

Application No: 22/1077/FH

Location of Site: Cheriton Parc House, Cheriton High Street, Folkestone

Development: Conversion of Cheriton Parc House to 31 x one and two bedroom apartments, and the development of 19 purpose built 1 and 2 bed apartments, the redevelopment of land to the rear to create a total of 36 dwellings (comprising 20 x 3 bedroom two storey dwellings and 16 x 4 bedroom 3 storey height townhouses) with associated landscaping and parking.

Applicant: C/O Agent

Agent: Hume Planning Consultancy Ltd

Officer Contact: Helena Payne

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a s106 legal agreement securing 22% Affordable Housing, 5% Custom Build, Open Space, NHS and KCC Contributions (as detailed within the Report) and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions or obligations that he considers necessary.

1. INTRODUCTION

1.1. The application is reported to Committee due to the objection raised by Folkestone Town Council.

2. SITE AND SURROUNDINGS

2.1. The application site fronts Cheriton High Street and comprises a three-storey office building with hardstanding occupying a large proportion of the 1.12 ha site. The site was originally constructed as an office building for the Channel Tunnel and is situated in close proximity to the main terminal.

2.2. The M20 runs parallel to Cheriton High Street to the north, with tree and hedgerow landscaping on the motorway embankment. To the south, the site is bounded by a railway line.

2.3. The site is visually enclosed to the west and east by the 4-storey Hotel (Holiday Inn Express) and the recently developed residential dwellings on the former Brockman Family Centre site.

- 2.4. The wider area comprises mainly residential uses, although beyond the Hotel lies the Motis Business Centre. The Tesco superstore and petrol station is located to the northeast of the site, beyond the residential dwellings served off Horn Street.
- 2.5. The site lies within a Surface Water Management, Great Crested Newt Risk Zone (Green) Catchment Area, Archaeological Notification Area and is identified as a site protected for business use.
- 2.6. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for the conversion of Cheriton Parc House (Fig 1) to form 31 one- and two-bedroom apartments, and the development of 19 purpose built one and two-bed apartments (Fig 2), the redevelopment of land to the rear to create a total of 36 dwellings (comprising 20 three-bedroom two storey dwellings and 16 four-bedroom 3 storey height townhouses) – a total of 86 units, with associated landscaping and parking.

Office conversion

- 3.2 All apartments would comply with the Nationally Described Space Standards. The existing structural elements would be retained, and the apartments are designed to work with them. The existing terrace space is proposed to be used and divided between all of the apartments. A roof terrace is proposed for the third floor. The façade of the existing Cheriton Parc Building would retain white metal panelling already in situ, however the first, second and third floors would be clad in a composite cladding system (dark grey). The top floor would be clad with a standing seam metal finish.



Figure 1: *Proposed front elevation of the Cheriton Parc Office conversion.*

New apartment building

- 3.3 All apartments comply with the Nationally Described Space Standards. The design of the new apartment building has been developed to reflect the character and appearance of the Cheriton Parc Building. The curved northern elevation of the block addresses the eastern elevation of the Cheriton Parc conversion. The second floor of

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the building steps in to reduce the mass of the building and its visual impact. The proposed new apartment building would have a brick ground floor. The central band of the building would be clad in vertical timber and the stepped in top floor would have a pale render finish.



Figure 2: Principle (east) elevation of the purpose-built affordable housing apartments.

New houses

- 3.4 The proposal for the southern portion of the site includes for the construction of 36 houses, consisting of three bed and 4 bed units. The proposed materials for the dwellings include multistock red brick, feature brick soldier course bands and feature charcoal grey brick bands.
- 3.5 Each dwelling meets the National Describes Space Standards and benefit from gardens of between 9 and 13m deep.



Figure 3: 3 bed and 4 bed house types

- 3.6 The schedule of accommodation for the site is found in Figure 4 below: (Use & Amount).

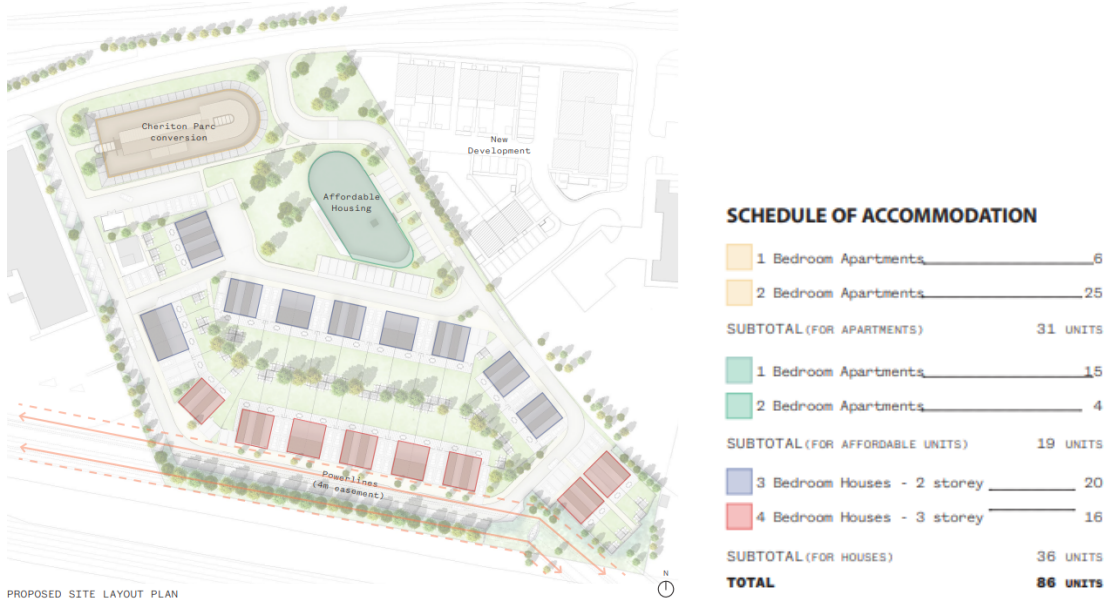


Figure 4: Use & Amount

No trees would be lost as a result of this development, although 83 specimens would be translocated from existing positions and replanted elsewhere on site alongside an additional 66 trees to be planted as part of the landscaping for the site. This would specifically take place adjacent to the purpose-built flats and along the southern section of the site, as well as either side of the site entrance.



Figure 5: Landscape Masterplan

Parking & Access

- 3.7 The new residential development on site would be accessed via two existing vehicular access points onto Cheriton High Street. It is noted that the internal roads are not proposed for adoption and would therefore be in private ownership.
- 3.8 A total of 141 car parking spaces are proposed across the site for occupants of the affordable flats, residential conversion of the existing Cheriton Parc building and purpose-built houses and which includes visitor parking spaces. **Table 1** below shows the parking breakdown across the site.

Total Allocated Parking Spaces	120
Total Visitor Spaces	21
Total Parking on site	141

Table1: *Parking Breakdown*

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

Design & Access Statement

Provides appropriate site analysis, considering opportunities and constraints on site and a brief contextual assessment of the surrounding area. The Design & Access Statement sets out the design approach and development to the scheme, use of existing building and number of proposed residential housing as well as internal and external layouts and house typologies, form, mass and scale and appearance, including a landscape design summary. Consideration of materials and landscaping is also given. Transport, access and refuse is also covered in summary within the report, with the main assessment covered within the submitted Transport Assessment.

