

Ref: Y16/0036/PREAPP
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Date: 20th July 2017

Mr. M Shillito
Associate Director
Tibbalds Planning and Urban Design
Via email:

Pre-application advice, proposed development at Princes Parade, Hythe

Dear Mr. Shillito

Please find below the Local Planning Authority's view on the proposed development at Princes Parade, Hythe.

Introduction

The Local Planning Authority has been engaging with the applicant and their appointed architects with regards to the redevelopment of land at Princes Parade, between Seabrook and Hythe so as to provide without prejudice, pre-application advice to inform the submission of a planning application for a hybrid, mixed use application for a leisure centre, up to 150 dwellings, 'small scale' A1/A3 and hotel uses, as well as public open space and realigned highway.

A number of pre-application meetings have been held between October 2016 and May 2017, often alongside Historic England, culminating with this letter of advice. At officers request an independent Design Review was commissioned from Design South East and held on 23rd November 2016.

For clarity this informal advice is based on the following documents provided to officers 23rd May 2017. Previous emerging versions of draft plans have been referred to throughout discussions, with an earlier iteration of the masterplan presented by the developer at Design Review, upon which officers provided emerging comments in December 2016.

May 2017 documents:

PP-AGA-001 – Parameter Plan – Red line area
PP-DZ-002 – Parameter Plan – Development Zones Plan
PP-LU -003 – Parameter Plan – Land Use Plan
PP-AC-004 – Parameter Plan – Access and Circulation Plan
PP- SH -005 – Parameter Plan – maximum number of storeys
3609-RF-111-LVIA appendix 3 Heritage views
5612 4.4 Historic England Masterplan material
'Heritage benefits from the development of Princes Parade'
A-300-01 Ground Floor Plan
A-300- 02 First Floor Plan
A-300- 03 Proposed Elevations
A-300 – 04 Proposed Sections
A-300-06 3d views

The following note provides the pre-application advice of the Local Planning Authority (LPA), based on numerous discussions and a review of the comments made by both

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Historic England and the Design Review Panel. This advice, together with that given in discussion at meetings over the last 10 months should further inform the preparation of the planning application and provides the views of the LPA with regard to the suitability of this complex proposal and the policy position upon which it will be determined.

Environmental Impact Assessment

As advised during Pre-Application advice the development requires Environmental Impact Assessment. A scoping request was submitted to the LPA on 15.07.2016, with a response from the LPA made on 03.09.2016, setting out the requirements of the Environmental Statement.

The scoping request and opinion is viewable online at www.shepway.gov.uk/online-applications under reference Y16/0001/SCO, and is attached to this letter as Appendix 1.

In accordance with the EIA regulations the LPA will be required to consult a number of statutory consultees on the application, as well as the Secretary of state. More information can be found below, including requirements placed on applicants for EIA applications.

<https://www.gov.uk/guidance/environmental-impact-assessment#statutory-consultation-bodies>

Planning Policy – Context for Decision Making

Historic position

For both the 2000 Shepway District Local Plan and the 2006 Local Plan Review the site was proposed for residential allocation by its owner, Shepway District Council. On both occasions the proposed allocation was rejected by the Planning Inspectorate and removed from the draft plan. The 2004 Local Plan Examination report provides a detailed justification for the deletion of policy HO2G which sought to allocate the site for 100 dwellings and a hotel, as set out in paragraphs 3.1.349 – 3.1.353 of the report (see Appendix 2)

Whilst the inspector previously rejected the site for an allocation of housing this consideration was not made against the current Core Strategy policy, nor the National Planning Policy Framework (NPPF), predating Planning Policy Statements which were replaced by the NPPF in 2012. As such the conclusions of the inspector some 13 years ago are of limited weight in determining the proposed application however do provide useful guidance with regards to the likely key issues to be considered.

Emerging position

The Council is in the process of consulting on a NPPF compliant allocations plan that delivers the Core Strategy target of 8,000 homes by 2026, with >8800 homes by 2031. This plan – the Places and Policies Local Plan has undergone Regulation 18 consultation, with responses received from consultees, including a significant number in relation to proposals for Princes Parade.

The draft regulation 19 submission plan is due to be presented to Cabinet on in July 2017, with a recommendation for submission to the Secretary of State following consultation for 6 weeks in September/October this year. Following submission to the

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Secretary of State the Examination of the plan will have commenced, with hearing sessions likely to occur approximately 10 weeks after submission (December 2017).

The proposed policy seeks to allocate Princes Parade as a mixed use development site with detailed criteria that must be met for a development proposal to be considered acceptable. Whilst the policies within the emerging Places and Policies Local Plan do not form part of the development plan, they represent the emerging view of the Local Planning Authority and the Council's cabinet who have agreed the emerging policies for consultation.

