

**Application No:** Y17/0888/SH

**Location of Site:** Land Adjoining Church and Dwight Caesars Way  
Folkestone Kent

**Development:** Erection of 49 industrial units (4562 sqm) and 2 office blocks (1240 sqm), together with the construction of the industrial estate road and parking and turning areas and landscaping throughout the site being details pursuant to outline planning permission Y13/0024/SH (details relating to appearance, layout, scale and landscaping).

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**Date Valid:** 31.07.17

**Expiry Date:** 30.10.17

**Date of Committee:** 31.10.17

**Officer Contact:** Mr Julian Ling

**RECOMMENDATION:** That delegated authority be given to the Head of Planning to approve the reserved matters details subject to additional landscaping details being acceptable and the conditions set out at the end of the report.

## **1.0 THE PROPOSAL**

1.1 This application is a details pursuant application for the reserved matters of appearance, layout and scale for outline application Y13/0024/SH for the erection of 49 industrial units (4562 sqm) and 2 office blocks (1240 sqm), together with the construction of the industrial estate road and parking and turning areas and landscaping throughout the site. Access has already been approved at outline stage and would be a single access road off Caesars Way to the east. The reserved matters of appearance, layout and scale for the residential part of the outline permission for the construction of 77 dwellinghouses, construction of estate road and provision of open space, landscaping and parking have already been approved under reference Y16/0403/SH.

- 1.2 The development would comprise of 49 commercial/industrial units set within eight buildings (units 3 – 10). Each unit would have an approximately floor area 93 sqm with the ability to remove separating walls when required to increase the flexibility of the use of the buildings. Two office buildings (units 1 and 2) of 620 sqm each are also proposed resulting in a total of ten buildings.
- 1.3 In terms of layout, the development is proposed with a main spine road through the centre of the site in an east - west orientation as per the original outline illustrative plan, with a hammerhead at the east boundary of the site. The two office buildings are positioned at either side of the entrance to the commercial estate with industrial buildings proposed to be positioned to the north and south of the spine road with parking and turning areas in front of and to the sides of the buildings. An emergency access point positioned mid way along the road will link the commercial site with the residential area with lockable bollards operated by fire brigade keys.
- 1.4 In scale and appearance, all the buildings are proposed in a modern and utilitarian form designed for practicality and business. Units 1 and 2 would be the office buildings and are two storey and have a height of 8 metres to ridge line. They would be predominantly square in form with gently curved front and rear elevations and a flat gentle sloping roof. Metal fire escapes would be to the side elevations and the buildings would be constructed of a mixture of metal and timber cladding, sheet metal roof and grey windows.
- 1.5 Units 3 and 10 would both have floor areas of 465 sqm and unit four would have a floor area of 371 sqm. Units 6, 7, 8 and 9 would have floor areas of 560 sqm and unit 5 would have a floor area of 932 sqm. Units 3 - 10 would comprise of a rectangular shaped buildings which would be two storey in scale with an internal vaulted ceiling and have a ridge height of approximately 7.7 metres. The buildings would have entrance canopies and a mixture of tall roller shutter doors and curtain walling to the front elevation as well as upper windows and have a gentle sloping flat roof. They would be constructed with sheet metal roofing, and metal and timber clad elevations.
- 1.6 Parking within the commercial area would comprise of 14 HGV spaces and 127 car parking spaces for the industrial units and 49 car parking spaces for the offices. These spaces would be in front of and to the sides of the building along with turning areas. Parking for the residential area has already been approved under Y16/0403/SH. It is proposed that the commercial area be gated and locked at the entrance at night to deter overnight parking.
- 1.7 For landscaping, hard and soft landscaping is proposed across the entire site and specifically designed for the commercial and residential areas. In terms of the strategic landscaping belt to the north of the site identified under saved Local Plan Review policy CO24, this would be retained where the trees and vegetation would be protected and enhanced. The corner to the north east of the site would be used for the reptile translocation area

where the land would be specifically managed to create the correct habitat for reptiles.