Landscape Design & Access Statement

This report outlines the vision, principles and concepts which have guided the development of the landscape proposals for the site. It states that the objective behind the design is to create a high quality and cohesive residential development with ample green infrastructure. Consideration of landscaping and its contribution to biodiversity on site has also been set out, considering the benefits the proposal would have on biodiversity, including the use of native planting and specific areas to attract ecology onto the site.

Planning Statement

This Statement considers the main planning issues and justifies the proposal having regard to the planning policy context and the need for housing in the district. It states that the constraints and opportunities of the site have been carefully considered and the necessary technical reports support this submission. The supporting Design & Access Statement and Landscape Report explain that whilst the site is visually enclosed, the scheme design is of a high quality and the layout has been landscape

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led. It concludes that a good quality living environment will be created for future residential occupiers in line with development plan policy. The application site is a brownfield site in a sustainable location and the proposal will allow the residential conversion of the building rather than its demolition and redevelopment for alternative employment uses to fit more neatly with the E1 and E2 policies. The option of redevelopment would not be economically viable given the existing use value of the Saga building. It explains that the principle of the loss of this vacant office floorspace can be justified in policy terms, despite the development plan being fairly recently adopted.

Air Quality Assessment

This report presents the findings of a detailed air quality assessment of the potential impacts of the proposed development on local air quality during the construction and operations phases. It concludes that air quality does not pose a constraint to the proposed development, either during construction or once operational.

Phase 1 Land Contamination Assessment

This assessment considers the previous and surrounding uses of the site and provides a Phase 1 Land Contamination Assessment which concludes the relevant findings, potential sources of contamination identified and sets out a preliminary risk assessment of the relevant pollutant linkages. Recommendations have been set out following the initial assessment which includes the need for a Phase 1 site investigation and as a UXO High Bomb risk has also been identified, a further Risk Assessment will also be required with regard to this.

Preliminary Ecology, Ecology Statements & Reptile Assessment

This report sets out desk and field based ecological assessment of the proposed development site to identify the habitats present, evidence and potential for the presence of protected species on or in the immediate vicinity of the red line boundary, any likely direct or indirect effects of the proposed development to the on-site and off-site habitats or potential present protected species and it assesses whether reptiles are present on the site on or in the immediate vicinity. The report sets out a series of mitigation measures, including for bats, reptiles, birds, badgers and hedgehogs. A series of suggested enhancements are also provided. The Report concludes that the majority of habitats on site are common and widespread. It notes the presence of a small population of slow worms and common lizard. Mitigation can be addressed by condition.

This Report continues on from the initial Ecological Assessments and considers the impacts and protection of reptiles on site. Recommendations within the Report aim to demonstrate that the proposed development would conserve and enhance biodiversity.

Within the Preliminary Ecology Statements and Reptile Assessments, reptiles, breeding birds and Orchids have been identified within the site and precautionary and mitigation measures have been proposed as part of this development proposal. The proposed reptile and orchid receptor area would be located to the southeast of the site and the tree receptor site within the southwest of the site. It is expected that over time

the tree receptor site will be combined with the reptile and orchid receptor sites, but during the construction works, the sites would remain separate.

Preliminary Sustainable Urban Drainage Strategy (SuDs) Report

This report demonstrates the considerations and design details of the SuDs proposals and includes details of the catchment area of the site, soil type and estimated pre and post development run offs, details of the SuDs proposals, details of the proposed maintenance requirements of the SuDs for the lifetime of the development. Information of natural hydrological processes, flood risk, storm run-off and eventual run off rate is also provided. The Report concludes that there is no risk of on or off-site flooding as a result of the development.

Transport Statement

This Transport Statement examines the existing conditions of the site, including accessibility to local facilities via sustainable modes of transport such as bus and rail, local walking and cycling routes, and an overview of the provisions and safety conditions of the existing highway network. It states that the site is well located in terms of access to local amenities (schools, shops and other services) and public transport connections. It is in close proximity to a good rail and road network, including the M20 motorway. Access by sustainable modes will be enhanced through the provision of a footway connection between the eastern site access and the existing footway provision on the southern side of Cheriton High Street. A crossing facility to the footway provision on the northern side of Cheriton High Street will also be implemented. The traffic generation from the development has been examined in terms of the net trips generated considering the former office use at Cheriton Parc. The development is determined to have a negligible impact on the local highway network. The Statement concludes that the development site provides suitable access to local facilities by all forms of transport, particularly by walking and bus travel.

The Transport Statement states that the volume of traffic that would be expected during AM and PM peak hours, based on the TRICS database, would be low. **Table 2** below show the proposed net trip generation during morning and afternoon peak times to be unchanged from the existing situation on site.

	AM Peak (0800-0900)			PM Peak (1700-1800)		
	Arr	Dep	Total	Arr	Dep	Total
Existing Office	21	2	23	2	14	16
Mixed Private Housing & Flats	12	34	46	32	17	48
Net Trip Generation	-9	32	23	30	3	32

Table 2: Existing Office and Proposed Residential Vehicle Trip Generation

4. RELEVANT PLANNING HISTORY

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

21/1455/FH/PA Determination as to whether prior approval of the Local Planning Authority is required under Schedule 2, part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of office use Class B1(a) to residential C3 to provide 31 residential units. This will consist of 26 x 2 bedroom units and 5 x 1 bedroom units Refused

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council: Object for the following reasons:

1. Loss of trees and biodiversity.
2. Over intensive for the area
3. No information of CIL money for local school, doctors and infrastructure.
4. Full tree planting schedule requested.
5. Concerns raised by KCC Highways have not been addressed.

[CPO Comment: Points 3 & 4 are not material planning considerations. It is a legal requirement to pay CIL contributions for applicable development. The application site is CIL zero rated for residential development.]

Kent County Council Archaeology: No objection raised subject to a condition requesting the implementation of an archaeological watching brief.

Kent County Council Highways: Concerns raised regarding the proposal but advise that it may be possible to overcome these if the following amendments were made:

- 1) A minimum total of 151 car parking spaces are required. Please see the breakdown of the parking requirement below:
 - 50 * 1 and 2 bed flats = 50 spaces
 - 36 dwellings = 72 spaces
 - 17 visitors spaces at 0.2 spaces per dwelling
 - 12 additional visitor spaces due to 23 of the dwellings having a tandem parking relationship [CPO comment: Please refer to paras 7.6 – 7.10 of the report].
- 2) The footway and bellmouth junctions along Cheriton High Street should be surfaced in tarmac as the rest of the footway along Cheriton High Street is tarmac.

[CPO comment: This is addressed in condition no. 23]

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Kent County Council LLFA: No objection subject to conditions relating to infiltration testing, discharge of surface water, existing drainage features, pollution controls.

Environment Agency: The application has a low environmental risk and no comments have been made.

Environmental Health Officer: No objections. Environmental Health accepts the findings of the Railway Noise Impact Assessment.

Contamination Consultant (IDOM): No objection subject to conditions.

Southern Water: No objection to the development. Southern Water has provided advice regarding connections to the public sewer and SUDs.

Affinity Water: No Comments received to date.

Kent Police: No objection subject to a condition requesting the site follow SBD Homes 2019 Guidance (designing out crime).

Kent County Council Ecology: No objection subject to conditions requesting the submission of a Construction and Environmental Management Plan, Habitat Establishment and Management, along with lighting details and mitigation to protect breeding birds, badgers and hedgehogs as well as ecological enhancements.

Arboriculture Officer: No Objection

Kent Downs AONB Unit: No comments received to date.

South Kent CCG NHS: Request for s106 contribution for healthcare serves to be provided in the community.

