

Officer Report

Application No.	23/2024/FH
Site Address	Former Rotunda Amusement Park, Plot A, Marine Parade, Folkestone, CT20 2DR
Officer Name	Sue Head
Proposal	Approval of Reserved Matters (Layout, Access, Scale and Appearance, Public realm, landscaping and plays space) pursuant to Phase 1 (Plot A) of Outline approval Y17/1099/SH. for the erection of a single 8-storey (ground and 7 upper floors) residential building plus lower ground car park. The building will comprise: 13 residential units, amenity uses (lobby, residents lounge and gym) refuse storage, ancillary plant space and parking at basement level (26 car parking and 41 cycle spaces). The application seeks approval for reserved matters (condition 7) of the outline consent. Supporting documentation for planning conditions 1, 2, 7, 8, 12, 13, 17, 18, 20 and 27 of the outline consent.

Recommendation

Report Number	RD-434160
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	28 March 2024

Report

SUMMARY

This application considers the reserved matters (access, appearance, landscaping, layout and scale) pursuant to permission Y17/1099/SH for the third sub-phase of the wider Folkestone Seafront development. The planning permission to which this reserved matters application relates is a Section 73 approval (ref: Y17/1099/SH) which amended the original outline permission (ref: Y12/0897/SH) which was granted for the redevelopment of the Harbour and Seafront area to provide up to 1,000 dwellings and 10,000 sqm of commercial floorspace alongside car parking, landscaping, public realm and beach and sea sports facilities.

This report assesses whether this application carries through the development principles agreed at outline stage and concludes that the reserved matters submission has demonstrated compliance with Condition 4 of the outline planning permission Y17/1099/SH, which identifies that the submission of reserved matters applications shall comply with the approved parameter plans and the accompanying text set out on those plans to fix the development principles, together with the approved Masterplan Design and Landscape Guidelines.

Furthermore, it is considered that the application represents a high quality scheme which carries through the development principles which were agreed at outline stage and complies with relevant national and local planning policy.

1. SITE VISIT

1.1. The site and proposals were assessed from the public highway and the key features noted as set out in the report.

2. SITE AND SURROUNDINGS

2.1. The application site (Plot A) comprises the third sub-phase of planning permission (ref: Y17/1099/SH) for the comprehensive mixed use redevelopment of Folkestone Harbour and Seafront. Plot A is located at the most western end of the development site adjacent to the Leas Lift and the Lower Leas Coastal Park. It sits south of Lower Sandgate Road, between an existing council car park and Plot B1 - the first phase of the masterplan, currently under construction. Previously, the site was used as a public car park however, it is at present used as a site compound for construction of Plot B1.

2.2. With regard to Listed Buildings within close proximity of the application site, the Grade II listed Marine Crescent (nos. 1-14), comprising 4 storey stuccoed properties with basements and attics dating from the 1870's, is located to the east of the site, on the opposite/north side of Marine Parade. The Grade II* listed Leas Lift, including the lift itself, brake and waiting rooms, providing transport between the site and the Leas above and dating from 1885, is located directly opposite the site. The lift is not currently operational. The Lower Leas Coastal Park is also located within close proximity to the west of the application site and includes the Grade II listed 'zig zag' path and pulhamite caves.

2.3. The red line boundary of this application comprises the building footprint of Plot A, adjacent areas of proposed access and landscaping, and a section of the Marine Parade highway between the site and the Leas Lift. The development plot includes an area to the south of the council car park, initially earmarked in the masterplan for beach sport facilities. This use has since been removed from the masterplan and as a result Plot A development does not now extend further west than the applicant ownership boundary line.

2.4. The red line boundary of the outline planning permission (ref: Y17/1099/SH) comprises the area known as Folkestone Seafront, the former Rotunda and Folkestone Harbour, an area of 23 hectares, located at the southernmost point of the town centre, largely below the West Cliff and Leas. The site extends on to the beach to the south and includes the inner and outer harbours and the harbour arm.

2.5. Although this phase is largely outside of the Folkestone Leas and Bayle Conservation Area, part falls within the conservation area and so consideration must be given both to the effect of the proposals on the character and appearance of the conservation area and on the setting of nearby listed buildings.

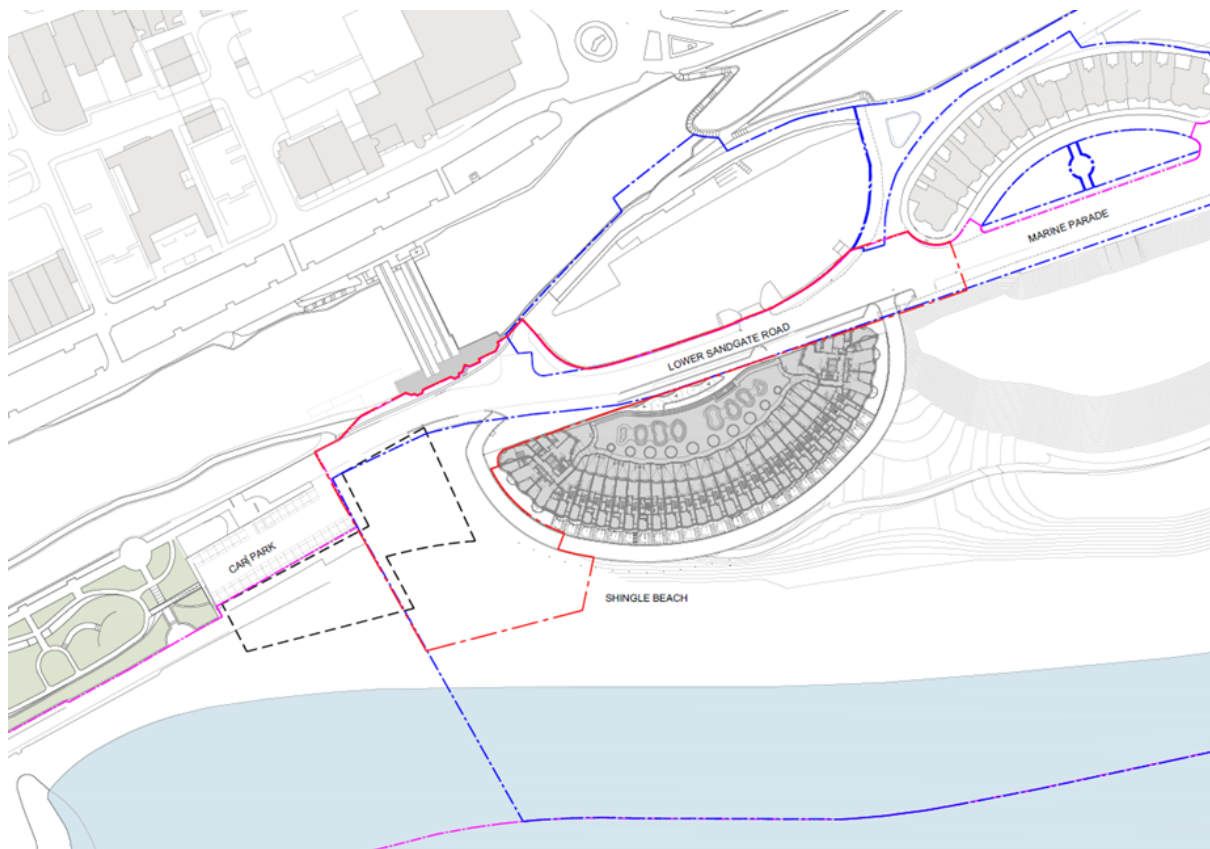


Figure 1 – Site Location Plan: the site is identified by the dashed black line.

Site designations

2.6. The following apply to the site:

- Folkestone Settlement Boundary
- Folkestone Leas and Bayle Conservation Area
- Core Strategy Policy SS10 – Spatial Strategy for Folkestone Seafront
- Flood Zone 2 & 3 - area at risk of tidal flooding
- Priority Centre for Activity
- Urban District Character Area

3. PROPOSAL

3.1 This application seeks approval for the reserved matters (access, appearance, layout, landscaping and scale) of outline planning permission Y17/1099/SH for Plot A only. The application proposes the erection of a building of 8 storeys (plus basement) and comprising 13 residential apartments, together with associated car parking (26 spaces) and cycle parking (41 spaces), refuse storage and ancillary plant space. In addition, a number of ancillary amenity spaces for residents are provided at ground floor level including a lounge, gym and other supporting facilities.