- 1.8 For the commercial side, soft landscaping is proposed which will be functional to screen the development comprising of existing trees supplemented with a mixture of mature tree and shrub species. Some amenity planting is proposed to help soften the appearance of the buildings. The predominant hard surfacing materials would be asphalt and block paving. For the residential development, structural planting consisting of a mix of native and ornamental species is proposed which will help define the areas and provide screening. Extensive amenity landscaping is also proposed to provide a pleasant residential setting. The predominant hard surfacing materials would be asphalt, block paving, bonded gravel, slab paving, sett paving, hardwood bollards and hardwood benches. Childrens natural play equipment such as boulders is also proposed.
- 1.9 The application has been supported by detailed site plans, elevation and floor plans of each type of building as well various reports which are listed and summarised below;

**Design and Access Statement** – A review of the development proposal and rationale behind the design concept proposed.

**Landscape Management Plan** – A document which outlines the management of the proposed landscape works over a five year period.

- 1.10 Under the original outline application (Y13/0024/SH), the principle of the development proposal has been the subject of an Environmental Impact Assessment (EIA) Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. It was the opinion of the Council that the application was not EIA development.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The site is located within the settlement boundary of Folkestone/Cheriton approximately 3 km to the northwest of Folkestone Town Centre. The area in question comprises approximately 4.35 hectares (10.75 acres) and is located to the west of Caesars Way and Shearway Business Park and to the south of the M20 Motorway. The site is accessed to the east via an unmade access off Caesars Way to the east. Located immediately to the south are the residential areas of Elventon Close, Charles Crescent and Stockham Court which are all predominantly two storey in scale and to the west is the Harcourt Primary School and its associated playing fields.
- 2.2 The site is currently unused and vacant and comprises of scrub land with areas of hardstanding. Historically it has been used for industrial purposes including a clay pit, brick works and a former concrete batching plant. The majority of the site is flat, however the land undulates and drops away towards the motorway within the north east corner. The site is also slightly

elevated and rises above the residential areas to the south by approximately two metres.

- 2.3 Forming part of the wider area of Shearway Business Park, this is the last area to be developed for employment land uses and therefore is identified within the Local Plan as employment land and allocated under saved policy E2 for employment development. Positioned upon the northern and west boundaries are areas of natural landscaping which is identified in the Local Plan to be Strategic Landscaping under saved policy CO24.

### **3.0 RELEVANT PLANNING HISTORY**

- Y16/0403/SH - Erection of 77 dwellinghouses, construction of estate road and provision of open space, landscaping and parking being details pursuant to outline planning permission Y13/0024/SH (details relating to appearance, layout and scale). Approved with conditions. 14.09.2016.
- Y13/0024/SH - Outline application (matters relating to access only) for a mixed use development of commercial/office units (660 sqm) and industrial/storage units (5,142 sqm) (class B1, B8) as well as 77 residential dwellings together with associated car parking, open space, landscaping, pedestrian link and reconfiguration of vehicular access off Caesars Way. Approved with Conditions. 04.08.14.

### **4.0 CONSULTATION RESPONSES**

- 4.1 Folkestone Town Council  
No objection

The committee has no objection to the use of and layout of the units. However it is very concerned that the access is poor. Ultimately the corner of Caesars Way will need improvement or better still a new access be created via Shearway Business Park. Strict delivery controls will be required even when the units are built and in operation.

- 4.2 KCC Highways and Transportation  
No objection

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

The principle of development has been permitted via application Y13/100241/SH. The industrial estate road will remain in private ownership as it does not serve a purpose to the general public to adopt such roads. I understand the estate will be gated to deter over night HGV car parking. The

proposals provide adequate numbers of car and HGV parking spaces and suitable turning facilities, therefore I do not wish to oppose this application.

If permission is granted the following should be secured by condition:

- Construction Management Plan to include the following:
  - (a) Routing of construction and delivery vehicles to I from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management I signage
- Provision and permanent retention of the vehicle parking spaces as shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Gates to open away from the highway and to be set back a minimum of 6 metres from the edge of the carriageway.

Please note: Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

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

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

#### 4.3 Landscape And Urban Design Officer Support

Further amendments to commercial units. The amended details are satisfactory and no further action is required, other than to agree materials prior to construction. Additional windows were requested on flank elevations as per the above drawing (as per above, coloured yellow – 26<sup>th</sup> September 2017). Windows have been added to the following elevations

- Units, 4,6,7,9 - Right flank elevation
- Unit 8 - Left flank elevation

It is accepted that no windows would be added to elevations next to bin stores. The design for the bin stores is acceptable.

