turning space.

6. No dwelling shall be occupied until space has been laid out within the site for 4 cycles per dwelling to be parked.

7. Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

8. The boundary wall abutting the highway shall not exceed 1.05m in height.

9. Notes:-

Please advise the applicant that this permission does not convey any approval for the required vehicular crossing or any other works within the highway which a licence must be obtained. Applicants should telephone 08458 247800 in order to obtain the necessary Application Pack.
4.3 Arboriculture Manager –
Further to our recent conversation I can confirm that I would have no objections to the current scheme as long as the tree protection fencing is installed as per previous plans and prior to the demolition contractors site occupation. This will ensure that all construction activity will take place on the southern section of the escarpment away from the TPO’d woodland to the north.

4.4 Southern Water –
Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

‘A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858588) or www.southerwater.co.uk.

We request that should this application receive planning approval, the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water”.

4.5 Building Control Officer-
I recommend applying the standard latchgate condition.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 23.02.12.

5.2 Site Notice. Expiry date 28.02.12.

5.3 Press Notice. Expiry date 28.02.12.

6.0 REPRESENTATIONS

6.1 2 letters/emails received objecting on the following grounds:

- This application is a resubmission of Y11/0065/SH which has already been refused by SDC on the 31.10.2011. As there have been no fundamental changes it would be logical and consistent for this application to be refused without further ado.
- The development is within a conservation area.
- There is a brook running under the site which can cause landslip.
7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE4, BE5, BE12, BE16, BE17, BE19, TR5, TR11, TR12, CO11, HO1, U2, U4.

7.3 The following Supplementary Planning Documents and Government Guidance apply:

Kent Design Guide

8.0 APPRAISAL

Background

8.1 The recent planning history of this site is relevant to this application which follows three recently refused applications, reference Y08/0552/SH, Y10/1049/SH and Y11/0665/SH. The first application (Y08/0552/SH) was for the erection of a four storey block of seven residential apartments following demolition of the existing house. Planning permission was refused by the Development Control Committee on the 1st September 2009 on the grounds of the scale, mass and height of the proposed development being overintensive and out of keeping with this Area of Special Character and detrimental to the setting of a group of historic buildings.

8.2 Subsequently, the applicant appealed the decision of the Council and the Inspector dismissed the appeal on two grounds of harm. The Inspector’s first concern was the impact of the proposed flats on the character and appearance of the area and the setting of nearby listed buildings and his second concern was the impact upon the residential amenities of the occupiers of an adjoining dwelling. The Inspector concluded that:

“It is my overall conclusion that the proposal would cause unacceptable harm to the character and appearance of the area and to the settings of nearby listed buildings, and would neither preserve nor enhance the character or appearance of the Conservation Area. In these respects it would conflict with the objectives of Local Plan policies BE1, BE4, BE5 and BE12 and is therefore unacceptable”.

8.3 The Inspector also considered all other material planning considerations raised by local residents and others expressing concerns about matters such as traffic generation and highway safety, stability of the escarpment, overdevelopment, risk of flooding, over-provision of holiday flats and loss of
trees. However the Inspector did not consider any of these issues to be unacceptable such as to warrant further additional grounds of refusal.

8.4 The second application reference Y10/1049/SH was for the erection of two detached dwellings and associated parking, following demolition of the existing dwelling. The application was proposed and designed following the previous appeal decision, and having regard to the Inspector’s comments and the dwellings were of a contemporary design. This second application was refused by the Development Control Committee on grounds of “overall design and appearance within the streetscene, which would result in an adverse visual impact upon the amenity of the area which would fail to preserve or enhance the character or appearance of the Conservation Area and Area of Special Character and adversely affect the historic setting of the adjacent listed buildings”. Following this refusal, the applicant submitted an appeal which was allowed and granted planning permission subject to conditions on the 1st November 2011.

8.5 Concurrently with the appeal, the applicant then applied for a third time for the erection of two detached dwellings and associated parking, following removal of existing dwelling under planning reference Y11/0665/SH. The proposal was for two traditional style detached dwellings which aimed to address and overcome concerns raised by Members at the Committee meeting. However, the application was refused by the Development Control Committee on the following ground:

The proposed development would by virtue of its overall design and appearance within the streetscene, result in an adverse visual impact upon the amenity of the area which would fail to preserve or enhance the character or appearance of the Conservation Area and Area of Special Character and adversely affect the historic setting of the adjacent listed buildings, contrary to policies BE4, BE5 and BE12 of the Shepway District Local Plan Review.

8.6 This decision was made prior to the Planning Inspector’s decision on the previous application for two contemporary style dwellings. Therefore, in light of the recent Inspector’s decision to allow the appeal and grant planning permission under Y10/1049/SH for the erection of the two contemporary style detached properties, the applicant has resubmitted the application for the traditional style dwellings.

Relevant Material Planning Considerations

8.7 Since the last refusal of planning permission, the principle of two detached dwellings on the site has been established by the grant of planning permission on appeal for Y10/1049/SH. As the previous scheme (Y11/0665/SH) was refused on grounds of visual impact and design, the principle issue to consider is whether the detailed design and visual impact of these two particular dwelling is now considered acceptable given that the visual impact of two contemporary dwellings on the site has been accepted. It is not proposed to reconsider all other material planning considerations such as ecology, stability and highways as these have been covered
previously and were considered acceptable by the Planning Inspector and the Council and not included in the previous ground of refusal.

Policy

8.8 The principle Local Plan policies against which the proposal has to be assessed are BE4 in terms of impact on the conservation area, BE5 in relation to the setting of the listed buildings and BE12 which designates this area as an area of special character.

8.9 In addition to local plan policy the Government guidance in the recently published National Planning Policy Framework must also be taken into consideration which states that housing applications should be considered in the context of the presumption in favour of sustainable development. In terms of this site, the National Planning Policy Framework document does state that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. This is covered in the Area of Special Character policy BE12, against which the Planning Inspector assessed the previous application for two contemporary dwellings. The National Planning Policy Framework encourages development generally in sustainable locations and it is not considered that there is conflict in principle between this development and the Government’s recently published policy.

Visual Impact

8.10 The proposed development is to be located within the coastal riviera area of Folkestone which is designated as part of the Sandgate Conservation Area and within an area of special character as identified in the local plan. The site is also in close proximity to listed buildings. Therefore the visual impact upon the streetscene and the setting of nearby listed buildings remain of principle concern in the determination of this application in terms of scale, massing and design.

Scale and Massing

8.11 The existing pattern of development within Radnor Cliff varies significantly, with a variety of scales of buildings. However the predominant built form in this part of Radnor Cliff is large two and three storey dwellings addressing the street frontage. This proposed development has been designed in a manner to reflect the scale, height and proportion of the adjacent three storey dwellings to the east and that of the tall four storey dwellings to the south and west. The overall heights of the proposed dwellings would sit comfortably within the streetscene and appear marginally lower than the adjacent houses to the east and west at a height of 10.2 metres. It is not considered that they would appear unduly tall or obtrusive in scale given the scale of the surrounding built form. In assessing the scale and massing of the approved development under Y10/104/SH, which was of the same approximate height, scale and massing the Inspector considered that,
“The height and scale of the proposed buildings would be cognisant of the surrounding development and they would not, particularly given their set back into the site, dominate the streetscene”.

8.12 In terms of the layout, footprint and mass, the proposed development remains approximately the same as that previously proposed under Y10/1049/SH. The two dwellings have been sited in a manner which provides good separation distances between each other and the two adjoining properties, numbers 19 and 27 Radnor Cliff and would be approximately the same as approved under Y10/1049/SH. The two dwellings would be positioned within the centre of the site and have good garden and amenity space surrounding them. This arrangement also allows for clear views of the woodland to the rear between and to the sides of the buildings, thus retaining the woodland backdrop and the wooded riviera character. The detailed design and traditional appearance of the proposed houses also helps break up the bulk and scale of the development. It is therefore considered that in terms of scale, the proposed buildings would integrate well within their surroundings, and would sit comfortably in the streetscene without appearing unduly dominant. In this regard, during the determination of Y10/1049/SH which was of the same approximate layout, footprint and mass the Inspector considered that:

“Whilst their bulk would clearly be far greater than that of the existing dwelling they would nevertheless appear to settle well into the local topography and whilst they would be visible in some important vistas I do not consider that this would harm the area's character and appearance”.

8.13 It is therefore considered that in scale, massing, footprint and layout the development is acceptable and virtually the same as that granted planning permission under Y10/1049/SH which the Inspector considered was acceptable in this location.

Design

8.14 In order to overcome previous design concerns raised by the Development Control Committee when considering the previous scheme for two contemporary dwellings, the proposed houses have been designed in a more traditional manner. In this regard, the dwellings are proposed with a traditional form and appearance incorporating steeply pitched slate roofs, front bay windows with a mixture of plain render, brickwork and timber clad elevations together with traditional sash windows with stone cills. As such, the development now proposes a more traditional domestic form of development that reflects the design of surrounding buildings. The pitched roofs, bay windows and fenestration would reflect the traditional detailing of houses within the immediate vicinity and recognition of the coastal and riviera character is also presented through the retention of some balconies and terraces. The use of timber cladding would relate well to the wooded backdrop and the front plain white rendered elevations would also reflect many of the buildings nearby, particularly the houses to the east, assisting to form a continuous line of white painted or rendered buildings.
8.15 It is considered that, compared with the current building on this site, which the Inspector considered is rather unassuming and has little architectural merit, the proposed development would enhance the streetscene and be a vast improvement to the current character and appearance of the site. The proposed dwellings are therefore considered to comply with the provisions of policy BE1 of the Local Plan Review, in terms of presenting a high standard of design, which would physically and visually interrelate with its surroundings.

Area of Special Character

8.16 The development is also considered to conform to the criteria of policy BE12 of the Local Plan Review and in terms of the policy criteria would have no detrimental impact on the area of special character. The development would not result in the loss of the wooded backdrop to the rear of the site nor have a detrimental impact on the woodland skyline above the site. A proportion of the landscaped front garden would also be retained where further native landscaping can be added to enhance the site. It is acknowledged that the development would result in the presence of two dwellings compared to one which would inevitably have a greater visual impact, but when considering the previous application, the Inspector did not consider this would create any material visual harm and given the proposed spacing between dwellings and the revised traditional design and siting it is considered that the two dwellings would have sufficient space around them so as not to harm the area of special character. In this respect the Inspector considered the previous development (Y10/1049/SH) which has a similar layout and siting to that in question would:

“Inevitably restrict views of the escarpment and result in a loss of some of the spaciousness identified above. However, the proposal includes some frontage garden areas and the gaps between the proposed buildings themselves, as well as between the proposed and existing properties, would continue to allow views of the wooded escarpment to the rear”.

It is therefore considered that the development proposal complies with the principles and aims of policy BE12 and would present no harm to the area of special character of Radnor Cliff.

Setting of Listed Buildings

8.17 The site is also within close proximity to seven buildings that are listed (8-22 Radnor Cliff). These are large, four storey mid-nineteenth century buildings, sited on the southern side of Radnor Cliff Road and their settings were considered to be adversely affected by the previous development proposals and therefore this was included as part of the grounds of refusal. However the Inspector considered the previous development (Y10/1049/SH) to be of sufficient intrinsic merit to stand alongside the nearby properties and would not be harmful to the setting of the nearby listed buildings or indeed those recognised in the CAA as being recommended buildings of merit. The current proposal is different to the previous modernist and contemporary design approach of Y10/1049/SH. The development now proposes two
dwellings that would have a very traditional appearance with materials and features such as bay windows that would reflect the existing buildings within the immediate locality including the listed buildings. As such this is considered to equally be of intrinsic merit and present a high class of design and finish that would sit comfortably within the setting of the listed buildings, and in comparison to the rather unassuming dwelling on the site, enhance their setting.

**Conservation Area**

8.18 The site is located within the Sandgate Conservation Area. In this regard, conservation area status does not preclude development, but instead in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be given to the desirability of preserving or enhancing the character and appearance of the surrounding conservation area.

8.19 In scale and massing the development remains predominantly the same as that granted under the previous application (Y10/1049/SH) which the Inspector considered was acceptable in terms of impact on the conservation area. In design terms, however, the detailing of the dwellings has been changed to a more traditional style which aims to preserve the setting of the conservation area with the use of architectural features that are commonly found within the conservation area, such as the bay windows, stone window cills and tall pitched slate roofs that would enable the development to be better woven into the fabric of the existing setting. Thus, it is considered that the development would not only preserve the character and appearance of the surrounding conservation area, but when considered against the rather unassuming property currently occupying the site, would actually enhance the character and appearance of the conservation area.

**Other Material Considerations**

8.20 As previously stated above, the previous application, Y11/0665/SH, was only refused on grounds of design and visual impact. Given that this application is the same and a resubmission of Y11/0665/SH and the site and local environment has not changed it would be unreasonable for the Local Planning Authority to now introduce new grounds of refusal such as land instability, highways, residential amenities, ecology or landscaping and trees. The comments of Sandgate Parish Council regarding land stability and the recent nearby land slip are acknowledged, however, this does not constitute a material change in planning circumstances in relation to this site as soil stability matters can be adequately covered by condition.

**Human Rights**

8.21 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.

8.22 This application is reported to Committee at the request of Councillor Holben, owing to the views of Sandgate Parish Council and given the Development Control Committee’s previous decision on this proposal.

9.0 SUMMARY

9.1 This application is the resubmission of previous refused application Y11/0665/SH, which seeks permission for the erection of two detached dwellings and associated parking, following removal of existing dwelling.

9.2 Following the appeal decision on application Y10/1049/SH, which granted permission for the erection of two detached dwellings and taking into consideration the Inspectors views raised in the decision notice there are no grounds to justify refusing this application for a second time. The development has been well designed, presenting two traditional style and suitably proportioned detached dwelling houses which would conserve and enhance the character and appearance of the conservation area as well as the area of special character and have no adverse impact upon the setting of the nearby listed buildings.

9.3 The development does not raise any new material planning considerations that have not previously been assessed and considered acceptable by both the Council and the Planning Inspectorate. The application is therefore considered acceptable and it is recommended that planning permission be granted subject to the conditions set out below which are (where possible) the same as those imposed by the Inspector under Y10/1049/SH.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

1. Standard three year time condition. C101
2. Approved plans C212
3. Materials to be approved C201
4. Sustainable homes C200
5. Car parking and turning area to be retained (unallocated)  C303

6. Cycle parking  C329

7. The vehicular entrance and all areas for vehicle parking and turning shall be constructed of a bound and permeable material and retained at all times.

8. No development shall take place until full details of the proposed vehicular access have been submitted to and approved in writing by the Local Planning Authority. These details shall show the proposed visibility splays together with any works deemed necessary to the front boundary wall and no dwelling shall be occupied until the access has been constructed in accordance with the approved arrangements which shall thereafter be retained.