3.2 The proposed residential split is, for a total of 13 market level residential units comprising:

- 2 x 2-bed flats
- 9 x 3-bed flats

- 2 x 5-bed flats

3.3 The development would comprise a single building of 8 storeys with an additional basement level. The scale of the proposed design is governed by the maximum and minimum development extents as set out in Parameter Plan 7 of the outline planning permission. It prescribes that taller volumes in the wider masterplan are to be located towards the north, responding to the urban scale of the north side of Marine Parade. No building is to be higher than the top of the Leas. Parameter 7 allows the main building of plot A to reach +29.5m ASD, and the sea-facing building adjacent to the council car park (which is not being brought forward in this reserved matters submission) is permitted to reach +8.5m ASD (ASD is +7.5m above ordinance datum).

3.4 The architecture of the building has been designed as a bookend to the masterplan with a view to acting “as a gateway to the wider regeneration area”. As such the architecture of Plot A is intended to be more dynamic than that of other plots and seeks to act in contrast to the Grade II* listed Leas Lift as a contemporary piece of architecture. Rings of over-sized balconies are the primary feature, wrapping the entire building in a series of horizontal curves. The south elevation includes cantilevered balconies facing the beach. Behind the balconies, vertical walls are clad with textured grey ceramic, to reflect natural stone and clay formations eroded by the coastal winds. The positioning of the windows shifts slightly around the different facades of the building in response to the curving balconies.

3.5 The top level of the building steps back to provide a roof terrace on level 6 and the massing steps down in response to the natural fall on site that slopes down towards to the beach. The northern elevation has less articulation than the south with secondary balconies blending out from the facade to the east and west, providing three dimensionality to the street. Where balconies do not cantilever, the white ceramic tile cladding is expressed around the full perimeter of the façade bringing continuity and horizontal curvature to the elevations. This is continued to the roof where the white tile cladding is surrounded by a planted shingle roof.



Figure 2 – Aerial CGI of proposal

3.6 All residential apartments are accessed via the vertical circulation core at the centre of the plan which is accessed via the entrance lobby on ground floor or via the basement car park. A typical floorplate houses two 3-bed apartments accessed directly from the central core, minimising communal circulation space. Generally, apartments are mirrored in layout however, there are some differences in the western and eastern typologies to accommodate variations in the envelope geometry. Although external balconies shift from one floor to another, the interior layout remains the same. Each apartment above ground floor level has access to two balconies providing varied views of the sea, cliff and coastal park.

3.7 The entrance lobby is directly adjacent to Leas Lift Square located in the north-east corner of the building. The fully glazed, double height space creates a sense of arrival for residents and visitors and appropriately frames the south-west corner of the new piece of public realm. Following a similar approach to Plot B1, the glass facade is softened by climbing plants that frame the entrance doors, bringing the greenery of the square into the entrance.

3.8 Due to the level change from north to south across the site, the massing of the basement is integrated into the context around it as it slopes towards the beach. The basement has a larger footprint than the main building, and as a result the design and architectural expression of the basement differs from the levels above, with the basement designed to integrate into the shingle beach landscape upon which the building sits.

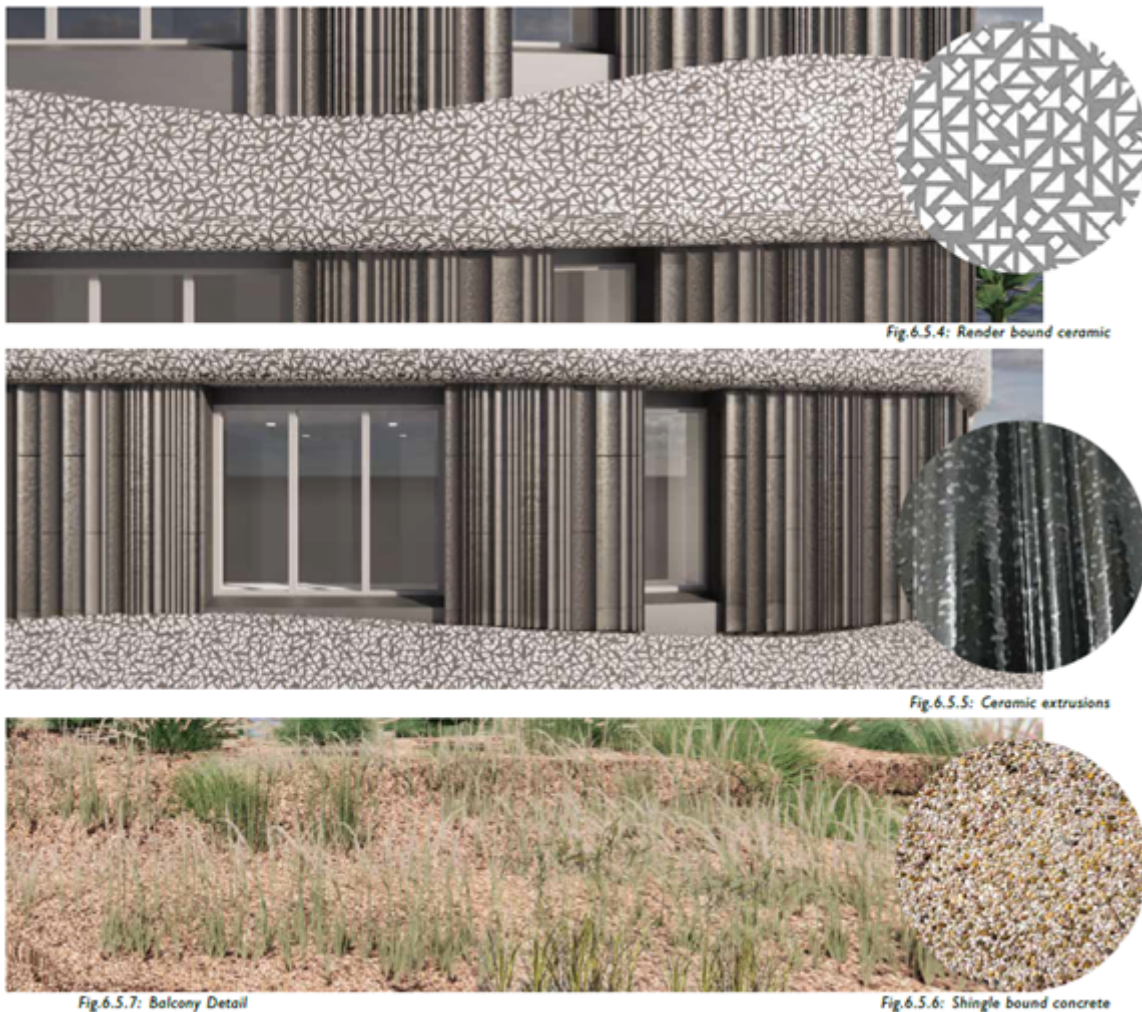


Figure 4 – Proposed view from Lower Sandgate Road



Figure 5 – Proposed view from Leas Lift Square

3.9 The proposed palette of materials has been chosen to conform with the Masterplan Design Guidelines and to cope with the harsh marine environment. Detailed elevational drawings are provided which identify the locations in which the three principle materials are proposed (1) Render Bound Ceramic (2) Ceramic Extrusions and (3) Exposed Aggregate Concrete. Frames and ironmongery are dark grey metal, receding into the shadows and complimenting the dark grey ceramic profiles.



3.10 The landscaping proposals comprise 3 principle outdoor spaces:

- (1) Leas Lift Square – providing a pedestrian priority setting for the Leas Lift building and a landing space for the Lift and gateway to Marine Parade to the east, and the Lower Leas Coastal Park to the west.
- (2) Terraced Gardens - A transition space comprising a series of non-accessible planted terraces stepping down from the Leas Lift Square to the new Shingle Garden and the Beach
- (3) Shingle Garden - A publicly accessible Shingle Garden as part of the wider masterplan public amenity contribution. Within the Shingle Garden, the masterplan-wide publicly accessible Boardwalk connects to the wider England Coast Path

3.11 A new mini roundabout is also proposed between Marine Parade and Lower Sandgate road which will reduce the vehicular movement on the Leas Lift Square and give priority to pedestrians in this area.