#### Landscaping for Residential Area

Further to comments made 30<sup>th</sup> August 2017

The additional walls facing public areas are welcomed and will improve the appearance of the scheme. The wall shall be constructed from brick, will be 327.5 mm (for a freestanding brick wall) 2.1 m high with a brick capping. The brick should match that chosen for the houses (to be agreed).

Whilst the ethos behind the landscaping plan is considered acceptable in general, it is considered that insufficient detailed information has been submitted at this stage; a greater level of detailed is required to ensure its successful implementation.

#### 4.4 Environmental Health

No objection

Environmental Health has no objections to the granting of this planning application subject to the following conditions:

##### **Contaminated Land**

Environmental Health makes the following recommendations should permission be granted:

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

2. If a desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent

of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Ground waters and surface waters,
  - Ecological systems,
  - Archaeological sites and ancient monuments; and
- (iii) An appraisal of remedial options and identification of the preferred option(s).

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

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

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

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

**Reason:** To ensure that risks from land contamination to the future users of the land and neighboring land, together with those to controlled waters, property and ecological systems, are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbors' and other off-site receptors [Kent and Medway Structure Plan Policy NR5 and Dover District Local Plan Policy DD1].

**Informative:** Planning Policy Statement 23: Planning and Pollution Control states that: 'in considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the Environmental Protection Act 1990.

### **Construction Method Statement**

A construction method statement shall be submitted to and approved by this Department. The method statement should include details of the following:-

- Hours of work
- Haulage routes
- Likely noise levels to be generated from plant
- Details of any noise screening measures
- Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded
- Likely dust levels to be generated and any screening measures to be employed
- Proposals for monitoring dust and controlling unacceptable releases
- Wheel washing facilities and facilities for discharging the water

### **Hours**

I advise that any works audible at the site boundary should be restricted to the following: -

08.00-18.00 Mondays to Fridays, 08.00 –13.00 Saturday and no audible work on Sundays and Bank Holidays

### **Noise from Industrial Premises**



Operational use of the site could generate noise affecting local residents. Use of plant, equipment and tools; process or machinery noise; amplified music/speech; materials handling on site, lorry movements and deliveries outside daytime hours could cause loss of amenity or nuisance. A noise impact assessment is therefore required to highlight any potential noise problems and propose suitable mitigation. This assessment needs to be submitted to, and approved by, this Department.

This assessment must be carried out by a competent person registered with the Institution of Acoustics.

The acoustic survey should be carried out using the method contained in BS 4142 ("Rating Industrial noise affecting mixed residential and industrial areas"). This will determine the current noise situation in the absence of any noise and then calculate the effect that the proposal will have on the background levels. The noise rating level when compared to the existing background level must not exceed 2dB using the methodology of BS 4142. If the survey shows that this level cannot be achieved then I will be opposed to the application until mitigation measures are put in place.

The applicants attention should be given to BS8233 2014 to ensure good internal noise levels within nearby residential properties are not adversely affected by this proposed development.

Reason: For the protection of residential amenity in the vicinity of the site

#### 4.5 Economic Development Support

The application is submitted by SDC and aligns well with both the:

- Shepway Corporate Plan's priority to Boost the local economy and increase job opportunities, by supporting the redevelopment of key Shepway sites
- Shepway Economic Development Strategy – particularly the priority to promote further investment by:
  - identifying and bringing forward appropriate sites for commercial development
  - encouraging development of commercial premises
  - maximising the impact of SDC's assets/resources

Consequently I'd recommend that we support this application.

This also provides an opportunity to meet the accommodation needs of local businesses wanting to grow and take additional premises within the district, as well as to potential have product to attract inwards investment and attract higher value businesses – another of the aspirations in the EDS.

#### 4.6 Arboricultural Manager

I can confirm that I have no objections to the proposed development. There are no serious arboricultural constraints present on site.