Reason:
In the interests of highway safety to allow for visibility sight lines in accordance with policy TR11 of the Shepway District Local Plan Review.

9. The vehicle entrance and all areas for vehicular parking and turning shall be construction of a bound material and shall thereafter be retained as such.

Reason:
In the interests of highway safety to prevent loose material being carried onto the public highway in accordance with policies SD1 and TR11 of the Shepway District Local Plan Review.

10. Landscaping (Hard & Soft)  C401

11. Boundary treatment  C428

12. Flat roof areas of bay windows not to be used as amenity area  C207

13. No development shall take place until detailed drawings of all underground works and any additional precautions necessary to prevent damage by root action, have been submitted to and approved in writing by the Local Planning Authority such details to be in accordance with BS5837: 2005 Trees in Relation to Construction – Recommendation. Development shall be carried out in accordance with the approved details.

Reason:
To ensure the protection of trees on the site in the interests of the visual amenity of the conservation area and area of special character in accordance with policies SD1, BE4, BE12, BE16 and BE17 of the Shepway District Local Plan Review.

14. No development shall take place (which shall be taken to include any site clearance or stripping of soil) until a tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The plan should contain details of all the trees, shrubs and hedges to be retained and the specification and position of fencing (in accordance with the relevant British
Standard (Trees in Relation to Construction – Recommendations; BS 5837:2005) and of any other measures to be taken for the rear of the site within the woodland protected under Tree Preservation Order No. 4 of 2009; from damage before or during the course of development – including by damage to its root system, from the lighting of fires, the storage of materials or machinery, the raising or lowering of existing ground levels and the installation of services. Existing soil levels around the boles of the trees shall not be altered. Development shall be carried out in accordance with the approved tree protection plan.

Reason:
To ensure the protection of trees on the site in the interests of the visual amenity of the conservation area and area of special character in accordance with policies SD1, BE4, BE12, BE16 and BE17 of the Shepway District Local Plan Review.

15. The trees to be removed in conjunction with this development shall be strictly those stated on the Lloydbore tree survey plan numbered 1450/02 and no others unless otherwise agreed in writing by the Local Planning Authority.

Reason:
To safeguard the woodland to the rear protected under Tree Preservation Order No. 4 of 2009 in the interests of the visual amenity of the area in accordance with policies SD1, BE16 and BE17 of the Shepway District Local Plan Review.

16. Prior to the commencement of works on site, including site clearance, a scheme including timescales for the sensitive reduction of vegetation to encourage reptiles to leave the site between the months of April and October as well as reptile exclusion fencing to be installed at the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the fencing retained for the duration of the construction period.

Reason:
In the interests of ecology and to protect reptiles’ habitat and to encourage any reptiles residing on the site to leave the site in accordance with policies SD1 and CO11 of the Shepway District Local Plan Review.

17. Soil Stability Latchgate (Revised wording 2012) C501

18. No development shall take place until full details of the proposed surface water drainage and sewage disposal arrangements have been submitted to and approved by the Local Planning Authority. Developments shall be carried out in accordance with the approved details prior to the first occupation of the dwellings.

Reason:
To ensure proper drainage and avoid pollution of the surrounding area in accordance with policies U1 and U4 of the Shepway District Local Plan Review.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed in the dwellings hereby approved.

Reason:
In the interests of the amenities of local residents to prevent loss of privacy in accordance with policy SD1 of the Shepway District Local Plan Review.

20. Prior to the first occupation of the dwellings, the first floor stairwell windows to be located upon the west elevation of dwelling No.1 and the east elevation of dwelling No. 2 shall be fitted with obscured glass of a type that is impenetrable to sight and shall be fixed shut up to a level of 1.8 metres above the internal finished floor level and so retained at all times.

Reason:
In the interest of the protection of residential amenities, to prevent loss of privacy in accordance with policy SD1 of the Shepway District Local Plan Review.

21. Prior to the commencement of development, details of side privacy screens for the ground floor front external terrace of dwelling No. 2 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the agreed measures shall be installed prior to the first occupation of the dwelling and thereafter retained at all times.

Reason:
In the interests of the residential amenities of neighbouring occupiers in accordance with Policy SD1 of the Shepway District Local Plan Review.

22. No development shall take place, (which shall be taken to include any site clearance or stripping of soil) until a construction method statement for the development, including details of parking for site personnel, operatives and visitors, the siting of any compounds, the prevention of mud and bedris being carried onto the highway and the proposed times of working, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved method statement.

Reason:
In the interests of the amenities of the area, in accordance with policies SD1, BE4 and TR12 of the Shepway District Local Plan Review.

In the view of the District Planning Authority, and having taken into account all material planning considerations, there is insufficient demonstrable harm or conflict with policy arising from the proposal to warrant withholding planning permission.
In coming to this decision, regard has been had to the following policies:

Shepway District Local Plan Review – SD1, BE1, BE4, BE5, BE12, BE16, BE17, BE19, TR5, TR11, TR12, CO11, HO1, U2, U4.

Decision of Committee
Appeal Decision

Site visit made on 10 October 2011.

by L Rodgers  BEng (Hons) CEng MICE MBA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 November 2011

Appeal Ref: APP/L2250/A/11/2153652
25 Radnor Cliff, Sandgate, Kent CT20 2JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Hayne Barn Holdings Ltd against the decision of Shepway District Council.
- The application Ref Y10/1049/SH, dated 3 November 2010, was refused by notice dated 11 March 2011.
- The development proposed is demolition of the existing dwelling and construction of two detached dwellings.

Decision

1. The appeal is allowed and planning permission is granted for the construction of two detached dwellings at 25 Radnor Cliff, Sandgate, Kent CT20 2JJ in accordance with the terms of the application, Ref Y10/1049/SH, dated 3 November 2010, subject to the conditions in Annex A.

Procedural matter

2. The proposal would clearly involve demolition of the existing dwelling on the site and the submitted application form refers to both planning permission and, in respect of the demolition, Conservation Area Consent (CAC). However, the Council appears to have determined only the application for planning permission and not that for CAC. Notwithstanding that the Appellant’s statement is entitled “Appeal against the decision of Shepway District Council to refuse planning permission for the construction of two detached dwellings, and Conservation Area Consent for the demolition of the original house...........” it is also the case that no formal appeal has been submitted in respect of the Council’s failure to determine the application for CAC. My determination therefore deals solely with the refusal of planning permission and does not address the matter of CAC.

Main Issues

3. The appeal site is in the Sandgate Conservation Area (CA) and an Area of Special Character. There are a number of listed buildings close to the appeal site. Bearing in mind the statutory test which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area I consider the main issues to be; the effect of the proposed development on the character and appearance of the area and on the ‘settings of the nearby listed buildings; and, its effect on the living conditions of nearby residents.
Reasons

Character and appearance of the area and the setting of listed buildings

4. The Sandgate Conservation Area Appraisal (CAA) identifies Radnor Cliff and the Riviera as one of five character areas in the CA. It is described as containing an impressive group of early/mid Victorian and later houses, some of which are listed; and notwithstanding some alterations, infills and variation in quality the area is said to remain coherent and distinctive. In describing the inclusion of the Radnor Cliff and the Riviera area within the CA, the CAA notes that the architectural qualities at the west end share some of the characteristics of the stucco faced Victorian villas found in the Leas at Folkestone whereas the eastern end displays more of a mixture of styles, periods and materials.

5. Apart from a number of "negative sites", the CAA states that there is limited capacity for infilling or redevelopment without harm to the character of the area. In particular, the CAA notes that a vital component of the Radnor Cliff area's character is its dramatic hillside setting and planting. Views into or out of this area and gaps between the houses are said to be important to its setting and any infill or development proposals should reflect the rhythm of existing plot sizes and the volumes of houses. The views from and relationship with the beach and seafront below are also said to be important.

6. I see no reason to take issue with the descriptions given in the CAA. However, it is clear from my site visit that the properties on Radnor Cliff also vary widely in age, style and materials and include a number of contemporary designs. I note the view of the Radnor and Riviera Residents’ Association (RRRA) that the contemporary buildings "...are located at the Eastern End of Radnor Cliff and not within the West End character area..." but I nevertheless saw that some were located fairly close to the appeal site.

7. In any event, given the variety of properties in the area it seems to me that design quality is particularly important, probably more so than the age or style of the buildings. Whilst the functional design ethos underpinning a number of the properties at the eastern end of Radnor Cliff has resulted in some buildings which would not normally be described as attractive, especially compared to the Victorian villas at the western end, some of the contemporary buildings closer to the appeal site are well designed and rather than detracting from the overall character and quality of the CA, enhance it. Indeed, the juxtaposition of the contemporary with the more traditional gives the area some of its character. Consequently, I do not regard a contemporary design approach to the appeal site as unacceptable per se.

8. The detached two storey dwelling currently occupying the appeal site is in a modern idiom but is not of any architectural merit. It is set well back from the road with areas of garden to the side and front of the house. These garden areas not only enable clear views of the wooded escarpment to the rear but also give a spacious feel to the immediate locality. However, this spaciousness is not typical of the area as a whole in which many of the existing properties are not only positioned close to the road but close together. The resultant lack of frontage greenery and the fact that views of the escarpment are often restricted to glimpses between the buildings creates a sense of enclosure which seems to me more characteristic of the area.
9. The proposed development would consist of two 'handed' three storey detached contemporary dwellings which would step back up the slope towards the escarpment. The dwellings would be positioned fairly centrally in the site although in a slightly staggered arrangement. External materials would include white render, tiles, and aluminium.

10. I note that the Inspector looking at an earlier proposal for the construction of 7 x 2 bedroom apartments on the site (APP/L2250/A/09/2115882), which he described as "...bold and imaginative, overtly modern in both concept and design.....", found that whilst the design was of high quality and relevant to the natural landform and site characteristics it would not reflect or respect the scale, height, form, proportions, rhythm and materials of the surrounding development.

11. There is no doubt that the dwellings now being proposed would also contrast markedly with the more traditional appearances of the properties immediately opposite and adjacent. However, the height and scale of the proposed buildings would be cognisant of the surrounding development and they would not, particularly given their set back into the site, dominate the street scene.

12. Although the Council raises a concern that the siting of the buildings would result in the houses extending significantly out to the rear and past the established rear building line, they would project only slightly further rearwards than the existing dwelling. Whilst their bulk would clearly be far greater than that of the existing dwelling they would nevertheless appear to settle well into the local topography and whilst they would be visible in some important vistas I do not consider that this would harm the area's character and appearance.

13. Compared to the current situation, construction of the buildings would inevitably restrict views of the escarpment and result in a loss of some of the spaciousness identified above. However, the proposal includes some frontage garden areas and the gaps between the proposed buildings themselves, as well as between the proposed and existing properties, would continue to allow views of the wooded escarpment to the rear.

14. The proposed cubic design would result in the properties having a rather 'hard' and clinical appearance. However, this would be softened by the organic, curvilinear treatment to their facing elevations. Whilst the Council is concerned that this would be very prominent and detract from the prevailing traditional and domestic built form, I saw on my visit that curved forms have already been used on other properties near to the site. I do not, in any event, consider the contrast would be harmful of itself. The use of terracing and balconies would provide articulation and interest to the frontal elevations and the predominantly rendered elevations would be reflective of several of the more traditional buildings nearby.

15. Taking account of all these matters it is my view that the proposed dwellings, despite their conspicuous modernism, would not be harmful to the coastal and Riviera character of the area and would be of sufficient intrinsic merit to stand alongside the nearby properties. Indeed, in comparison to the rather unassuming property currently occupying the appeal site they are likely to enhance the character and appearance of the area and the CA test would therefore be met. For similar reasons it is also my view that the proposed dwellings would not be harmful to the setting of the nearby listed buildings or indeed those recognised in theCAA as being recommended buildings of merit.
Consequently I find no conflict with Policies BE4, BE5 or BE12 of the Shepway District Local Plan Review 2006 or with national policy expressed in Planning Policy Statement 5: Planning for the Historic Environment.

Living conditions

16. The Council did not raise a reason for refusal in respect of the effect of the proposed development on the living conditions of neighbouring occupiers. However, I am conscious that it is a matter which concerns a number of local residents and I am also conscious that the Inspector considering the previous proposal (APP/L2250/A/09/2115882) found that material harm would have been caused to the living conditions of the residents of No 27.

17. Turning first to the effect on the residents of No 27, compared to the development being considered by the previous Inspector the current proposal has been reduced in height and positioned further away from No 27. The Council's committee report notes that the easternmost dwelling would now be some 4m away from No 27 at its closest with the main eastern façade being around 5.5m away.

18. Notwithstanding that the daylight/sunlight analysis presented by the Appellant is somewhat limited in its scope I do not consider, based on the proposed heights and separation distances, as well as my observations on site, that there would be any materially harmful impact on the amount of sunlight or daylight reaching the windows of No 27. It is also my view that the development would not appear overbearing when seen from these windows or from the terrace to No 27.

19. There is limited fenestration on the eastern side of the proposed building adjacent to No 27. Those windows serving the front first floor bedroom are proposed to be at a high level and this, together with the potential for overlooking from the bathroom windows could be controlled by appropriate conditions. Compared to the previous proposal the improved separation distances would also allow the installation of privacy screens without material harm to the outlook from No 27. Overlooking of No 27 from the second floor south facing balcony could therefore also be controlled by imposing a suitable condition.

20. In respect of the property immediately to the west, No 19, the proposed development would be well separated from the main dwelling and in this respect there would be no material harm through overshadowing or overlooking. However, I note that the residents of No 19 are concerned that the proposed development would cut down the amount of sunlight reaching the amenity areas to the rear of the coach house. The areas concerned lie to the west of the proposed building and consequently I accept that at certain times of the year there may be some loss of early morning sunlight. However, given the separation distances involved any such loss would, at worst, amount to a minor inconvenience and would not result in material harm. I also see no reason to believe that these areas would suffer materially from overlooking.

21. Concerns have also been raised that the development would lead to harmful overlooking of the properties on the opposite side of the road, particularly their bedrooms. However, this is a residential area and as such, properties facing each other across an intervening road is not uncommon. I accept that the proposed development would be higher up the hill and would have both
windows and balconies facing southwards. Nevertheless the proposed dwellings would be set back into their plots and I consider that the separation distances would be sufficient to prevent material harm.

22. The RRRA has pointed out that there would be a separation distance of only some 9m between the living rooms and kitchens of the proposed houses and I agree that, in addition to considering the effect on existing residents, I must also have regard to the living conditions of future occupiers.

23. However, notwithstanding the limited separation between the properties, I note that both the living and dining areas would be dual aspect and it is likely that for the main living areas at least, the southerly aspects would be the most important. Future occupiers could screen the facing windows with blinds or similar such that light could enter the rooms but direct views would be prevented. Unlike existing residents, future occupiers would be able to make a conscious decision as to whether or not the proposed arrangements suited their needs and in these circumstances I do not consider this matter warrants dismissal of the appeal.