Given the likely timeline for the submission of the application in July/August 2017 it is likely that the formal examination of the Places and Policies Local Plan will have commenced prior to the determining of this major application, and therefore the progress of the examination, the views of the Inspector and the policy below will be a material consideration in decision taking.

Officers recommend that the planning application demonstrates how the proposal complies with all requirements of this emerging policy with a particular emphasis within the planning and heritage statements as to how the public benefits of the proposal will outweigh harm to the designated heritage asset.

For clarity, emerging policy UA 25 (below is as per Reg 19 submission draft) states the following:

Princes Parade, Hythe

The site is allocated for mixed-use redevelopment to include up to 150 residential dwellings, a leisure centre; hotel; public open space; and small scale commercial uses.

Development proposals will be supported where:

- 1. They form a single comprehensive masterplan of the entire site which meets with the policy requirements of this plan and the Core Strategy. The mix of uses shall include:*
 - A substantial community recreation and leisure facility including an appropriate replacement for Hythe Swimming Pool, with further investigation of the inclusion of other facilities;*
 - High quality public open and play space of at least 45% percent of the site area (including the promenade); incorporating the enhancement of, and linking between, the canal and beach front and accessibility east to west along the canal and coast; and*
 - An appropriate mix of well designed homes within a landscape-led setting, including appropriate accommodation for the elderly, affordable housing and self-build and custom build plots in accordance with Policy HB4: Self-build and Custom Housebuilding Development;*
- 2. They are accompanied by an appropriate heritage assessment to demonstrate that the harm to key features of the Royal Military Canal and its historic setting, which contribute to its significance as a Scheduled Ancient Monument, would be minimised and that the overall scheme would not result in substantial harm to the heritage asset;*
- 3. Any less than substantial harm is clearly demonstrated to be outweighed by the public benefits of the proposal, which should include heritage benefits;*
- 4. Any potential contamination from its former use is investigated, assessed and if appropriate, mitigated as part of the development;*
- 5. Highway and junction improvements are provided as required to the satisfaction of the Local Highways Authority;*

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6. *Traffic flow and parking provision is assessed to ensure that the development does not put undue pressure on the local highway network and that adequate parking provision is provided so that there are no detrimental parking impacts on Princes Parade;*
7. *Improvements are delivered to the public bridleway along the north side of the canal to enhance its amenity value;*
8. *At least two links between the canal crossings and Princes Parade are provided as dedicated public footpaths or bridleways;*
9. *A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider;*
10. *The masterplanning of the site takes account of the nearby pumping station to allow for odour dispersal and help prevent unnecessary unacceptable impact from vibration;*
11. *Access is maintained to the existing or reconfigured underground sewerage infrastructure for maintenance and up-sizing purposes;*
12. *Ecological and arboricultural investigations are undertaken and adequate mitigation and enhancement measures are incorporated into the design of the development to minimise effects on the local Biodiversity Action Plan Priority Habitat; and*
13. *Appropriate protection, preservation and integration of the Royal Military Canal Local Wildlife Site is provided and there is a demonstrable net gain in the protection of wildlife.*

Development Plan

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. As set out in Section 38(6) planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and the NPPF forms a material consideration in plan formulation and decision taking.

The NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles include the following:

- Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area;
- Plans should be kept up to date, and be based on joint working and cooperation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
- Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is

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suitable for development in their area, taking account of the needs of the residential and business communities;

- 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.

Central to the NPPF (paragraphs 14 and 17) is a presumption in favour of sustainable development, for decision taking this means:

- Approving development that accords with the development plan without delay; and
- 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.

As per the NPPF the LPA recommends that a plan-led approach should be taken, however in this instance it is clear that an application is to be submitted for the development proposed ahead of the Examination in Public (EiP) of the proposed Places and Policies Local Plan. Given the delay in submitting the application from that identified at the start of the pre-application advice process it is likely that an Inspector will be in the process of considering the proposed allocation within the Places and Policies Local Plan concurrently to the planning application being under consideration. The submission of the application should therefore provide support to the proposed policy, demonstrating that the landowner considers the site to be deliverable and developable and is committed to the delivery of the development to contribute much needed market and affordable housing within the district to meet identified housing needs.

As required by section 38(6) of the 2004 Planning and Compulsory Purchase Act and for clarity the proposed development will therefore be considered against the adopted development plan and government guidance, namely the saved policies of the Shepway Local Plan 2006, The Core Strategy 2013 and the NPPF and NPPG, with the 'weight' given to emerging policy likely to change during the consideration of the application. This will require detailed consideration by the Local Planning Authority during the determining of the application.