4.7 KCC Archaeology)  
No comments received

4.8 Kent County Council LLFA  
No objection.

### **Revised Comments following addition information**

Kent County Council as Lead Local Flood Authority are satisfied that the drainage matters can be dealt with under the future discharge of conditions (16 and 19).

### **Original Comments**

As Lead Local Flood Authority, Kent County Council are unfortunately unable to recommend that this Reserved Matters application is approved at this time.

Our consultation response to the application for the discharge of Conditions 16 and 19 attached to Y13/0024/SH stated that the nature, location and rate of discharge of surface water from the site to the receiving combined sewer required the formal written approval of Southern Water to be considered acceptable.

If this permission is not forthcoming, an alternative drainage arrangement would be required, and this may result in associated revisions to the presently proposed site layout and landscaping.

At this stage of planning, we would suggest that the principle of drainage is at least agreed with the receiving authority, with the location and rate of discharge agreed.

The detailed design of the drainage infrastructure can still be considered under Conditions 16 and 19 attached to Y13/0024/SH, but only if it can be demonstrated that Southern Water are satisfied with the drainage principles and the implications for their combined network.

## **5.0 PUBLICITY**

5.1 Neighbours notified by letter. Expiry date 28.08.2017

5.2 Site Notice. Expiry date 31.08.2017

5.3 Press Notice. Expiry date 07.09.2017

## **6.0 REPRESENTATIONS**

6.1 1 e-mail of support on the following grounds:

- From the original drawings, the plans have really changed for the better. The shrub and tree design and type seem suitable for local wildlife.

6.2 1 e-mail raising the following concerns with the development:

- The walkway leading from the housing development to Harcourt School would pass behind gardens of nearby houses and create a security risk. The walkway should be fitted with adequate metal fencing to give security to local residents and their houses.

## **7.0 RELEVANT POLICY GUIDANCE**

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

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

SD1, HO1, E1, E2, BE1, BE16, BE17, TR5, TR11, TR12, CO24.

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS2, SS3, SS4.

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework: Paragraph No. 6, 7, 11, 12, 14, 17, 18, 19, 20, 21, 22, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 56, 57, 58, 59, 60, 61, 62, 63 and 64.

National Planning Policy Guidance

Kent Design Guide

## **8.0 APPRAISAL**

### **Background**

8.1 Outline planning permission has already been granted for a mixed use development of commercial/office units (660 sqm) and industrial/storage units (5,142 sqm) (class B1, B8) as well as 77 residential dwellings together with associated car parking, open space, landscaping, pedestrian link and reconfiguration of vehicular access off Caesars Way. In compliance with condition one of Y13/0024/SH, the reserved matters of scale, appearance and layout for the residential part of the site has been approved under application reference Y16/0403/SH.

8.2 This application therefore seeks permission for the remainder of the reserved matters under condition one of Y13/0024/SH for the appearance, scale and layout of the industrial part of the site and landscaping throughout the entire site.

## **Relevant Material Planning Considerations**

- 8.3 Therefore, the main material planning considerations in the determination of this application are the design and visual impact, highways and transportation issues and impact upon residential amenities.

## **Policy**

- 8.4 The starting point in terms of assessing the proposals against relevant planning policy considerations is the Development Plan and in particular saved policy E2 of the Shepway District Local Plan Review and policies SS1, SS2, SS3 and SS4 of the Local Plan Core Strategy. Policy E2 identifies the application site as an employment allocation as part of the Shearway Business Park while the aforementioned Core Strategy Local Plan policies provide strategic policy direction for the location and type of new development that will be acceptable in the district. In particularly Core Strategy policy SS4 seeks to deliver commercial development on employment land in accordance with the priority centres of activity network as shown on the policies map.
- 8.5 The other key policies of the Shepway District Local Plan Review saved policies are SD1 and BE1 relating to sustainability and design issues, BE16 and BE17, that seek the protection of landscape features and trees where appropriate and policy CO24 considers the provision and protection of strategic landscaping areas. Highway policy TR11 sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access, policy TR5 refers to bicycle parking and TR12 refers to car parking standards. At the national level much of the NPPF is relevant to the current application with particular emphasis on paragraph 21 building a strong competitive economy and paragraphs 56 – 58 requiring good design and paragraphs 29 – 39 promoting sustainable transport.