KCC Economic Development: Request for s106 contributions towards secondary education, special educational needs and disabilities, community learning skills, children's services, library, registrations and archives, adult social care and waste.

[CPO comment – only education contributions can be sought via s106. All other contributions are covered by CIL].

Local Residents Comments

62 neighbours have been directly consulted. 3 letters of objection have been received 0 letters of support received and 3 letters neither supporting nor objecting to the application have been received.

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I have read all of the correspondence received. The key issues are summarised below:

Objections

- Inadequate infrastructure -pressure on Hospitals and GP Services.
- Harm to highway safety from increased traffic and congestion
- No affordable or social housing in the development
- The open space here had been earmarked as a developing woodland – forming part of the Jubilee Scheme for Saga in 2000
- Loss of trees and no replacement planting plan provided
- Location of parking spaces
- Insufficient parking or visitor parking proposed.
- Cheriton Parc is protected for business use under Class B1a. The proposal is entirely for residential use. The development is also contrary to Policy SS4 of the Cores Strategy.

General Comments

- The existing car park is built on a land-filled cutting, which was the start of the Elham Valley Railway. It would be appropriate to install an historical marker.

Ward Member

5.2 No response has been received from the Ward Member(s) to date. All three Ward Members for Cheriton are appointed at the Planning and Licensing Committee.

5.3 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review Local Plan 2022.

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan (PPLP) 2020

E1 – New Employment Allocations

E2 – Existing Employment Sites

HB1 – Quality of Places Through Design

HB2 – Cohesive Design
HB3 – Internal and External Spaces Standards
HB4 - Self-Build
C1 – Creating a sense of Place
C3 – Provision of Open Space
C4 – Children’s Play Space
T1 – Street Hierarchy
T2 – Parking Standards Residential Parking
T5 – Cycle Parking
NE2 – Biodiversity Net Biodiversity Gain
NE3 – Protecting the District’s Landscape and Countryside.
CC1 – Reducing Carbon Emissions
CC2 – Sustainable Design and Construction
CC3 – Sustainable Drainage Systems
HE2 - Archaeology

Core Strategy Review (2022)

SS1 – District Spatial Strategy
SS3 – Place Shaping and Sustainable Settlements
SS4 – Priority Centres of Activity Strategy
SS5 – District Infrastructure Planning
CSD1 – Balanced Neighbourhoods for Shepway
CSD2 – District Residential Needs
CSD4 – Green Infrastructure

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

Supplementary Planning Guidance/Documents

Kent Design Guide (2000)

Section 1 – The Value of Good Design

Section 2 – Creating the Design

Government Advice

National Planning Policy Framework (NPPF) 2023

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application: -

- Paragraph 11 – Presumption in favour of Sustainable Development.

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- Paragraph 47 – Determining planning applications in accordance with the Development Plan.
- Paragraphs 55-58 – Planning Obligations
- Paragraphs 60 – 68 – Delivering a sufficient supply of homes.
- Paragraphs 96-101 – Promoting healthy and safe communities.
- Paragraphs 102-107 – Open Space & recreation.
- Paragraphs 108-113 – Sustainable Transport
- Paragraph 115 – Highway Safety
- Paragraphs 123 – 127 – Making effective use of land
- Paragraphs 131 – Creation of high quality, sustainable buildings and places.
- Paragraphs 136 – Contribution of Trees
- Paragraphs 158 – Planning for climate change.
- Paragraphs 164 – Energy Efficiency
- Paragraphs 175 – SUDS
- Paragraphs 180 – Natural and Local Environment
- Paragraphs 185 – Habitats and biodiversity

National Planning Policy Guidance (NPPG) 2021

- Climate Change
- Design: Process & Tools
- Effective use of Land
- Environmental Impact Assessment
- Land Affected by Contamination
- Open Space
- Planning Obligations
- Transport

National Design Guide 2021

- C1 – Local & Wider Context
- L1 – Respond to local character
- L2 – Well designed
- L3 – Character & Identity
- B2 – Appropriate building types and forms
- M3 – Well considered parking, servicing and utilities
- N1 – High Quality open space
- N3 – Support Biodiversity
- P2 – Well designed and safe places
- U2 – Mix of homes tenures, types and sizes
- U3 - Socially inclusive
- H3 – Storage and waste, servicing
- R2 – Careful selection of materials

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Whether the principle of development is acceptable in this location?
- b) Would the development give rise to Highway Safety & Parking concerns?
- c) Whether the design, layout and visual amenity of the proposal is acceptable?
- d) Whether the development would affect the National Landscape?
- e) Would the new dwellings meet the Council's Internal Space Standards?
- f) Would the new dwellings meet the Council's External Space Standards?
- g) Whether the development would result in harm to the residential amenity of existing residents?
- h) Whether the open space, tree and landscaping proposals associated with the development are acceptable?
- i) Whether the proposals would harm the ecological and Biodiversity considerations for the site?
- j) Are there any land contamination matters to be considered at the site?
- k) Would the proposed development result in or worsen localised surface water flooding?
- l) Would the development result in harm to Archaeology?
- m) Does the proposal meet sustainable construction requirements?
- n) Does the development meet the necessary EV Charging point provision requirements?
- o) Would the development provide affordable housing?
- p) Planning Obligations

a) Whether the principle of development is acceptable in this location:

7.2 The site forms part of a larger site protected for employment use under Policy E1 of the Places and Policies Local Plan (PPLP) identified as being suitable for the provision of up to 15,000 sqm of commercial floor space, primarily in B1a Office uses. The NPPF makes clear that employment sites should not be retained in areas of high housing need unless there are strong economic reasons not to allow a change of use. To this effect, Policy E2 states that planning permission for alternative uses will be permitted where it can be demonstrated that the existing or former employment use is no longer appropriate in terms of neighbouring uses or impacts; or the site or premises has been subject to sustained marketing over a 12 month period prior to the submission of the planning application but the site or premises has remained unlet or unsold for all

appropriate types of B class employment uses and no reasonable offers have been received.

- 7.3 In this case, the application has been supported with evidence that concludes that despite marketing the existing office building (Cheriton Parc) on site for 18 months prior to the submission of the planning application, there has been no appetite for this type of use within this location with no interest from businesses to utilise the office spaces. It has been further confirmed by the Agency involved in the marketing of Cheriton Parc that, and notwithstanding the recent Coronavirus pandemic, there continues to be no change in circumstances to the economic market, that would warrant pursuing a B1a use (or any class B employment use) in this location. Given this evidence, it is reasonable to conclude that employment demand has declined to such a degree such that alternative uses, including residential, for the site should be considered. Central Government guidance set out within the NPPF states that Local Planning Authorities (LPA's) should support the Government's objective to significantly boost the supply of homes and that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 7.4 Policy SS1 of the Core Strategy seeks to direct development to existing settlements. In this case, the site sits within the urban confines of Folkestone and is sustainably located as well as constituting previously developed land. The proposal provides economic benefits through the creation of jobs during the construction period and an increase in population to use local services and businesses. It is also considered to be socially sustainable by providing homes to meet the housing needs of the area, including affordable homes and providing other benefits such as open space and contributing to improvements to existing services and facilities. The development site is also considered to be environmentally sustainable as it is utilising a vacant brownfield site and is within an urban area in close proximity to facilities.
- 7.5 The proposed development of the site for the provision of 86 residential units is considered acceptable in principle subject to the further additional material planning considerations set out below.

b) Would the development give rise to Highway Safety & Parking concerns:

- 7.6 Overall, the internal road structure is considered acceptable, allowing for two-way traffic and appropriate for access for both emergency and refuse vehicles. KCC Highways and Transportation has requested that the footways and bellmouth junctions along Cheriton High Street be surfaced in tarmac, as is the rest of the footway along Cheriton High Street. This can be secured by an appropriately worded condition in the event of approval.
- 7.7 141 car parking spaces are proposed. As set out in the proposal section of this report, the scheme is lacking 10 visitor spaces, which are generated by the use of tandem parking provision. However, the scheme does meet the requirements for allocated parking. Concern has been raised by KCC Highways and Transportation that this could lead to overspill parking onto Cheriton High Street. To address this KCC has requested additional parking restrictions along Cheriton High Street up to the entrance of the Holiday Inn Express (illustrated in Figure 6 below). It is proposed to include this in the planning obligations to be attached to any permission. The Council's Parking Team has welcomed this approach and has confirmed that it would accommodate the enforcement of unauthorised parking to ensure impact on highway safety does not occur.