24. Seen as a whole I do not consider that the proposed development would result in material harm to the living conditions of either existing neighbours or future occupiers.

Other considerations

25. Local residents have pointed out that recent changes to Planning Policy Statement 3: Housing (PPS3) have removed private residential gardens from the definition of previously developed land and have deleted the national indicative minimum density. However, whilst I have taken these changes into account, they do not seek to prevent all development on private residential gardens and PPS3 continues to seek the more efficient and effective use of land.

26. I note that the Council’s Principal Building Control Officer states that the site is within the landslip area as detailed on the British Geological Survey and I am aware that local residents have raised concerns in respect of land stability. However, the Council has not objected on these grounds pointing out that matters of land stability were covered comprehensively in the determination of the somewhat larger, earlier proposal (Y08/0552/SH) - including the employment of an independent engineer to assess the risk. The Council also notes that a report by BSF Engineers on the current proposal, commissioned by the Appellant, has concluded that an engineering solution would safeguard the stability of the slope albeit with an acknowledgement that further investigation is needed.

27. Notwithstanding that the concerns of residents are based on their local knowledge and are clearly genuinely held and relevant to the proposed development, it is my view that these concerns could be adequately addressed by the imposition of appropriate conditions - which would need to include requirements for further ground investigation and the prior approval of works to ensure the stability of both the appeal site and neighbouring properties both during and after construction.

28. The appeal site is likely to generate more traffic than the current dwelling and I note the concerns in respect of the effect on street parking and the amenities of local residents as well as the potential impact of the proposed parking
arrangements on highway safety. However, I note that neither the Council nor the previous Inspector (in dealing with a larger scheme) found these matters materially harmful. I saw on my visit that Radnor Cliff is not a particularly busy road and subject to appropriate conditions governing the provision of parking spaces and access thereto I find the development would not cause material harm to amenity or highway safety. Based on the information before me I am not, however, convinced of the necessity of the Council’s suggested condition in respect of the front boundary wall - although a condition would be needed requiring the provision of appropriate visibility splays.

**Conditions**

29. In addition to the conditions noted above the Council has suggested a number of other conditions which it considers would be appropriate were I minded to allow the appeal. The Appellant is generally accepting of the conditions being proposed but considers them too numerous and has raised specific concerns in respect of two of the proposed conditions. I have considered the suggested conditions in the light of Circular 11/95.

30. In the interest of the character and appearance of the area, conditions would need to be imposed requiring material samples and the provision of details relating to boundary treatments. The provision of details relating to both hard and soft landscaping would also be required and, given the importance of the development’s appearance and the fact that the drawings appear to indicate a number of common areas, arrangements for maintenance. In the interest of sustainability, conditions would be required to ensure the achievement of the ‘Code for Sustainable Homes’ Level 3 and the provision of bicycle storage.

31. To prevent material harm to the living conditions of neighbouring residents, in addition to the conditions identified above a condition would be required controlling use of the flat roofs of the dwellings. To prevent harm to both the appearance of the dwellings and the privacy of neighbouring residents I consider the Council’s suggested condition to remove certain permitted development rights in respect of the insertion of additional windows to be both reasonable and necessary. Notwithstanding the Appellant’s concerns I consider the Council’s suggested drafting compliant with Circular 11/95.

32. The site is in a residential area fronting onto a fairly narrow road and whilst I accept that it would be necessary to control by condition matters such as construction hours, parking for site personnel and the deposit of deleterious material onto the highway I consider that the Council’s range of suggested conditions could be more effectively dealt with by the requirement to submit a construction management plan. A condition securing details of the proposed drainage arrangements would be reasonable and necessary in order to prevent pollution of the area.

33. The Council has suggested a number of conditions which seek to protect those trees which are to be retained as well as to protect the proposed development from the root actions of those retained trees. Conditions dealing with these matters would be both reasonable and necessary. However, the Council’s suggested conditions refer to a plan which is not before me and it would be necessary to seek the submission of a tree protection plan identifying those trees which are to be retained. A condition requiring a scheme and timescales for the clearance of vegetation in order to protect any reptiles on the site would also be required.
34. In the interests of proper planning, conditions would be needed to specify the approved drawings and the timescale within which the development should commence. I see no requirement for any other conditions. However, for clarity and to ensure compliance with Circular 11/95 some of the Council’s suggested conditions would need to be amended.

Conclusion

35. Against this background, and having considered all other matters before me, including the loss of part of the frontage wall, the effect on the Human Rights of nearby residents and the provisions of the draft National Planning Policy Framework, I find nothing to alter my conclusion that, subject to the conditions noted above, the appeal should succeed.

Lloyd Rodgers
Inspector
Annex A

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include an implementation programme and maintenance schedule. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the dwellings or, in the case of soft landscaping, in accordance with a programme agreed with the Local Planning Authority. The landscape works shall thereafter be maintained in accordance with the agreed maintenance schedule.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied and the development shall be carried out in accordance with the approved details.

5. No development shall take place (including site clearance works) until written evidence has been submitted to and approved in writing by the Local Planning Authority detailing the appointment of an appropriately qualified Code for Sustainable Homes Assessor. The dwellings shall not be occupied until certification demonstrating the achievement of a "Code for Sustainable Homes" rating of a minimum level of 3 has been submitted to and approved in writing by the Local Planning Authority.

6. Prior to the first occupation of the development hereby permitted, space shall be provided for the parking of three cycles per dwelling. These facilities shall thereafter be retained.

7. The dwellings shall not be occupied until space for the turning and parking of vehicles in accordance with the submitted drawings has been laid out and surfaced and this space shall thereafter be kept available for such use and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 or any revision thereto, shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to this space.

8. The vehicular entrance and all areas for vehicular parking and turning shall be constructed of a bound material and shall thereafter be retained as such.

9. No development shall take place until full details of the proposed vehicular access have been submitted and approved in writing by the local planning authority. These details shall show the proposed visibility...
10) The main flat roofs of the dwellings hereby permitted, covering the dining, kitchen and living areas as shown on Drg No 183860/52, shall not be used as a terrace, balcony, roof garden or similar amenity area.

11) No development shall take place (which shall be taken to include any site clearance or stripping of soil) until a tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The plan should contain details of all the trees, shrubs and hedges to be retained and the specification and position of fencing (in accordance with the relevant British Standard [Trees in Relation to Construction - Recommendations; BS 5837:2005]) and of any other measures to be taken for the protection of any retained tree, shrub or hedge, including those to the rear of the site within the woodland protected under Tree Preservation Order No. 4 of 2009, from damage before or during the course of development - including by damage to its root system, from the lighting of fires, the storage of materials or machinery, the raising or lowering of existing ground levels and the installation of services. Existing soil levels around the boles of the trees shall not be altered. Development shall be carried out in accordance with the approved tree protection plan.

12) No development shall take place until detailed drawings of all underground works and any additional precautions necessary to prevent damage by root action, have been submitted to and approved in writing by the Local Planning Authority such details to be in accordance with BS5837 : 2005 Trees in Relation to Construction - Recommendation. Development shall be carried out in accordance with the approved details.

13) No development shall take place, (which shall be taken to include any site clearance or stripping of soil) until a scheme for the sensitive reduction of vegetation aimed at encouraging reptiles to leave the site between the months of April and October has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales as well as the provision of reptile exclusion fencing at the site boundaries. Development shall be carried out in accordance with the approved details and the fencing shall be retained for the duration of the construction period.

14) No development shall take place, (which shall be taken to include any site clearance or stripping of soil) until a written report from specialist soils and engineering consultants, advising on the suitability of the land for the proposed development and a suitable engineering method to support the slope and construction to ensure that the slope remains stable during construction and thereafter, has been submitted to and approved in writing by the Local Planning Authority. The report should identify any works as may be necessary for stabilising the land and adjoining land and properties, reinforcing the foundations and strengthening the proposed development and ensuring the protection of the trees/root protection zones of those trees located on adjoining land boundaries and any other works (including works of drainage) so as to ensure the stability of the
land, proposed building and associated services, and any neighbouring
land and buildings, both during construction and thereafter.
Development shall be carried out in accordance with the approved details
and any measures deemed necessary shall be completed prior to the first
occupation of any dwelling.

15) No development shall take place until full details of the proposed surface
water drainage and sewage disposal arrangements have been submitted
to and approved by the Local Planning Authority. Development shall be
carried out in accordance with the approved details prior to the first
occupation of the dwellings.

16) No development shall take place, (which shall be taken to include any site
clearance or stripping of soil) until a Construction Method Statement for
the development, including details of parking for site personnel,
operatives and visitors, the siting of any compounds, the prevention of
mud and debris being carried onto the highway and the proposed times
of working, has been submitted to and approved in writing by the Local
Planning Authority. The development shall thereafter be carried out in
accordance with the approved method statement.

17) Notwithstanding the provisions of the Town and Country Planning
(General Permitted Development) Order 1995 (or any order revoking and
re-enacting that Order with or without modification), no windows/dormer
windows (other than those expressly authorised by this permission) shall
be constructed in the dwellings hereby approved.

18) Prior to the first occupation of dwelling No 2, the first floor bathroom
window on its east elevation shall be fitted with obscured glass and shall
be fixed shut up to a level of 1.8 metres above the internal finished floor
level and the bottom sill of the high level window serving the first floor
bedroom on the east elevation of dwelling No 2 shall be set at a
minimum height of 1.8 metres above the internal finished floor level and
these arrangements shall thereafter be retained.

19) No development shall take place until details of side privacy screens for
the ground floor front external terrace and second floor front balcony of
dwelling No. 2 have been submitted to and approved in writing by the
Local Planning Authority. The development shall be carried out in
accordance with the approved details and the agreed measures shall be
installed prior to the first occupation of the dwelling and thereafter
retained.

20) The development hereby permitted shall be carried out in accordance
with the following approved plans: 18386D, 18386D/50 Revision A,
18386D/51 Revision B, 18386D/52, 18386D/62, 18386D/100,
18386D/101, 18386D/102 Revision B, 18386D/103, 18386D/104
Revision A, 18386D/105, 18386A/01, 18386B/103 Revision A,
Applicant No: Y11/0812/SH

Location of Site: Land rear of 27 Victoria Road, Littlestone, Kent, TN28 8NL

Development: Erection of 6 three-storey houses with upper floor set within the roofspace and integral car ports, and 2 two-storey houses with integral car ports, and formation of access road with vehicle turning area.

Applicant: Compass Builders Ltd

Agent: Mr K Hughes
Designscape Consultancy Ltd
1A The Landway
Bearsted
Maidstone
Kent
ME14 4BD

Date Received: 13.09.11

Expiry Date: 08.11.11

Committee Date: 08.05.12

Officer Contact: Jon Barnes

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and subject to the completion of a legal agreement in respect of securing the provision of two units of affordable housing as part of the development and a contribution towards improvements and maintenance of open space and play equipment at The Greens.

1.0 THE PROPOSAL

1.1 The application proposes the development of the site with the erection of eight detached houses with integral car ports with a new access road constructed into the main body of the site off Victoria Road between the properties at 23 and 27 Victoria Road. The new access road runs north to south through the central part of the main body of the site. Two detached two-storey houses are proposed along the eastern side of the new access road from which they are accessed and these two houses back onto Meehan Road. Six three-storey detached houses with the upper floor set within the roofspace are proposed along the western side of the new access road and these houses back onto the open land which adjoins the site to the west. The six three-storey houses are sited in a staggered line running north to south fronting the new access road and the northernmost of the six houses adjoins the end of the rear gardens to the neighbouring properties at 27-33 Victoria Road.
1.2 As a result of the flood risk implications at the site the proposed houses are designed to incorporate no living accommodation on the ground floors (car ports, garden stores and wc only). The first floors of the two-storey houses incorporate a combined kitchen/living/dining room, three-bedrooms (one with en-suite facilities) and a bathroom/wc. The three-storey houses similarly incorporate a combined kitchen/living/dining room, two bedrooms and a bathroom/wc on the first floor and a further two bedrooms, both with en-suite facilities on the second floor set within the roof space. The two-storey houses have a car port to accommodate two side by side parking spaces and the three-storey houses have double length car ports to accommodate two parking spaces in tandem. The two-storey houses are provided with a first floor deck/balcony area to the side and the three-storey houses have a second floor level deck/balcony area to the rear.

1.3 The submitted plans indicate that the two-storey houses would have a facing brick finish with a reconstituted low pitched slate roof and the three-storey houses would have a facing brick finish to the ground floor, weatherboarding to the two upper floors and a reconstituted relatively steeply pitched slate roof. As a result of the flood risk implications at the site the proposed houses were originally designed to incorporate a 4m floor to ceiling height to the ground floor. A subsequent re-assessment of the flood risk implications has enabled the floor to ceiling height to be reduced to 2.7m and the overall height of the houses reduced by 1.3m accordingly. The Design and Access Statement supporting the application concludes that the scheme would deliver 8 dwellings, including 2 affordable dwellings, providing accommodation that meets a clear demand and offering a high quality of life for occupants, in a development of high design quality in a high quality setting. A commitment to achieving Code Level 3 of the Code for Sustainable Homes for the scheme has been provided.

1.4 The application is accompanied by a range of supporting documents, including the Design and Access Statement, a Supplementary Design and Access Statement, an Ecological Survey report, a Flood Statement and Emergency Plan, Detailed Flood Mapping Data Extracted from the Shepway District Council’s SFRA, and a Sequential Test Statement.

2.0 LOCATION AND DESCRIPTION OF SITE

2.1 The site of approximately 0.33 hectares has a frontage to Victoria Road between the dwellings at 23 and 27 Victoria Road and extends southwards and westwards to the rear of the dwellings at 27-33 Victoria Road where the generally rectangular shaped main body of the site is located. A footpath runs along the eastern boundary of the northern (front) part of the site, between the site and the side boundary of the dwelling at 23 Victoria Road. The southern (rear) part of the site is bounded along its eastern boundary by the extended (northern) section of Meehan Road and the footpath referred to above links up with the road. The site is flat and open and has been used for the grazing of horses.
2.2 The neighbouring residential properties along Victoria Road are a mixture of two-storey houses and chalet bungalows. The properties to the east on Meehan Road are single-storey bungalows but there are two-storey dwellings further along Meehan Road to the south. Open land adjoins the site immediately to the south and to the west along the western boundary of the main body of the site.

2.3 The site adjoins residential properties which form part of a predominantly residential area and is on the edge of, but within, the New Romney/Littlestone/Greatstone/Lydd-on-Sea settlement boundary as shown on the Proposals Map to the District Plan. The site forms part of an allocated housing site in the District Plan, as shown on the Proposals Map to the Plan. The site is also shown on the Proposals Map as part of an area at risk of fluvial or tidal flooding as identified by the Environment Agency. The adjoining open land to the west forms part of the defined Romney Marsh Local Landscape Area.