## **Visual Impact/Design**

- 8.6 The site is located towards the edge of the Folkestone settlement boundary where existing development meets the M20 Motorway and the countryside beyond that. When considering the location within the wider built environment, it is considered that the site is positioned in a fairly obscured area, tucked in a corner of the Folkestone urban fabric that is not highly prominent and screened to a large degree by existing landscaping belts and buildings. In this regard, immediately to the north are the M20 motorway and a tall line of trees and landscaping and to the south are established residential dwellings. To the east is the commercial development of Shearway Business Park and to the west is another line of tall trees and landscaping and the nearby school with residential development beyond that.
- 8.7 This area has a varied character of both industrial and residential uses where this employment development would not appear out of keeping

visually. It is considered that the development would contribute towards urban regeneration and be a vast improvement compared to its current barren and empty appearance that makes a negative contribution to the local area.

### **Layout, scale & appearance**

- 8.8 Concerning layout there is considered to be sufficient land and space to accommodate the development without it appearing an over intensive and cramped form of development to the detriment of the visual amenity of the area. It is considered that the commercial units have been designed to be sited around a central spine road in a fairly uniform layout with appropriate parking and turning areas. It also allows for a reasonable separation buffer zone from the properties to the south which includes landscaping for screening. It is considered that a uniform layout for the commercial area would generally reflect that seen in the adjacent Shearway Business Park and suitable for a busy working environment allowing easy access to the units with suitable parking and loading/unloading areas to meet the needs of businesses.
- 8.9 The layout has the office buildings being sited at the entrance of the commercial area which is considered would soften the visual impact as people enter the commercial area and create a more integrated transition between the commercial and residential areas. The layout also allows for strategically placed bin storage for easy access for collection at the set positions and flexibility in the frontage of the units to have either roller shutter doors or curtain walling making it more flexible for different business needs.
- 8.10 In scale, the proposed industrial buildings would have a two storey scale with a ridge height of approximately 7.7 metres. These buildings would have flat gently sloping roofs with an internal vaulted ceiling. The foot prints of the buildings do vary which is considered acceptable and would help break up the bulk and add to the visual interest of the site. Concerning the office buildings, these would be slightly larger with a footprint of 620 sqm and a height of 8.2 metres that would create a visual feature at the entrance to the site. These two buildings would have a gently sloping roof. In this regard the scale is considered acceptable that would not appear unduly tall, bulky nor out of proportion and suitable for commercial use.
- 8.11 The buildings would have a modern and contemporary design and form that would integrate well with the residential properties to the south and other industrial units in Shearway. The elevations would be clean and uncluttered consisting of mainly cladding and either roller shutter doors or curtain walling that would give flexibility to businesses and their needs and glazed elevations for the office buildings, where the proposed material is further controlled through condition. These appearances and materials would require minimal maintenance and create a clear identity to the industrial estate. It is therefore considered that the proposed layout, scale and appearance of the commercial and office buildings are of a high quality

design and thus acceptable in accordance with saved Local Plan Review policy BE1.