- 7.8 It is also agreed that parking restrictions should also be promoted within the site to prevent access issues for larger vehicles such as refuse vehicles.. This is because visitor parking is not evenly distributed throughout the site, with at least 16 spaces grouped together at the far southern boundary of the site. Additional parking restrictions can be secured by condition.
- 7.9 In considering the parking provision officers have explored options for more parking on site. However, this needs to balance against place making and the provision of open space and greening of the development. Officers consider that as the impacts of the shortfall of visitor parking can be addressed via restrictions, the benefits of not providing the additional visitor parking are outweighed by the qualitative aspects of the current scheme.
- 7.10 In conclusion, in light of the parking restrictions to be secured as part of any forthcoming planning permission, the development is not considered to result in harm to highway safety and therefore no objections are raised to the proposed development on parking grounds.
- 7.11 The proposal includes for the use of existing access points either side of the Cheriton Parc Building. There are no proposed alterations to these junctions and would continue to provide sufficient visibility along Cheriton High Street for users of the development.
- 7.12 A new connection crossing point could be secured as part of the s106 legal agreement to enable pedestrians to cross safely to the pedestrian footpath north of Cheriton High Street. This would be located just east of the main access to the site (Figure 6 below).

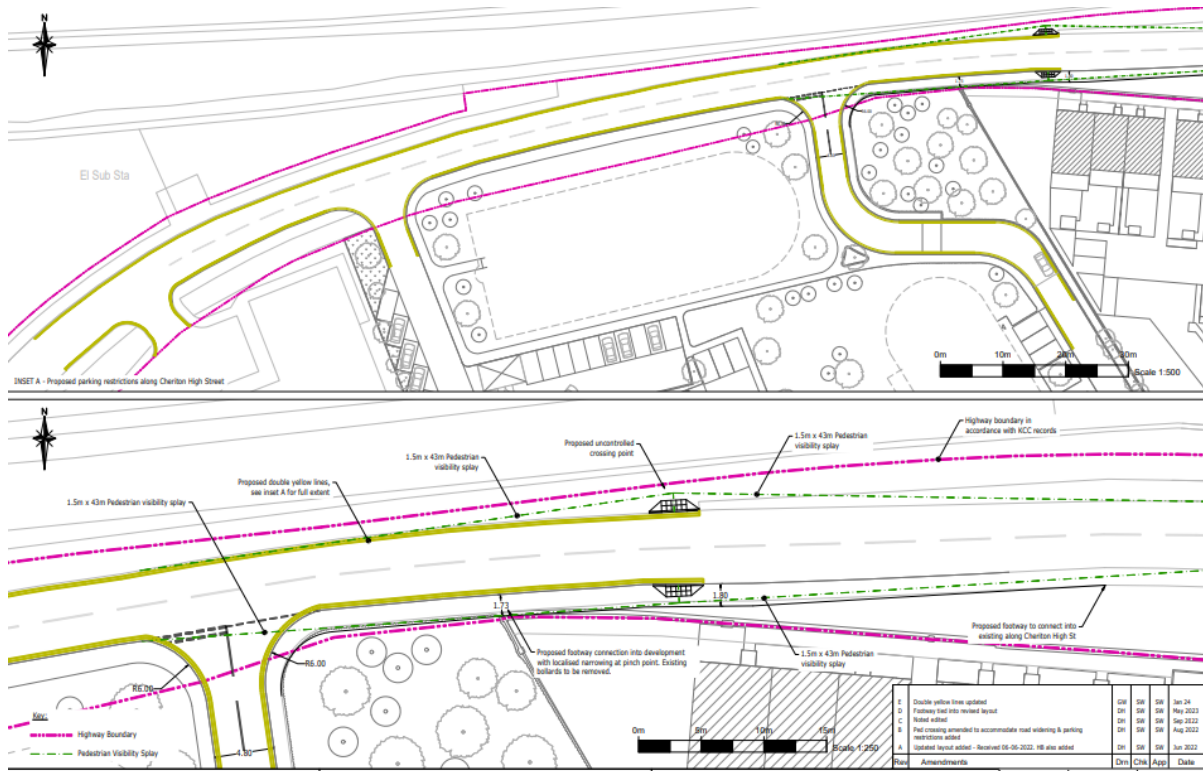


Figure 6: Proposed parking restrictions and new pedestrian crossing point.

- 7.13 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual

cumulative impacts on the road network would be severe. In this case, the level of harm would not be significant and as such, subject to the above-mentioned conditions, no objection is raised on highway safety grounds.

c) Whether the design, layout and visual amenity of the proposal is acceptable:

7.14 The Council's adopted policy HB1 places considerable emphasis on the importance of achieving good design to ensure all new development is appropriate to the shape, size and location of the site.

Layout

7.15 The proposal presents a legible street layout with a clear hierarchy which would be easy to navigate for residents and visitors alike. The retention of Cheriton Parc provides a clear and recognisable landmark which in my view would help promote a distinct character. Setting the building in landscaping is welcomed and would form a focal point within the development as well as softening the appearance of the building itself. I consider this to be a positive addition to the quality of the current townscape and street scene.

7.16 The apartments and dwelling present front doors and windows to the street. This would result in natural surveillance to the street and contribute to a sense of safety. I am satisfied that this would address the comments made by the policy crime officer.

7.17 In terms of scale the proposed apartments and dwellings would relate well to street promoting the continuity of street frontages and the enclosure of space by development which clearly defines private and public areas.

Apartment conversion

7.18 The proposed conversion of Cheriton Parc is considered to be high quality with an appropriate use of materials to turn a commercial building into residential homes.

7.19 The visual appearance of the building or the site when viewed from Cheriton High Street is considered to remain high quality. I am satisfied that the conversion would enhance the character and appearance of the street scene.

New apartment building

7.20 The design of the purpose-built affordable apartments, located just south of the main entrance to the site and which would be seen on approach to the remaining residential development to the south, has appropriately taken reference from the existing Cheriton Parc building in design terms. The use of curved arch deco design features has been included to mimic the existing building.

7.21 The 3-stories scale of the apartment block is considered to be reflective of the scale of the existing building on site without being overly dominant in nature. The use of similar finish materials (in the form of red brick, timber cladding and pale render) to those proposed within the existing building and within the wider residential development would tie the development together as one, where the materials proposed to be used

within the purpose-built dwellings and those intended for the Cheriton Parc building itself are themselves different from each other.

- 7.22 The proposed apartment block is well proportioned and visually articulated resulting in a visually coherent and harmonious built form.
- 7.23 The result is considered to be high quality visually appropriate development which would sit comfortably on the site.

