

MEMORANDUM

To: **Development Management** Application No: **Y20/0015/FH**

Officer: **Sue Head** Date: **07 April 2020**

Location: **FOXWOOD AND HIGHVIEW SCHOOL, 59 SEABROOK ROAD,
HYTHE, CT21 5QJ**

Development: **ERECTION OF 150 DWELLINGS AND APARTMENTS - INCLUDING THE PROVISION OF 15 ON-SITE AFFORDABLE UNITS - WITH ASSOCIATED ON-SITE CONCIERGE TOGETHER WITH RETAINED AND ENHANCED GREEN INFRASTRUCTURE FRAMEWORK, OPEN SPACE, PARKING AND ALL ASSOCIATED ENGINEERING OPERATIONS.**

Planning Policy provide the following comments on Planning Application Ref Y20/0015/FH. The application seeks permission for a 150 unit residential development on land at the former Foxwood School, along with enhanced green infrastructure and open space provision.

Development Principal

The NPPF (Paragraph 7) seeks to encourage a positive approach to sustainable forms of development.

This objective is reflected in the spatial strategy for the District as set out in the adopted Shepway Core Strategy Local Plan (2013). Core Strategy Policy DSD states that when considering development proposals the council 'will take a positive approach that reflects the presumption in favour of sustainable development'.

Within this context, Core Strategy Policies SS1, SS2 and SS3 seek to direct all new major development to previously developed land within the Urban Character Area. The 'urban area' is to be the sustainable focus for development and it is envisaged that it will accommodate approximately 75% of new residential need identified by the 2013 Core Strategy.

The application site is a sustainably located brownfield site within the policy defined urban confines of Hythe. It is accessed directly from Seabrook Road (A259), the principal transport corridor linking Hythe and Folkestone; and which forms part of the wider strategic bus network. There is also a continuous footpath providing level pedestrian access to Hythe Town Centre c.1km west. It is therefore asserted that the development site occupies a highly sustainable location and is well placed in relation to existing development and services.

The site's sustainable credentials underpins PPLP Policy UA17 which allocates it for approximately 150 dwellings in the emerging Folkestone and Hythe 'Places and Policies' Local Plan.

Although the PPLP is yet to be formally adopted, its preparation is at an advanced stage of the process. Public hearing were held in May 2019; and consultation on Main Modifications between January and February 2020. The Inspectors report is due imminently and then the PPLP will be recommended to the Council for adoption. Specifically, in regards to Policy UA17 there are no unresolved issues and is adjudged to be entirely consistent to the Framework. Accordingly, it is considered that the emerging site allocation Policy UA17 conforms to the requirements of the NPPF (paragraph 48), and therefore should carry significant weight (as the cornerstone policy) in the decision-making context of this application.

Landscape and Design

The Shepway High Level Landscape Appraisal 2017, places the application site in the Hythe Wooded Hills Character Area. Whilst situated within the urban area of Hythe and contained by development on all sides; it is considered that the site has a 'medium' landscape sensitivity with views from the coast, which requires a careful and considered approach.

Policy UA17 (1) & (2) set out landscape and design considerations that take account of the sites 'environmental and topographical features'. The site occupies a large plot elevated at a level above that of the street; and as such holds a prominent position on the landscape. It offers residential amenity to existing residents and it is important that any proposal ensures that important short and long distance views are maintained and respected.

Furthermore, the Kent Downs Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA) are situated adjacent to the north; the settings and views in and out of which ought to be respected. As such, due regards needs to be paid to PPLP Policy NE3, which considers the impact of individual proposals and their cumulative effect on the Districts protected landscapes and countryside.

The LVA prepared by the applicant concludes that the redevelopment of the application site, whilst 'highly visually contained' to the north-west, north and north east, still 'has scope to cause change to public visual amenity'. Development would result in the increase in visible built development and a decrease in vegetation cover, with the effects most prominent when seen in longer distance views from the south.

The Design and Access Statement (D&A) which supports this application demonstrates at length how a landscape-led approach to design has been achieved. Key points include:

- The use of the existing topography within the site to 'stagger' the development and minimise the visibility of the proposed buildings.
- Mitigates the loss of vegetation and visual impact through enhancement to site boundaries; and with replacement trees and planting between and surrounding the buildings.
- Green roofs have been incorporated to all buildings to assist the integration of the development within the surrounding wooded hillside character and a transition to the AONB;
- The proposed buildings are to utilise a muted in colour palette and materials as well as incorporate screens and planters to terraces to soften their appearance within the site.