## **Landscaping**

- 8.12 The visual impact would also be significantly improved by the proposed landscaping. The strategic landscaping belt to the north of the site identified under saved Local Plan Review policy CO24, would be retained where the trees and vegetation would be protected and enhanced. The corner to the north east of the site would be used for the reptile translocation area where the land would be specifically managed to create the correct habitat for reptiles.
- 8.13 Within the development area, an extensive and detailed hard and soft landscaping scheme is proposed across the entire site. The main entrance to both areas would be landscaped to create a strong avenue of trees set within grass verges with thicket hedgerows and low ground cover planting. This will create a leafy green character to the entrance whilst also helping to screen the industrial buildings. For the commercial side, soft robust landscaping is proposed which will be functional to screen the development comprising of existing trees supplemented with a mixture of mature tree and shrub species. Some amenity planting is proposed in the form of trees and hedgerows to help soften the appearance of the buildings. The predominant hard surfacing materials would be asphalt and block paving that has been chosen to be robust to be able to accommodate the heavy vehicles used in this area. A landscaped buffer zone is also proposed between the commercial and residential areas to help screen and reduce disturbance issues.
- 8.14 For the residential side, structural planting consisting of a mix of native and ornamental species is proposed which will help define the areas and provide screening. Extensive amenity landscaping is also proposed to provide a pleasant residential character and a sense of place. The vegetation and the trees upon the southern and western boundaries which are protected by tree preservation order No. 7 of 2013 would be retained and additional native planting proposed in these areas to enhance it. Within the residential area, two public open space areas are proposed which will be grassed amenity areas that would contain large Oak trees, benches and natural children's play equipment and surrounded by formal privet hedging. Upon the east side of the residential area a third area of open space is proposed with a footpath/cycle path leading to the Charles Crescent Road. This would be landscaped with meadow grassed areas, avenues of trees, hedgerows and benches and children's natural play equipment. Residential gardens would be landscaped with grass, shrub borders and trees and enclosed by good quality fencing and brick walls on public boundaries. The predominant hard surfacing materials would be asphalt, block paving, bonded gravel, slab paving, sett paving, hardwood bollards and hardwood benches that would provide a variety of interesting materials and add to the character of the site.
- 8.15 It is considered that the landscaping retains the important existing landscaping features of the site and surroundings and makes provision for

new landscaping that would significantly enhance the appearance of the development and the wider area that is considered acceptable and in accordance with saved Local Plan Review policies BE16 and BE17. The Council's Arboricultural Manager and Landscape and Urban Design Officer support the scheme in this regard. Whilst the ethos behind the landscaping plan is considered acceptable in general, it is considered that insufficient detailed information has been submitted at this stage, as advised by the Council's Landscape and Urban Design Officer where a greater level of detailed is still required to ensure its successful implementation. On this basis the proposals are considered to be acceptable subject to additional landscaping details being submitted.

## **Highways and Transportation**

8.16 With regard to highways and transportation matters it is considered that the site benefits from good connectivity having access to road and pedestrian footpath networks and being within walking distance of the Cheriton town amenities and local schools. The site also benefits from public transport nearby with bus stops close by in Shaftesbury Avenue and Ashley Avenue. Therefore in terms of the location, the site benefits from good transport links and in this regard is considered sustainable and acceptable.

8.17 Access to the site would be off Caesars Way to the east which has already been approved under the outline application reference Y13/0024/SH. It has been agreed that to deter overnight parking of HGV vehicles, it is proposed that the entrance to the commercial area be gated and locked over night, where the details of the gates can be conditioned which will safeguard amenities of the area. In terms of the layout and parking within the commercial area this would be arranged around the main spine road with parking and turning in front of the buildings and to the sides and comprise of 14.No. HGV spaces and 127 car parking spaces for the industrial units and 49.No. car parking spaces for the offices. Parking for the residential area has already been approved under Y16/0403/SH. An emergency access point positioned mid way along the road will link the commercial site with the residential with lockable bollards operated by FB1 keys. This layout and level of parking is considered acceptable and in accordance with current standards and Kent Highways and Transportation Services raise no objection subject to conditions, of which some have already been imposed under the outline planning permission Y13/0024/SH. As such the development and in particular the layout is considered acceptable in highways terms in accordance with saved Local Plan Review policies TR11 and TR12.

## **Residential Amenities**

8.18 With regard to the layout, owing to the residential area to the south of the site (approved under outline permission Y13/0024/SH), this will inevitably result in residential dwellings adjacent to the commercial area and industrial units. However a robust landscaping belt between these houses and the commercial area is proposed that will help screen the industrial area and

create a soft buffer zone. Under the outline permission (Y13/0024/SH) an acoustic assessment was also carried out which considered the likely noise levels and concluded that internal and external noise would not be significant and would not restrict the proposed development. For the closest houses (plots 77 – 23) an acoustic fence has been agreed to be erected along the rear (north) boundary of the gardens to help reduce noise disturbance which has been secured by condition under the residential reserved matters application Y16/0403/SH. It has also been conditioned under the outline permission that the working times of the commercial buildings are agreed and controlled to prevent undue noise and disturbance at unreasonable times.