3.12 Car parking is all provided at basement level and is accessed via a ramp leading from Crescent Way. In order to minimise the impact of the ramp from the beach, the ramp is 4.55m wide and accommodates single lane traffic only. Traffic indicator lights are located at the car park entrance and Crescent Way junction to ensure vehicle and passenger safety. Crescent Way is a private road and vehicle access to the ramp is restricted by bollards located at the junction of Crescent Way. With 13 residential units and 26 parking spaces, including 2 accessible parking spaces, there is a provision

for each unit to have 2 parking spaces in compliance with relevant policy. In terms of cycle parking, a total of 41 bicycle stands are proposed, enough for at least 2 bicycle per apartment, in the communal storage areas at basement level.

Alterations from previous Reserved Matters approval

3.13 The proposals submitted as part of this application constitute a revised design to that already approved under a previous Reserved Matters approval (Ref: 22/0956/FH). The amendments proposed relate to:

1. The inclusion of an additional internal stair core to meet the requirements of new National Guidance on fire safety. This has resulted in an increase in the size of the floorplate of the building on all floors;
2. As a result of (1), the building has extended 3.5 metres to the south and it has moved 1.5 metres to the east; and,
3. Minor revisions to the elevations of the previously approved scheme to account for the above amendments.

3.14 The outline planning application and subsequent Section 73 application were accompanied by a range of technical reports to inform the assessment of the proposed development. These included an Environmental Statement dealing with technical matters including townscape impact, built heritage, flood risk and drainage, ecology, microclimate (wind and greenhouse gas emissions). An Addendum to the ES was submitted with the Section 73 application in order to assess the revisions to the original outline and concluded that the amendments were acceptable.

3.15 In this context, the following reports were submitted by the applicant in support of the original Reserved Matters approval for this plot:

1. Design and Access Statement
2. Fire Strategy
3. Flood Risk Assessment & Drainage Strategy
4. Energy and Sustainability Statement
5. Heritage Statement
6. Transport Plan
7. Statement of Community Engagement
8. Ecology Appraisal
9. Landscape and Public Realm Strategy

3.17 The following revised reports and addendums have been submitted as part of this application to provide updated assessments of the revised scheme design:

1. Updated Planning Statement (dated December 2023)
2. Addendum Design and Access statement (dated December 2023)
3. Addendum Landscape and Public Realm report (dated December 2023) Spacehu
4. Addendum Transport Statement (dated December 2023)
5. Addendum Energy and Sustainability Statement and Overheating Note (dated December 2023)
6. Fire Strategy Note (dated December 2023)
7. Addendum Heritage Statement (dated December 2023)

4. RELEVANT PLANNING HISTORY

4.1 The original outline permission (ref: Y12/0897/SH) was granted for the redevelopment of the Harbour and Seafront area to provide up to 1,000 dwellings and 10,000 sqm of commercial floorspace alongside car parking, landscaping, public realm and beach and sea sports facilities. To date, beach replenishment works and earthworks have been carried out under the original outline permission, with conditions discharged to enable these works to commence.

4.2 Subsequently a Section 73 application (Y17/1099/SH) was granted which removed conditions 41 (Provision of Sea Sports Centre) and 42 (Provision of Beach Sports Centre) as these facilities will no longer be provided. A number of other conditions which were the subject of the application were also varied under the same s73 application to accommodate changes to the design and phasing of the development. Condition 4 was varied to refer to amended parameter plans / Masterplan Design Guidelines and Landscape Guidelines, condition 6 varied to refer to an amended phasing plan and Landscape Guidelines and condition 7 varied to refer to amended Landscape Guidelines. Conditions 15, 16 and 21 were also varied to refer to the amended phasing plan and new plot names, condition 18 was varied to amend plot names in relation to amended parameter plans and condition 23 was varied to refer to the amended parameter plan and phasing plan. Conditions 25 and 37 were varied to refer to the appropriate phase. The principal land uses were all retained under the Section 73 approval with the amendments relating to maximum heights and building footprints, and the design ethos for each phase. The Section 73 approval also established Marine Parade as the main thoroughfare off which the plots protrude outwards, primarily on to the beach.

4.3 A non-material amendment application (ref: 21/2443/FH/NMA) was approved subsequent to the Section 73 outline permission to vary the approved parameter plan 4 (site access) to (relevant to Condition 4 of Y17/1099/SH) to extend the plot boundary of Plot A at basement level to allow additional space for a basement car park. This approval is particularly relevant to this reserved matters application for Plot A.

4.4 Reserved matters for the development of Plot A were brought forward in June 2022 (ref: 22/0956/FH). The proposals were for the erection of an 8-storey plus lower ground residential building comprising flats, associated car and cycle parking, landscaping and associated services, amenities and plant. The reserved Matters were approved via delegated decision on 14 December 2022.

4.5 A non-material amendment application (ref: 23/2083/FH/NMA) was approved subsequent to the Section 73 outline permission to vary the approved parameter plan 4 (site access) to (relevant to Condition 4 of Y17/1099/SH) to allow for the amendment to the maximum height parameter for Plot A and C1 and the maximum horizontal deviation and locational co-ordinates for Plot A on 14 February 2024.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

KCC PROW:

5.2 No comment on the application

Land Contamination:

5.3 No comment on the application

Historic England:

5.4 No comment on the application

Kent Fire & Rescue:

5.5 Confirm that the provision within the submitted Fire Statement would satisfy relevant building regulation requirements in respect of fire safety.

KCC Archaeology:

5.6 No comment on the application

Folkestone Town Council:

5.7 The Town Council provided a response to the application proposals raising queries about the proximity to the sea; the appearance of the building in relation to the rest of the town; Southern Water's queries (dealt with below); and the loss of public parking. These matters have previously been considered acceptable as part of the original reserved matters approval and are not materially affected by this revised scheme. The re-assessment of these matters is considered in the report below.

Natural England:

5.8 No comments on the application.

Southern Water:

5.9 In its representation Southern Water has specified that no foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. However, foul drainage falls under a separate regime with the stated intention to connect to mains sewers placing an obligation on the statutory operator to plan for and deliver the network capacity to accommodate the development through their infrastructure plan. Given that this is a reserved matters application for a level of residential development that was first approved in 2013, their infrastructure plan should already account for the level of sewerage associated with the development in its entirety. As such, their request to apply a restriction on this plot would not constitute an appropriate or reasonable condition for this Reserved Matters application.

KSL Environment Agency:

5.10 No objection

KCC Highways and Transportation:

5.11 KCCHAT have no objection to the application following the submission of a clarification response by the applicant.

KCC Lead Local Food Authority:

5.12 No objection.

Local Residents Comments

5.13 Responses have been received from three individuals on the application to date. Responses are available in full on the planning file on the Council's website:

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

5.14 Two of the respondents objected to the proposals on the basis of the inappropriate height of the building, with one respondent in support.

6. RELEVANT PLANNING POLICY

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

6.2 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022 (The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022).

6.3 The relevant development plan policies are as follows:-

Core Strategy Local Plan Review (2022)

- Policy SS1 – District Spatial Strategy
- Policy SS2 – Housing and the Economy Growth Strategy
- Policy SS3 – Place Shaping and Sustainable Settlements Strategy
- Policy SS5 – District Infrastructure Planning
- Policy SS10 – Spatial Strategy for Folkestone Seafront
- Policy CSD2 – District Residential Needs
- Policy CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation
- Policy CSD5 – Water and Coastal Environmental Management in Shepway
- Policy CSD6 – Central Folkestone Strategy

Places and Policies Local Plan 2020

- Policy HB1 – Quality Places Through Design
- Policy HB2 – Cohesive Design
- Policy HB3 – Internal and External Space Standards
- Policy E8 - Provision of Fibre to the Premises
- Policy C1 – Creating a Sense of Place
- Policy C3 – Provision of Open Space
- Policy C4 – Children’s Play Space
- Policy T1 – Street Hierarchy and Site Layout
- Policy T2 – Parking Standards
- Policy T5 – Cycle Parking
- Policy NE5 – Light Pollution and External Illumination
- Policy NE6 – Land Stability
- Policy NE7 – Contaminated Land
- Policy NE8 – Integrated Coastal Zone Management
- Policy NE9 – Development around the Coast
- Policy CC1 – Reducing Carbons Emissions
- Policy CC2 – Sustainable Design and Construction
- Policy CC3 - Sustainable Drainage Systems
- Policy HE1 – Heritage Assets
- Policy HE2 – Archaeology
- Policy HW3 - Development That Supports Healthy, Fulfilling and Active Lifestyles'
- Policy HW4 - Promoting Active Travel

6.4 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.