Appendix 4 sets out the adopted policies of the development plan will apply in determining the application, whilst the section below provides further consideration of site specific policies and key issues.

Site Specific Policies and key issues

The adopted plan provides the following site specific policy criteria for the site, as identified by the policies map:

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POLICY LR9

The District Planning Authority will provide an adequate level of public open space for leisure, recreational and amenity purposes, by protecting existing and potential areas of open space and by facilitating new provision by means of negotiation and agreement.

*Areas of open space of recreation, leisure or amenity value or potential as identified on the Proposals Map will be safeguarded. Development proposals which would result in a net loss of such space **will only be permitted** if:-*

- a) sufficient alternative open space exists;*
- b) development does not result in an unacceptable loss in local environmental quality;*
- c) it is the best means of securing an improved or alternative recreational facility of at least equivalent community benefit having regard to any deficiencies in the locality.*

For an application to be supported against policy LR9 it is a requirement that all of A, B and C must be met for the proposal not to be considered a departure from policy. The Planning Statement must include a full assessment of the development against this policy, referring to up to date evidence regarding the availability and provision of open space, an evaluation and assessment of existing and proposed quality of open space and detailed explanation of the need for the recreational facilities proposed and how they will meet deficiencies in the locality.

The eastern end of the site is also allocated under policy TM8

POLICY TM8

Princes Parade, Hythe

Planning permission will be granted for recreational/community facilities on land at [Princes Parade, Hythe](#) as shown on the Proposals Map subject to the following criteria:-

- a) The use should take advantage of, and enhance the appearance of, the Canal and the coastline*
- b) The majority of the site should remain open*
- c) Proposals should not adversely affect the character and setting of the Scheduled Ancient Monument*
- d) Built development will only be permitted if justified as essential to the use, and should be small scale, low rise and of a high quality design.*

To meet with policy TM8 all of the policy criteria must be met. The application will need to demonstrate that it enhances the setting of the coastline and canal and does not adversely affect the setting of the SAM. The supporting information provided to the LPA, together with the comments of Historic England make clear that the development will cause harm to the setting of the canal, and therefore criteria A and C of this policy are very unlikely to be met.

Criteria B requires the majority of the site to remain open, which again is not the case within the development proposed. Whilst criteria D does allow some built development if justified as essential to the use, this should be small scale and low rise, which again is not the case with the application proposed.

As such, it is considered that the proposal is highly likely to be considered contrary to policy TM8 of the adopted Shepway *Local Plan Review 2006* and will be advertised as

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a departure from the development plan. In accordance with the Development Management Procedure Order 2010 notification of the Secretary of State of departure applications is only required for certain applications. Having reviewed the Procedure Order it is not considered this application will require specific notification to the Secretary of State as a departure.

The Planning Statement in support of the application will therefore need to demonstrate that material considerations – in this instance the justification for and delivery of a new leisure centre, promenade, public open space, affordable and market housing, as well as on and off site heritage enhancements are such that on balance the harm caused by the departure from policy is outweighed by the benefits of the development.

Sequential Test

The NPPF provides requirements for sequential and impact testing of proposals that meet certain criteria, as set out below:

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

*26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of: * the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal * the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made*

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Based on the floor plans provided it is considered that the proposed leisure centre will exceed the 2500m² threshold and therefore the application will need to include an impact assessment in accordance with the requirements of the NPPF, whilst town centre uses will also need to meet the sequential and impact tests (other than the hotel use for which only the sequential test is relevant).

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The Setting of the Royal Military Canal Scheduled Ancient Monument

Policy BE5 of the Shepway Local Plan Review states that the district planning authority will *refuse applications for development which would adversely affect the setting or character of a listed building.*

Historic England has provided detailed comments regarding the development, which we shall not repeat. Their view is that the development is contrary to the NPPF and would lead to serious harm to a key aspect of the Scheduled Ancient Monument (SAM) and its significance due to the changes to its setting. Historic England at present do not consider the green space provision overcomes the harm to the SAM through the loss of openness along this section of its southern aspect.

As we are sure you are aware the NPPF, as well as adopted local plan and Core Strategy policy places great weight on the conservation of designated heritage assets. In particular paragraph 132 of the NPPF makes it clear that the more important the asset, the greater the weight should be and that significance can be harmed or lost through alterations or destruction of the heritage asset or development within its setting.

Whilst Historic England have suggested that the harm caused will be less than substantial, as set out in the NPPF (para 132 and 133) paragraph 134 of the NPPF makes it clear that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Historic England have made clear that they do not think such justification has currently been provided and as such the proposed development is contrary to the NPPF and adopted development plan heritage policies, including policy BE5. Significant weight must be given to the comments of Historic England in determining the application.