Houses

- 7.24 The proposed houses are considered to be acceptable in terms of design and scale, being well proportioned and detailed. As a result it is considered that the houses would positively contribute to the surrounding area. The proposed palette of materials for the houses is considered acceptable and would reflect those in the surrounding area. The use of base materials such as local red multistock with some feature charcoal grey brick bands would help create a distinct identity, whilst window proportions and roofing application both in colour and material would reinforce this.
- 7.25 Overall, the proposal comprises the redevelopment of a brownfield site to provide a high-quality residential scheme which would create a sustainable living environment for future residents of the site without causing detriment to the visual amenity of the surrounding area. It is considered, in light of the above, that the proposed development accords with the provisions set out under Local Plan Policies SS3, HB1 and HB2.

d) Whether the development would affect the National Landscape?

- 7.26 The impact of individual proposals and their cumulative effect on the National Landscape (North Downs AONB) and its setting are addressed under the provisions set out under PPLP Policy NE3. Development should conserve and enhance the natural features and distinctive features of the AONB and should not detract from its special qualities.
- 7.27 The site is not itself within the Protected National Landscape (North Downs AONB) but it can be seen from within it. The development is not considered to lead to coalescence of settlements that could be seen from within the National Landscape itself and as the development includes for the redevelopment of previously developed brownfield land, this is not considered to undermine the integrity of the open and rural character of the AONB and its setting. This, and for the reasons stated under subheading b) above, the proposal is not considered to negatively impact the National Landscape or its setting and in this regard no objection is raised.
- 7.28 The proposed development is considered acceptable and in accordance with the provisions set out under PPLP Policy NE3.

e) Would the new dwellings meet the Council's Internal Space Standards?

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7.29 Policy HB3 of the PPLP states that proposals for new residential units should comply with the current nationally described space standards and all of the dwellings, including flats would comply with these standards.

7.30 In addition, each habitable room would feature a window providing adequate levels of daylight and outlook.

f) Would the new dwellings meet the Council's External Space Standards?

7.31 There would be good sized private amenity to each dwelling and a communal landscaped area to the west of the purpose-built flats and along the southern boundary of the site.

7.32 The rear garden areas for the majority of the houses would be between 10 and 13m in depth. Three of the rear gardens would fall below the required 10m by just half a metre. This shortfall is not considered to be significant, and an acceptable level of amenity would still be provided to these affected units (Plots H16, H17 & H22)

7.33 Therefore, the scheme is considered to represent a good standard of accommodation for future residents in accordance with emerging policy HB3 of the PPLP and the NPPF.

g) Whether the development would result in harm to the residential amenity of existing residents?

7.34 Development Plan Policy requires all development to secure the amenities of its future occupants and protect those amenities enjoyed by nearby and adjoining properties. Policy HB1 of the PPLP requires development proposals to safeguard and enhance the amenity of residents. Paragraph 127 of the NPPF sets out that decisions should seek to secure a high standard of amenity for existing and future users.

7.35 The arrangement of dwellings within the site is such there would be no impact on privacy and overlooking, loss of light or shadowing to its neighbour and vice versa, ensuring the amenity of future occupants of the site is also protected. The proposed dwellings/flats would be sufficiently located away from the western boundary with the Hotel so as not to be adversely affected in terms of privacy. Furthermore, the windows along this western boundary of the hotel, and which look onto the application site serve landing/corridors as opposed to accommodation which makes overlooking less likely. Whilst these corridors tend to be lit for the during the night, it is not considered that the light emanating from these windows would be such that it would cause disturbance to occupants of the proposed development.

7.36 There may be potential for disturbance as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan, which should include construction hours, would be included if planning permission is granted.

7.37 The use of the existing access by vehicles associated with the residential use is not considered to result in detriment to local amenity, particularly on the immediate neighbours to the east of the site, by way of noise, given the former use of the site and its status in the Local Plan. Further consideration of the impact of additional traffic is be assessed in the Transport section below.

7.38 Overall, there are no objections to the development on amenity protection grounds, in accordance with the provisions set out under PPLP Policy HB1.

h) Whether the open space, tree and landscaping proposals associated with the development are acceptable?

7.39 Policy C1 of the PPLP seeks to ensure that new developments foster a sense of place through landscaping, public art or other similar techniques.

7.40 Detailed landscaping has been proposed as part of the development of the site and is clearly depicted on the submitted Landscape and Ecology details. Many of the proposed landscaping measures also double as ecological enhancements for the site (and these elements are addressed under the Ecology section of this report). Soft landscaping measures, which are considered acceptable, include:

- Creation of native mixed scrubland and meadow areas;
- Planting of shrubs and ground cover
- Planting of species rich native hedgerows
- Native tree planting to provide additional and replacement tree cover for any unaccepted loss.

7.41 The retained trees and hedgerows, accompanied by new planting (including replanting of existing trees) and soft landscaped verges would provide a green character to the development, forming boundaries and buffers to the neighbouring railway track and adjacent commercial developments to the west. A small area to the south of the site has been incorporated into the scheme as part of the reptile translocation site to address ecological matters, but in so doing it would provide an area of open space, appropriately landscaped to soften the overall appearance of the development from this vantage point. Hedgerows and tree planting is also proposed along several boundaries of the site and within and amongst the built development internally. The introduction of trees to the front and entrance of the site is considered to assist in softening the appearance of the development from outside of the site.

7.42 Concern has been raised via representation to the planning application with regard to the proposed development's impact on the 'developing woodland', which formed part of the Jubilee Scheme for Saga in 2000. Whilst it is accepted that some trees would be removed from their original locations to accommodate the development, it is proposed to replant these elsewhere on site to allow for the development. Any unexpected loss as a result of the replanting would be replaced with a similar species. The proposed landscaping as part of the proposal would continue to provide tree coverage and open space and therefore there are no overriding concerns regarding its impact on the Jubilee Scheme.

7.43 The hard landscaping proposed includes a mix of surface areas including the main road through the site (block paving), with permeable paving proposed for parking areas and driveways. This is considered acceptable.

7.44 Each dwelling would be provided with amenity areas comprising patios, decked areas and lawn. It is noted that to the front of a number of the dwellings, there would be a significant amount of hardstanding. However, the introduction of planting (trees/shrubs/grassed areas) is considered to appropriately soften an otherwise stark

appearance. Individual plots would be separated by close boarded fencing, which is common for residential gardens.

- 7.45 In terms of lighting, a mix of low-level bollard lighting, downward facing column lighting has been incorporated into the landscape design. This is considered acceptable. There are no significant arboriculture constraints within or adjacent to the site and as such no objection is raised to the development in terms of its impact on trees.
- 7.46 Public open space is shown to be provided on site adjacent to the new apartment block and in close proximity to the entrance of the site. Policy C3 sets out the requirement for public open space to be provided for developments of 20 or more dwellings. Where this is not possible a commuted sum is payable. Table 12.1 in the PPLP sets out the standards. In addition, Policy C4 seeks the provision of play space in new developments of 10 or more family dwellings. On site play space, albeit fairly low key, has been provided within the communal open space located centrally within the site and immediately adjacent to the affordable apartments. Should planning permission be granted, Section 106 contributions would also be sought, in line with the above-mentioned policy, to ensure the development contributes to both C3 and C4 open space provision, in particular for the provision of new play equipment and development of open space at Cheriton Recreation Ground and other existing play areas within Folkestone. The total contribution towards open space and play space is £39,843.83 and £55,554.30 respectively and is further discussed under the Planning Obligations Section below.
- 7.47 Overall, the landscaping and open space proposals for the development are considered appropriate, in accordance with the provisions set out within Local Plan Policies C1, C3 and C4, creating a sense of place and enhancing the character and appearance of the scheme.

i) Whether the proposals would harm the ecological and Biodiversity considerations for the site?