6.5 In terms of heritage issues, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [conservation] area. Considerable importance and weight should be attached to this duty. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty on the District Planning Authority as regards listed buildings in exercise of its planning functions. It provides that, in considering whether to grant planning permission for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.6 The NPPF acknowledges that harm to designated heritage assets may be acceptable if outweighed by public benefits. Less than substantial harm does not translate to less than substantial objection. Preservation in this context means not harming the interest, as opposed to keeping it utterly unchanged. The NPPF defines 'significance' in the context of heritage assets as 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting

7. APPRAISAL

7.1 As set out above, this application relates to the reserved matters for the third sub-phase of the wider Folkestone Seafront development site, which is submitted pursuant to outline planning permission Y17/1099/SH on a site which forms a strategic allocation under Core Strategy policy SS10. Therefore the principle of the development on this site has been established. The only matters that can be considered relate to the reserved matters details of the proposal and whether the proposal conforms to the parameters established in the outline planning permission.

7.2 Condition 1 of outline planning permission Y17/1099/SH states that approval of the details of the access, appearance, layout, landscaping and scale for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development is commenced within that phase or sub-phase, and that the development shall be carried out as approved. In addition, Condition 7 sets out the details to be included in reserved matters applications pursuant to the outline permission and in accordance with Condition 1.

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

7.4 The appraisal of the application below considers the scheme in its entirety as required by a Reserved Matters application. However, large parts of the assessment remain unchanged from that undertaken for the originally approved scheme where they are not impacted by the revisions to the proposals. This is noted specifically within the report for clarity.

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

1. Access
2. Layout
3. Scale
4. Appearance
5. Landscaping
6. Other matters

1. Access

7.6 In respect of access, the NPPG explains this includes the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. Condition 7 specifically requires:

“The access and circulation of modes of travel within the relevant phase or sub-phase, the design of roads and paths and junction layout including the provision of footpaths and cycleways”

7.7 This application is accompanied by detailed drawings identifying the exact details of the proposed approach to access, visibility splays, the connection to the existing road and details of pedestrian and cycle routes.

7.8 The primary pedestrian access to the building is located at ground floor level off Leas Lift Square (to the north-east of the plan). The residents lounge and gym at ground level, and the residential units on all floors are accessed through the vertical circulation core via the entrance lobby on ground floor or basement car park.

7.9 Vehicular and cycle access for Plot A is via Lower Sandgate road which ends at the Council car park to the west of the site. All traffic must turn around and pass via Lower Sandgate Road to enter and exit the site. There is also an informal turning head to the east of the Leas Lift allowing cars to informally U-turn if required. Crescent Way is under construction and will allow residents and service vehicles to return to Lower Sandgate road without need for U-turns. Access to the building will be directly through the entrance lobby which faces the Leas Lift Square.

7.10 The proposal includes amendments to highways at the junction to the Marine Parade and Lower Sandgate Road. Such amendments are included to ensure the proposed vehicle and service strategy for Plot A is viable. Full details are set out in the submitted Transport Statement by Pell Frischmann.

7.11 Direct step-free access will be provided from each of the apartment cores to the car and cycle parking via passenger lifts. All 13 units have dedicated parking bays. Sized at 5m x 5m per unit, each bay can accommodate 2 standard car parking bays or one accessible car parking space with the required 1200mm access zone to one side of the bay. In addition to this, 2 of the dedicated bays can accommodate an accessible car parking bay as well as a standard car parking bay.

7.12 Condition 12 states that reserved matters applications pursuant to the outline shall show facilities clear of the highway for loading, unloading and turning of vehicles in accordance with the adopted standards of the Local Planning Authority. A loading bay is located along Lower Sandgate road adjacent to the entrance lobby providing easy access for deliveries. A concierge service is provided that will take possession of parcels and deliveries for residents. The loading bay

accommodates small delivery vans of 3.5T or similar. Once goods are dropped off, delivery vans can either turn using the entrance to the carpark or use the turning head if permitted by the concierge.

7.13 The revisions to the scheme from the original approval relate to the exact location of the turning facility and loading bay which have been amended, as well as the position of the waste store. There have also been some amendments made to the car and cycle parking layout in the basement however the level of provision remains the same.

7.14 In light of the above, the proposed access arrangements and circulation of all transport modes are considered to be acceptable and in accordance with both the outline planning permission and relevant national and local policies, which seek to ensure the delivery of sustainable development and a high standard of access for all. KCCHAT have confirmed they do not object to this.

7.15 As such, the details in respect of access are as originally envisaged and are considered to be appropriate.

2. Layout

7.16 For Layout the NPPG expects that the following should be considered: the way in which buildings, routes and open spaces within the development are provided, situated or orientated in relation to each other and to buildings and spaces outside the development. Condition 7 specifically requires:

“The layout of routes, buildings and spaces, the block form and organisation of all buildings including the locations and plan form of non-residential buildings, the distribution of market and affordable dwellings with that phase, including a schedule of dwelling size (by number of bedrooms), the location of dwellings designed to seek to meet the Council’s Lifetime Homes guidance (a minimum of 20%), full details of the approach to vehicle parking including the location and layout of adequate residential parking, visitor parking and parking for people with disabilities for each building type together with details of the design approach for access points into, and the ventilation of, any undercroft/underground parking, full details of the approach to commercial and visitor parking strategy including the location, distribution, types of rack, spacing and any secure or non-secure structures associated with the storage of cycles and the location and form of open areas”

General layout

7.17 The layout principles for the whole development were established at outline stage.. The submitted details of Plot A comply with the approved Design Guidelines (Rev C, 2018) and the approved parameter plans. The general siting and layout of Plot A accord with the ‘Plot Key and Setting Out’ plan.

7.18 The scheme comprises a single residential block of eight storeys with 13 residential dwellings and inclusion of amenity space in the form of balconies and private terrace. A basement is also included within the proposal. The development boundary has been extended below ground to include the footprint of the basement as amended by a non-material amendment approved in December 2021 and subsequently again in February 2024.

7.19 The residential dwellings comprise a variety of unit sizes and layout including a mix of lateral flats and duplex units. The dwellings are served by ancillary uses including a residents lounge and gym, car parking, cycle parking, amenity spaces, refuse stores and plant space.

7.20 The specific plot parameters for Plot A direct the reserved matters application towards the provision of a taller building up to 9 storeys bookending Marine Parade.

7.21 The layout and maximum extent of the building is in compliance with the plot size and horizontal deviations specified for Plot A in the Masterplan Design Guidelines. Additionally, the provision of apartments is in accordance with the requisite building typologies for Plot A.

Residential layout

7.22 Internally, the building has been laid out to ensure suitable access for future occupiers, with level access provided from the street and to each apartment floor via an internal lift. The lobby, residents lounge and gym facilities will be located along the Lower Sandgate Road with servicing facilities accommodated on ground floor.

7.23 Policy HB2 of the Places and Policies Local Plan outlines that an appropriate housing mix is required, meeting the needs of existing residents while also attracting new households; it is particularly important to appeal to families and key employees. Policy CSD2 of the Core Strategy Review outlines that a range of sizes of new dwellings should be provided. As a starting point, this range should reflect the mix identified in the SHMA as follows:

Tenure	1-bed	2-bed and 3-bed	4+ bed
Owner-occupied/private rent	5-20%	65-70%	15-30%
Affordable tenures	20-25%	50-60%	20-25%

7.24 In response to this the proposals seek to provide 15% 2-bed units, 69% 3-bedroom units and 16% 5-bedroom units within the building. This mix has been informed by the constraints of the plot (particularly the layout requirements in the Masterplan Design Guidelines).