For officers to consider paragraph 134 has been met in assessing the application as a departure it will need to demonstrate that the public benefits outweigh the harm caused to the setting of the SAM. The application will need to provide clear evidence as to need for the development, consideration of alternatives, demonstrate that the quantum of development sought is the minimum required to fund the proposed public benefits (including details of the funding gap and alternative funding sources considered) and provide evidence that the masterplan approach is the most appropriate for the site to deliver the highest quality mixed use development, including high quality public open space, play and leisure facilities and an enhanced promenade. There is significant opportunity for enhancements to the setting of the SAM and its historic fabric itself, and these should extend beyond the immediate application site so as to maximise the benefits to the wider SAM. The extent and nature of offsite enhancements should be discussed with Historic England in detail ahead of the submission of the application.

Detailed comments on the Masterplan

Following the Design Review and discussion amongst officers a number of points were made to the applicant/architects at the meeting held on 6th January. These points are set out in Appendix 3.

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Officers are pleased to see the attempts made to address the comments above within the amended May 2017 plans for the development. In particular:

- We consider that the public open space provision within the site, providing significant western parkland that also acts as a visual separation (alongside the golf course) between Folkestone and Hythe is significantly improved. The linear park alongside the canal, connecting to the central public open space within the development is also supported.
- Previous discussions regarding the landscape led nature of the proposal suggested development to the west of the pedestrian footbridge at the mid-point within the site should be more organic in nature. Whilst the development shown is of a fairly uniform layout, the supporting information makes clear that the scale and type of development in this location is of a lower density than that to the east, providing graduation and differentiation within the site. The Design Specification Document (DSD) will need to ensure that controls are put in place to deliver high quality development and that the DSD should encourage some variation.
- Details of the proposed parking strategy are required to support the application, setting out the requirements for visitor parking (to replace existing), parking for the leisure centre and other non residential uses and the parking strategy for residents and their visitors. Alongside this the proposal must seek to maximise trips on foot, bicycle and using public transport.
- The retention of Princes Parade, part vehicular, and then expanding in to a significant promenade along the coastal frontage is supported, retaining the important vista along the coast between Folkestone and Hythe and offering opportunity for the enjoyment of this space as a significant piece of public realm. Significant care must be given to the design of the public realm surrounding the leisure centre, at the central public open space and at the connection between the western public open space and the beach, whilst the promenade itself needs to be designed so that it can be used by all. We are pleased to see that the vehicular element of Princes Parade retained no longer cuts through public open space and incorporates echelon on street parking.
- The detailed design of the relocated vehicular route will require careful consideration due to its interaction with pedestrian crossing points north to south, the promenade, linear park and canal. The design speed of this road should be as low as possible, with pedestrian/cyclist priority by design at all crossing points. Crossing locations across the road should be flush for pedestrians (rather than dropping kerbs) so that it is clear to vehicles that this is an environment in which pedestrians have priority.
- Whilst detailed design is not a consideration at this stage, and we have not seen the guidance to be provided as a mandatory requirement within the DSD and Design and Access Statement (DAS), we are generally supportive of the ideas for design approach shown within the site sections, which adopt a contemporary coastal vernacular utilising natural materials of stone and timber, with render and glazing. To ensure the development is landscape led the DSD must include a high level landscape strategy for the entire site to inform future Reserved Matters and integrate with the detailed element of the proposal. Level differences within the site should be exploited to delineate private and public realm and provide visual interest.
- As discussed at our most recent meeting the parameter plans for submission must set out maximum storey heights, as well as a maximum height level

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above existing ground levels, as well as identifying a maximum finish floor level for each unit above the existing ground levels to ensure that properties are not unacceptably raised up above the surrounding area.

- The Landscape Visual Impact Assessment (LVIA) details provided do not appear to reference the methodology used nor provide an assessment of the impacts. The main document that covers LVIA is the *Guidelines for landscape and Visual Impact Assessment, Third Edition*, published by the Landscape Institute and the Institute of Environmental Management and Assessment. The main areas that should be covered within a LVIA are as follows:
 - Project description – provides a description of the proposed development for the purpose of the assessment, identifying the main features of the proposals and establishing parameters such as maximum extents of the development or sizes of the elements. Normally includes a description/consideration of alternatives
 - Baseline studies - establishes the nature of the landscape and the visual environment in the study area, including any relevant changes likely to occur independently of the development proposal, includes information on the value attached to different environmental resources
 - Identification and description of effects – Systematically identifies and describes the effects that are likely to occur, including whether they are adverse or beneficial
 - Assessing the significance of effects – Systematically and transparently assesses the likely significance of effects identified
 - Mitigation – makes proposals for measures designed to avoid/prevent reduce offset any significant adverse effects

All of these are taken from and covered within the guidance. A LVIA should include maps, images and graphics as appropriate and not just rely on text.