3.0 RELEVANT PLANNING HISTORY

3.1 Y04/1138/SH - Outline application for erection of 8 dwellings together with the construction of a vehicular access. Refused 07.10.04.

3.2 Y05/0143/SH - Outline application for the erection of 8 dwellings together with the construction of a vehicular access. Approved 03.07.07 subject to a legal agreement to secure two affordable housing units and a contribution towards the enhancement and maintenance of facilities on The Greens.

3.3 Y10/0607/SH - Details of reserved matters (siting, design and external appearance of buildings and landscaping of the site) submitted pursuant to outline planning permission for the erection of 8 dwellings together with the construction of a vehicular access. Refused 23.08.10. Appeal against refusal dismissed 05.05.11.

4.0 CONSULTATION RESPONSES

4.1 New Romney Town Council – Recommend refusal on the same grounds as previously as there was no change.

Voting: 0 Against: 7 Abstentions: 0
Amended Plans:
Recommend refusal. The Planning Committee could see no reason to change their original recommendation, ie (a) the current poor condition of the Meehan Road surface would be further damaged by heavy construction traffic; (b) Meehan Road currently suffers a large amount of flooding; (c) it would appear that the bridle path would be eliminated or encroached; (d) the access to the development is via Clarke Road and if the site could be accessed via Victoria Road it would create a through road which would cause a danger to local residents and children, especially during the construction phase; (e) the current utilities provision in the area could be damaged by heavy construction traffic and there is a risk that they would be over-stretched by connection to further properties.

Voting: For: 0 Against: 8 Abstained: 0

4.2 Kent Highways –
Whilst I have objections to the current proposals in respect of highway matters, it may be possible to overcome those objections if the following amendments are made:

1. Bound gravel is not a suitable surfacing material for an adopted road. This should be changed to either block paving or tarmac.

2. The six town houses do not have 2 independently accessible parking spaces per dwelling as required in Interim Guidance Note 3: Residential Parking Standards. The way that the car ports are provided means that the rear parking space is unlikely to be used for car parking. A way of overcoming this would be to provide 2 spaces side by side in front of the property and providing a car port that can be used for bicycle storage and other storage. Car parking spaces should measure 2.5m by 5m.

3. 2 off-road visitor parking spaces should be provided.

4. The car ports for plots 1 and 2 should be a minimum of 5.5m in depth to allow for cycle storage. If this cannot be provided then a shed will need to be provided in the rear garden for cycle storage.

5. The speed cushions shown on the site layout plan are not suitable for a development such as this. A more preferable way of serving the development would be for a build-out which would reduce the width of the road to 3m at a point along the access road.

6. The bell mouth with Victoria Road will require dropped kerbs and tactile paving.

I would be grateful if you could forward any amended plans to me for my further consideration.

4.3 Environmental Health Officer –
No objections. Recommends that the following condition be imposed:
1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

   i) A survey of the extent, scale and nature of contamination:

   ii) An assessment of the potential risks to:

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

   iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority
shall be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

4.4 Arboriculture Manager –
I can confirm that in light of the ecological survey undertaken at the above site, I have no objections to the development proposals. There are no arboricultural or landscape constraints present.

I would recommend that a landscaping plan be submitted to support the development proposals.

4.5 Veolia Water –
If permission is granted for this application, we request a condition is attached requiring the developer to agree with this company, prior to commencement of the development, all necessary works and charges, including the preparation and completion of any legal agreements, associated with the provision of a potable water supply.

4.6 Southern Water –
Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:
'A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southern water.co.uk.'

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: 'Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.'

4.7 Romney Marsh Area Internal Drainage Board –
No objection.

4.8 Environment Agency –
No objection. You must be satisfied that the development passes the Sequential Test and should also be satisfied, via your emergency planners, that safe access and egress is achievable should a rescue operation need to be carried out.

It should be noted that any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the Agency. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Any culvert, diversion, dam, weir or like obstruction to the flow of the watercourse
requires the consent of the Agency, under the Land Drainage Act 1991. For nature conservation reasons, the Agency seeks to avoid culverting and will not normally consent to such works except for access.

4.9 KCC (Archaeology) –
The First Edition Ordnance Survey map indicates substantial earthworks in the area. These earthworks appear to represent land diversions/boundaries associated with past reclamation or sea defence works. The date of these earthworks is uncertain and they may be of different dates and/or phases, although they are likely to be of medieval, post medieval or later date. The submitted topographical survey suggests that part of these earthworks survives as an upstanding feature within the development site. Further information associated with their construction and use may also survive buried within the site.

The proposed development will impact upon the upstanding historic earthworks, as well as potentially impacting upon buried archaeological remains. I, therefore, recommend that provision is made in any forthcoming planning consent for a programme of archaeological work. The following planning conditions cover what would be required:

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

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 16.10.11.
Amended Plans. Expiry date 11.04.12.

5.2 Site Notice. Expiry date 21.10.11.

6.0 REPRESENTATIONS

6.1 8 letters/emails received objecting on the following grounds:

- The proposed houses will be out of character and totally out of keeping with the area.
- The houses will have an overbearing impact.
- The land is in a flood plain and gets badly flooded every winter.
- Building houses on the land would make the area even more prone to flooding.
- The development would put more stress and strains on the water/sewerage services.
- The development will disturb the wildlife on the site.
- Victoria Road is narrow with cars parked along it and to create another road off it would be a hazard.
• Neighbouring houses and bungalows would be overlooked and overshadowed.
• The development would be an intrusion into the countryside.
• The road surface along Meehan Road would be further damaged during construction of the development.
• Increased traffic along Meehan Road would endanger pedestrians.
• Any new development would be under the flight path of aircraft should the expansion of Lydd Airport be sanctioned.
• There is potential overlooking of the adjoining house and garden in Victoria Road and the neighbouring bungalows.
• Cars crossing the speed ramps along the access could cause noise intrusion to neighbours.
• The applicants have been denied permission twice in the last year and the current proposals should be refused.

Amended Plans:
Two further responses received from residents of Victoria Road raising the following comments:

• The three-storey houses will dominate the streetscene and adversely affect the lives/views from the houses on Victoria Road and Meehan Road.
• Even though the height of the dwellings has been reduced the development is still not in keeping with the area.
• Victoria Road is not suitable for more traffic. Additional traffic can only exacerbate problems of parking, hazard and obstruction of the footpaths along Victoria Road which is very narrow.
• Properties directly opposite the new access road will have problems of light pollution from cars entering and leaving the development at night.
• Meehan Road could be used for access to the site and the vacant plot facing Victoria Road used for a single dwelling.
• More housing being built in a high flood risk area.
• The area floods every year.

6.2 Representations on the application as originally submitted were also received from Cycle Shepway and Spokes East Kent Cycle Campaign who both objected to the application on the grounds that the development makes no provision for cycle parking and funds should be sought from the developer to create the nearby medium priority cycle route for the benefit of the occupiers of the new houses, visitors to the area and other local residents.

7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply:
The following Supplementary Planning Documents and Government Guidance apply:

Kent Design Guide
National Planning Policy Framework

8.0 APPRAISAL

Background

8.1 The site is located within the New Romney/Littlestone/Greatstone/Lydd-on-Sea settlement boundary as defined on the Proposals Map to the District Plan and the site, together with the adjoining land to the south, forms part of an allocated housing site (North of Meehan Road and Armada Court, Littlestone) in the District Plan as shown on the Proposals Map. The site, which formed the northern part of the allocated housing site, until relatively recently had the benefit of an outline planning permission granted 03.07.2007 under application reference Y05/0143/SH for the erection of 8 dwellings together with the construction of a vehicular access. In the approved outline proposals only means of access (a new access road into the site off Victoria Road) was considered and determined. Siting, design and external appearance of the houses and the landscaping of the site were reserved in the approved outline proposals for future submission, consideration and approval. As noted above, the site was part of a larger allocated housing site and it was considered that the release of part of the site for development would trigger the development of the remainder and that a proportion of affordable housing units should be apportioned to the site (first phase) and secured by S106 legal agreement. Similarly it was considered that a contribution should be sought towards the maintenance and improvement of The Greens nearby. Two affordable housing units and the contribution were secured in the completed legal agreement which ran with the outline planning permission.

8.2 The reserved matters application subsequently submitted, seeking approval of the details of the siting, design, and external appearance of the dwellings and the landscaping of the site, was refused permission on 23.08.10 under application reference Y10/0607/SH. The grounds of refusal were that the design, layout and appearance of the proposed houses and the inward facing nature of the proposed development failed to integrate with the adjoining development, particularly along the Meehan Road frontage of the site, and would constitute an inappropriate and visually intrusive form of development of the site, out of scale and character with its surroundings, and would have a detrimental impact on the visual amenities of the locality, the streetscene along Meehan Road, the outlook from neighbouring residential properties, and the character and appearance of the area generally.
8.3 An appeal against the Council’s refusal of approval of the reserved matters application was subsequently dismissed by the Planning Inspectorate. The Inspector commented that the main concern related to the height and layout of the houses. The Inspector commented that at three full storeys with pitched roofs they would rise above all of the adjacent housing, and when viewed from Meehan Road and glimpsed along the access from Victoria Road, the houses would appear harsh and abrupt, detracting from the street scene and the character of the area. The Inspector noted the proposed layout around a square but commented that the square lacked enclosure and definition as only two houses appeared to front onto it, and there was a spur road leading off the square weakening its form. The Inspector commented that in this spacious location, next to open land, the square appeared ill defined and failed to achieve a successful layout. The Inspector commented that complete integration with the surrounding development may be difficult, as the backland location of the site would separate the proposed houses from those on Victoria Road, and Meehan Road is private road where a main access to the houses might not be possible. The Inspector noted that regard had been had to the flood risk and the requirement for no habitable accommodation at ground floor. The Inspector concluded that it was not clear that a more imaginative siting and design could not be achieved on the site to ensure that it makes some visual connection with the form and layout of surrounding houses and that the appeal scheme would not be appropriate in its context, detracting considerably from the character and appearance of Meehan Road, Victoria Road and the wider area.

8.4 The Inspector’s decision to dismiss the appeal meant that the previously granted outline permission for the erection of 8 dwellings on the site together with the construction of a vehicular access then lapsed. The site therefore currently does not have the benefit of a planning permission for residential development. The current application again proposes the erection of 8 dwellings on the site, with two affordable housing units and contributions towards the maintenance and improvement of The Greens nearby being secured by legal agreement, reflecting the principle of the development previously agreed and established by the now lapsed outline planning permission. The application seeks to address the grounds of refusal relating to design and layout of the reserved matters application referred to in sections 8.2 and 8.3 above. Apart from the design and layout issues, as the current application is not supported by an extant outline permission, other issues, including current Government policy and guidance on flood risk, also need to be considered and assessed.

Relevant Material Planning Considerations

8.5 The main issues for consideration with this application are the design and layout of the scheme, the visual impact of the development and the impact on the visual amenities, character and appearance of the area, the impact of the development on the residential amenities and living conditions of neighbouring residents, flood risk issues, and access, parking, traffic and highway safety issues.
8.6 As noted in section 8.1 of the report above, the site is located within the New Romney/Littlestone/Greatstone/Lydd-on-Sea settlement boundary and the site, together with the adjoining land to the south, forms part of an allocated housing site in the District Plan. The site is adjoined by existing residential development in Victoria Road to the north and Meehan Road/Hamilton Close to the east. Policy HO1 of the Shepway District Local Plan Review states that residential development will be permitted on sites which form part of the land supply (detailed at Appendix 2) or allocated new sites. In Appendix 2 the application site together with the adjoining land to the south is identified as housing site North of Meehan Road and Armada Court, Littlestone. Apart from the development of the allocated housing sites, policy HO1 also permits the residential redevelopment of previously developed sites or infill development within existing urban areas subject to environmental and highway safety considerations. Policy is generally supportive in principle of infill development and making the most efficient use of land in sustainable locations. The site had until relatively recently the benefit of an outline planning permission granted 03.07.2007 under application reference Y05/0143/SH for the erection of 8 dwellings together with the construction of a vehicular access. Given the allocation of the site as part of a housing site, the previous outline planning permission granted, the predominant residential nature of the adjoining area, and the sustainable location which benefits from good access to local shops, services and the wider transport network, including bus routes into New Romney Town, Hythe and Folkestone town centre, the principle of the residential development of the site remains acceptable.

8.7 Government guidance in the recently published National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The National Planning Policy Framework encourages development generally in sustainable locations and it is not considered that there is conflict in principle between the proposed development and this aspect of the Government’s recently published policy.

8.8 The site is located within a high risk flooding area as shown on the Environment Agency’s flooding maps and the Council’s Strategic Flood Risk Assessment. Government guidance in the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The guidance advocates a sequential risk based approach to determining the suitability of land for development in flood risk areas which should be applied at all levels of the planning process. Preference should be given to locating new development in areas at the lowest risk of flooding. Whilst the site is allocated for housing development in the District Plan, the allocation was carried forward from the Shepway District Local Plan (adopted in October 1997) and, as such, the allocation was prior to the requirement for Sequential/Exception Testing as advocated in the now withdrawn Government guidance in PPS25 and replaced by the
current National Planning Policy Framework and Technical Guide. As such, the site was not sequentially tested when it was allocated for housing and, as a result, it needs to be tested now. The sequential testing, as advocated by current Government guidance, would take precedence over the allocation in the Local Plan Review. The current proposals are assessed in light of the Government guidance on development in flood risk areas under the heading of Flood Risk in the report below.

Layout and Design

8.9 The current application reflects the principles for the development of the site with the erection of 8 dwellings and the construction of a vehicular access established by the previously granted, but now lapsed, outline planning permission. The layout and design for the currently proposed development seeks to address the grounds of refusal of the previously submitted reserved matters application pursuant to the requirements of the previously granted outline permission.

8.10 The previously refused reserved matters application provided inward facing development along the Meehan Road frontage with 1.8m high close boarded fencing along the boundary with the road which was considered to be visually undesirable, and also proposed full height three-storey buildings with pitched roofs on top which were considered to be too high in relation to the surrounding dwellings, which comprise a mix of single-storey bungalows, chalet bungalows and two-storey houses, and as a result were considered to be visually intrusive in the locality and detrimental to the visual amenities and character of the locality. Whilst it was considered that the principle of three-storey dwellings on the site could be acceptable, this was on the basis that the upper floor needed to be set within the rooftspace thereby restricting the overall height and scale of the buildings. As noted in section 8.3 of the report above, the Inspector in dismissing the appeal against the Council’s refusal of approval for the reserved matters application commented that the proposed houses at three full storeys with pitched roofs would rise above all of the adjacent housing and the houses would appear harsh and abrupt, detracting from the streetscene and the character of the area. The Inspector further commented that complete integration with the surrounding development may be difficult but it was not clear that a more imaginative siting and design could not be achieved on the site to ensure that the development makes some visual connection with the form and layout of surrounding houses.