- 7.48 Policy CSD4 of the Core Strategy seeks to improve green infrastructure. This states that development must avoid net loss of biodiversity, achieve net gain over and above residual loss (criteria a). Policy NE2 in the PPLP also seeks to enhance biodiversity in new developments.
- 7.49 Appropriately worded conditions are suggested which would ensure that the timings and methodology for the translocation of the protected species is included in the Construction Environment Management Plan and that a detailed management plan of how the receptor and translocation sites would be established, managed, and maintained once the development is completed is provided.
- 7.50 It is also noted that the site has the potential to support badgers and hedgehogs that may use the site for shelter and for foraging. Whilst there were no signs of these animals using the site during the Preliminary Ecological Assessment, the ecological report has suggested many precautionary measures to mitigate against any potential harm during the construction phase. These would be secured by condition.
- 7.51 Whilst no bats are likely to be roosting on site, there are records of roosts in the surrounding area. Lighting can negatively impact nocturnal species, like bats, that are foraging and commuting on site and in the surrounding habitat. Whilst lighting is

identified within the landscaping details, currently there is no lighting plan or information submitted. Lighting details would be required to be submitted by condition.

- 7.52 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”. The ecological assessment has made recommendations for ecological enhancements to be incorporated into the site, some of which have been detailed on the Landscape Plan, such as integrated bat and bird boxes, hedgehog highways and wildflower mix in the open grassland. The County Ecologist has raised no objection to the detail contained within the submitted landscape plan, the details of which shall be secured by condition in the event of an approval.
- 7.53 Subject to the above-mentioned conditions, no objection is raised to the proposal on ecology and biodiversity grounds, in accordance with Policies CSD4 and NE2.

j) Are there any land contamination matters to be considered at the site?

- 7.54 The application has been submitted with an accompanying Phase 1 Contamination Risk Assessment. The report has been reviewed by the Council’s Environmental Health Officer, who has advised that the Desk Study/walkover with a conceptual model and contamination risk assessment, are acceptable. The report highlights some potential contamination risks that warrant further assessment and recommends Phase 2 intrusive site investigation. This should include ground gas risk assessment as well as consideration of soil quality.
- 7.55 No objection to the proposal is raised subject to the imposition of the Council’s standard Land Contamination condition to allow for further intrusive site investigations, remedial strategies and verification reports to be undertaken. This would be attached to any forthcoming planning permission.

k) Would the proposed development result in or worsen localised surface water flooding?

- 7.56 The NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and the technical guide outlines that the opportunities to reduce the overall level of flood risk in the area should be sought through the layout and form of the development and appropriate use of Sustainable Urban Drainage Systems (SUDs).
- 7.57 The site is not within a high-risk flood area as identified by the Environment Agency. Being in a low-risk area, the management of surface water run-off in the main issue. The submitted SuDs Report confirms that the soakaway design would utilise the lowest rate achieved from adjacent site testing (0.168m/hr (4.67E-05 m/s) within trial pit). Further to this KCC Flood and Wastewater Management has identified the need for additional information including the need for a detailed Sustainable Water Drainage Scheme for the site, which would be conditioned for submission prior to works commencing on site that would address the above points. In addition, information as to where infiltration would be used to manage surface water would also be required by condition.

7.58 The Environment Agency has raised no comment in respect of the application. Southern Water has also raised no objection to the scheme, with the exception of advice regarding works in proximity to a public sewer and the protection of infrastructure during the construction phase of the development. An informative would be added to any forthcoming planning permission advising that the Applicant seek the advice of Southern Water ahead of development commencing on site.

l) Would the development result in harm to Archaeology?

7.59 Whilst the site lies in an area of multi-period archaeological potential, a watching brief on the site of Cheriton Parc proved inconclusive and recent field evaluation to the east also proved negative. Within the site the area of the proposed new builds is extensive but has been subject to past development impacts, largely from the construction of car parks. The County Archaeologist considers it likely that the significance of any below-ground archaeological remains at the site would have been diminished by the construction of the car parks and that it in this case it would be reasonable to limit archaeological mitigation to a watching brief rather than pre-development field evaluation trial trenching.

7.60 No objection is raised to the development on archaeological grounds subject to a condition being imposed for a Watching Brief and Written Scheme of Investigation, in accordance with the provisions set out under PPLP Policy HE2.

m) Does the proposal meet sustainable construction requirements?

7.61 All development should achieve high environmental standards. Developers are encouraged to implement appropriate mitigation and adaptation measures to address the potential impact of climate change. Policy CC2 of the PPLP requires all new dwellings to be built to a higher water efficiency standard and minimises energy demand including measures to adapt to climate change, such as the provision of green infrastructure.

7.62 A condition would be imposed to request details of these sustainable construction measures be submitted for the written approval of the Local Planning Authority.

n) Does the development meet the necessary EV charging point provision requirements?

7.63 PPLP Policy T2 requires a charging point for electric vehicles to be provided at a ratio of 1 per dwelling as far as reasonably practicable. The application identifies a series of standards, which would be adopted by the proposed development, including 1 active charging point per dwelling. Any dwellings with un-allocated or communal parking would be provided with 10% of the total spaces as active charging spaces and the remainder as passive charging spaces. A minimum of two visitor spaces (or a total of 10% of the total visitor spaces) would be provided by passive charging connections. A condition would be imposed with any forthcoming planning permission for details of these charging points to be submitted.

o) Would the development provide affordable housing?

7.64 Policy CSD1 of the Core Strategy states that all housing development should, subject to viability, include a broad range of tenures (incorporating housing for sale, shared

equity and other forms of intermediate housing and affordable rented) wherever practicable. Development proposing 15 or more dwellings (net gain) should provide 22% affordable dwellings on site, subject to viability. The proposal seeks to provide 19 affordable units (which amounts to 22% of 86) across the development. The mix, location and tenure of these can be agreed as part of the Affordable Housing Scheme to be submitted and agreed by the Local Planning Authority as part of the forthcoming s106 Agreement.

- 7.65 Policy HB4 supports self-build and custom housebuilding requiring all sites within Folkestone and Hythe urban area where more than 40 dwellings are proposed, to supply no less than 5% of dwelling plots for sale to self-build or custom housebuilders on the Council's register. In this case the Applicant has confirmed that they would comply with this requirement, where 5% custom housebuilding should be secured via the s106 legal agreement in the event of an approval.
- 7.66 Notwithstanding the details submitted with the application (which do not specify which of the proposed houses would be custom built), in order to comply with the above policy requirements 4 of the proposed dwellings would need to be earmarked for custom build, and Officers request delegated authority to determine which of the proposed dwellings would be reserved for custom build housing prior to issuing a decision.

p) Planning Obligations

- 7.67 New residential development can create additional demand for local services, such as educational facilities. The NPPF (paragraphs 55 – 58) advises that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) states that planning obligations may only constitute a reason for granting planning permission for a development if they are:
- a. Necessary to make the development acceptable in planning terms;
 - b. Directly related to the development; and
 - c. Fairly and reasonably related in space and kind to the development.
- 7.68 It is proposed to include 22% Affordable Housing and 5% custom build as part of this development. In addition to the submission of an Affordable Housing Scheme and details of the Custom Build Units a number of financial contributions have also been requested in respect of the development proposed in this application, as well as other obligations associated with the use of the land. They are shown in Table 1 below.
- 7.69 The obligations have been assessed against Regulation 122 and it is considered that those listed below are necessary to make the development acceptable in planning terms and are directly related to the development and are fairly and reasonably related in scale and kind to the development. It is noted that additional requests for contributions towards community learning, special educational needs, child services, library services, adult care and waste have also been requested by Kent County Council. However, these matters are addressed through CIL contributions, and it is therefore not reasonable or necessary to insist that they form part of the s106 Agreement.