- Whilst the LVIA provides information regarding the overall maximum parameters it does not apply the criteria within the DSD. As such it would be beneficial to include more detailed CGI views from the east and west of the indicative masterplan, so as to provide information as to how the development 'could' look if developed in accordance with the parameter plans and DSD (as set out in the indicative masterplan).

Detailed Comments – Leisure Centre

Further to previous comments made by Officers we have considered the revised plans and comment as follows:

- We are pleased to see the amended May 2017 plans incorporate a more prominent staircase and public viewing gallery area at the first floor. The consolidated footprint also includes a more appropriate viewing area to the learning pool.
- We have yet to see the detailed landscaping plans alongside the plans for the building, the integration between the two, as well as the locality essential to the scheme. As our previous comments stated '*The connectivity of the leisure centre, surrounding public realm, the car park, canoe club and connectivity to the beach and canal needs greater consideration and must be consolidated by the highest quality landscape.*'
- We support the use of a green living roof and trellis to the swimming pool to minimise impact

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- Access to the cafe spill out area appears complicated. The layout of the building should maximise the use of the café as a tourist and leisure destination in its own right. There is significant opportunity to create visual interest and interaction between inside and outside spaces by ensuring the café and spill out area can be easily accessed and used.
- The Spin Studio at 20m² appears to be very small – is it sufficient to host a class or is this a store for bikes that use the exercise studio?
- Full details of materials proposed are required. We suggest a sample panel is submitted in support of the application, whilst updated CGIs should be provided including the rendering of external materials in to the images to a higher quality, showing the building within the proposed landscape setting.
- As previously stated *In accordance with Core Strategy Local Plan policy the building should be designed so as to incorporate on site energy generation and maximise energy and water efficiency. The car park will be required to provide 20% of spaces (10% active, 10% passive) to include electric charging points.*

Matters to be controlled by S106 and Conditions

The application should be supported by draft Heads of Terms to inform a proposed legal agreement. This should include a detailed phasing plan, setting out when community benefits are to be delivered to demonstrate that the proposal has significant public benefits. In particular the Heads of Terms need to provide significant detail regarding the delivery of:

- On site open and play space
- Promenade
- Leisure Centre
- Delivery of heritage benefits

Our recommendation is that on site works are proposed as a single phase of development as it does not appear to be possible to deliver the leisure centre without moving the vehicular road. To try to justify a departure from policy (as discussed) significant community benefits need to be realised as early as possible within the scheme. We urge you to work alongside the Seabrook Canoe centre as much as possible to identify whether it is feasible to deliver the new facilities that have planning permission, as well as Historic England in identifying on and off site enhancements to the SAM that will be delivered by the development.

The area identified for the leisure centre currently accommodates a significant area of play space which has been identified within the emerging Play Review and Strategy as a Destination Play Space. The masterplan suggests this is to be removed, with more limited equipment proposed adjacent to the leisure centre. Any relocation of play equipment will need to ensure that this does not lead to unacceptable deficiencies for existing residents within the locality – namely the catchment of the existing play area centred around Seabrook. Whilst policy LR10 requires on site equipment to be provided to meet the needs of the development, it will also be a requirement of the proposal to ensure Princes Parade remains a Destination Play Space (as a minimum), with any equipment removed to be relocated or replaced, alongside the further provision required to meet the needs of the development. The application will need to demonstrate that the public open space will provide for a Destination Play Space that meets the needs of existing and proposed residents. It is recommended that the masterplan provides for

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toilet facilities, given the play space, open space, enhanced promenade and beach would be seen as a significant resident and tourist attraction within the district.

In addition the Heads of Terms should include arrangements for the:

- Management of public open spaces
- Management of private/semi private spaces (around residential areas)
- Delivery of affordable housing

It is likely that there may be further s106 requests from other statutory consultees, such as KCC education and South Kent Coastal CCG. Officers will need to consider these requests against the criteria within the Regulation 123 List to ascertain whether they are reasonable for s106 or should form part of a wider CIL contribution.

The Council's Housing Manager will provide comments on the proposed application with regards to a suitable mix of affordable housing, in accordance with adopted policy.

Highway Works

On and off site highway works are likely to be required by the development, to be delivered via s278 agreement. These are likely to include upgrades to footpath connections to the site, for instance to the east of the Canal terminus at Seabrook and between the footbridge and A259 midway through the site as this will form a key route for people accessing the development and facilities for those on foot and bike. There may also be a need to fund bus infrastructure improvements to the A259, for example by upgrading shelters and clearways etc (if required). If a Traffic Regulation Order is required this could be included within a s106 agreement and should therefore form part of the Heads of Terms.