Through the use of the CGI visual aid provided this design solution would appear to successfully reduce visibility of the proposed development in longer distance views, compared to the more typical white rendered finish of many of the surround properties.

Development proposals will need to conform with Policies HB1 and HB2 that seeks high quality design and the creation of a sense of place but ensures that the design integrates sympathetically with the character of Seabrook Road; and doesn't lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.

Ecology

The site lies partially within a Biodiversity Action Plan Priority Habitat (deciduous woodland and additional habitats). Core Strategy Policy CSD4 (a & d) seeks to support and improve green infrastructure by ensuring that development must avoid a net loss in biodiversity; and that appropriate and proportionate protection will be given to habitats that support higher-level designations, and sub-national and locally designated wildlife/geological sites (including Kent BAP habitats, and other sites of nature conservation interest).

Furthermore, PPLP Policy UA17 (8) requests that arboricultural investigations are undertaken and adequate mitigation and enhancement measures are incorporated into the design to minimise effects of the development on the BAP habitat.

An Ecological Impact Assessment, which incorporates a variety of species-specific ecological surveys has been prepared. This found that one building supports a confirmed bat roost of low conservation importance, and bats were recorded across the site during the bat activity survey. A low population of slow worm has been recorded on site, as well as birds and badgers, and opportunities for invertebrates.

PPLP Policy NE2 states that 'development proposals that would adversely affect European Protected Species (EPS) or Nationally Protected Species will not be supported, unless appropriate safeguarding measures can be provided (which may include brownfield or previously developed land (PDL) that can support priority habitats and/or be of value to protected species).

The supporting Design and Access Statement addresses the key ecological mitigation, compensation and enhancement measures that will be implemented to minimise adverse ecological effects, including:

- Avoiding the loss of woodland habitat, whilst retaining and enhancing native boundary hedgerows and deliver new woodland plantings
- Maintain east-west and north-south connectivity for commuting bats, both throughout the construction stage and in the long term.
- A 0.2ha area will be maintained as an ecology reptile receptor site characterised by grassland, scattered scrub, with log piles and hibernacula.
- Bat and bird boxes and green roofs to all buildings will provide opportunities for biodiversity.

It is noted that the any ecological mitigation appears to be silent on the potential presence of badgers.

Officers advise that due regard is given to the advice of Natural England, Kent Wildlife Trust and Kent County Council's ecologist as to the impact of these proposals on those species including those protected under law; and if the proposed mitigation measures are satisfactory. They should also be consulted as part of the preparation of Biodiversity Net Gain Strategy.

Access and Transport

The application responds successfully to PPLP Policy UA7 (4) which requires that vehicular access is taken from Seabrook Road, with no access from Cliff Road.

The NPPF (Paragraph 32) requires the submission of a Transport Assessment for all developments that generate significant amounts of traffic movement. The applicant has sought pre-application advice from KCC Highways, who advised on the specific highway considerations and requirements of the development proposals including modelling trip generation, highway capacity checks, parking standards, emergency access and provision of electric charging points.

The design of the proposed development has been informed by the above parameters, and these are also addressed within the submitted Transport Assessment [TA], which concludes that the traffic impact of the development is considered to fall within the capacity of the existing road network.

Under their statutory role the local highway authority will separately provide comments on site specific details of the planning application pertaining to access, highway layout, highway safety, accessibility and on-site car parking provision. However, it is considered PPLP Policies T1, T2 and T5 in regards to street layout and parking standards have been satisfied.

Open Space, Play Space and Amenity Space

Policy UA17 (7) requires on site provision of play space to meet the needs of the development. The accompanying Planning Statement asserts that development proposals include no equipped or formal areas of open space on site given the topography of the land. The case is made that the wider landscaped areas provides a secondary function as informal play; and that there is adequate local provision within close proximity of the application site.

The argument that there is adequate local provision is not unreasonable. The Sea Point Play Area is to be re-provided closer to the application site as a new destination play area as part of the proposed Princes Parade development, which currently benefits from planning permission.

The Shepway Play Area Review 2017 scores two of the existing play areas on which the planning application relies to meet its play space provision (Sea Point and Hythe Green) as being of low quality and value. Therefore, an off-site contribution to provide local play space improvements elsewhere in accordance with PPLP Policy C4 could be requested to satisfy policy requirements.