7.25 It is noted that this mix broadly aligns with the above policy requirements in respect of private tenure housing. The proposals also need to be considered in the context of the mix of homes which will be delivered across the wider masterplan area. As more phases come forward the broader unit mix will need to be considered cumulatively to consider how the development as a whole meets local housing need. The current cumulative mix is outlined below for reference and will continue to be reviewed as part of subsequent reserved matter submissions.

Plot	1-bed	2-bed	3-bed	4+ bed	Total
B1 (18/1252)	18	38	16	12	84
C1 (22/0625/FH)	24	64	22	0	110
D1 (22/1207/FH)	5	57	29	5	96
E1 (Proposed)	42	34	5	31	112
A (Proposed)	0	2	9	2	13
Total (units)	89	195	81	50	415
Cumulative mix (%)	21%	47%	20%	12%	

7.26 Against this context, the proposed mix for Plot A will ensure that local needs are met, whilst allowing for a mixed and balanced community within the building, thus, taking account of the site constraints and characteristics, and as such is considered acceptable.

7.27 This position remains unchanged from the original reserved matters approval.

Affordable housing

7.28 As part of the outline planning permission there is a requirement to provide 8% (of total units provided) as intermediate shared ownership properties across the masterplan. This requirement is not allocated to individual phases and the S106 only stipulates that any *“shortfall below 8% provision in the amount of affordable housing provided in the first five phases of the development shall be added to the affordable housing to be provided in the last Phase”*.

7.29 Schedule 6 of the Section 106 Agreement for the development states that details of affordable housing shall be submitted with the reserved matters application and shall include *“the location, property type and size of the Affordable Housing units within the Site”*. Plot A will not deliver any affordable housing and as such no further information is required. The agreement does not specify that all phases need to include affordable housing and given the overall requirement for 8% affordable housing is secured through the s106 agreement it is considered acceptable not to provide affordable housing within plot A.

7.30 This position remains unchanged from the original reserved matters approval.

Lifetime homes

7.31 In accordance with local requirements outlined within Core Strategy Policy CSD2 and Places and Policies Local Plan policy HB3, a minimum of 20% of the units are provided as Lifetime Homes. In the proposed scheme all units are compliant.

7.32 In light of this, it is considered that this application has met the requirement of the planning condition with regard to the Lifetime Homes standard for building accessible and adaptable homes.

7.33 This position remains unchanged from the original reserved matters approval.

Space standards

7.34 Condition 17 of outline planning permission Y17/1099/SH requires the reserved matters submitted in accordance with Condition 1 shall ensure all properties incorporate provision of private outside space, inclusive of balconies and states that properties with balconies but without private gardens shall also have access to communal gardens.

7.35 Places and Policies Local Plan policy HB3 makes reference to new residential developments meeting the nationally described technical housing space standard for internal space, as well as providing an area of private open space for each new dwelling as either a private usable balcony area with a minimum depth of 1.5m for flats or an area of private garden for the exclusive use of an individual dwellinghouse of at least 10m in depth and the width of the dwelling.

Private open space

7.36 Turning to private open space, the proposed balconies would meet the minimum depth of 1.5m for the flats. On this basis it is considered that this reserved matters application meets the requirement of Condition 17 to ensure the provision of adequate amenity space to meet the needs of future residents, and is in accordance with relevant local policy with regard to external space standards.

Private internal space

7.37 Across all house types included within this reserved matters application, all units meet the internal space standards set out in PPLP policy HB3 and the majority are over-sized and are therefore in accordance with relevant local policy with regard to internal space standards.

7.38 The above matters remains unchanged from the original reserved matters approval.

Refuse storage

7.39 Policy CC2 seeks to ensure that discretely designed and accessible storage space is provided. With regard to the proposed flats, a single waste storage room is located at ground floor level. A specific turning head is located the north-west of the building between Plot A and the council car park in order for large vehicles to return along Lower Sandgate Road as the road terminates at the council car park. The turning head can accommodate an 11m refuse lorry as used by KCC and complies with the 20m maximum reversing limit required by KCC. It also sits adjacent to the bins store and provide easy access within the 5m travel distance required by KCC. As a result, it is considered that the proposed layout and arrangements for refuse collection are acceptable.

7.40 This position remains unchanged from the original reserved matters approval.

Car parking

7.41 In accordance with the requirements of the Kent Design Guide: Interim Guidance Note and PPLP Policy T2, a total of 26 car parking spaces are located at basement level below the building and accessed via a ramp of Crescent Way. There are 13 5m x 5m forecourts allocated per apartment. There is opportunity for each apartment to accommodate one accessible space if required or 2 parking bays per apartment. Moreover, 2 of the forecourts are large enough to hold one accessible bay and one regular car parking bay, located in easy reach of the core. All spaces have electrical charging points (located on columns).

7.42 As such the proposals are in compliance with the requirements of KCC guidance and PPLP Policy T2.

Cycle Parking

7.43 In relation to cycle parking, following the approval of non-material amendment Y18/0062/NMA, condition 7 part A sets out the details to be submitted with the reserved matters applications for each phase or sub-phase of the development and states that these shall include 'full details of the approach to residential cycle parking at a ratio of 1 space per bedroom (for individual residential dwellings) and 1 space per unit (for flats and maisonettes).

7.44 Cycle parking will be provided in accordance with the standards outlined in KCC SPG4 guidelines, with a total of 41 residential cycle parking spaces provided within a private bike storage area in the basement, with access via the lift and stair core.

7.45 This proposed residential cycle parking quantum and location was considered to be suitable in discussions with both KCC highways and FHDC at pre-application stage. KCCHAT have subsequently confirmed that they are content with the level of provision provided within the application. Internal amenity

7.46 With regard to the level of amenity for future occupants of the proposed building as a result of its layout, a number of revisions have been made to the detailed design of the scheme throughout the pre-application stage in response to Officer comments to improve internal amenity.

7.47 As a result of the standalone nature, oval form and unit layout of the proposed building, it is not considered that any overlooking will occur between residences. Further the layout of the building will ensure sufficient daylight and sunlight for all occupants. Given the proposed fenestration details which include a high quantity of glazing to all elevations and the presence of balconies at all levels, it is considered that the proposed building would provide a high level of outlook for future occupants.

7.48 In summary, the living conditions of future residents are considered to be acceptable and as such there are no objections on these grounds.

3. Scale

7.49 For Scale the NPPG expects the following should be considered: the height, width and length of each building proposed within the development in relation to its surroundings.

7.50 Condition 7 specifically requires the scale and form of the architecture within each phase to be in accordance with the mandatory parameter and design guidelines. Beyond this compliance, the other key consideration regarding scale is the impact of the proposed building on its surroundings, including the nearby heritage assets, namely the Grade II* Listed Leas Lift and Grade II Listed Marine Crescent, as well as the adjacent Folkestone Leas & Bayle Conservation Area.

7.51 The proposal is in accordance with the parameter plans, including Parameter Plan 7 which established the maximum building heights, Parameter Plan 8 which established the maximum horizontal deviation, and Parameter Plan 3 which established the envelope for the building footprint.

7.52 The scale of the proposed building has been raised during the public consultation, particularly with reference to its height. The approved Design Guidelines sets out that the building would be up to 9 storeys with a maximum height of +29.5m above site datum. At 7 storeys tall and with a maximum height of +28.215 above site datum the detailed design is within the relevant parameters. It is therefore considered that the heights of the building are consistent with the outline permission and the scale reflects what was envisaged for the plot's relationship with its surroundings.

7.53 The Planning (Listed Buildings and Conservation Areas) Act 1990 (particularly sections 16, 66 and 72) provides specific protection for buildings and areas of special architectural or historic interest. With regard to the impact of the proposal on the setting of the listed buildings, setting is defined within the NPPF as 'the surroundings in which a heritage asset is experienced'. Given the scale, prominence and relative location of the proposed building to the nearby heritage assets, it has been considered to be within the setting of the aforementioned listed buildings and part within the Folkestone Leas and Bayle Conservation Area. With regard to the impact of the proposal on the Conservation Area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

7.54 Historic England has raised no objection to the proposals. They previously commented on the originally approved reserved matters scheme and confirmed that the architectural approach (which remains unchanged in this proposal) was not contentious and the proposed design has sought to minimise any visual impact on the Leas Lift.