Contribution	Amount
General Practice	£71,784
Secondary Education	£239,817.24
Open Space – Maintenance & off-site provision	£39,843.83
Open Space – Equipped Play Areas	£55,554.30
Additional Parking restrictions and footway connection.	Double yellow lines up to the entrance to the Holiday Inn hotel. Footway connection/crossing point across Cheriton High Street.

Table 3: Section 106 Agreement Agreed contributions.

7.70 In this case, the Applicant has agreed to the above s106 contribution requests, in addition to the onsite 22% Affordable housing, 5% Custom Build and on-site ecological mitigation. Full details of the contributions can be found under Appendix 2 (Regulation 122 Assessment) of this report.

q) Other Matters

7.71 Comments received in representation of the planning application requested that Cheriton High Street be renamed as it doesn't fall within the shopping area for the town. This is not material to the consideration of the planning application.

7.72 It has also been advised that the existing car park is built on a land filled cutting, which was the start of the Elham Valley Railway. It has been requested that an historical marker be erected there, however this is beyond the remits of the planning application.

Environmental Impact Assessment

7.73 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

7.74 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.

7.75 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £0 per square metre for new residential floor space.

Human Rights

7.76 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

7.77 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

7.78 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

7.79 The application was subject to both pre-application discussion, and further amendments during the processing of the planning application itself. The Local Planning Authority has engaged positively with the Developer and their Agents.

8. CONCLUSION

8.1 Whilst the site is protected for employment use under Policy E1 of the PPLP, it has been demonstrated the site is no longer viable for employment uses. Given its sustainable location within the built confines of Folkestone and the fact that the site constitutes previously developed land, the residential development of the site is supported by National Policy where the provision of 86 dwellings would make a valuable contribution towards the Council's housing supply, including the provision of much-needed additional affordable housing.

8.2 The application site is in a sustainable location benefitting from good access to a range

of facilities in a well-served part of town. The amount of development is not considered to be disproportionate to the scale of the existing development in the area and would likely enhance the ongoing viability of Cheriton, promoting wellbeing and social cohesion and result in economic benefits during the construction and post-development phases.

- 8.3 The layout, design and appearance of the proposed development is considered to be acceptable, and the additional dwellings can be accommodated without having a detrimental impact upon the visual amenity of the wider area. Further, the proposal would ensure through the introduction of an attractive soft landscaping scheme combining the retention and enhancement of existing trees and boundary vegetation, that the character and appearance of the site from views from the immediate street scene and from within the adjacent National Landscape (AONB), would be conserved and enhanced where appropriate.
- 8.4 The development would provide a good level of amenity for existing and future residents, and subject to control through planning conditions, would not harm matters of ecological interest, highway safety or result in unacceptable flood risk, with foul and surface water drainage able to be adequately dealt with so that the site can be developed in an acceptable way.
- 8.5 Overall, it is considered that the residential development of the site as proposed would be acceptable and that any residual impact can be mitigated through the imposition of suitable planning conditions. In balancing the environmental, social and economic impacts arising from the proposal, Officer's conclude that it would present a sustainable form of development, which is at the heart of the NPPF. It is therefore recommended that planning permission be granted subject to conditions and completion of a s106 legal agreement.

9. BACKGROUND DOCUMENTS

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

10. RECOMMENDATION

That planning permission be granted subject to the conditions set out below and the applicant entering into a s106 legal agreement securing the contributions set out within Table 3 of this report; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary:

Conditions:

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:
 - Design & Access Statement (May 2023), received 23 May 2023
 - Ecological Assessment (Bakerwell November 2023, ref KECT18 8AN Revision 4), received 28 November 2023
 - Preliminary SuDs Report (Adkins Consultants Rev C, dated 3 April 2023), received 23 May 2023.
 - 21-113/001 Rev C - Transport Statement, received 23 May 2023.
 - Planning Statement (Hume Planning Consultancy), dated June 2022, received 15 July 2022
 - Landscape Design & Access Statement (edla) dated 2022, received 15 July 2022
 - Railway Noise Impact Assessment (MRL Acoustics) dated March 2022, received 15 July 2022.
 - Phase 1 Land Contamination Assessment (Ecologia) Ref: EES 21.275.1 dated 20 December 2021, received 15 July 2022.
 - CHP-EDL-ZZ-DR-L-2001 R1 – Open Space Plan, received 28 November 2023
 - CHP-EDL-ZZ-XX-DR-L-2000 R8 – Landscape Masterplan, received 28 November 2023
 - CHP-EDL-ZZ-XX-DR-L-0110 R8 – Illustrative Masterplan, received 28 November 2023
 - 21.081 101 – Site Location Plan, received 23 May 2023
 - 21.081 109 Rev A – Proposed Ground Floor Masterplan, received 23 May 2023
 - 21.081 110 Rev C – Proposed Masterplan-Roof Plan-Block Plan, received 25 July 2023
 - 21.081 111 – Cheriton Parc Conversion Proposed Ground & First Floor Plan, received 23 May 2023
 - 21.081 112 – Cheriton Parc Conversion Proposed Second & Third Floor Plan, received 23 May 2023.
 - 21.081 113 Rev A – Cheriton Parc Conversion Proposed Elevations, received 23 May 2023.
 - 21.081 114 Rev A – Cheriton Parc Conversion Proposed Elevation, received 23 May 2023.
 - 21.081 115 Rev A – Cheriton Parc Conversion Proposed Section, received 23 May 2023.

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- 21.081 116 Rev A – Cheriton Parc Conversion Proposed Sections, received 23 May 2023.
- 21.081 117 Rev B – House Types THC5-3T-1 Proposed Floor Plans & Elevations, received 25 July 2023
- 21.081 118 Rev B – House Type THC52T-1 Proposed Floor Plans & Elevations, received 25 July 2023.
- 21.081 119 Rev B – House Types THC5-3T – 2 Proposed Floor Plans & Elevations, received 25 July 2023.
- 21.081 120 Rev B – House Type THC9-4T-1 Proposed Floor Plans & Elevations, received 25 July 2023.
- 21.081 121 Rev B – House Type THC9-2T-1 Proposed Floor Plans & Elevations, received 25 July 2023
- 21.081 122 Rev B – House Type THC9-2T-2 Proposed Floor Plans & Elevations, received 25 July 2023
- 21.081 123 Rev B – House Type THC9-2T-2 Proposed Floor Plans & Elevations, received 25 July 2023
- 21.081 124 Rev A – Affordable Flats Proposed Ground, First and Second Floor Plans, received 23 May 2023.
- 21.081 125 Rev A – Affordable Flats Proposed Elevations, received 23 May 2023.
- 21.081 126 Rev A – Affordable Flats Proposed Elevations, received 23 May 2023.
- 21.081 127 Rev A – Affordable Flats Proposed Sections, received 23 May 2023.
- 21.081 128 Rev B – Proposed Site Sections, received 25 July 2023
- 21.081 129 Rev B – Proposed Site Sections, received 25 July 2023
- 21-113/001 Rev H – Layout Review Comments, received 25 July 2023
- 21-113/002 Rev E – Proposed Footway Connection & Parking Restrictions, received 31 January 2024
- 21-113/003 Rev C – Refuse Strategy, received 25 July 2023
- 21-113/004 Rev C – Review Fire Strategy, received 25 July 2023
- CP-1-MM-01 Rev 02 – Site Plan showing SuDs Concept, received 23 May 2023

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of the Development Plan.