Other Matters

Shepway has an adopted Community Infrastructure Levy (CIL) in place. The development is liable for Community Infrastructure Levy payments, in addition to the above. CIL is calculated based in net increase in residential floor area (GEA). The CIL charging rate for Hythe is £100m².

The application will be subject to formal consultation with wide ranging statutory and non-statutory consultees as well as neighbours and the Town Council. It is likely that consultees may raise matters that need to be addressed during the planning process. It is recommended that a meeting is held 4-6 weeks after the submission of the application with the case officer to discuss consultee responses and how these should be addressed within the application.

We hope the advice in this letter, together with that given during the pre-application advice process has assisted in the development of the masterplan and provided clear guidance as to the planning policy position and key considerations in the determination of the application.

This advice is based solely on the information that has been provided in the pre application submission and does not take into account the views of statutory consultees and other third parties that would be consulted as part of any subsequent planning application, or unforeseen material planning issues that may arise during the

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processing of the application. Consequently, whilst this is the advice of officers, it does not guarantee any subsequent decision made or action taken by the Council in relation to the proposal when full account has been taken of all material considerations following the submission of a formal application.

Yours sincerely



Robert Allan
Major Projects Team Leader

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Appendix 1 – Scoping Opinion (attached as pdf)

Appendix 2 – Extract from 2004 Local Plan Inspectors Report – Proposed Policy H02G

Issue

Would the allocation achieve the right balance between the housing needs of the District, the environmental, historic and tourism value of the area and the need for open space.

Inspector's Reasoning and Conclusions

3.1.349 To my mind the prospect eastwards along Princes Parade from the vicinity of the Hythe Imperial Hotel is one of the finest vistas in the District. The main characteristic of the area is its grassy openness coupled with public access to the seafront, somewhat akin to the clifftop open space of The Leas and rare elsewhere in the District. The character, appearance and historical interest of the area is enhanced by the Royal Military Canal (RMC) which separates it from the built-up part of Hythe to the North. The view is closed to the east by the high ground of Sandgate, and inland by tree clad slopes rising towards the AONB. The sharp contrast revealed in travelling westwards between the closely-developed nature of Sandgate, constrained by topography, and the sudden openness of the Princes Parade area, adds to its character and strong sense of place.

3.1.350 In my view dwellings on the site, particularly if of 4 or 5 storeys, would be unacceptably disruptive and harmful to the attractive open character of Princes Parade and its long vistas, particularly in looking eastwards. The opportunity to provide high quality and high density modern coastal architecture would not outweigh that harm. The loss of openness is as important as visual impact this key site. The suggested layout shows dwellings at the shore edge, and Princes Parade diverted inland for a significant proportion of its length. Such matters are purely indicative at the Local Plan stage, but there are few options on this shallow site. I consider that the diversion of the road away from the seafront would erode its attraction and integrity as a unified seaside drive from all the way from Sea Point to the Imperial Hotel, whilst compromising the quiet setting of the Canal, an Ancient Monument. The other main alternative of leaving Princes Parade in place and locating dwellings towards the north of the site would, the Local Planning Authority agrees, be even more likely to adversely affect the character of the RMC. I am aware that various forms of mitigation could be secured at the development control stage, but in I find that the harm from residential development would be so fundamental that I cannot recommend it, in principle, for this site.

3.1.351 I agree therefore with the Inspector in his report on the previous Local Plan inquiry that residential development would be out of character with the site's open nature (CD4.03, paragraph 5.56). This part of Seabrook is deficient in every sort of public open space, according to the plans in Appendix 9 of the RDD, and the tourism industry is of great importance in Shepway. To my mind the site is best suited to low-key recreation or tourism use, that would take advantage of and enhance the unique appearance, setting and recreational value of both the seafront and the Canal. A severely limited amount of building might be possible, if essential for those uses and if it would retain the attractive character and openness of the area. I consider that development of the scale of a hotel would be unlikely to meet these requirements, and I recommend that this site be deleted from Policy TM3. The previous Inspector mentioned hotel development somewhat tentatively. He clearly did not consider that hotel use was such a strong contender on this site that it should be included in his recommendation, nor did it feature in the 1997 Local Plan.

3.1.352 It is unfortunate that the site is one of the District's few significant areas of previously-developed land within the urban area, although that status arises from the lack of a restoration condition on the old planning permission for landfill use. There is no doubt

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that it is a sustainable location for housing and that it ranks in the top category of the search sequence of PPG3. Its deletion as a housing allocation would make it more difficult for the Local Planning Authority to achieve its target of 60% of dwellings on previously-developed land in the Plan period, although I do not consider that this is determinative. However, I find that this is one of the rare occasions where the need to preserve the open character of a site, and its relationship to both the sea and the Canal, is so important that it outweighs the imperatives of PPG3.