7.55 With regard to assessing whether the proposed design is capable of making a positive contribution to local character and distinctiveness (NPPF paragraph 197 c), it is considered that the architectural interest of the proposed building and the setting out of the plot secured by Parameter Plan 3 will ensure that views out from the Leas Lift and Marine Crescent from the boardwalk and beach to the south would be sustained as far as practical, in line with advice from Historic England. .

7.56 With regards to the Folkestone Leas & Bayle Conservation Area, the proposed building constitutes a high quality scheme in terms of design which carries through the development principles and parameters agreed at outline stage. The results of the assessment of impacts on the character and appearance of the conservation area undertaken at that time is now confirmed with the submission of the detailed scheme. Given this it is considered that the scale of the proposal would not have a detrimental impact on views into and out of the designated area and as such is considered to be acceptable and would not result in any harm above and beyond that identified at the outline stage.

7.57 At the outline stage this harm was considered to be outweighed by the public benefits of the scheme. It is considered that this reserved matters scheme carries through the development principles approved at outline stage in terms of height and scale and, as such, is considered to be in accordance with relevant national policy in this regard. There is less than substantial harm to the setting of the Folkestone Leas and Bayle Conservation Area. This harm is at the low end of less than substantial.

7.58 In light of the above, the proposal is considered to be in accordance with the guidelines and parameters agreed at outline stage to fix the development principles, and in accordance with local and national adopted policy in relation to proposed scale and associated impacts on the site's surroundings.

Neighbouring Amenity

7.59 With regard to neighbouring amenity, it is considered that, given the relative location of the plot, the residents of the Plot B1 building (currently under construction) will be close enough to be directly affected by the development. It should however be noted that, as the proposed building is in compliance with height and massing parameters approved as part of the outline planning permission, the impacts of the development on neighbouring amenity has previously been assessed and are considered acceptable.

7.60 With regard to potential overshadowing, given the track of the sun to the south, it is considered that additional shadow cast by the proposed building would fall predominantly towards the highway of Marine Parade and the Leas Lift and as such no residential properties would be impacted. In light of this, it is considered that overall the overshadowing impact of the proposed building is considered to be in accordance with both the impacts considered as part of the outline planning permission and local policy.

7.61 Turning to the potential for overbearing/enclosing presence on future residents of Plot B1 due to the separation distance being in line with the approved parameter plan, it is considered that the proposed building would not have a significant or detrimental impact on the living conditions of neighbouring occupiers that planning permission should be refused.

7.62 In light of the above, the proposal is considered to be acceptable with regard to impact on the amenities of neighbouring occupiers and in accordance with the aim of local policy to protect the amenity enjoyed by neighbouring occupiers.

4. Appearance

7.63 In terms of appearance, it is important that the building is able to stand as an independent piece of new townscape whilst acknowledging its role as part of the wider development which is emerging for Folkestone Seafront.

Setting within masterplan

7.64 The building presents itself to the beach and Marine Parade in different ways. The western and eastern elevations are also important in terms of linkages to the surrounding area. To the east, Plot B is under construction and it is important that the appearance of Plot A is complimentary to this without being subservient or non-descript in comparison. The proposed shingle garden provides a key piece of connectivity linking these two plots together. The Plot is the western most in the masterplan and as such has uninterrupted views to/from the Lower Leas Coastal Park and Folkestone Beach.

Design and visual appearance

7.65 The design of the building follows the guidelines that were established earlier in the design process and agreed at outline planning stage. Developing the detailed design further has seen varied

options explored throughout the pre-application process in terms of how the façade has been articulated to respond to surrounding buildings and create variety in form.

7.66 The design ethos originates from Section 3.1 of the Masterplan Design Guidelines. It is considered that the interplay between form, height and articulation would create a strong identity for the development in a contemporary fresh manner. The attention to the finer details and material choices for the building are crucial; it is considered appropriate therefore that the high quality of materials envisaged in the detailed design forms the basis of a planning condition.

7.67 The design and appearance of the buildings has developed and changed in response to extensive engagement with Officers at the pre-application stage (as detailed in the submitted Design and Access Statement). The proposals have also been informed through engagement with FRAME and were presented at a Design Review Panel. The Panel provided detailed feedback on elevational design, materiality and articulation which have largely been incorporated into the design of the scheme.

7.68 This evolution has had specific regard to ensuring that the appearance of the building created a contrasting language to Plot B so as to achieve “unity without uniformity”. Generous sweeping balconies are the primary feature of building A, wrapping the entire building in a series of horizontal curves. As the building bookends the masterplan and acts as a gateway to the wider regeneration area, the architecture of Plot A is intended to be more dynamic than that of other plots and seeks to act in contrast to the Grade II* listed Leas Lift as a modern and contemporary piece of architecture.

7.69 The building uses three primary materials to give texture and colour to the facade and they have been selected to provide a complimentary palette. Given the prominent location of Plot A, the chosen palette gives more variation in colour and contrast than other plots in the masterplan and this is considered to reflect and enhance the unique geometry and form of the building.

7.70 The proposed materials palette set out in the submitted Design and Access Statement are considered appropriate for the design of the building. The materials selected provide a restrained palette that conform with the Masterplan Design Guidelines and can cope with the harsh marine environment. It is considered that this palette responds appropriately in terms of durability and maintenance to the exposed location and harsh weather conditions which the south-facing outer curve of the building in particular would be exposed to.

7.71 This position remains unchanged from the original reserved matters approval.

Views

7.72 The Section 73 application (Y17/1099/SH) assessed the impact of the development on a series of views surrounding the site and concluded that within the parameter plans and guidelines, the scheme would be acceptable in terms of net visual impact whilst acknowledging that some views would change significantly. As such the acceptability of scheme is dependent upon a high quality design to ensure that the potentially significant visual impact of the development would not be detrimental to the visual amenity of the site and the surrounding area.

7.73 While a series of views was identified at outline stage, the impact specifically of Plot A will be more significant from a number of viewpoints predominantly to the west of the site. As well as the elevations of the building, the roofs and terraces of Plot A will be clearly visible from the Leas and it is important that these are dealt with sensitively. As such the scheme incorporates plant provision at Ground and Basement levels to minimise the need for rooftop provision. It is proposed that the lift

overruns would be enclosed, the materials and design features would be high quality and the detailed development scheme falls within the agreed parameters. It is therefore considered that the building would have an acceptable visual impact when viewed from the Leas. Turning to the views from the Leas Cliff Hall, the Lower Leas Coastal Park and the beach to the west of the application site, the development would be prominent in publicly available views. Given the high quality design referred to above this is not considered to be detrimental from views from these locations.

7.74 In light of the above, the proposed details submitted under this reserved matters application are considered to be acceptable and in accordance with the outline planning permission and with identified local and national policies.

5. Landscaping

7.75 In relation to Landscaping, condition 7 outlines the following details which should be provided:

“The landscape design and specification of hard and soft landscape works within each phase in accordance with the mandatory Folkestone Seafront Landscape Guidelines Rev: 3- 21.05.2018 and Supplementary Information”.

7.76 Landscaping is important to reinforce character and identity, define legibility, create a pleasant and welcoming place and support the function of the plot. The landscape will have to work for Plot A, but will also have to integrate with Plot B and future landscaping schemes across the whole of the seafront and harbour area. This application also proposes works to the public realm including Leas Lift Square and the boardwalk.

7.77 In relation to Public Open Spaces and the Public Realm Design Strategy, condition 7 outlines the following details which should be provided:

“The extent, layout and specification of public open spaces, in accordance with the mandatory Folkestone Seafront Landscape Guidelines Rev: 3- 21.05.2018 and Supplementary Information and including details of street furniture (including lighting, seating, signage, bus stops, bins, surface treatments, threshold levels) and play space and delivery of Marine Parade, accompanied by a management plan showing how the relevant areas of public open space are to be laid out, paved, planted, equipped and maintained together with a timetable for their implementation”.