3. No construction above slab level shall take place until samples of the external materials to be used in the construction of the external surfaces of the building(s) hereby approved 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.

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4. Notwithstanding the detail contained within the application, prior to the first occupation of any unit hereby approved, details of both hard and soft landscape works including an implementation programme and maintenance schedule shall be submitted to and approved by the local planning authority. No building shall be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason: In order to protect and enhance the appearance of the area.

5. A landscaping management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the first occupation of any dwelling hereby approved or any phase or sub-phase of the development, for its permitted use. All landscape measures as detailed within the Ecological Appraisal (Bakerwell Ltd, November 2023) shall be included within the landscape management plan. The landscape management plan shall be carried out as approved and retained as such thereafter.

Reason: In the interests of visual amenity of the area and in the interest of minimising potential for harm to protected species.

6. Upon completion of the approved landscaping scheme (condition 4), any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

7. No development shall take place, including any works of demolition, until a Construction Environmental Method Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors.
 - ii. loading and unloading of plant and materials.
 - iii. storage of plant and materials used in constructing the development.
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - v. wheel washing facilities.
 - vi. measures to control the emission of dust and dirt during construction.

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- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii. Construction working hours.
- ix. Details of how the development will protect wildlife during the habitat creation and establishment, translocation, demolition and the construction phases of the development.
- x. Details of precautionary mitigation for hedgehogs and badgers.

The precautionary measures set out in section 8 of the Ecological Appraisal (Bakerwell Ltd, November 2023) must be included and implemented during all works and the CEMP must correspond with the Habitat Establishment and Management Plan to avoid harm to protected/notable species.

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

8. Prior to commencement of works (including site clearance), a Habitat Establishment and Management Plan will be submitted to, and be approved in writing by, the Local Planning Authority. The content of the plan will be based on the recommendations in section 9.2-9.7 of the Ecological Appraisal (Bakerwell Ltd, November 2023). The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of ecology and biodiversity.

9. Prior to completion of the development hereby approved, a lighting plan, which has been designed to minimise impacts on biodiversity, shall be submitted to and approved in writing by the local planning authority. The plan will show how and where external lighting will be installed and provide commentary regarding how the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23: Bats and Artificial Lighting' and the measures suggested in the ecological appraisal (section 8.14) have been considered in the lighting design. It will be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Reason: In the interest of ecology and biodiversity and minimise harm to bats.

10. Within three months of works commencing, on site details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird integrated bricks and nesting boxes, hedgehog highways, wildflower mixes in the reptile receptor site and children's playground, hibernacula and log piles for reptiles (in addition to those required for mitigation) and invertebrates, and provision of native planting across the whole site. The approved details will be implemented and thereafter retained.

Reason: In the interests of ecology and biodiversity.

11. Prior to first installation on site, full details of cycle parking facilities for each dwelling shall be submitted to and approved in writing by the local planning authority. The facilities shall thereafter be implemented prior to occupation of each dwelling and retained as such thereafter.

Reason: In the interests of promoting sustainable methods of transport other than the private motor vehicle.

12. Prior to first installation on site, full details of the areas for the storage and collection of refuse and recyclables shall be submitted to and approved in writing by the local planning authority. The facilities shall thereafter be implemented prior to occupation of each dwelling and shall be kept available for use by the occupants of the development.

Reason: To ensure adequate means of refuse and recycling collection in the interests of the amenities of residents and sustainability in accordance with the Local Plan.

13. Prior to their installation, details of the EV Charging points and their locations shall be submitted to, for the written approval of the Local Planning Authority. An electric vehicle charging point shall be fully installed within that plot prior to occupation of the associated dwelling and shall be retained and maintained as such thereafter. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved charge point model list: <https://www.gov.uk/government/publications/electric-vehicle-homechargescheme-approved-chargepoint-model-list>.

Reason: In the interests of promoting sustainable methods of transport.

14. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonable practical then any surface water leaving site shall either be a minimum 50% reduction of the existing rate, if a connection exists. If no connection is present the rate should be no greater than greenfield. The drainage scheme shall

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also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

15. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

16. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

17. Construction above slab level shall not commence within any part of the development hereby permitted until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving that all the dwellings and flats will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

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Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>

Reason: In accordance with the requirements of policies CSD5 and SS3 of the Core Strategy Local Plan 2013 which identify the district as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

18. No development beyond the construction of foundations shall take place until details demonstrating the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, (or any document which supersedes or updates that document) have been submitted to and approved in writing by the Local Planning Authority. Upon approval the measures shall be implemented as agreed and thereafter retained and maintained in perpetuity.

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

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

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

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

Reason: In the interests of highway safety and convenience.

21. The parking areas shown on the submitted plan shall be provided and made available prior to the first occupation of the any of the dwellings hereby approved,

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shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: In the interests of highway safety and convenience.

22. Prior to first occupation of any part of the development hereby permitted, details of the measures proposed to prevent parking at the entrance of the site shall first be submitted to, for the written approval of the Local Planning Authority and thereafter carried out as approved and maintained and retained in perpetuity.

Reason: In the interests of highway safety and to prevent unauthorised parking at the entrance(s) to the site.

23. Prior to first occupation of any part of the of the development hereby permitted, the footway and bellmouth junctions along Cheriton high Street shall first be surfaced in tarmac.

Reason: In the interests of highway safety and at the request of the Highways Authority.

24. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that groundworks are observed and items of interest and finds are recorded. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

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

25. Prior to commencement of development on site, full details of the proposed on and off-site highways works, including double yellow lines and new pedestrian crossing point as identified on drawing no 21-113-002 Rev E shall be submitted to, for the prior written approval of, the Local Planning Authority and thereafter carried out as approved.

Reason: In the interests of Highway Safety.

26. (a) No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants

that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

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

- (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).

(c) If investigation and risk assessment shows that remediation is necessary, no development shall take place until 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 has been submitted to and approved in writing by the Local Planning Authority. 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.

(d) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been 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.

(e) If during development, contamination not previously identified 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, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

27. No works above ground floor slab level shall take place until a Security Management Plan for development has first be submitted to, for the written approval of the Local Planning Authority. The Security Management Plan must adhere to the requirements of Secure by Design to ensure protection from crime and anti-social behaviour. Upon approval, the Security Management Plan shall be carried out as approved and thereafter maintained.

Reason: To ensure the development is secure from crime in accordance with Secured by Design.

Informatives:

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-lookafter/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and

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Transportation to progress this aspect of the works prior to commencement on site.

2. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
3. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
4. There should be no closeboard fencing or similar structure over 1.0 metres erected adjacent to a highway used by vehicles (including bicycles) or in any circumstance which will block out the views.
5. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.
6. The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
7. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
8. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.
To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-chargingarrangements
9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
10. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or

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land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water. It is understood from the application form that foul drainage will be discharge to the mains sewer. We have no objections to this but would want to be re-consulted should these plans change.

11. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
12. 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.
13. This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.

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