3.1.353 I recognise that good design would be a prerequisite of housing development on this site, and that a narrow belt of Policy LR9 land would provide a buffer between development and the Canal. I note also that the previous Inspector made his comments in the climate of an over provision of housing land at the time, and before the publication of PPG3. The Environment Agency (EA) confirm that there is no risk at the site from fluvial flooding. A flood risk assessment has been carried out which indicates that, because of its history of landfill, the site surface is above the 1 in 1,000 year flood level. This affords protection from tidal flooding considerably in excess of the 1 in 200 year standard required by PPG25. The EA have yet to comment on the detailed assumptions and calculations which underlie the assessment, but from the evidence presented I consider it unlikely that lack of defence from flood risk would prevent housing development, in principle, at Princes Parade. As with many brownfield sites there is some contamination, but a range of reclamation treatments are available. A preliminary investigation of ground conditions shows no reason to suppose that a more detailed survey would reveal levels of contamination that would preclude development. I have taken into account the fact that housing development could help to finance the provision of recreational facilities and landscaping on the Policy LR9 land. Developer contributions could also help towards the provision of any necessary social, community or transport infrastructure, and a development of 100 dwellings would yield a proportion of affordable housing under Policy HO6. I saw that at present the site is somewhat untidy and is not open space to which the public have access. However, I find that none of these matters, nor any others put before me, are enough to outweigh my overall conclusion that this site should not be allocated for housing or for hotel use.

3.1.354 The removal of Site HO2G would leave the housing supply short of 100 dwellings in the second part of the Plan period. I have recommended elsewhere in this report the allocation of replacement land for housing at Herring Hang Field New Romney, at Links Way on Park Farm, Folkestone and at Site HO2L at Barnhurst Lane, Hawkinge, which would replace that shortfall. Full reasoning is found under those headings and in the section on Policy HO2 and Policy CO24.

3.1.355 I consider that the Policy HO2G allocation should be replaced on the Proposals Map by washing the Policy LR9 designation over that site. Alternatively the Council may wish to consider a mixed low-key tourism/recreation use on the land, supported by a new policy and reasoned justification in Chapter 6 of the Plan.

RECOMMENDATIONS

Modify Policy HO2 and the Proposals Map by removing site HO2G, Princes Parade. Carry out consequential amendments to housing figures and reasoned justification in Chapter 3.

Modify the Proposals Map by replacing the Policy HO2G designation by a Policy LR9 designation. Alternatively the Council may wish to consider a replacement mixed low-key tourism/recreation use on the HO2G designation area, supported by a new site-specific policy and reasoned justification in Chapter 6 of the Plan.

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Appendix 3 – Summary of comments made in relation to November 2016 Masterplan at meeting

Limited information has been provided by Tibbalds to the LPA for consideration so far. Whilst Tibbalds have provided an emerging masterplan document no analysis nor consideration of Landscape Visual Impact Assessment, key views, Heritage Assessment, Site Appraisal or of the local context has been provided, nor assessment of the planning policy informing the adopted planning policies nor those emerging. We have also not seen any evidence as to whether there is opportunity to reduce levels across the site as part of the proposed remediation strategy. Consequentially there is little to no justification or evidence in placed to explain the choices made, which in our opinion fail to meet with existing or emerging policy.

Of particular concern to us are the following elements of the emerging plan:

- 1. The development layout fails to provide for high quality, usable consolidated public open space that link the canal and the sea, ensures the development is landscape led and retains a visual break between the settlements of Folkestone and Hythe to the south of the canal. We recommend that a significant area of open space is provided at the western end of the site (see diagram) that offers a substantial amenity and recreational benefit to the people of Hythe and Seabrook.*
- 2. The development is of a uniform density and massing that fails to respect the character of the area, in particular the higher density urban grain of seabrook and the backdrop of the rising hills and landscape to the east. We recommend that any properties to the west of the pedestrian bridge are located within a landscaped, parkland setting. To the east of the bridge the development should increase in density towards the proposed leisure centre, where it could reach 3 storeys or 3 storeys with roof terraces and gardens. The development should be bolder in these areas, providing a strong and appropriate design response to the setting of the sea and canal, maximising this location.*
- 3. So as to ensure the development provides for a landscape led setting density should be increased to the east of the site so as to increase openness to the western part of the site. This could be achieved by reducing the number of houses (in particular 2 and 3 bedroom houses) and increasing the number of apartments.*
- 4. Parking provision is excessive to the east of the site and within the site itself, diminishing the quality and usability of the pockets of open space to be no more than green settings for parking. Parking provision should be made along streets for visitor parking, within hidden courts or similar for private parking and along Princes Parade for visitors to the site. Parking for the leisure centre could then be reduced in size, consolidating development within the more urban setting of Seabrook.*
- 5. The relocation of the road to the north of the site is a concern to officers, a view reinforced by the Design Review Panel and previous inspectors. We strongly advise that the road is retained to the south so as to retain the important vista and historic visual connection between Folkestone and Hythe, whilst preserving the setting of the RMC, particularly in the western part of the site. The character of the road could be changed, utilising established principles of urban design so as to create an attractive beachside environment of pedestrians, cyclists and slow moving vehicles. The design speed of the road should be 20mph, punctuated by 2 to 3 squares of a design speed of 5-10 mph.*