8.11 Following the previous refusal of the reserved matters application, the proposed site layout and the design, height and scale of the proposed houses has been the subject of discussion between officers and the applicant and the currently proposed layout and design are generally based on the outcome of those discussions. As with the originally approved outline proposals and the refused reserved matters application, the currently proposed development is accessed from Victoria Road adjacent to the dwelling at No. 27 and the access road within the site runs north to south within the central part of the site to the southern boundary. The proposed access road off Victoria Road serving the development has been simplified
and a central square feature of the refused proposals has now been omitted. Whereas the previously refused application provided all three-storey dwellings, the development currently proposed provides two detached two-storey dwellings on the eastern side of the access road within the site adjacent to the Meehan Road frontage and a further six detached three-storey houses with the upper floor set within the roofspace along the western side of the access road. The proposed two-storey properties adjacent to Meehan Road are considered to be more in keeping with the siting, height and scale of the bungalows which stand opposite the site to east along Meehan Road/Hamilton Close than the three-storey dwellings previously refused. The three-storey dwellings currently proposed on the western part of the site have the upper (second) floor set within the roofspace which reduces the height and scale of the full three-storey with pitched roof dwellings previously proposed and refused. Since the previous refusal of the reserved matters application and the submission of the current application, a re-assessment of the flood risk implications for the development based on the latest figures available provided by the Council’s Strategic Flood Risk Assessment has enabled the floor to ceiling height to the ground floor of the proposed dwellings to be reduced with a consequent reduction in the overall height of the houses by 1.3m. This reduction in overall height further assists with the integration of the proposed houses with height and scale of the neighbouring dwellings.

8.12 As noted in sections 1.2 and 1.3 of the report above, as a result of the flood risk implications at the site the proposed houses are designed to incorporate no living accommodation on the ground floors (car ports, garden stores and wc only). The open fronted car ports to the two-storey houses are designed to accommodate two side by side parking spaces and the three-storey houses have open fronted double length car ports to accommodate two parking spaces in tandem. The two-storey houses are provided with a first floor deck/balcony area to the side and the three-storey houses have a second floor level deck/balcony area to the rear. The submitted plans indicate that the two-storey houses would have a facing brick finish with a reconstituted low pitched slate roof and the three-storey houses would have a facing brick finish to the ground floor, weatherboarding to the two upper floors and a reconstituted relatively steeply pitched slate roof. The windows and doors to the proposed dwellings are indicated in the submitted plans to be timber.

8.13 One of the core planning principles of the recently published Government guidance in the National Planning Policy Framework is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The current proposals are considered to represent a significant improvement in terms of site layout and the design, height and scale of the proposed houses compared to the previously refused reserved matters application. The Inspector in dismissing the appeal relating to the previously refused application acknowledged that complete integration with the surrounding development may be difficult. The proposed dwellings, whilst not reflecting the design of the neighbouring dwellings, are now more in keeping with the height and scale of the neighbouring dwellings and the proposed
development is now considered to integrate better with regards to the streetscene along Meehan Road and the surrounding development generally. A better transition is now achieved between the existing pitched roof bungalows on Meehan Road/Hamilton Close to the east of the site, the proposed two-storey dwellings on the eastern side of the site and the proposed three-storey dwellings on the western side of the site and also between the existing two-storey houses on Victoria Road to the north of the site and the proposed three-storey dwellings on the western part of the site to the rear (south) of these properties. The proposed dwellings front onto the new access road constructed within the site and create an appropriate streetscene along the access road. The access road extends to the southern boundary of the site and will allow for the potential development of the remainder of allocated housing site in the future. In terms of the proposed site layout and the design, height and scale of the proposed dwellings, subject to the detailed elevational treatment/external surfacing materials being submitted for consideration and approval, the proposed development is now considered acceptable.

**Visual Amenity**

8.14 Whilst the proposed dwellings would be accessed from Victoria Road via a new access road constructed into the main body of the site between the properties at 23 and 27 Victoria Road, the dwellings would be sited to the rear of the Victoria Road dwellings and, as noted by the Inspector in dismissing the appeal against the refusal of the previous reserved matters application, the houses would be glimpsed along the new access from Victoria Road only. The proposed dwellings would have minimal impact in any streetscene along Victoria Road. When viewed from Meehan Road to the east of the site the proposed two-storey houses would have the most visual impact as they are sited closest to the Meehan Road frontage. The proposed three-storey houses would be well set back into the site from the Meehan Road frontage and separated from the frontage by the proposed two-storey dwellings. Whilst the three-storey houses would have a visual impact from Meehan Road when viewed from the south-east across the existing open land to the south of the site and across the open land to the west of the site, the views would be somewhat distant. As noted in section 8.13 of the report above, the currently proposed development is considered to integrate better with surrounding development than the previous detailed proposals for the site, provides a better transition between the existing and proposed dwellings, and in terms of site layout, design, height and scale the development is considered acceptable. Whilst the Inspector in dismissing the appeal against the refusal of the previous reserved matters application considered that the development would detract from the streetscene and the character of the area, the current proposals are considered to satisfactorily address this issue and are considered acceptable in terms of the visual amenity of the locality.
Flood Risk

8.15 As noted in section 8.8 of the report above, the site is located in a high risk flooding area (Flood Zone 3) as shown on the Environment Agency’s flooding maps and the Council’s Strategic Flood Risk Assessment. Government guidance in the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and advocates a sequential risk based approach to determining the suitability of land for development in flood risk areas which should be applied at all levels of the planning process. Preference should be given to locating new development in areas at the lowest risk of flooding.

8.16 The Technical Guidance to the National Planning Policy Framework states that the overall aim should be to steer new development to Flood Zone 1 (Low probability of flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities allocating land in local plans or determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available site in Flood Zone 2 (Medium probability of flooding), applying the Exception Test if required. The Technical Guidance states that only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (High probability of flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. Buildings used for dwellinghouses are identified as ‘more vulnerable’ in the flood risk vulnerability classification in the Technical Guidance.

8.17 The site is identified as being at risk from tidal flooding should major breaches or prolonged overtopping of the sea defences occur. The Design and Access Statement supporting the application refers to “the prevailing and practically universal level at the site” being 3.1mAOD. Whilst the Council’s Strategic Flood Risk Assessment shows the site to be at low risk of flooding only at present day conditions, at 2115 climate change conditions the entire site is shown as being at significant risk of flooding. As part of the Strategic Flood Risk Assessment, 14 scenarios were considered and modelled in order to look at the risks associated with coastal flooding and these comprised a number of breach and wave overtopping events for both present day and 2115 climate change conditions. For the application site, the worse case scenario, representing two simultaneous breaches in the coastal defences, one at the Greatstone Dunes and the other at Pirate Springs in St Mary’s Bay, in addition overtopping at Littlestone and St Mary’s Bay was also included, predicted maximum flood depths at the site to be up to 1.4m at 2115 climate change conditions. The close proximity to the beach location also means that the site would be affected fairly rapidly and the water would be fast-flowing. The Technical Guidance to the National Planning Policy Framework states that the Strategic Flood Risk Assessment should be used to provide the basis from which to apply the Sequential Test and, if necessary, the Exception Test in the development control process.
8.18 As part of the range of documents supporting the current application a Sequential Test Statement has been submitted with the aim of ensuring that the Council have sufficient information to determine whether the current proposals pass the Sequential Test advocated for development proposals in flood risk areas. The Statement defines the search area for suitable sites at less risk of flooding than the application site as New Romney Town area including Littlestone-on-Sea. Suitable sites for comparison are defined in the statement as any site providing between 5 and 15 dwellings. The Statement makes reference to three other sites currently allocated for housing in the District Pan, including the nearby site at the junction of Blenheim Road and Marine Parade for which the Committee recently (at the meeting on 06.12.11) resolved to approve for development with 14 dwellings. The Statement also makes reference to sites in the area in excess of 0.15 hectares or where sites were considered capable of accommodating 5 or more dwellings identified in the Shepway SHLAA, including Romney Marsh sites, and a search of planning permissions for small scale development which is more comparable to the current proposal than many of the much larger SHLAA sites. The Sequential Test Statement identifies a site at land rear of The Old School House, Church Lane, New Romney with outline planning permission for 14 dwellings as the only comparable site in a sequentially favourable flood risk location than the current application site but that site is not currently available. The Sequential Test Statement concludes that almost all of the Romney Marsh area is within Flood Zone 3 and whilst the current application site is shown in the Strategic Flood Risk Assessment as being within an area at significant risk of flooding when climate change is taken into account, this is true of almost the whole of the Romney Marsh area. The Statement infers that the situation at present day conditions whereby the site is shown as being at low risk only compares favourably from a flood risk perspective to many other areas of land and sites within the Romney Marsh area which are identified as being at higher risk.

8.19 Notwithstanding the above, the Strategic Flood Risk Assessment does reveal that there are sites in areas at no risk of flooding or at less risk of flooding than the current application site and/or already have planning permissions in fairly close proximity to the application site. Sites at 11 Littlestone Road and 31 Littlestone Road have valid planning permissions for 11 and 9 units respectively, there are sites in New Romney at no risk of flooding, and there are sites along Grand Parade and Marine Parade, Littlestone, which are shown to be at less risk than the application site. The sites referred to on Littlestone Road are at less risk based on the current day scenario and the Grand Parade and Marine Parade sites are at less risk based on the 2115 climate change scenario. Whilst it could be argued that these sites are sequentially preferable to develop in terms of flood risk than the current application site, the application proposes 8 detached two and three-storey 3 and 4-bedroom dwellings and the sites referred to are not necessarily suitable alternative sites, in terms of size, configuration and context, to accommodate the amount and form of development as that proposed in the current application.
8.20 The current application site is an allocated housing site in the District Plan, as was the site at the junction of Blenheim Road and Marine Parade referred to in section 8.18 of the report above which the Committee recently resolved to approve for development with 14 dwellings. Other sites of comparable size and flood risk vulnerability in the locality are not allocated sites. The site also had an outline planning permission until relatively recently for residential development and the current application reflects the amount and form of development established by that previous grant of permission. In light of the above it is considered that sequentially the current application site can be given some preference in relation to other sites that might be considered comparable in the area and overall it is considered that, on balance, it can be argued that the Sequential Test is passed.

8.21 Government guidance in the National Planning Policy Framework states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception test to be passed:

- 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 where one has been prepared; and
- 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.

8.22 In light of it being argued that the development passes the Sequential Test and the two criteria of the Exception Test above are applied, it is considered that the development could be said to provide wider sustainability benefits to the local area in terms of providing new dwellings, including two affordable dwellings, in the local area as well as contributing towards improvements and maintenance of open space and play equipment at The Greens nearby, to be secured by legal agreement. In order to address the safety of prospective residents of the proposed dwellings the houses are designed to incorporate no living accommodation on the ground floors (car ports, garden stores and wc only), the first floor living accommodation would be set 300mm above the maximum predicted flood level with sleeping accommodation set 600mm above the maximum flood level. Whilst the Flood Statement supporting the application acknowledges that there is no safe access to or egress from the site during a 1 in 200 year flood event, the Statement states that a Flood Emergency Plan has been drafted to make prospective residents aware of the flood risk to their home and provide advice of what actions to take in the event of a flood warning. The Environment Agency did not raise objections to the application in terms of safety. The Flood Statement further states that flood resilient measures have been incorporated within the design of the ground floor and concludes that the design of the dwellings has taken all reasonable measures to ensure the personal safety of the residents and minimise the impact of a flood. The flood mitigation measures can be secured by planning condition
imposed on any permission granted. There is no reason to suggest that the proposed development would be likely in increase flood risk elsewhere. Foul and surface water sewerage disposal arrangements for the development can be dealt with by planning condition imposed on any grant of planning permission. In light of the above it is considered that the proposed development passes the Exception Test and, overall, is considered acceptable in terms of flood risk.

**Neighbouring Amenity**

8.23 In dismissing the appeal against the Council’s refusal of the previous reserved matters application the Inspector commented that the proposed houses would be too far away from the neighbouring properties to affect the living conditions of the occupiers in any way. Whilst the currently proposed site layout would bring the proposed houses closer, in parts, to the existing neighbouring dwellings in Victoria Road and Meehan Road, the proposed two-storey houses would remain 10.4m from the closest neighbouring dwelling at 1 Hamilton Close on the opposite side of Meehan Road to the east and the northernmost three-storey house on the western part of the site would be sited a minimum of 5.4m off the boundary common with the rear gardens of the neighbouring properties on Victoria Road and 32m from the rear of the closest neighbouring dwelling on Victoria Road. The reduced height of the currently proposed dwellings compared to those proposed in the refused reserved matters application also reduces the potential overbearing, enclosing and other amenity impacts from the proposed development on the neighbouring properties. The proposed balcony/deck areas to the dwellings are suitably sited and distanced from the neighbouring properties to prevent any significant issues of overlooking and loss of privacy to neighbouring residents. In the circumstances it is not considered that there would be any unacceptable unneighbourly impact on the neighbouring dwellings as a result of the proposed development.

8.24 The proposed development of the existing open site that has been used for horse grazing in the past with the erection of 8 dwellings served by a new access road off Victoria Road will generate additional activity in and around the site, including additional vehicular movements to and from the site via Victoria Road. The potential impact of the additional activity was to a large extent accepted with the previous grant of the now lapsed outline planning permission for the erection of 8 dwellings on the site. Whilst the proposed new access road passes between the existing dwellings at 23 and 27 Victoria Road and the proposed development would introduce activity to the rear of the existing neighbouring dwellings in Victoria Road, it is not considered that the scale of the proposed development is such that the additional activity, including vehicle movements, would impact unacceptably on residential amenity.

8.25 Some disturbance and disruption is inevitable in the locality during site preparation and construction works but this is not a valid reason for refusing planning permission.
8.26 The proposed access arrangements to and from the development via Victoria Road remain as accepted and approved as part of the now lapsed outline planning permission for the erection of 8 dwellings with the construction of a vehicular access. The proposed new access road running north to south into the main body of the site incorporates a vehicle turning area within the main body of the site. The proposed two-storey 3-bedroom houses are each provided with two side by side parking spaces within a ground floor open fronted car port structure accessed from the new access road. The proposed three-storey 4-bedroom houses are to be provided with two in tandem parking spaces within a ground floor open fronted car port. Three of the six three-storey properties also have scope for front driveway parking in addition to the car port. Whilst the objections from Kent Highway Services regarding the lack of two independently accessible parking spaces to the proposed three-storey properties are noted, overall each dwelling provides at least two off-road parking spaces and cycle parking for each dwelling can be secured. The parking and cycle parking provision can be secured by condition imposed on any grant of planning permission, and it is considered unreasonable, at this stage, to require the current scheme to be re-designed again to accommodate Kent Highway’s request for side by side parking.