Landscape strategy

7.78 The Landscape Strategy for Plot A is divided into three main elements:

(1) Leas Lift Square – providing a pedestrian priority setting for the Leas Lift building and a landing space for the Lift and gateway to Marine Parade to the east, and the Lower Leas Coastal Park to the west.

(2) Terraced Gardens - A transition space comprising a series of non-accessible planted terraces stepping down from the Leas Lift Square to the new Shingle Garden and the Beach

(3) Shingle Garden - A publicly accessible Shingle Garden as part of the wider masterplan public amenity contribution. Within the Shingle Garden, the masterplan-wide publicly accessible Boardwalk connects to the wider England Coast Path

7.79 In heritage terms, the landscaping proposals are an enhancement to the environment in and around the site which is currently characterised by a poor quality pedestrian environment with a lack of activity. The development will establish new pedestrian routes and the ‘Leas Square’, providing

hard landscaping and planting which will enhance the environment around the area and in turn, will enhance the settings of nearby heritage assets.

7.80 This position remains unchanged from the original reserved matters approval.

Soft landscaping

7.81 Overall, the philosophy behind the soft landscaping is considered to be sound; the plants are well considered both aesthetically and from a practical perspective. As noted within the landscaping report this is a harsh environment and as such it is important that a robust management plan is in place to support the scheme. This should allow for replacements if certain plants struggle to develop; a matter which can be controlled via an appropriately worded planning condition.

7.82 This position remains unchanged from the original reserved matters approval.

Hard landscaping

7.83 In terms of hard landscaping, it is considered that the materials are generally well considered and will enhance the landscape scheme and the way in which the development sits in the area.

7.84 On the Leas Lift Square, the proposals incorporate alternating bands of concrete block paving charcoal and silver grey. The road layout will be defined by a flush silver-grey conservation kerb. All proposed materials are compliant with the Kent County Council material palette. The entrance of the square will be marked up by an overhead gantry sign. Moveable timber benches and planter are located in the square. Cycle parking has also been provided for the Leas Lift users and visitors of the future café.

7.85 Between plot B1 and A, the Crescent way and the car parking access will be made of permeable resin bound gravel, in colour to the beach shingle to follow the wider Masterplan strategy. Alongside the resin bound carriageway, a red sandstone path (responding to the Leas Lift main entrance) will lead the pedestrian toward the beach and the boardwalk. It is proposed to control these materials via planning condition.

7.86 This position remains unchanged from the original reserved matters approval.

Playspace

7.87 In relation to Playspace, condition 7 outlines the following details which should be provided:

“The amount and location of play space including: a) A plot specific play space strategy including details of the play equipment proposed b) An overarching play space strategy which should regard to the play space provision without preceding plots and proceeding plots as appropriate”

7.88 Under the approved Seafront Landscape Guidelines (Rev 3), a play strategy was established for the whole Masterplan area. This took into account the existing play and sports provision in the area, such as the Lower Leas Coastal Park and Folkestone Sea Sports. The general strategy for the Folkestone Seafront development was to place Local Areas for Play (LAP) within residents’ gardens and Local Equipped Areas for Play (LEAP) inside the Shingle Gardens at either end of the beach.

7.89 The quantum of playspace that Plot A would produce for a LAP under Policy C4, with an absolute maximum projected population of 78 people, would be 3.9sqm. In light of this small area the applicant has proposed to include LAP provision into the Shingle Garden 1 LEAP adjacent to Plot B. Plot A falls within the 240m radius of the LEAP (as specified by Policy C4 in the Places and Policies Local Plan 2020). Plot A has direct and close access to this LEAP, which will contain a range of play equipment suitable for younger ages. Plot A is also well served for open space with the potential for play – with the Lower Leas Coastal Park to the west. Larger play provision in Shingle Garden 1 LEAP is considered to be more beneficial than a small single provision adjacent to plot B and on this basis given the policy requirements for LAP provision will be met overall this is considered to be an acceptable approach and compliant with planning policy requirements.

7.90 This position remains unchanged from the original reserved matters approval.

Biodiversity strategy

7.91 In relation to Biodiversity, condition 20 outlines the following details which should be provided:

“Details of biodiversity enhancements, including the creation of new habitats (vegetated shingle) and signed pathways in accordance with the approved Environmental Statement.”

7.92 National and local policy requires new development to include measures to support the conservation status of certain species and habitats, in particular those listed on the priority lists of the National Biodiversity Action Plans. The proposed biodiversity strategy aims to provide Plot A (and the rest of the future Folkestone Seafront Masterplan) with a sustainable, attractive and welcoming environment that fully co-ordinates and supports the wider design aspirations.

7.93 The planting strategy for the new development is to take reference from its coastal location and analysis of successful species in nearby Lower Leas Coastal Park and the Viaduct. The result is a selection of robust, low maintenance yet characterful plants, which contribute a number of species found to be of particular ecological value. A mix of native and non-native plant species is used throughout beach and garden plantings, suited to the marine environment. Seeking to introduce exotic or semi-naturalised species into the planting mix may enhance biodiversity and provide resources for a wide range of pollinators.

7.94 Additionally, Hibernacula for birds and invertebrates are proposed to be placed within the gardens - on trees and set into the planting. Bird boxes, insect hotels and log piles will be used to encourage habitat creation and the growth of local wildlife. Subtly placed on the roof of Plot A, bat boxes provide roosting sites for local bat populations.

7.95 In light of the above, the proposed details submitted under this reserved matters application are considered to be acceptable and in accordance with the outline planning permission and with identified local and national policies.

7.96 This position remains unchanged from the original reserved matters approval.

8. CONCLUSION

8.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Taking this test

into account the harm resulting from the impact on the setting of the identified heritage assets must be balanced against the benefits arising from the planning application proposals.

8.2 The overall effect on the designated heritage assets was judged at the outline stage to have less than substantial harm on the setting of the heritage assets. As with the previous Reserved Matters approval, this harm would be maintained by the current proposal being the lowest for the conservation area and slightly greater for Marine Crescent and is on the spectrum of less than substantial in NPPF terms. Against this context, the public benefits arising from the proposed development in this instance are significant and when combined are considered to significantly outweigh the identified effects on the setting of the identified heritage assets. As such, and in line with the NPPF, it is considered that the proposals are acceptable when the planning balance is applied.

8.3 In light of the appraisal set out above, it is considered that this reserved matters submission has demonstrated compliance with Condition 4 of the outline planning permission Y17/1099/SH, which sets out that the submission of reserved matters applications shall demonstrate compliance with the approved parameter plans and the text set out on those plans to fix the development principles, together with the approved Design and Landscape Guidelines. As such, it is considered that the application carries through the development principles which were agreed upon at outline planning permission stage and represents an acceptable proposal across the reserved matters of access, appearance, scale, landscaping and layout, in accordance with relevant national and local adopted planning policy.

9. HUMAN RIGHTS

9.1 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.

10. PUBLIC SECTOR EQUALITY DUTY

10.1 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.

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

11. WORKING WITH THE APPLICANT

11.1 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.