PPLP Policies HB3 and C3 set out the requirements for external space standards and open space provision. It is noted that all properties within the development benefit from their own private gardens of between 7m -10m in depth. Whilst Policy HB3 requires a minimum of 10m for all new build dwellings, it is considered that in combination with access to the wider informal open space that the policy response is satisfactory.

Heritage

The site is not affected by a Conservation Area designation and does not contain any listed buildings. However, Policy UA17 (3) requires proposals to enhance the character and setting of nearby heritage assets including the Grade II Listed Building, The Black Cottage; and Scheduled Monument, the Royal Military Canal. Moreover, PPLP UA17 (10) and HE2 state that the archaeological potential of the land is properly considered and appropriate archaeological mitigation measures are put in place.

Housing Mix

Core Strategy Policy CSD2 does not detail a specific mix of unit size and tenure for new developments, but seeks to manage housing supply with an objective that at least half of new homes to be three bedroom (or larger) dwellings. The development as presented proposes that 69% of new dwellings and is therefore compliant with the policy.

Affordable, Self and Custom Build Housing

Core Strategy Policy CSD1 requires that developments of 15 or more dwellings should provide 30% affordable dwellings. Whilst it is noted that emerging Core Strategy Review (CSR) looks to reduce the proportionate contribution to 22% as a consequence of a higher housing need requirement, it should be noted that the CSR is still be undergo examination and public and as such cannot be afforded significant weight at this time.

Therefore, it is calculated that based on a development consisting of 150 dwellings, 45 should be affordable. Despite the applicant stating that they intend to provide a 'policy compliant quantum of affordable housing', the application only generates 42no units; a shortfall of 3 units. The Policy further sets out that affordable provision 'should be made on-site (unless off-site provision through a financial contribution of broadly equivalent value can be robustly justified)'. The application proposes that 10% (15 units) will be provided on-site with the remainder secured through an off-site contribution at Biggins Wood, Folkestone. The planning statement justifies this approach by highlighting their discussions with West Kent Housing, that 'the specifics of the development are not conducive to the effective co-location and integration of affordable housing units with market housing'. The justification that a high level service charge would apply to the development, to managed the extensive landscape and green infrastructure requirements of the site; however no evidence has been provided of what the approximately level of charge is expected to be; evidence of service charges on other local schemes; and how that can make

It should also be noted that CSD1 states that the 'provision of affordable housing within individual sites and settlements should not be concentrated in one location, and must be designed to integrate in function and appearance with private housing and existing properties'. Caution should therefore be exercised at Biggins Wood in terms of the provision of affordable housing from the Foxwood site in addition to meeting its own requirement, to ensure the delivery of balanced neighbourhoods. Consideration should therefore be given to whether reallocation of affordable housing can be distributed over a greater number of sites.

Furthermore, in line with PPLP Policy UA17 (12) seven of the dwellings (5% of the total) are identified as self-build/ custom build units. This is off-set against the overall affordable housing contribution. It should be noted that emerging PPLP Policy HB4 Part 2 (3) enables custom / self-build plots to be considered for return to open market housing following a 12 month period of marketing should there be no interest from self-build and customer housebuilder. Should this occur, any remaining unsold plots should either revert to on-site affordable housing provision or be subject to additional off-site contributions.

Land Instability

The site lies within an area identified as being prone to land instability. A Phase 1 Preliminary Risk Assessment has been submitted as part of the application, which highlights areas of slight movement on the lower part of the site and recommends further investigations in advance of construction.

SDLP Policy BE19 and PPLP Policy NE6 require any application falling within this designation to clearly demonstrate that the site can itself be safely developed and that the proposed development will not have an adverse effect on the slip area as a whole.

It is judged that the further investigations recommended could have the potential to impact upon the layout and design of the development and therefore given the sensitivity of the site should be undertaken and submitted for consideration as part of the determination of this application rather than being dealt retrospectively by condition as requested by the applicant.

Flood Risk

The application site falls within Flood Zone 1. Nevertheless, NPPF (Paragraph 164) requires all proposed developments of >1ha in size to be accompanied by a Flood Risk Assessment (FRA) in order to adequately appraise the potential risk from all sources of flooding. A FRA has been prepared by consultants Herringtons which demonstrates that the only perceived risk of flooding arises from surface water and ground water, and that the level of risk is considered to be 'minor'. In response to the identified risk, a Surface Water Management Strategy (SWMS) has been prepared that reflects national policy and PPLP Policy CC3 advocating the principles of Sustainable Drainage Systems (SuDS).