- 8.19 Concerning the impact upon existing nearby occupier's amenities owing to the separation distance, it is not considered that there would be any overbearing impacts or loss of privacy from the commercial development. It is not considered that there would be a harmful level of noise from the commercial area owing to the acoustic surveys already undertaken and the agreed mitigation measures. It is inevitable that there will be a general increase in activity in the area from the development but this is not considered to adversely affect people's amenities and not a reason for refusal. To the west is Harcourt Primary School which is also considered far enough away to avoid being significantly affected by this development (as previously considered in Y13/0024/SH). As such, it is considered that the development safeguards residents' amenities.

### **Other Issues**

- 8.20 With regard to drainage and the comments from KCC Lead Local Flood Authority, this is a matter that is conditioned under the outline stage (No. 19) and not being considered in detail at this stage. A suitable drainage system has been proposed and is currently in the process of being agreed with Southern Water to discharge the outline condition. For foul drainage a gravity system connecting into the available public combined sewer is proposed. For surface water this cannot be disposed of using infiltration techniques as the ground is not suitable. Instead it is proposed to discharge the surface water into the local public combined sewer by gravity at a controlled rate, where attenuation storage to be provided in the form of oversized pipes and other means such as permeable pavements and storage crates which in principle has been agreed. As such it is considered that the drainage is being suitably addressed which would not constrain this development and is acceptable.

- 8.21 All other issues regarding archaeology, contamination, ecology and working hours are being addressed under the outline application and conditions and section 106 agreement and not required to be considered under this development proposal.

### **Human Rights**

- 8.22 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are



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

8.23 This application is reported to Committee owing to the Council being the applicant and freeholder of the land.

## **9.0 SUMMARY**

9.1 This application is a details pursuant application for the reserved matters of appearance, layout and scale for outline application Y13/0024/SH for the erection of 49 industrial units (4562 sqm) and 2 office blocks (1240 sqm), together with the construction of the industrial estate road and parking and turning areas and landscaping throughout the site.

9.2 It is considered that the development of the commercial part of the site is considered acceptable visually within the built environment and would be a vast improvement compared to its empty appearance of the site that makes a negative contribution to the area. The layout is acceptable providing easy access to the units with suitable parking and turning facilities. The scale of the buildings is acceptable that would not be unduly large and suitable for commercial and industrial use and the contemporary and modern appearance is also considered acceptable that would interrelate well with the neighbouring Shearway Business Park and the proposed new dwellings. The development is acceptable in highways terms where the layout allows for easy access and an acceptable level of parking for cars and HGV has been proposed. The development is also considered to safeguard existing nearby and future resident's amenities.

9.3 The landscaping plan is broadly considered acceptable that would retain existing landscaping features and proposes extensive new planting using locally native species where possible. However insufficient details have been submitted at this stage and further detailed information is still required. The application is therefore recommended for approval subject to further information being submitted and the conditions set out below.

## **10.0 BACKGROUND DOCUMENTS**

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

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**RECOMMENDATION – That delegated authority be given to the Head of Planning to approve the reserved matters detail subject to additional landscaping details being acceptable and the conditions set out at the end of the report.**

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans.

Reason:

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

2. The areas shown on the approved plan as car parking and HGV parking shall be appropriately surfaced and provided before the first occupation of the commercial/office units and thereafter kept available for parking purposes.

Reason:

It is necessary to make provision for adequate off street parking to prevent obstruction of the neighbouring highway and safeguard the amenities of adjoining areas in accordance with saved Local Plan Review policy TR12.

3. The turning and loading/unloading areas as shown on the approved plans shall be appropriately surfaced and provided within the site before the first use of the commercial units, and shall be maintained and kept available for use for the turning and loading and unloading of vehicles at all times.

Reason:

To prevent vehicles having to reverse onto the neighbouring highway in the interests of highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

4. Prior to the first use of the buildings hereby permitted details of a lockable gate to be installed at the entrance of the commercial site together with the times that it would be locked and unlocked shall be submitted to and approved in writing by the local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To deter overnight HGV parking in the interest of the amenities of the area in accordance with saved Local Plan Review policies SD1 and TR12.

5. All gates installed shall open away from the highway and be set back a minimum of six metres from the edge of the carriageway.