8.27 Whilst the development of the site with the erection of 8 dwellings will result in additional vehicular and pedestrian movements to and from the site compared to the previous use of the land, it is not considered that the scale of the proposed development is such that there would be unacceptable highway safety issues arising as a result. Overall it is not considered that there are any overriding highway issues relating to the proposals.

Archaeology

8.28 As noted in section 4.9 of the report above, KCC’s Archaeological Officer advises that the First Edition Ordnance Survey map indicates substantial earthworks in the area and these earthworks appear to represent land diversions/boundaries associated with past reclamation or sea defence works. The Archaeological Officer further advises that the date of these earthworks is uncertain and they may be of different dates and/or phases, although they are likely to be of medieval, post medieval or later date and the submitted topographical survey suggests that part of these earthworks survives as an upstanding feature within the development site. The Archaeological Officer further advises that further information associated with their construction and use may also survive buried within the site.

8.29 KCC’s Archaeological Officer advises that the proposed development will impact upon the upstanding historic earthworks, as well as potentially impacting upon buried archaeological remains. The Archaeological Officer recommends that the implementation of a programme of archaeological work at the site in accordance with an approved written specification is secured by planning condition. The recommended condition can be imposed
on any grant of planning permission and it is considered that with this condition in place the archaeological interests of the site would be safeguarded in the development.

**Landscaping and Ecology**

8.30 The site consists of rough grassland and scrub bordered by residential development on the northern and eastern sides and further grassland and scrub forming areas of rough grazing on the southern and western sides. As noted in section 4.4 of the report above, the Arboriculture Manager raises no objections to the development proposals and advises that there are no arboricultural or landscape constraints present on the site. The proposed site layout plan submitted with the application indicates boundary screening planting along the rear (southern) boundary of the neighbouring properties on Victoria Road and boundary landscaping with feature landscaping/boundary treatment along the Meehan Road (eastern) boundary. The submission and approval of full details of hard and soft landscaping for the site, including hardsurfacing treatments, can be secured by planning condition imposed on any grant of permission.

8.31 The Ecological Survey report submitted with the application concludes that the site has become too scrubby and is too well grazed to allow reptile numbers to build up, although some potential for nesting habitat for common birds is identified. Overall it is not considered that the proposed development raises any ecological issues for which appropriate mitigation measures could not be incorporated in the development together with some gain for nature conservation/general biodiversity improvement. The mitigation and nature conservation gain/biodiversity improvement measures at the site can be secured by planning condition imposed on any grant of permission.

**Sustainability**

8.32 The site forms part of the New Romney/Littlestone/Greatstone/Lydd-on-Sea settlement and represents a sustainable location which benefits from good access to local shops, services and the wider transport network, including bus routes into New Romney Town, Hythe and Folkestone town centre. The recently published National Planning Policy Framework, as noted in section 8.7 of the report above, encourages development generally in sustainable locations.

8.33 A commitment to achieving Code Level 3 of the Code for Sustainable Homes for the scheme has been provided in support of the application and compliance with the Council's minimum standard of Code Level 3 can be secured by planning condition imposed on any grant of planning permission.

**Legal Agreement**

8.34 The previous outline planning permission granted under application reference Y05/0143/SH for the development of the site with the erection of 8 dwellings together with the construction of a vehicular access was granted subject to a legal agreement to secure two affordable housing units and a
contribution towards the enhancement and maintenance of facilities on The Greens. At the time it was considered that the development would form the first stage of the future development of the whole of the allocated housing site which includes the land to the south of the current application site and the two affordable housing units secured would form part of the 30% affordable units to be secured as part of the overall development of the allocated housing site. Development proposals for the land to the south of the current application site have not come forward. The previously granted outline permission has now lapsed and the applicant has indicated a willingness to enter into a similar legal agreement to secure two affordable housing units on the site together with a contribution of £350.00 per dwelling, as previously agreed, towards the enhancement and maintenance of facilities on The Greens should the current application be granted.

Other Issues

8.35 The comments made on the application by New Romney Town Council appear to be based to a large extent on the proposed development being accessed from Meehan Road and/or Clark Road which is not the case. As with the previously approved, but now lapsed outline planning permission, the proposed development would be accessed from a new access road to be constructed off Victoria Road and no access to Meehan Road is indicated in the proposals. The existing footpath/bridle path along the eastern edge of the northern part of the site is retained and whilst there would appear to be no reason why construction traffic would not access the site from the proposed Victoria Road access, this arrangement and any proposed temporary access arrangements during site preparation and construction works would be considered as part of a Construction Method Statement to be secured for consideration and approval by planning condition imposed on any planning permission granted.

Human Rights

8.36 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.

8.37 This application is reported to Committee owing to the objection raised by New Romney Town Council.
9.0 SUMMARY

9.1 The site is within the New Romney/Littlestone/Greatstone/Lydd-on-Sea settlement and adjoins residential properties which form part of a predominantly residential area. The site, together with the adjoining land to the south, is an allocated housing site in the District Plan and the site had until relatively recently the benefit of outline planning permission for residential development with the erection of 8 dwellings and the construction of access from Victoria Road. The site represents a sustainable location and whilst the previously granted outline planning permission has now lapsed, the principle of the residential development of the site remains acceptable.

9.2 A previously submitted reserved matters application providing a detailed layout and design for the development of the site with 8 dwellings and the construction of an access road into the site off Victoria Road was refused on grounds of poor design and layout which failed to integrate with the adjoining development. A subsequent appeal against this refusal was dismissed and with that appeal decision the previously granted outline permission lapsed.

9.3 The current application reflects the principles for the development of the site with the erection of 8 dwellings and the construction of vehicular access off Victoria Road established by the previously granted, but now lapsed, outline permission and seeks to address the layout and design issues raised on the previously refused reserved matters application.

9.4 The current proposals are considered to represent a significant improvement in terms of site layout and the design, height and scale of the proposed houses compared to the previously refused application. The access road into the site off Victoria Road has been simplified with the houses arranged to front onto it, the previous submission provided all three-storey dwellings whereas the current proposals provides two-storey development adjacent to the Meehan Road frontage to relate better with the height and scale of the neighbouring bungalows on Meehan Road/Hamilton Close, and the overall height and scale of the three-storey dwellings has been reduced by setting the upper (second) floor into the pitched roofspace. The currently proposed development is now considered to integrate better with regards to the streetscene along Meehan Road and the surrounding development generally and a better transition is now achieved between the existing bungalows on Meehan Road/Hamilton Close and two-storey houses on Victoria Road and the proposed two and three-storey dwellings on the application site. In terms of the proposed site layout and the design, height and scale of the proposed dwellings the proposed development is considered acceptable.

9.5 The site is located in a high risk flooding area (Flood Zone 3) and Government guidance in the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding. The Government guidance advocates a sequential risk based approach to determining the suitability of land for development in flood risk areas with preference being given to locating new development in areas at the lowest
risk of flooding and only where there are no reasonably available sites available in the lower risk of flooding areas should the higher risk areas be considered.

9.6 The Strategic Flood Risk Assessment indicates that the majority of the application site is at low risk of flooding only at present day conditions but this increases to significant risk at 2115 climate change conditions. This scenario is reflected generally throughout the New Romney/Littlestone area. Whilst the Strategic Flood Risk Assessment does reveal that there are sites in areas at no risk of flooding or at less risk of flooding than the current application site and/or already have planning permissions in fairly close proximity to the application site, these sites are not necessarily currently available for development or suitable alternative sites to accommodate the amount and form of development as that proposed in the current application.

9.7 As noted in section 8.20 of the report above, the current application site is an allocated housing site in the District Plan, as was the site nearby at the junction of Blenheim Road and Marine Parade which the Committee recently resolved to approve for development with 14 dwellings. Other sites of comparable size and flood risk vulnerability in the locality are not allocated sites. The site also had an outline planning permission until relatively recently for residential development and the current application reflects the amount and form of development established by that previous grant of permission. In light of the above it is considered that sequentially the current application site can be given some preference in relation to other sites that might be considered comparable in the area and overall it is considered that on balance it can be argued that the Sequential Test advocated in the Government guidance is passed.

9.8 In light of it being argued that the development is considered to pass the Sequential Test, the two criteria of the Exception Test set out in the Government guidance also need to be applied. With regards to these criteria the proposed development is considered to provide wider sustainability benefits to the local area in terms of providing new dwellings, including two affordable dwellings, in the local area as well as contributing towards improvements and the maintenance of open space and play equipment at The Greens nearby. The proposed dwellings are designed in order to address the safety of prospective residents in a flood event with no living accommodation on the ground floors and flood resilient measures are to be incorporated within the design. The Environment Agency raise no objection to the application in terms of safety. Overall it is considered that the proposed development passes the Exception Test and is considered acceptable in terms of flood risk.

9.9 In dismissing the appeal against the Council’s refusal of the previous reserved matters application the Inspector commented that the proposed houses would be too far away from the neighbouring properties to affect the living conditions of the occupiers in any way. Whilst the currently proposed site layout would bring the proposed houses closer, in parts, to the existing neighbouring dwellings in Victoria Road and Meehan Road, an adequate separation distance is maintained and the reduced height of the houses
compared to the previous appeal proposals should ensure that there would not be any unacceptable unneighbourly impact on the neighbouring dwellings as a result of the development.

9.10 The proposed development is considered acceptable in terms of visual impact in the locality, access, parking provision and highway safety, safeguarding the archaeological interests of the site, landscaping and ecology. As with the previously granted, but now lapsed, outline planning permission a legal agreement is to be completed as part of any grant of planning permission to secure two affordable housing units and a contribution towards the enhancement and maintenance of facilities on The Greens. Subject to the completion of the legal agreement the proposed development is considered acceptable for the site and is recommended for approval.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions and subject to the completion of a legal agreement in respect of securing the provision of two units of affordable housing as part of the development and a contribution towards improvements and maintenance of open space at The Greens:

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<th>1. Standard three year time condition</th>
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<td>2. Materials to be approved</td>
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<td>3. Refuse and recycling storage and collection</td>
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<td>4. Retention of car ports after completion including no doors to be added</td>
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<td>5. Hard and soft landscaping, including hard surface treatments</td>
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<td>6. Soft landscaping requirements</td>
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<td>7. Boundary treatments, including feature to Meehan Road</td>
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<td>8. Removal of Permitted Development Rights</td>
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<td>9. Archaeological Programme</td>
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<td>10. Surface water and Sewage Disposal</td>
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<td>11. Contamination</td>
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12. Submission and approval of Construction Method Statement
13. Code for Sustainable Homes  C213
14. Provision and retention of vehicle turning area shown on plan
15. Submission and approval of provision for two visitor parking spaces and retention of parking spaces.
16. Submission and approval of traffic calming measures to access road in lieu of speed cushions
17. Submission and approval of details of bicycle parking/storage to each dwelling and retention of bicycle parking/storage facilities
18. Approved Plans  C212
19. Implementation of measures to mitigate the impact of development on nesting birds and submission and approval of a scheme of nature conservation/biodiversity improvement measures.
20. No living accommodation provided on ground floors at any time
21. All living accommodation set at a minimum of 4.5mAODN and sleeping accommodation set at 4.8mAODN
22. Submission and approval of details of flood resilient measures to buildings and implementation of measures
23. Registration with Environment Agency Flood Warning Service
24. Details of existing/proposed ground levels, finished slab levels and roof heights in relation to neighbouring dwellings on Victoria Road and Meehan Road/Hamilton Close

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. The applicant is advised that a formal application is required to Southern Water for connection to the public sewerage system in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk.

3. This grant of planning permission is 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.
Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.

In the view of the District Planning Authority, and having taken into account all material planning considerations, there is insufficient demonstrable harm or conflict with policy arising from the proposal to warrant withholding planning permission.

In coming to this decision, regard has been had to the following policies:

Shepway District Local Plan Review – SD1, HO1, HO4, LR9, LR10, BE1, BE16, U2, U3, U4, U10a, SC1, TR5, TR11, TR12, CO2, CO5.
Kent Design Guide
National Planning Policy Framework, March 2012

Decision of Committee
Application No: Y12/0011/SH

Location of Site: 65 Canterbury Road, Hawkinge, Folkestone, Kent, CT18 7BP

Development: Erection of detached house on three floors with upper floor set within roof space and garages/parking to rear (alternative scheme to that approved under planning permission Y09/0901/SH).

Applicant: Mr R Gladwin

Agent: Mr D Bragg
South East Architectural Services Ltd.
152 Mortimer Street
Herne Bay
Kent
CT6 5DU

Date Received: 16.01.12

Expiry Date: 12.03.12

Committee Date: 08.05.12

Officer Contact: Jon Barnes

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.

1.0 THE PROPOSAL

1.1 The application proposes the erection of a detached house on three floors with the upper floor set within the roofspace to the side of the existing end of terrace dwelling at 65 Canterbury Road. The submitted plans show that the proposed dwelling would be separated from the existing dwelling at 65 by a gap of 1m, is sited to reflect the same front building line, has the same width (5.6m) and extends to the same depth (11.5m) and the roof ridge line and eaves level all match those of the existing dwelling. The plans show that the front (northern) corner of the proposed dwelling would abut the edge of the access driveway which runs along the north-western side boundary of the site but due to the plot widening towards the rear, the rear (western) corner of the dwelling would be set in 2m from the driveway to the side. The plans show that the proposed dwelling would have a pitched gable ended roof to match that of the existing adjoining dwelling at 65 and a ground floor front bay window to match that of the adjoining dwelling.

1.2 The plans show that the proposed dwelling would incorporate the main entrance at the front off Canterbury Road, an entrance hall, living room, large kitchen/diner and wc on the ground floor, three bedrooms and a bathroom on the first floor, and a fourth bedroom with ensuite facility on the second floor which is set within the roofspace. A block of two garages with a
pitched gable ended roof together with a further two hardstanding parking spaces are proposed to the rear of the proposed dwelling with access off the existing access drive running along the north-western side boundary of the site. The garages and parking spaces provide a garage and parking space to each of the proposed dwelling and the existing dwelling at 65.

1.3 The site has a valid planning permission for the erection of a detached two-storey dwelling with garages/parking to the rear. The current application represents an alternative proposal to the currently approved scheme for the site. The main differences between the current proposals and the previously approved scheme are that the depth of the proposed dwelling has now been increased and the roof space is utilised in the current proposals. The larger dwelling currently proposed provides four bedrooms as opposed to two bedrooms in the previously approved scheme.

1.4 The application is supported by a Design and Access Statement which states that the new design has sought to improve on the previous design and correct some faults, predominantly to the external facades. The Statement states that the previous design included a central entrance door and poorly positioned windows that left the front elevation with little/no correlation to the existing terrace of houses that it is supposed to reflect. The Statement further states that the proposed design now includes a ground floor bay window, front door and centred first floor window, giving a far more balanced principle elevation, mimicking the proportions of the other houses within the adjacent terrace and blending in with the streetscene more successfully. The Statement states that the new house will be constructed to meet Code Level 3 of the Code for Sustainable Homes.