12. BACKGROUND DOCUMENTS

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

13. PROPOSED CONDITIONS

It is noted that under the main Outline Planning Permission, the conditions outlined below apply to this development plot, and as such are not required to be duplicated on any reserved matters approval:

- Provision of car and cycle parking prior to occupation (Condition 11)
- Detailed drawings of external fittings (Condition 19)
- Recruitment measures (Condition 22)
- Archaeological work (Condition 24)
- Slope Stability Repot (Condition 26)
- Construction Management Travel Plan (Condition 28)
- Provision of carriageways, footways, shared surfaces, footpaths and cycle ways prior to occupation (Condition 30)
- Contamination (Conditions 31 – 33)
- Waste Management (Conditions 38 and 39)
- Construction Environmental Management Plan (Condition 40)

In light of the above, the following conditions are proposed:

1. Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents listed below:

Plan numbers

8366-PL-XX-GA-100 - Site Plan General Arrangement
242-ACME-10-0100-Rev_B - Site Plan - Masterplan
242-ACME-10-0110-Rev_B - Site Plan - Proposed Below Ground
242-ACME-10-1100-Rev_B - Proposed Floor Plan Basement
242-ACME-10-1101-Rev_B - Proposed Ground Floor Plan
242-ACME-10-1102-Rev_B - Proposed First Floor Plan
242-ACME-10-1103-Rev_B - Proposed Second Floor Plan
242-ACME-10-1104-Rev_B - Proposed Third Floor Plan
242-ACME-10-1105-Rev_B - Proposed Fourth Floor Plan
242-ACME-10-1106-Rev_B - Proposed Fifth Floor Plan
242-ACME-10-1107-Rev_B - Proposed Sixth Floor Plan
242-ACME-10-1108-Rev_B - Proposed Seventh Floor Plan
242-ACME-10-1109-Rev_B - Proposed Roof Plan
242-ACME-10-1202-Rev_B - Proposed Section AA
242-ACME-10-1203-Rev_B - Proposed Section BB

242-ACME-10-1300-Rev_B - Proposed North Elevation
242-ACME-10-1301-Rev_B - Proposed East Elevation
242-ACME-10-1302-Rev_B - Proposed West Elevation
242-ACME-10-1303-Rev_B - Proposed South Elevation
242-ACME-10-8700 rev A – Accommodation Schedule

Documents:

DAS Addendum
Updated Planning Statement (dated December 2023)
Addendum Landscape and Public Realm report (dated December)
Addendum Transport Statement
Addendum Energy and Sustainability Statement and Overheating Note
Fire Strategy Note
Addendum Heritage Statement
Planning Statement (dated May 2022)
Planning Cover Letter (dated May 2022)
Design and Access statement (dated May 2022) Chapters 1 -7
Landscape and Public Realm report (dated May 2022) Parts 1-3
Transport Statement
Transport Report Addendum
Energy and Sustainability Statement and Overheating Statement
Fire Strategy
Heritage Statement
Drainage Design Strategy and Flood Risk Report
Ecology Appraisal
Statement of Community Involvement.

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

2. Samples of materials

No work above slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The samples shall include but not be limited to:

- Façade and facing materials
- Balustrades and railings
- Typical window and external facing door details
- Detailing of interfaces between different façade materials, including with windows, external facing doors and balconies

The development shall be carried out in accordance with the previously approved details and be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

3. Landscaping details and materials

The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping materials which have been submitted to and approved in writing by the local planning authority. This shall include details tree pits for all proposed trees and a requirement to only use native species in the shingle garden.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

Reason: In order to protect and enhance amenity and nature conservation

4. Landscaping Implementation Plan

No work above slab level shall take place until a landscaping implementation programme has been submitted to and approved in writing by the Local Planning Authority. All landscape works shall be carried out in accordance with the previously approved details. The landscape works shall be completed prior to the occupation of any residential unit, or in accordance with the programme agreed with the Local Planning Authority.

Reason: In order to protect and enhance amenity and nature conservation

5. Landscaping Maintenance Plan

Prior to first occupation, a landscaping maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. The landscape and all other works shall be maintained in accordance with the agreed maintenance schedule thereafter.

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

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

6. Visibility Splays

The visibility splays detailed on the approved drawings shall be provided prior to first occupation of the building hereby approved.

Reason: In the interests of highway safety.

7. Construction vehicles

No work above slab level shall take place until facilities for construction vehicle loading/unloading and turning have been provided and approved in accordance with condition 28 of outline planning permission Y17/1099/SH and retained for the duration of construction.

Reason: In the interests of highway safety and to safeguard the amenity of adjoining areas

8. Ancillary residential facilities

The ancillary resident facilities at Ground Floor level (lounge and gym) shall be retained for use by residents of the building only and shall not be made available for public use unless approved in writing by the Local Planning Authority

Reason: In the interests of public amenity.

9. Highways works

The highway improvements as detailed in the supporting information (Landscape and Public Realm Report and Plot A Transport Statement) (including plans 105512-PEF-XX-XX-DR-Y-000012-P03; 105512-PEF-XX-XX-DR-Y-000022-P01; 105512-PEF-XX-XX-DR-Y-000027-P01), or as otherwise agreed by the Council, to be implemented prior to first occupation.

Reason: In the interests of highway safety.

Recommended Conditions (9)

1

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents listed below:

Plan numbers

8366-PL-XX-GA-100 - Site Plan General Arrangement

242-ACME-10-0100-Rev_B - Site Plan - Masterplan

242-ACME-10-0110-Rev_B - Site Plan - Proposed Below Ground

242-ACME-10-1100-Rev_B - Proposed Floor Plan Basement

242-ACME-10-1101-Rev_B - Proposed Ground Floor Plan

242-ACME-10-1102-Rev_B - Proposed First Floor Plan

242-ACME-10-1103-Rev_B - Proposed Second Floor Plan

242-ACME-10-1104-Rev_B - Proposed Third Floor Plan

242-ACME-10-1105-Rev_B - Proposed Fourth Floor Plan

242-ACME-10-1106-Rev_B - Proposed Fifth Floor Plan

242-ACME-10-1107-Rev_B - Proposed Sixth Floor Plan

242-ACME-10-1108-Rev_B - Proposed Seventh Floor Plan

242-ACME-10-1109-Rev_B - Proposed Roof Plan
242-ACME-10-1202-Rev_B - Proposed Section AA
242-ACME-10-1203-Rev_B - Proposed Section BB
242-ACME-10-1300-Rev_B - Proposed North Elevation
242-ACME-10-1301-Rev_B - Proposed East Elevation
242-ACME-10-1302-Rev_B - Proposed West Elevation
242-ACME-10-1303-Rev_B - Proposed South Elevation
242-ACME-10-8700 rev A – Accommodation Schedule

Documents:

DAS Addendum
Updated Planning Statement (dated December 2023)
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Addendum Transport Statement
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Fire Strategy Note
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Planning Cover Letter (dated May 2022)
Design and Access statement (dated May 2022) Chapters 1 -7
Landscape and Public Realm report (dated May 2022) Parts 1-3
Transport Statement
Transport Report Addendum
Energy and Sustainability Statement and Overheating Statement
Fire Strategy
Heritage Statement
Drainage Design Strategy and Flood Risk Report
Ecology Appraisal
Statement of Community Involvement.

Reason: For the avoidance of doubt and in order to ensure the satisfactory

implementation of the development

2

No work above slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The samples shall include but not be limited to:

- Façade and facing materials
- Balustrades and railings
- Typical window and external facing door details
- Detailing of interfaces between different façade materials, including with windows, external facing doors and balconies

The development shall be carried out in accordance with the previously approved details and be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

3

The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping materials which have been submitted to and approved in writing by the local planning authority. This shall include details tree pits for all proposed trees and a requirement to only use native species in the shingle garden.

Reason: In order to protect and enhance amenity and nature conservation.

4

No work above slab level shall take place until a landscaping implementation

programme has been submitted to and approved in writing by the Local Planning Authority. All landscape works shall be carried out in accordance with the previously approved details. The landscape works shall be completed prior to the occupation of any residential unit, or in accordance with the programme agreed with the Local Planning Authority.

Reason: In order to protect and enhance amenity and nature conservation

5

Prior to first occupation, a landscaping maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority. The landscape and all other works shall be maintained in accordance with the agreed maintenance schedule thereafter.

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

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

6

The visibility splays detailed on the approved drawings shall be provided prior to first occupation of the building hereby approved.

Reason: In the interests of highway safety.

7

No work above slab level shall take place until facilities for construction vehicle loading/unloading and turning have been provided and approved in accordance with condition 28 of outline planning permission Y17/1099/SH and retained for the

duration of construction.

Reason: In the interests of highway safety and to safeguard the amenity of adjoining areas

8

The ancillary resident facilities at Ground Floor level (lounge and gym) shall be retained for use by residents of the building only and shall not be made available for public use unless approved in writing by the Local Planning Authority

Reason: In the interests of public amenity.

9

The highway improvements as detailed in the supporting information (Landscape and Public Realm Report and Plot A Transport Statement) (including plans 105512-PEF-XX-XX-DR-Y-000012-P03; 105512-PEF-XX-XX-DR-Y-000022-P01; 105512-PEF-XX-XX-DR-Y-000027-P01), or as otherwise agreed by the Council, to be implemented prior to first occupation.

Reason: In the interests of highway safety.