With regard to the leisure centre building:

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6. *We agree that the building should be located at the eastern end of the site; however it should be moved further to the east with the parking area reduced.*
7. *We broadly support the emerging design approach. In particular we would like to see the swimming pool to be a fully greenwalled and green roofed building, with views to the north from the swimming pool glazing providing for connection and interaction with the canal. (examples can be provided). Opportunities for an external terrace at first floor level should be explored*
8. *Whilst Corten Steel is a high quality material we would support the use of cedar or similar natural wood vertical boarding that will ensure the upper storeys blend in to the landscape as the building ages.*
9. *The internal design should maximise connectivity with the public realm and outside space, however the design needs to separate those wanting to use the facilities from the cafe to improve ease of use.*
10. *The internal design should prioritise the use of the stairs over the lift by designing the staircase as the primary access between floors.*
11. *The connectivity of the leisure centre, surrounding public realm, the car park, canoe club and connectivity to the beach and canal needs greater consideration and must be consolidated by the highest quality landscape.*
12. *In accordance with Core Strategy Local Plan policy the building should be designed so as to incorporate on site energy generation and maximise energy and water efficiency. The car park will be required to provide 20% of spaces (10% active, 10% passive) to include electric charging points.*

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Appendix 4

Development Plan policies

Policy DSD – A presumption in favour of sustainable development

Policy SS1 – identifies the strategic priorities for the Urban Character Area, of promoting the development of vacant previously developed land, central Folkestone and the north of the town, and other locations within walking distance of Folkestone Central railway station; securing new accessible public green space, plus regenerating western Hythe.

Policy SS2 – sets out the plans requirement of delivering 7000-8000 dwellings within the district between 2006/7-2025/6.

Policy SS3 – requires development within Shepway to be directed towards existing sustainable settlements to protect the open countryside and countryside and identifies that changes in settlements will be managed in a form that contributes to their role within the settlement hierarchy and local place shaping objectives to promote the creation of vibrant and distinct communities.

Policy SS5 – requires development to provide, contribute to or otherwise address Shepway's current and future infrastructure needs.

Policy CSD1 – requires that subject to viability all housing developments should include a broad range of tenures wherever practical. Developments of more than 15 units should provide 30% affordable housing, subject to viability and the location of affordable housing should not be concentrated in one location, and must be designed to integrate in function and appearance with private housing and existing properties.

Policy CSD2 – sets out an objective that at least half of new dwellings by 2026 will be three bedrooms or larger. In addition all developments of 10 dwellings or more should include 20% of market dwellings to meet Lifetime Homes Standards, unless demonstrated to be unfeasible in design or viability terms.

Policy CSD4 – requires an increase in the quantity and quality of green infrastructure and biodiversity.

Policy CSD5 - requires all new homes to contribute towards sustainable water resource management, maintaining or improving the quality and quantity of surface and ground water bodies. All new homes to include design measures to restrict maximum water use to 105 litres/person/day. New developments cannot increase peak rate and surface water runoff above existing surface water rates and SUDS schemes should be included.

Policy SD1 – overarching policy to deliver sustainable development

Policy HO1 – seeks to permit residential development on sites which form part of the land supply or are allocated within the Local Plan Review. Allows for the development of other sites subject to various criteria.

Policy LR8 – requires designated Public Rights of Way to be properly integrated into the design and layout of development sites.

Policy LR9 – seeks to protect existing open space and ensure appropriate levels of new open space are provided within developments at a minimum standard of 2.43Ha per 1000 population. Where such standards can't be met, a commuted sum could be paid to improve or extend existing open space.

Policy LR10 – seeks to ensure all residential development in which children are expected to live makes adequate provision for play space.

Policy BE1 – requires a high standard of layout, design and choice of material for all new development.

Policy BE5 – seeks to protect listed buildings and their settings

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Policy BE13 – seeks to ensure areas of urban open space with amenity value are retained and developments only permitted where there is a minimal impact on the character or the benefits of the development outweigh the amenity the loss of amenity value.