2.0 LOCATION AND DESCRIPTION OF SITE

2.1 The site is located on the south-west side of Canterbury Road and adjoins the north-western side of the two-storey end of terrace house at 65 Canterbury Road. The site was formerly part of the garden area to the side of the end of terrace house, the front part of which was used for car parking with access off a driveway which runs along the north-western side of the site and serves the dwelling at 67 Canterbury Road which is situated in a backland location to the rear (south-west) of the site. The driveway separates the application site from the neighbouring dwelling to the north-west at 69 Canterbury Road. The site is now separated from the adjoining property at 65 Canterbury Road by a close boarded fence and is enclosed by hedging to the front, rear and north-western side boundaries except where access to the front parking area is gained off the driveway running along the side boundary.

2.2 The site is within the settlement boundary of Hawkinge. The Hawkinge settlement is also part of the designated Kent Downs Area of Outstanding Natural Beauty and defined Special Landscape Area. The site is within an area indicated on the Proposals Map as a Groundwater Source Protection Zone. The site is also part of an area identified as being of potential archaeological interest.
3.0 RELEVANT PLANNING HISTORY


3.2 Y09/0901/SH - Erection of detached two-storey dwelling with garages/parking to rear (re-submission of Y09/0457/SH. Approved 19.08.10.

4.0 CONSULTATION RESPONSES

4.1 Hawkinge Town Council –
Object on the grounds that the side of the building facing No. 69 Canterbury Road is too overpowering.

Voting: For: 5 Against: 0 Abstentions: 0

4.2 Kent Highways –
No objections to the proposals in respect of highway matters subject to the following condition being attached to any permission granted:

1. Parking Spaces
   Please ensure that all spaces are a minimum of 2.5m by 5m. If spaces are obstructed on one side, please add 20cm width per obstructed side. Garage spaces should preferably measure 5.5m in length to allow for the opening of the boot.

2. Cycle Storage
   The proposed cycle storage is not marked on the plans. Please ensure that secure, covered cycle storage is provided.

4.3 Environmental Health Officer –
No objections subject to the condition below.

1. Prior to commencement of the development a desk top study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of
the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

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

(ii) An assessment of the potential risks to:

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

(iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document *Model Procedures for the Management of Land Contamination (Contamination Report 11)*.

3. If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

4. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
5. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

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

4.4 Arboriculture Manager –
No objection.

4.5 Environment Agency –
No objection to the application providing the following condition is attached to any permission granted.

**Condition**
If, during development, contamination is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this contamination shall be dealt with.

4.6 KCC Planning (Archaeology) –
Views awaited.

4.7 Southern Water –
Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:
"A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk".

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.
The Councils Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Please find attached a plan of the sewer records showing the approximate position of a public sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:
- No development or new tree planting should be located within 3 metres either side of the new centreline of the public sewer.
- No new soakaways should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

4.8 Veolia Water –
If permission is granted for this application we request a condition is attached requiring the Developer to agree with this Company, prior to commencement of the development, all necessary works and charges, including the preparation and completion of any Legal Agreements, associated with the provision of a potable water supply.

We would be grateful if you could direct the Developer to the 'For Business' section on our website www.veoliawater.co.uk/southeast, for all information associated with a new Development in our water supply area.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 11.02.12.

6.0 REPRESENTATIONS

6.1 Two letters received from neighbours objecting on the following grounds:

- The proposed two-storey rear part of the proposed dwelling in place of the previously planned conservatory would impact a great deal on the neighbouring property and diminish the amount of light/sunshine received to that property.
- The new dwelling would be only 3 metres away from the side of the neighbouring property which has dining room/lounge and kitchen
windows which only receive sunlight in the morning. The two-storey rear part of the proposed dwelling would block out the only sunlight received in these living areas.

- A first floor side window to the proposed dwelling would be directly opposite the windows to the neighbouring property.
- The two-storey rear part of the proposed dwelling would have an overbearing impact and block out daylight to the side of the neighbouring property.
- A property owner does not have an automatic right to prevent a neighbour blocking her/his light. However, if light has been coming across a neighbour’s property for at least 20 years, the present owner will generally have acquired a right to continue receiving that light (right known as ancient lights).
- The main Canterbury Road, specifically around the area of Nos. 65, 67 and 69, already becomes very congested. The new dwelling would need access and parking. The extra traffic using a narrow 3 metre wide single car access driveway is not viable.
- Increased use of the access will cause more problems to the neighbours.
- The applicant is a building company who will have no wish to live in the property or have any concerns regarding the lives/homes they destroy.
- The existing hedge should be retained and any damaged hedging replaced for privacy purposes and protection of wildlife.
- The driveway alongside the hedge should be returned to its current serviceable condition on completion of the building works and access must be maintained for present residents at all times.
- There should be no parking along the access drive.
- Widening of the access to Canterbury Road must be on the side of the new dwelling and not towards the side of No. 69.

6.2 Objection received from Cllr S Peall commenting that the previous application was approved against local wishes with conditions and the current proposal is completely out of character with other houses and encroaches on neighbouring houses, cutting off light from 67 Canterbury Road.

7.0 RELEVANT POLICY GUIDANCE

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

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE11, BE16, U1a, U1, U3, U4, U10a, TR5, TR11, TR12, CO2, CO4.

7.3 The following Supplementary Planning Documents and Government Guidance apply:

Kent Design Guide
National Planning Policy Framework
8.0 APPRAISAL

Background

8.1 As noted in section 1.3 of the report above, the site has a valid planning permission for the erection of a detached two-storey dwelling with garages/parking to the rear. The current application represents an alternative proposal to the currently approved scheme for the site. The main differences between the current proposals and the previously approved scheme are that the depth of the proposed dwelling has now been increased and the roof space is utilised. The larger dwelling currently proposed provides four bedrooms as opposed to two bedrooms in the previously approved scheme.

Relevant Material Planning Considerations

8.2 The main issues for consideration with this application are the impact of the development on the residential amenities and living conditions of neighbouring residents, the visual impact of the development in the streetscene along Canterbury Road and the impact on the character and appearance of the area which forms part of the designated Kent Downs Area of Outstanding Natural Beauty and defined Special Landscape Area, issues around access, parking, traffic and highway safety issues.

Policy

8.3 The site is located within the settlement boundary of Hawkinge and was formerly part of the garden area to the side of the end of terrace house at 65 Canterbury Road. The site forms part of a predominantly residential area and is adjoined by existing residential properties. Policy HO1 of the Shepway District Local Plan Review permits the residential redevelopment of previously developed sites or infill development within existing urban areas subject to environmental and highway safety considerations. Given the current permission granted for the residential development of the site, the previous residential garden use of the site, together with the predominant residential nature of the locality, and the sustainable location which benefits from good access to local shops, services and the wider transport network, including bus routes into Folkestone town centre, the proposed development of the site with a single dwelling remains acceptable in principle.

8.4 Government guidance in the recently published National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Whilst the National Planning Policy Framework document does state that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. No Local Plan policy exists at present and as evidenced by the granting of the previous permission, it was considered that there was no harm to the local area. As stated above, the National Planning Policy Framework encourages
development generally in sustainable locations and it is not considered that there is conflict in principle between the proposed development and the Government’s recently published policy.

**Neighbouring Amenity**

8.5 As noted in section 1.1 of the report above, the submitted plans show that the proposed dwelling would be separated from the existing end of terrace dwelling at 65 by a gap of 1m, is sited to reflect the same front building line as 65 and extends to the same depth as that dwelling. The adjoining property at 65 has two ground floor secondary windows towards the rear in the flank wall which would face the proposed dwelling. Whilst these adjacent ground floor flank wall windows would be enclosed by the south-eastern side wall of the proposed dwelling, the main outlook and source of daylight and ventilation to the neighbouring dwelling at 65 is to the front and rear and in the circumstances it is not considered that the impact on the two secondary side wall windows would be so significant as to warrant a refusal of planning permission on those grounds. At first floor level the proposed dwelling would extend 3.1m beyond first floor rear wall of 65. The closest first floor rear window to 65 would be 2.6m from the closest part of the rear projection to the proposed dwelling at that level and with the rear of the properties being south-west facing and the proposed dwelling being to the north-west side of 65 it is considered that an acceptable open aspect and outlook would be retained to the rear of 65. Whilst the currently proposed dwelling would have a greater impact on the existing property at 65 than that previously approved, it is not considered that the additional impact would be unacceptably unneighbourly.

8.6 On the opposite side of the driveway which runs along the side (north-western) boundary of the site, the neighbouring property at 69 Canterbury Road has ground floor kitchen, sun room and what appears to be a secondary window to the main living room in the flank wall facing the proposed development site together with a first floor bathroom/toilet window. The siting of the proposed dwelling to reflect the front building line of the adjoining property at 65 Canterbury Road and the terrace which that property forms part of, to the south-east of the site, results in the dwelling being forward of the neighbouring property at 69 in relation to the frontage to Canterbury Road. The rear of the neighbouring property at 69 would extend beyond the rear of the proposed dwelling. The proposed dwelling would be separated from the neighbouring dwelling at 69 by the access driveway which runs along the side boundary of the site and the submitted plans indicate that a separation gap of between 5.75-6.5m would be maintained between the north-western side wall of the proposed dwelling and the main part of the south-eastern side wall of the neighbouring dwelling at 69. The proposed dwelling is also designed so that the rear part of building (to a depth of 3.1m) is only single-storey where is runs adjacent to the access driveway which further reduces the potential impact of the building on the neighbouring dwelling at 69. Whilst it is accepted that there would be some increased enclosure impact to the ground floor kitchen and secondary living room windows to the neighbouring dwelling at 69 and the impact of the currently proposed dwelling would be slightly increased from that of the
previously approved dwelling for the site, it is considered that the separation between the neighbouring windows and the proposed dwelling would be sufficient to prevent an unacceptable unneighbourly enclosing and overbearing impact. The sun room window to the side of the neighbouring dwelling at 69 is located beyond the rear of the proposed dwelling and would be affected to a lesser degree as a result.

8.7 As with the existing properties along the terrace to the south-east. The main windows to the proposed dwelling face to the front and rear (north-east and south-west) and as a result there would not be any significant issues of overlooking and loss of privacy to the neighbouring dwellings. The provision of 1.8m boundary fencing along the boundary of the site with the existing side access driveway will prevent any loss of privacy to the neighbouring property at 69 from ground floor kitchen/diner and wc windows in the side wall of the proposed dwelling facing that neighbouring property and a first floor bathroom window to the side wall facing 69 is shown in the plans as being obscured glazing and this can be secured, together with the window being non-opening up to a height of 1.7m above the internal finished floor level, by planning condition imposed on any grant of planning permission.

8.8 The existing property in the backland location to the south-west of the site at 67 Canterbury Road is considered to be sufficiently distanced and screened (by an existing boundary hedge and proposed fence) from the proposed dwelling and rear garages to prevent any significant impact on that property. Other neighbouring properties are also sufficiently distanced from the site and the proposed development to prevent any significant impact on the amenities of the occupiers of those properties.

8.9 The principle of the increased use of the existing access drive to serve rear garages/parking for the existing dwelling at 65 and a proposed new dwelling on the site has been accepted with the grant of the existing planning permission for the site. Whilst it is accepted that the currently proposed four-bedroom dwelling may be likely to generate additional use of the access drive compared to the two-bedroom dwelling previously approved, it is not considered that the relatively modest increased use of the access drive would be likely to have any significant impact on the amenities of the occupiers of the neighbouring properties adjoining the drive.

8.10 Some disturbance and disruption is inevitable in the locality during site preparation and construction works but this is not a valid reason for refusing planning permission. It is, therefore, considered that it would be unreasonable to refuse the application on grounds of adverse impact to the amenity of surrounding occupiers.

Visual Amenity and Design

8.11 The application site is located at the end of a terrace of two-storey dwellings and the adjacent end property has a gable ended roof. The terrace and the adjacent end of terrace property are also sited close to the back edge of the pavement to Canterbury Road. Whilst the application proposes a detached dwelling (a one metre gap is maintained between the existing dwelling at 65
and the proposed dwelling), the proposed dwelling is sited to reflect the same front building line as the adjoining end of terrace dwelling at 65, has the same width and extends to the same depth and the roof ridge line and eaves level match those of the adjoining dwelling. The submitted plans show that the proposed dwelling would have a pitched gable ended roof to match that of the adjoining dwelling and also a ground floor matching front bay window.

8.12 Policy BE1 of the District Plan requires a high standard of layout, design and choice of materials for all new development and states that development should accord with existing development in the locality, where the site and surrounding development are physically and visually interrelated in respect of building form, mass, height and elevational details. The policy further states that materials should be sympathetic to those predominating locally in type, colour and texture. The current proposals are considered to be in accordance with this District Plan policy. In design terms compared to the dwelling previously approved for the site, the current proposals are considered to represent an improvement. The currently proposed dwelling relates well to the design and pattern of the existing development in the locality, is considered acceptable with regards to the streetscene along Canterbury Road, and the visual amenities and the character and appearance of the locality are considered to be maintained.

8.13 The proposed pair of rear garages are indicated in the application to have white rendered walls with a plain tiled relatively low pitched gable ended roof. The pair of garages are shown in the plans to have a parking space either side and a front forecourt area and the hardsurfaced parking spaces and forecourt area are shown to have a permeable surface. Whilst the parking spaces and garage forecourt area would result in the formation of a wide access opening along the existing side access driveway which is currently enclosed by hedging, this arrangement reflects that approved as part of previously approved development for the site. Full details of the roof tile to the garages building and the permeable hardsurfacing treatment to the parking spaces and front forecourt to the garages/parking area can be required to be submitted for consideration and approval by planning condition imposed on any grant of planning permission. The proposed garages in the generally enclosed rear garden location would not be visually intrusive in the locality.

8.14 The site is currently enclosed along the majority of its boundary with the side access drive by hedging, a significant part of which would be removed to accommodate the proposed development. The principle of the removal of a significant part of the existing boundary hedging was accepted as part of the previously approved development of the site with a dwelling. It is not considered that the removal of a significant part of the existing hedging would impact so significantly on the character and appearance of the area as to warrant refusal of planning permission on those grounds. Some replacement planting to compensate for the loss can be secured by planning condition.
8.15 The application site is within the settlement boundary of Hawkinge and whilst the Hawkinge settlement forms part of the designated Kent Downs Area of Outstanding Natural Beauty and defined Special Landscape Area, the site forms part of the built up part of the settlement. It is not considered that the relatively modest infill development proposed, which is considered acceptable in terms of design, scale and impact in the streetscene and on visual amenity in the locality generally, would have any significant impact on the character and appearance of the wider area of the AONB/Special Landscape Area, including that of the open countryside beyond the settlement boundary.