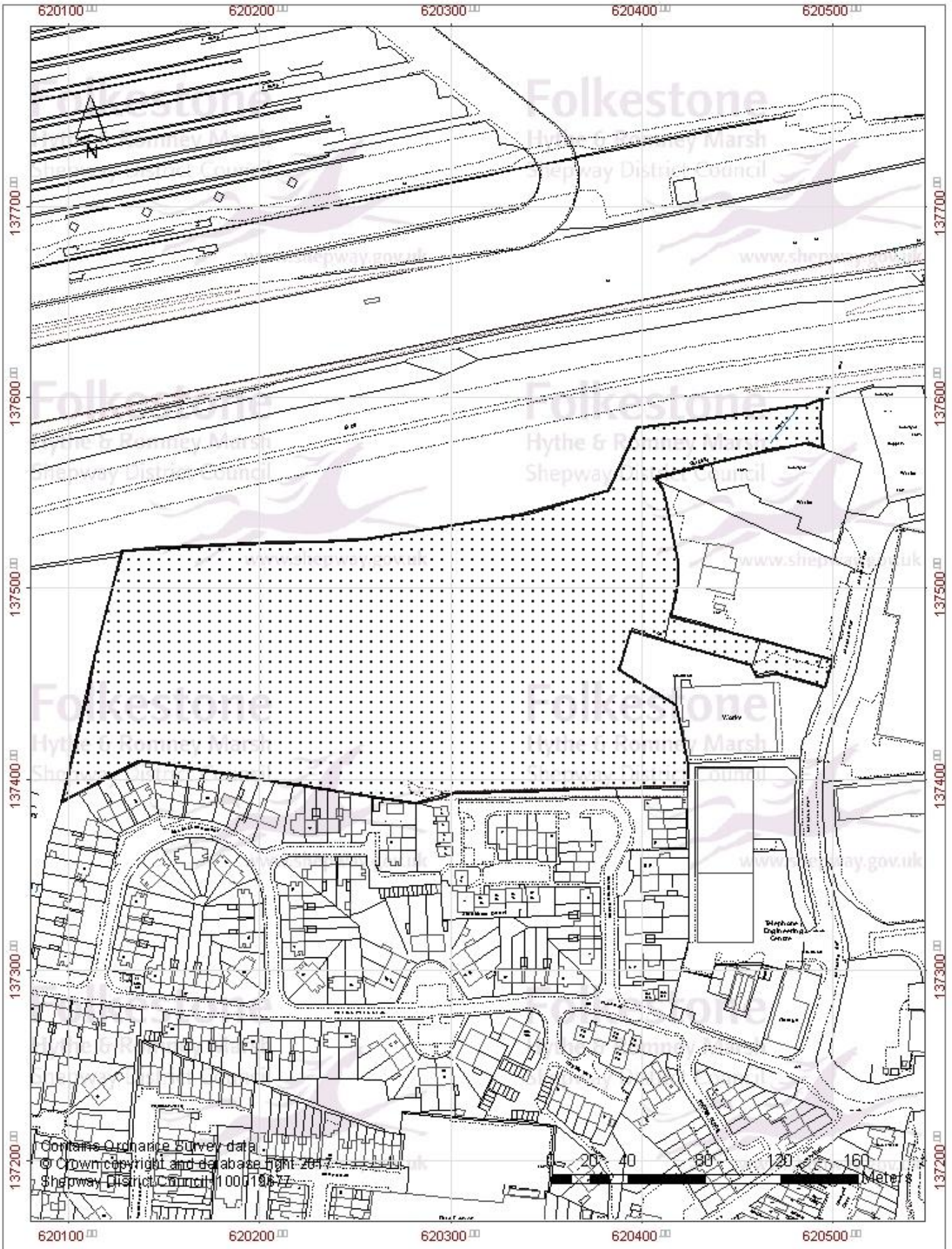
Reason:

In the interest of highway safety in accordance with saved Local Plan Review.

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Decision of Committee

Y17/0888/SH  
Land adjoining Church and Dwight  
Caesars Way  
Folkestone



Contains Ordnance Survey data  
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Shepway District Council 10001867