8.16 In light of the above assessment, it would be unreasonable to refuse the application on visual impact and design matters.

Highways

8.17 The front part of the application site was used for car parking in connection with the existing dwelling at 65 Canterbury Road with access off the existing driveway off Canterbury Road which runs along the north-western side of the site and serves the dwelling at 67 Canterbury Road which is situated in a backland location to the rear (south-west) of the site.

8.18 As with the previously approved scheme for the erection of a dwelling on the site, the current proposals make provision for parking for both the existing and proposed dwellings on the rear part of the site with access from the existing access driveway off Canterbury Road. The existing and proposed dwellings are each provided with a garage with a separate parking space to the side and further parking could be accommodated on the proposed garages/parking spaces forecourt. Kent Highway Services raise no objections to the proposals in respect of highway matters subject to covered cycle storage being provided. Adequate space exists within the site for bicycle parking/storage to be accommodated for the proposed dwelling and details to be submitted for consideration and approval can be secured by planning condition imposed on any permission granted.

8.19 As noted in section 8.9 of the report above, the principle of the increased use of the existing access drive to serve the garages/parking for the existing dwelling at 65 and a proposed new dwelling on the site has been accepted with the grant of the existing planning permission for the site. Whilst it is accepted that the currently proposed four-bedroom dwelling may be likely to generate additional use of the existing access drive compared to the two-bedroom dwelling previously approved, it is not considered that any modest increase in the use of the drive would be likely to generate any significant pedestrian and highway safety issues. With the previously approved development for the site, Kent Highway Services required the vehicle crossing on the grass verge outside the site serving the access drive to be extended to accommodate two vehicles passing side by side and this matter was dealt with by way of condition imposed on the grant of planning permission. It would be appropriate for a similar condition to be imposed on any grant of planning condition for the current proposal. All works within the
public highway would need to be to Kent Highway Services’ specification and satisfaction.

8.20 As with the previously approved development of the site with the erection of a two-bedroom dwelling, the scale of the currently proposed development is not such that there would be any significant increase in traffic in the locality or unacceptable highway safety issues arising as a result. As such, it would be unreasonable to raise highway concerns with the current application.

Sustainability

8.21 As noted in section 8.3 of the report above, the application site represents a sustainable location which benefits from good access to local shops, services and the wider transport network, including bus routes into Folkestone town centre. The recently published National Planning Policy Framework, as noted in section 8.4 of the report above, encourages development generally in sustainable locations.

8.22 The Design and Access Statement supporting the application states that the new house will be constructed to meet Code Level 3 of the Code for Sustainable Homes and compliance with the Council’s minimum standard of Code Level 3 can be secured by planning condition imposed on any grant of planning permission.

Archaeology

8.23 The site is part of an area identified as being of potential archaeological interest relating to Roman, prehistoric and World War 2 activity at Hawkinge. Views from KCC’s Archaeological Officer are awaited but it is likely that, as a minimum, an archaeological watching brief may be required to be secured by condition. The views of KCC’s Archaeological Officer will be reported on the supplementary sheets.

Other Issues

8.24 The approximate position of the sewer crossing the site (adjacent to the rear (south-western) boundary), as indicated by Southern Water, is not likely to impose any undue constraints on the development currently proposed.

Human Rights

8.25 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.
8.26 This application is reported to Committee at the request of Councillor Stuart Peall.

9.0 SUMMARY

9.1 The principle of infill development on the application site with the erection of a single dwelling, sited and designed, to reflect that of the adjoining two-storey terraced properties to the south-east of the site, has been established by the previous grant of planning permission in August 2010 under application reference Y09/0901/SH. The site represents a sustainable location within the settlement boundary of Hawkinge and Government guidance in the recently published National Planning Policy Framework encourages development generally in sustainable locations. The principle of the erection of a dwelling on the site remains acceptable.

9.2 The currently proposed dwelling reflects the height, scale, external surfacing materials and general design of the adjoining end of terrace dwelling at 65 Canterbury Road, is considered acceptable with regards to the streetscene along Canterbury Road, and the visual amenities and the character and appearance of the locality are considered to be maintained. In design terms compared to the dwelling previously approved for the site, the current proposals are considered to represent an improvement.

9.3 The currently proposed development reflects the layout and siting of the dwelling and associated garages/parking, and access arrangements approved as part of the previous planning permission. The currently proposed dwelling incorporates four bedrooms as opposed to the two bedrooms in that previously approved, this is partly due to the currently proposed dwelling utilising the pitched roofspace to accommodate one of the additional bedrooms. The currently proposed dwelling does have an increased depth in relation to that previously approved for the site and whilst it is accepted that there would be some increased enclosure impact to the side of the neighbouring dwelling to the north-west at 69 Canterbury Road as a result, it is considered that the separation between the proposed dwelling and the side of the neighbouring dwelling, together with the design of the proposed dwelling being single-storey only to the rear part adjacent to the side of 69, would be sufficient to prevent an unacceptable unneighbourly enclosing and overbearing impact on that neighbouring property.

9.4 The proposed parking and access arrangements reflect those approved as part of the previous scheme for the site. Whilst it is accepted that the currently proposed four-bedroom dwelling may be likely to generate additional use of the existing access drive along the side boundary of the site off Canterbury Road compared to the two-bedroom dwelling previously approved, it is not considered that the relatively modest increased use of the access drive would be likely to have any significant impact on the amenities of the occupiers of the neighbouring properties adjoining the drive or result in pedestrian or highway safety issues.
9.5 The site has a valid planning permission for the erection of a detached two-storey dwelling with garages/parking to the rear. Overall, the currently proposed slightly larger dwelling is considered acceptable for the site in terms of height, scale, design, impact on the amenities and living conditions of neighbouring residents, visual impact, parking, traffic and highway safety, and in the circumstances the current alternative scheme for the site is recommended for approval.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

1. Standard 3 year time condition C101

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the new dwelling and block of two garages hereby permitted have been submitted to and approved by, in writing, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

   Reason:
   To ensure the satisfactory appearance of the completed development and in the interests of visual amenity in accordance with policies SD1 and BE1 of the Shepway District Local Plan Review.

3. Full details of the facilities to be provided on site for the storage and collection of refuse and recyclables for the new dwelling hereby permitted shall be submitted to and approved by, in writing, the Local Planning Authority before the development is begun and the approved scheme carried out prior to the dwelling first being occupied and the facilities shall thereafter be retained and maintained.

   Reason:
   To ensure adequate means of refuse and recyclables storage and collection in the interests of the amenities of neighbouring residents in accordance with policy SD1 of the Shepway District Local Plan Review.
4. No development shall take place until there has been submitted to and approved by, in writing, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected together with any alterations or additions to the existing boundary treatment. The boundary treatment shall be completed before the dwelling hereby permitted is first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter the boundary treatment shall be retained and maintained.

Reason:
In the interests of visual amenity and the amenity of residents in accordance with policies SD1 and BE1 of the Shepway District Local Plan Review.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting those Orders) (with or without modification), no development falling within Classes A, B, C and E of Part 1 and Class A of Part 2 of Schedule 2 to the said Order shall be carried out to or within the curtilage of the new dwellinghouse hereby permitted without the prior consent in writing of the Local Planning Authority.

Reason:
To enable the Local Planning Authority to retain control over future development given the restricted size of the site and the potential for alterations and additions to or within the curtilage of the new property to impact on the adjoining properties in accordance with policies SD1, BE1 and BE8 of the Shepway District Local Plan Review.

6. Sustainability

7. No development shall take place until full details of both hard and soft landscape works, including the treatment of all hardsurfaced, parking and vehicle manoeuvring areas within the site, have been submitted to and approved by, in writing, the Local Planning Authority including an implementation programme and maintenance schedule. The details submitted shall include indications of the existing hedging on the land and details of any parts of the hedging to be retained together with measures for its protection during the course of development. All hard and soft landscape works, including the treatment of all hardsurfaced areas, shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation of the new dwelling hereby permitted or in accordance with the programme agreed with the Local Planning Authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.
Reason:
In order to ensure that the appearance of the area is protected and enhanced in accordance with policies SD1, BE1 and BE16 of the Shepway District Local Plan Review.

8. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason:
In order to protect and enhance the appearance of the area in accordance with policies SD1 and BE16 of the Shepway District Local Plan Review.

9. No development shall take place until measures to prevent debris and spoil being deposited on the public highway have been installed and shall be in use and maintained in a functioning condition at all times during the site preparation and construction works. In the event that the measures installed do not satisfactorily prevent debris and spoil being deposited on the public highway alternative measures to be agreed by the Local Planning Authority shall be installed and shall be in use as soon as reasonably practicable and maintained in a functioning condition at all times. Any spoil or debris deposited on the public highway shall be cleared by the applicants or their contractors as soon as reasonably practicable.

Reason:
In the interests of highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

10. No development shall commence until such time as details of proposals for on-site provision for the parking/storage of bicycles at a minimum standard of one space per bedroom in the new dwelling hereby permitted have been submitted to and approved by, in writing, the Local Planning Authority. The approved on-site facilities for the parking/storage of bicycles shall be provided before the new dwelling is first occupied and shall be kept available for bicycle parking/storage purposes in connection with the occupation of the dwelling at all times.

Reason:
To ensure the provision and retention of adequate on-site parking/storage facilities for bicycles in the interests of highway safety and to encourage the use of sustainable modes of transport in accordance with policy TR5 of the Shepway District Local Plan Review.
11. The garages and the adjacent parking areas hereby permitted shall be erected/provided in accordance with the details shown on the approved plans (Drawing numbers 11/0924/PL/01 and 02) and shall be available for use before the new dwelling is first occupied and shall be kept available for domestic parking purposes in connection with the new dwelling and the existing dwelling at 65 Canterbury Road at all times. No development, whether permitted by a Development Order or not, shall be carried out in any position which would preclude access by motor vehicles to the garages and/or parking spaces.

Reason:
To ensure adequate provision is made for off street parking to prevent obstruction of the highway and to safeguard the amenities of adjoining areas in accordance with policies TR11 and TR12 of the Shepway District Local Plan Review.

12. The boundary treatment and any planting/soft landscaping beyond the forwardmost part (front elevation) of the new dwelling hereby permitted shall not exceed 600mm in height at any time.

Reason:
To ensure visibility at the access to Canterbury Road is maintained in the interests of pedestrian and highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

13. No development shall commence until such time as details of proposals for the extension/widening of the vehicle crossing on the grass verge to Canterbury Road and fronting the access-way off Canterbury Road to ensure two vehicles can be accommodated side by side have been submitted to and approved by, in writing, the Local Planning Authority in consultation with Kent Highway Services. The details of the proposals for the extension of the vehicle crossing shall take into account turning circles for vehicles pulling in off Canterbury Road and all works forming part of the proposals within the public highway shall be carried out to Kent Highway Services specification. The approved proposals for the extension of the vehicle crossing shall be carried out prior to the first occupation of the new dwelling hereby permitted.

Reason:
To ensure adequate provision is made for access to and from the site in the interests of pedestrian and highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

14. The first floor bathroom window in the flank elevation (north-western elevation facing 69 Canterbury Road) of the new dwelling hereby permitted shall be non-opening and fitted with obscured glass of a type that is impenetrable to sight to a minimum height of 1.7 metres above the internal finished floor level of the bathroom it serves and the window shall be so retained and maintained at all times.
Reason:
To minimise the potential for overlooking onto the adjoining property and maintain privacy in accordance with policy SD1 of the Shepway District Local Plan Review.

15. Development shall not commence until full details of the proposed means of surface water disposal for the development have been submitted to and approved by, in writing, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details of surface water disposal prior to the first occupation of the new dwelling hereby permitted and maintained in a functional condition thereafter.

Reason:
To ensure proper drainage and avoid pollution and flooding of the area in accordance with policies SD1, U1, U3, U4 and U10a of the Shepway District Local Plan Review.

16. Contamination

17. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, drawing numbers 11/0924/PL01, 02 and 11/0924/LP/BP date stamped as Application Valid by the Council on 16.01.2012.

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

18. No development shall commence until such time as a scheme demonstrating permanent vehicular access to the garages and parking areas, as shown on the approved plan (Drawing numbers 11/0924/LP/BP and 11/0924/PL/01), for both the existing dwelling at 65 Canterbury Road and the new dwelling hereby permitted has been submitted to and approved by, in writing, the Local Planning Authority. The approved scheme of vehicular access shall be retained and maintained on completion of the development.

Reason:
In order to ensure adequate access arrangements are in place prior to the construction of the new dwelling in the interests of highway safety and to ensure on-site parking is available to meet the needs of the existing and new dwellings in accordance with policies SD1 and TR12 of the Shepway District Local Plan Review.

20. No development shall take place (which shall be taken to include any site clearance or stripping of soil) until a Construction Method Statement for the development, including details of parking for site personnel, operatives and visitors, the siting of any compounds, the delivery of materials to and from the site, and the proposed times of working, has been submitted to and
approved by, in writing, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved method statement.

Reason:
In order to ensure that the impact of the site preparation and construction works in the locality and on highway safety is minimised in accordance with policies SD1, TR11 and TR12 of the Shepway District Local Plan Review.

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 property formally addressed.

2 The applicant is advised that a formal application to Southern Water for connection to the public sewerage system is required in order to service this development. With regards to the application and identifying the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk.

3 The applicant is advised to contact Veolia Water Southeast Limited, The Cherry Garden, Cherry Garden Lane, Folkestone, Kent, CT19 4QB (Tel 0845 888588) prior to commencement of the development to agree with that Company all necessary works and charges, including the preparation and completion of any Legal Agreements, associated with the provision of a potable water supply.

   The applicant is directed to Veolia Water's "For Business" section on their website www.veoliawater.co.uk/southeast, for all information associated with a new development in their water supply area.

4 The applicant is advised that with regards to the requirements of condition 13 of this grant of planning permission, relating to the extension/widening of the vehicle crossing on the grass verge outside the site on Canterbury Road, Kent Highway Services should be consulted (contact Richard Smith on 08458 247800) and all works within the public highway will need to be carried out to Kent Highway Services specification and satisfaction.

5 The applicant is advised that Kent County Council’s Archaeological Officer (contact Ben Found on 01622 221523) should be contacted for advice/guidance regarding the requirements of condition 19 of this grant of planning permission.

In the view of the District Planning Authority, and having taken into account all material planning considerations, there is insufficient demonstrable harm or conflict with policy arising from the proposal to warrant withholding planning permission.

In coming to this decision, regard has been had to the following policies:
Shepway District Local Plan Review – SD1, BE1, BE11, BE16, U1a, U1, U3, U4, U10a, TR5, TR11, TR12, CO2, CO4.
Kent Design Guide
Government guidance in National Planning Policy Framework

Decision of Committee